

MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: James P. Kozik, AICP Director of Planning and Economic Development

DATE: August 23, 2021

SUBJECT: **Amendment to Section 6-87, Subsection 7 of the Wheaton City Code / Off-Site Catering**

Request

Approval of an ordinance amending Sec. 6-87.5, Subsection 7 of the Wheaton City Code pertaining to Off-Site Catering.

Background Information

Currently, Wheaton restaurants possessing an existing Class A, B or I Liquor License, cannot cater food and/or alcoholic beverages at an off-site location.

In order to provide for increased business opportunities for our local restaurants, City staff is proposing an amendment to Section 6-87, Subsection 7 of the Wheaton City Code (Class G License Off-Site Catering) which would permit a restaurant located within the City that already possesses an existing Class A, B or I Liquor License to cater food and/or alcoholic beverages at an off-site location, but not before obtaining the aforementioned license.

Proposed Liquor Code Amendment

The proposed amendment would read as follows. The proposed text is shown in red and any existing text to be deleted is shown as being struck-out.

“(7) A Class G license shall authorize the sale of alcoholic liquors in connection with an off-site catering business operating within the city. Alcoholic liquor ~~shall only~~ **may** be sold and served by the licensee in connection with the catering of foods. ~~In addition to the other requirements of this chapter, a~~ **A** Class G license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business. ~~No Class G licensee shall serve alcoholic liquor at a single location for more than three consecutive 24-hour periods and no Class G licensee shall serve alcoholic liquor at the same location more than four three-day periods per year.~~

A Class G license shall authorize restaurants located within the City, that possess an existing Class A, B or I Liquor License, to cater food and/or alcoholic beverages at an off-site location.

Existing Class A, B or I licensees seeking a Class G license may submit a written request for the license to the City Clerk. The City Clerk may approve the Class G license if the applicant provides all required information and is in good standing. There shall be no additional fee for an existing Class A, B or I licensee to receive a Class G License.”



Recommendation

On August 18, 2021, the Liquor Commission met and unanimously voted to recommend approval of the proposed amendment to amendment to Sec. 6-87.5, Subsection 7 of the Wheaton City Code pertaining to Off-Site Catering.

Attached for Council review is an Ordinance amending Sec. 6-87.5, Subsection 7 of the Wheaton City Code.

ORDINANCE NO. O-2021-

**AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES
SECTION 6-87.5, SUBSECTION 7 – CLASS G LICENSE - CATERING**

WHEREAS, The City of Wheaton, Illinois (“City”) is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, the City has determined it to be in the best interests of the City and its residents to consider certain amendments to the Wheaton Liquor Control Ordinance.

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: That Section 6-87.5, Subsection 7 is hereby repealed and rescinded in its entirety and replaced with a new Section 6-87.5 Subsection 7 which shall read as follows:

“(7) A Class G license shall authorize the sale of alcoholic liquors in connection with an off-site catering business operating within the city. Alcoholic liquor ~~shall only~~ **may** be sold and served by the licensee in connection with the catering of foods. ~~In addition to the other requirements of this chapter, a~~ **A Class G license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business. No Class G licensee shall serve alcoholic liquor at a single location for more than three consecutive 24-hour periods and no Class G licensee shall serve alcoholic liquor at the same location more than four three-day periods per year.**

A Class G license shall authorize restaurants located within the City, that possess an existing Class A, B or I Liquor License, to cater food and/or alcoholic beverages at an off-site location.

Existing Class A, B or I licensees seeking a Class G license may submit a written request for the license to the City Clerk. The City Clerk may approve the Class G license if the applicant provides all required information and is in good standing. There shall be no additional fee for an existing Class A, B or I licensee to receive a Class G License.”

Section 2: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 3: This ordinance shall become effective from and 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: