

ORDINANCE NO. 12 - 004

AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS), CHAPTER 3 (LIQUOR AND TOBACCO CONTROL), SECTION 1 (DEFINITIONS), SECTION 11 (LIQUOR LICENSES, PERMITS, CLASSIFICATION AND FEES) AND SECTION 17 (CONDITIONS OF LIQUOR LICENSE) OF THE NAPERVILLE MUNICIPAL CODE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 1 (Definitions) of the Naperville Municipal Code is hereby amended by adding the following underlined words and deleting the stricken language as follows:

3-3-1: DEFINITIONS:

All words and phrases used in this Chapter, not otherwise defined herein, and which are defined in "An Act Relating To Alcoholic Liquors", approved January 31, 1934, as amended, shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

ALCOHOLIC LIQUOR through **HOTEL OR MOTEL** * *

LATE NIGHT PERMIT: Authorizes the retail sale of alcoholic liquor for consumption on the premises from eleven o'clock (11:00) P.M. to one o'clock (1:00) A.M. Monday through Friday and eleven o'clock (11:00) P.M. to two o'clock (2:00) A.M. Saturday and Sunday without meal and kitchen requirements. The Late Night Permit shall only be issued as a condition to a Class B - Restaurant and Tavern liquor license classification subject to the restrictions set forth in this Chapter.

LEGITIMATE THEATER HOUSE through
RESTAURANT * *

**RESTAURANT
AND TAVERN:** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals

actually are served and regularly served, without sleeping accommodations, such space being licensed and certified pursuant to DuPage County food service sanitation code, 77 Illinois administrative code 750 and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant and tavern shall be the service of meals. A full menu, including entrees and appropriate side dishes, shall be available at all times sales are being conducted until ~~ten~~ nine o'clock (9:00) P.M. Sunday through Thursday, and ~~eleven~~ ten o'clock (10:00) P.M. Friday and Saturday. ~~After such times, in the event a full menu is not provided, a reduced menu, which includes only appetizers, sandwiches, snacks, hor d'oeuvres or other similar foods, shall be available. Provided, the kitchen may cease operating no sooner than one hour before closing.~~

RETAIL SALE through

WINE or VINOUS BEVERAGES:

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SECTION 2: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 11 (Liquor Licenses, Permits, Classification and Fees) of the Naperville Municipal Code is hereby amended by adding the following underlined words and deleting the stricken language as follows:

3-3-11: LIQUOR LICENSES, PERMITS, CLASSIFICATION AND FEES:

There shall be the following classes of liquor licenses and permits with an annual license and permit fee as indicated:

1. Class A – Restaurant:

1.1 through 1.6

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2. Class B – Restaurant And Tavern:

2.1. A restaurant and tavern license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink for consumption on the premises, and beer and vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces. A restaurant and tavern

license authorizes the retail sale, on the premises specified of alcoholic liquor until eleven o'clock (11:00) P.M. Sunday through Saturday.

2.2. All such liquor service shall be by the drink only, excepting vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces. The primary business conducted on the premises shall be the service of meals. A full menu, including entrees and side dishes, and a fully staffed and operational kitchen shall be required until nine o'clock (9:00) P.M. Sunday through Thursday, and ten o'clock (10:00) P.M. Friday and Saturday.

2.3. The annual fee for a Class B license shall be two thousand one hundred dollars (\$2,100.00). No Class B liquor license holder shall sell or permit to be sold, offer for sale, give away or permit to be consumed any alcoholic liquor after eleven o'clock (11:00) P.M. on any day.

2.4. A restaurant and tavern license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink for consumption on the premises, and beer and vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.

2.5. All such liquor service shall be by the drink only, excepting vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.

2.6. The annual fee for a Class B license shall be two thousand one hundred dollars (\$2100.00).

2.7 Late Night Permit:

2.7.1. The Late Night Permit is issued as a condition of a Class B – Restaurant and Tavern license and authorizes the holder of a Class B – Restaurant and Tavern license to serve alcohol liquor from eleven o'clock (11:00) P.M. to one o'clock (1:00) A.M. Monday through Friday and two o'clock (2:00) A.M. Saturday and Sunday without meal and kitchen requirements.

2.7.2. The number of Late Night Permits for the downtown and citywide shall be established by City Council. The City Council may modify the number of Late Night Permits upon either a petition to the City Council by a Class B – Restaurant and Tavern license applicant or the revocation, sale, or

abandonment of a Class B – Restaurant and Tavern license or Late Night Permit.

2.7.3 Upon petition to the City Council by a Class B - Restaurant and Tavern liquor license applicant to modify the number of Late Night Permits, the City Council may, but is not limited to, considering the following criteria: 1) the surrounding land uses, 2) the business concept, 3) the proximity to other liquor establishments, 4) the applicant's prior liquor business experience, 5) the public's health, safety, and welfare, 6) public safety resources, 7) market conditions, and 8) any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.

2.7.4. The nonrenewal, suspension or revocation of a Late Night Permit and the licensee's right to a hearing is subject to the provisions of this Chapter.

2.7.5. The annual fee for the Late Night Permit shall be established by City Council.

SECTION 3: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 17 (Conditions of Liquor License) of the Naperville Municipal Code is hereby amended by adding the following underlined words and deleting the stricken language as follows:

3-3-17: CONDITIONS OF LIQUOR LICENSE:

1. Closing Hours:

- 1.1. No ~~person~~ liquor license holder, or Late Night Permit holder licensed or permitted hereunder as a seller of alcoholic liquor shall sell or permit to be sold, offer for sale, give away or permit to be consumed any alcoholic liquor between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M., except that sales may be made up to two o'clock (2:00) A.M. on Saturday and Sunday mornings. No Class B Restaurant and Tavern liquor license holder shall sell or permit to be sold, offer for sale, give away or permit to be consumed any alcoholic liquor between the hours of eleven o'clock (11:00) P.M. and seven (7:00) A.M. on any day. However, no such sales shall be made between two o'clock (2:00) A.M. and twelve o'clock (12:00) noon on Sunday, except that restaurants holding a Class A license may sell alcoholic liquor after ten o'clock (10:00) A.M. on Sundays. All patrons; customers and all persons other than the licensee and employees thereof, in the actual pursuit of their

1.1.1 * * *

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