

ORDINANCE NO. F-0407

AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES

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 functions 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; and

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 subsection (a) of Sec. 6-82, "Applications – Generally", shall be deleted in its entirety and replaced with the following:

"(a) This section applies to all applications for all license categories under this chapter other than class F and class L licenses."

Section 2: That Sec. 6-83.5, "Applications – Class L licenses", be amended by adding the following:

"(a) A Wheaton based nonprofit organization wishing to file an application for a class L license may obtain an application form from the city as prescribed by the city manager for the purpose of providing reasonable information about the applicant. Such application shall be filed with the local liquor control commissioner with a nonrefundable application fee of \$50.00. All class L license applications shall be filed at least ninety (90) days prior to the outdoor sales event to be sponsored by the nonprofit organization. The application shall be signed by both the president and secretary or chair of the board of directors and secretary of the applicant.

(b) Applications for a class L license shall be verified by oath or affidavit and shall contain the following statements and information:

(1) The applicant's name, mailing address, and telephone number.

(2) The president, or chair of the board of directors, and secretary's names, mailing and residence addresses, and telephone numbers.

- (3) The date that the nonprofit organization was formed.
- (4) A statement of the objects for which the nonprofit organization was organized, along with the full name, address, and telephone number of all the officers and directors.
- (5) The names, dates of birth, addresses, and telephone numbers of all persons who are members of the nonprofit organization and who will transfer, exchange, or barter alcoholic beverages for the nonprofit organization at the outdoor sales event.
- (6) A site plan and detailed description of the location of the outdoor sales event and a diagram or drawing, subject to approval of the City Council, that illustrates entrances and exits for the outdoor sales event, seating areas, food service areas, and alcohol sales area.
- (7) A statement as to whether the applicant has made similar applications for another similar license in Wheaton or other communities and the disposition of such applications.
- (8) A signed statement by the president or chair of the board of directors of the nonprofit organization that none of the individuals identified in subsection (b) (5) of this section have ever been convicted of a felony or a class A misdemeanor and are not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or any other provision of this article.
- (9) Whether a previous license by any state or subdivision thereof, or by the federal government, has been issued to the nonprofit organization, and if so, where and when, or if any license has been revoked, stating the reasons therefore.
- (10) A statement signed by the president or the chair of the board of directors of the nonprofit organization that the applicant and all individuals identified in subsection (b) (5) of this section have not in the past and will not in the future violate any of the liquor laws of the state or the United States, or any ordinance of the city, controlling the retail sale of alcoholic liquor in the conduct of the exchange, transfer, or barter of the alcoholic liquor.
- (11) Whether the president or chair of the board of directors of the nonprofit organization is a public official, and if so, the particulars thereof.
- (12) A statement signed by the president or the chair of the board of directors

of the nonprofit organization stating that no individual person in the nonprofit organization will stand to gain any pecuniary benefit from the transfer, exchange, or barter of alcoholic beverages transferred, exchanged, or bartered.

(13) A statement that the applicant and all individuals required to be identified in the application have not sold, delivered, or given away alcoholic liquor in violation of any state law or city ordinance to a person under the minimum age required to purchase or possess liquor.

(14) Such information or identification as the City Council may deem necessary in order to establish the character of the applicant."

Section 3: That Sec. 6-87, "Classification of licenses", shall be amended by adding the following:

"(14) Class L (outdoor sales event) license shall authorize the sale of only beer and wine on a specified premises for a maximum period of three consecutive days in conjunction with a special event as defined in Sec. 10-241 of the Wheaton City Code. Issuance of a class L license shall be limited to Wheaton based nonprofit organizations.

a. All persons who transfer, exchange, or barter alcoholic beverages for a class L licensee shall attend and complete the Wheaton police department's alcohol sales training program. The police department shall conduct its alcohol training sales program for class L licensee bartenders no more than four times per year and will schedule the alcohol training sales program at approximately quarterly intervals. The police department shall not schedule individual training sessions for a class L licensee's outdoor sales event. It shall be the class L licensee's responsibility to ascertain the dates of those training sessions. Completion of the training session will qualify a class L bartender for three years.

b. The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities as may be required by the City Council to protect the public health, safety, and welfare of the residents of the city, and shall restore the premises after expiration of the license to its prior condition, including the removal of trash, rubbish, and garbage. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of the license.

c. The retail sale and consumption of wine and beer authorized by a class L license shall be limited to the following premises:

1. Public Alley - That portion of the public alley located between the north and south entrances to the public parking garage may be used for an outdoor sales event.

2. Parking Lot #2 - The western most 49.06 feet of municipal parking lot #2 may be used for an outdoor sales event.

3. Parking Lot #3 - The southern half of the municipal parking lot at the northeast corner of Main Street and Liberty Drive provided that only that portion of the parking lot that is not within DuPage County's right of way for the Illinois Prairie Path may be used for an outdoor sales event.

4. Pedestrian Walkway - That portion of the pedestrian walkway that is bordered by Hale Street on the east and the public alley on the west may be used for an outdoor sales event.

