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ORDINANCE NO. F-0794

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 function pertaining to its government and affairs; and

WHEREAS, the Liquor Control Commission considered these amendments at a meeting on December 12, 2002; 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 in Sec. 6-87.5, "Outdoor special event liquor license." is hereby deleted in its entirety and replaced with the following:

Sec. 6-87.5. Outdoor special event liquor license.

- (a) The outdoor special event liquor 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 an outdoor special event as defined in section 10-241 of the Wheaton City Code. Issuance of an outdoor special event liquor license shall be limited to Wheaton based nonprofit organizations sponsoring the outdoor special event.
- (b) All applications for an outdoor special event liquor license shall be made pursuant to the provisions of section 6-83.5 of this chapter. Application for an outdoor special event liquor license shall be made at least 90 days prior to the scheduled date of the outdoor special event. The processing of all outdoor special event liquor license applications shall be according to the procedures in section 6-86 of this chapter.
- (c) All applicants shall submit a detailed description of the outdoor special 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.
- (d) The retail sale and consumption of wine and beer authorized by an outdoor special event liquor license shall be limited to the downtown Wheaton area as defined as Seminary Avenue to the north, Naperville Road to the east, Illinois Street to the south, and West Street to the west.
- (e) Upon final approval by the city council, the outdoor special event liquor license shall be granted specifically for the dates specified in the application.

(f) The applicant shall obtain a special event permit pursuant to section 10-241 of the Wheaton City Code prior to the city council approving any outdoor special event liquor license and issuance thereof by the local liquor commissioner.

(g) All persons who transfer, exchange, or barter alcoholic beverages for an outdoor special event liquor 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 outdoor special event 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 special event licensee's outdoor event. It shall be the outdoor special event licensee's responsibility to ascertain the dates of those training sessions. Completion of the training session will qualify an outdoor special event bartender for three years.

(h) Prior to issuance of an outdoor special event liquor license, the applicant must submit a certificate of insurance as required by section 6-93 of the City Code. For any outdoor special event held wholly or in part on any city property, the required certificate of insurance shall name the city as an additional insured. This certificate shall cover the entire time for which the outdoor special event license is issued and shall include at a minimum a liability insurance policy in the amount of not less than \$2,000,000.00 for bodily injury and \$2,000,000.00 for property damage.

(i) 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 outdoor special event liquor license.

(j) The applicant shall contract with the city police department for extraordinary services by having at least two off-duty officers present at the outdoor special 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 special event. Fifty percent of the estimated cost of these services shall be paid to the city prior to the issuance of an outdoor special event license. The balance, reflecting the actual cost of extraordinary services provided, shall be due within 30 days of invoicing. The extraordinary services required under this provision shall not be subject to city assistance as described in section 10-241 of the City Code.

Section 2: That in Sec. 6-130, "Same—New Year's Eve." is hereby deleted in its entirety and replaced with the following:

Sec. 6-130. Same--Extended Hours.

Any licensee holding a restaurant or on-site catering class liquor license may request to extend their liquor license hours one (1) day per calendar year. Alcoholic liquor may be sold until 1:00 a.m. on the approved day. The licensee shall lock doors at 1:00 a.m. and shall not allow patrons to enter after that hour. All patrons must leave the premises by 2:00 a.m. A written request shall be submitted to the local liquor commissioner thirty (30) days prior to the date for which permission is sought.

F-0794 7/13

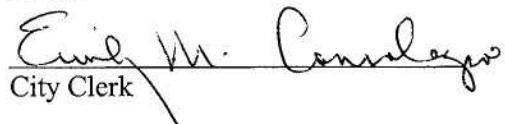
Section 3: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

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



B. Davies Carr
Mayor

Attest:



Emily W. Condelego
City Clerk

Roll Call Vote:

Ayes:	Councilman Mouhelis Councilman Tamm Councilman Gresk Councilman Johnson Councilwoman Johnson Mayor Carr
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Nays:	None
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Absent:	Councilman Mork
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Motion Carried Unanimously

Passed: March 17, 2003
Published: March 18, 2003