

**REGULAR AGENDA
NEW BUSINESS # 2**

ORDINANCE NO. O-2020-

AN ORDINANCE AMENDING ORDINANCE NO. O-2019-21 "AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING BANDSHELL, CONCESSION/ RESTROOM FACILITIES AND TENNIS COURT AT MEMORIAL PARK, THE CONSTRUCTION AND USE OF A NEW BANDSHELL WITH CONCESSIONS AND RESTROOMS FACILITIES AND AN INCREASE IN PARK DISTRICT ACTIVITIES FOR THE PROPERTY COMMONLY KNOWN AS MEMORIAL PARK, 208 W. UNION AVENUE"

ALCOHOL SALES

WHEREAS, on May 20, 2019, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. O-2019-21, "AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING BANDSHELL, CONCESSION/ RESTROOM FACILITIES AND TENNIS COURT AT MEMORIAL PARK, THE CONSTRUCTION AND USE OF A NEW BANDSHELL WITH CONCESSIONS AND RESTROOMS FACILITIES AND AN INCREASE IN PARK DISTRICT ACTIVITIES FOR THE PROPERTY COMMONLY KNOWN AS MEMORIAL PARK, 208 W. UNION AVENUE" ("Original Ordinance"), authorizing the issuance of a special use permit to allow the demolition of the existing bandshell, concession/restroom facilities and tennis court with the construction and use of a new bandshell and concessions, restrooms and other landscape facilities on the property legally described on Exhibit "A" attached hereto and commonly known as Memorial Park, 208 W. Union Avenue, Wheaton, Illinois; and

WHEREAS, following the enactment of the Original Ordinance, an application has been made to amend Section 4E of the original ordinance to permit the sale of alcohol for events at Memorial Park that are both categorized as Special Events and those events that are not.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: Pursuant to the Findings of Fact made and determined by the Wheaton City Council, Section 4E the Original Ordinance is hereby repealed and replaced with the following:

"E. ALCOHOL SALES: All events including but not limited to a fair, carnival, circus, festival, concert, demonstration, march, rally, performance, or show that take place within the boundaries of the Subject Property, shall be reviewed by the City as set forth in Chapter 10, Article II, Special Events, and considered an individual Special Event, despite the fact that an event may not meet the definition of a Special Event set forth in Section 10-4, Definitions. Sales of alcohol on the Subject Property shall also be subject to the provisions of an Outdoor Special Event Liquor License as provided for in Section 6.87.5, Outdoor Special Event Liquor License, as well as all other applicable provisions of Chapter 6, Alcoholic Beverages. The Park District shall contract with the City to provide two off-duty police officers present at each outdoor event at all times during the hours of operation. At the Chief of Police's discretion, the Park District shall be required to hire additional off-duty officers once attendance at any event exceeds five hundred (500) persons. Notice to the Chief of Police of attendance in excess of five hundred (500) persons shall be provided prior to five (5) business days of a scheduled outdoor event. All outdoor sale of alcohol permitted under an Outdoor Special Event Liquor License at the Subject Property shall cease no later than 9:30pm."

Section 2: In all other respects, the terms and provisions of the Original Ordinance are ratified and remain in full force and effect.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

Section 4: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor

ATTEST:

City Clerk

Roll Call Vote

Ayes:
Nays:
Absent:

Passed:
Published:

Exhibit A

LOTS 1 THROUGH 6, INCLUSIVE, IN BLOCK 2 OF VALLETTE AND BEARD'S ADDITION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1854 AS DOCUMENT NUMBER 8364 IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-16-126-001

The Subject Property is commonly known as Memorial Park, 208 W. Union Avenue, Wheaton, IL 60187.