5. Private Alley - The northern most 22.5 feet of the property at 111 N. Hale Street may be used for an outdoor sales event.

d. All applicants shall submit a detailed description of the outdoor sales event that explains how access to the alcohol sales and consumption areas will be controlled, the method of verifying the age of individuals attempting to purchase alcohol, the estimated number of persons attending the event, the manner in which alcohol will be dispensed and consumed, whether any entertainment will be provided in conjunction with the event, what food products will be sold, and how the applicant will protect against violations of the City's ordinances.

e. All applications for a class L license shall be made pursuant to the provisions of section 6-83.5 of this chapter. Application for a class L license shall be made at least ninety (90) days prior to the scheduled date of the outdoor sales event. The processing of all class L liquor license applications shall be according to the procedures in section 6-86 of this chapter.

f. The applicant shall obtain a special event permit pursuant to Sec. 10-241 of the Wheaton City Code prior to the City Council approving any Class L liquor license and issuance thereof by the Liquor Control Commissioner.

g. Prior to issuance of an outdoor sales event license, the applicant must

g. Prior to issuance of an outdoor sales event license, the applicant must submit a certificate of insurance as required by Sec. 6-93 of the Wheaton City Code. For any outdoor sales event held wholly or in part on any city property, the required certificate of insurance shall name the city as an additional insured. In addition, any outdoor sales event to be held wholly or in part on any city property shall provide the city with a certificate of insurance naming the city as an additional insured. This certificate shall cover the entire time for which the outdoor sales event license is issued and shall include at a minimum a liability insurance policy in the amount of not less than \$1,000,000.00 for bodily injury and \$1,000,000.00 for property damage.

h. The applicant shall contract with the Wheaton Police Department for extraordinary services by having at least two off-duty officers present at the outdoor sales event at all times during the hours of operation. At its discretion, the City Council may require that the applicant contract for additional extraordinary services based on the size, location, and the anticipated number of persons attending the outdoor sales event. Fifty percent of the estimated cost of these services shall be paid to the City prior to the issuance of a Class L license. The balance, reflecting the actual cost of extraordinary services provided, shall be due within thirty (30) days of invoicing. The extraordinary services required under this provision shall not be subject to City assistance as described in Sec. 10-241 of the Wheaton City Code.

Section 4: That subsection (b) of Sec. 6-88, "Term, fees", shall be deleted in its entirety and replaced with the following:

"(b) The fee for the various classes of licenses under this chapter shall be as follows:

A	\$2,000.00
B	\$1,000.00
C	\$3,500.00
D	\$2,000.00
E	\$3,000.00
F, per day	\$50.00
G	\$600.00
H	\$3,000.00
I	\$2,500.00
J-1	\$3,000.00
J-2	\$2,000.00
K	\$1,500.00

L, per three consecutive days	\$250.00
M	\$1,500.00
N	\$1,000.00
O	\$500.00
P, per month	\$50.00 not to exceed \$300.00 per six-month season"

Section 5: That subsection (g) of Sec. 6-88, "Term; fees", is hereby deleted in its entirety and replaced with the following:

"(g) Licensees and/or the designated managers holding any class of license, except class F or class L, under this chapter are required to submit proof of completion of a city-approved liquor control training program within six months of receiving a city liquor license or the approval of a new manager."

Section 6: That Sec. 8-89, "Limitation on the number of licenses", shall be deleted in its entirety and replaced with the following:

"The number of licenses in each classification as defined in section 6-87 which it shall be lawful to issue shall be limited so that the licenses in force and effect in the city at any time shall not exceed the following numbers:

A	4
B	1
C	0
D	1
E	4
F	2
G	0
H	2
I	11
J-1	1
J-2	0
K	1
L	0
M	0
N	0
O	0
P	0"

Section 7: That subsection (a) of Sec. 6-129, "Hours of business – Generally", is hereby deleted in its entirety and replaced with the following:

"(a) The sale of alcoholic liquor shall be permitted by licensees only during the hours specified below for their respective classes, as follows:

Class	Hours
(1) A, B	Monday - Saturday 11:00 a.m. - 11:00 p.m. Sunday 12:00 noon - 11:00 p.m.
(2) C, F, G, and N	Monday - Thursday 11:00 a.m. - 11:00 p.m. Friday and Saturday 11:00 a.m. - 12:00 midnight Sunday 12:00 noon - 11:00 p.m.
(3) D, E, and M	Monday - Saturday 9:00 a.m. - 10:00 p.m. Sunday 12:00 noon - 9:00 p.m.
(4) H	Monday - Thursday 8:00 a.m. - 1:00 a.m. Friday and Saturday 8:00 a.m. - 2:00 a.m. Sunday 12:00 noon - 1:00 a.m.
(5) I	Monday - Saturday 11:00 a.m. - 1:00 a.m. Sunday 12:00 noon - 12:00 midnight
(6) J-1 and J-2	Monday - Saturday 11:00 a.m. - 1:00 a.m. Sunday 12:00 noon - 12:00 midnight
(7) K	Monday - Saturday 11:00 a.m. - 12:00 midnight Sunday 12:00 noon - 12:00 midnight
(8) L	Monday - Saturday 11:00 a.m. - 9:00 p.m. Sunday 12:00 noon - 9:00 p.m.
(9) P	Permitted hours of operation are limited to the normal operating hours of the outdoor seasonal market.


Section 8: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 9: 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

Ayes:

Roll Call Vote:

Councilman Eckhoff
Councilman Gresk
Councilman Johnson
Councilwoman Johnson
Councilman Mork
Councilwoman Davenport

Nays:

Mayor Carr

Absent:

None

Motion Carried

Passed: November 15, 1999

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