

City of St. Charles, Illinois

Ordinance No. 2008-M-16

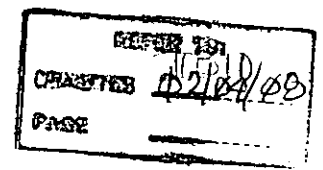
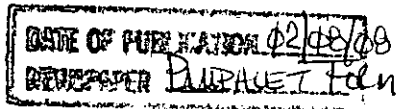
Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code

**Adopted by the
City Council
of the
City of St. Charles
February 4, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, February 8, 2008**

Nancy Garrison
City Clerk





ORDINANCE NO. 2008-M- 16

AN ORDINANCE AMENDING TITLE 5 "BUSINESS LICENSES AND REGULATIONS", CHAPTER 5.08 "ALCOHOLIC BEVERAGES" OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 5, Chapter 5.08 "Alcoholic Beverages", Section 5.08.080 "License - Classes and Fees", Subsection E "Class E – Temporary Licenses", of the St. Charles Municipal Code, is hereby deleted in its entirety and in lieu thereof the following language shall be substituted:

"Class E – Temporary Licenses

E. Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. In his discretion, the Local Liquor Control Commissioner may issue two (2) or more Class E licenses so as to authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function.

In the event such license is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

1. The licensee shall rope off or fence the licensed premises.
2. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 license) consumption to the roped off or fenced area shall be prominently displayed by licensee at all times.
3. The licensee shall provide for the pickup of all litter and trash.
4. The Local Liquor Control Commissioner, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by a Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate.
5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall

not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, in his sole discretion and as designated in any license, permit minors to be present in a licensed premises where food is also served.

6. The Local Liquor Control Commissioner may, in his sole discretion and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner deems necessary.

Class E licensees shall obtain a separate permit or license from the Illinois Liquor Control Commission for each special event or catered function. Evidence of adequate dram shop insurance and liability insurance issued by an insurance carrier approved by the Local Liquor Control Commissioner shall accompany any application for a license. Class E licenses shall be additionally divided into the following sub-classes:

- E-1. Notwithstanding any provision contained in this Section 5.08.080 (E) to the contrary, Class E-1 licenses shall authorize, at the Local Liquor Control Commissioner's sole discretion, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 licenses shall be issued to not for profit applicants only, for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner in his sole discretion approves otherwise. No organization or group shall be issued Class E-1 licenses for more than three (3) special events or catered functions within any calendar year. Closing hours for Class E-1 licenses shall be from 11:00 p.m. to 7:00 a.m. or as otherwise authorized by the City Council. No more than three (3) special events or catered functions shall receive Class E-1 licenses for any twenty-four (24) hour period. There shall be no Class E-1 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday. The fee for a Class E-1 license shall be fifty dollars (\$50) per day. The initial license fee of double the fee shall not be applicable. The City Council may, in its discretion, waive any Class E-1 license fees for events or functions where the City is the sponsor or cosponsor.
- E-2. Class E-2 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor licensees for special events or catered functions where the dispensing of food predominates. No Class B or C liquor licensees shall be issued Class E-2 licenses for more than three (3) special events or catered functions within any calendar year. Closing hours for Class E-2 licenses shall be midnight to noon. No more than three (3) special events or catered functions shall receive Class E-2 licenses for any twenty-four (24) hour period. There shall be no Class E-2 licenses issued during the second full week of October, beginning at 12:00 a.m. Friday

and ending 12:00 a.m. Monday. The fee for a Class E-2 license shall be one hundred dollars (\$100) per day. The initial license fee of double the fee shall not be applicable.

- E-3 The Class E-3 license shall authorize the retail sale of beer and wine for consumption on the premises only. The Class E-3 license shall be issued solely to the Kane County Fair Board for the conduct of the annual Kane County Fair during July of each year. The Class E-3 license shall be valid only for the scheduled dates of the Kane County Fair as determined by the Local Liquor Control Commissioner. Closing hours for the Class E-3 license shall be the same as for Class E-1 licenses. The fee for the Class E-3 license shall be fifty dollars (\$50) per day. The initial license fee of double the fee shall not be applicable.”

2. That Title 5, Chapter 5.08 "Alcoholic Beverages", Section 350, of the St. Charles Municipal Code, is hereby deleted in its entirety and in lieu thereof the following language shall be substituted:

“5.08.350 Happy Hour Regulations

No licensee shall violate the “happy hour” regulations set forth in 235 ILCS 5/6-28, as amended from time to time. Notwithstanding the foregoing, the following further and more restrictive prohibitions shall apply to all licensees:

- A. No licensee, employee or agent shall serve more than one (1) drink of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person;
- B. No licensee, employee or agent shall serve more than two (2) drinks of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person and one (1) other person; and
- C. No licensee, employee or agent shall serve more than two (2) drinks of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person and two (2) or more other persons”.

3. That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

4. This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.


PRESENTED to the City Council of the City of St. Charles, Illinois, this 4th day of
February, 2008.

PASSED by the City Council of the City of St. Charles, Illinois this 4th day of
February, 2008.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 4th day of
February, 2008.


Donald P. DeWitte, Mayor

ATTEST:

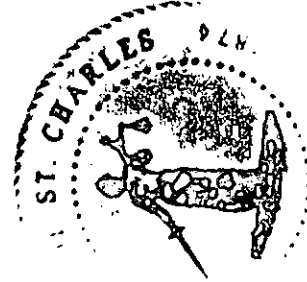

Nancy Garrison
City Clerk

COUNCIL VOTE:

Ayes : 9

Nays : 1

Absent : 0



APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on February 4, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-16, entitled

"Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-16, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 8, 2008, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 4th day of February 2008.



Nancy Garrison
Municipal Clerk