

ORDINANCE NO. F-1607

AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES CLASS L LICENSE – MOVIE THEATRES

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 Sec. 6-87, subsection (14) is hereby amended as follows:

"(14) Class L license shall authorize the retail sale of alcoholic liquor in movie theatres for consumption only on the premises. No such license may be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a movie theatre which has a seating capacity of not less than 500. Alcoholic liquor may be sold in a movie theatre holding a class L license only during the period when patrons of the licensee are offered a complete meal, or where a limited menu is offered after 11:00 p.m. which has been approved by the local liquor commission. A class L licensee may also maintain and operate a lounge within the same premises, provided that such lounge area shall only contain a maximum of one square foot of floor space for every five square feet of floor space in the non-lounge areas of the movie theatre. A lounge shall be subject to the following additional restrictions:

- a. There shall be a single entrance for both the movie theatre and lounge. The single entrance shall not permit patrons direct ingress to the lounge.
- b. A complete meal or, when approved, a limited menu shall be offered for and available to the patrons of the lounge.
- c. There shall be a physical separation between the movie theatre and lounge in consideration of those patrons who wish to remain apart from the lounge.
- d. The lounge may not be opened beyond the hours specified in section 6-129 nor at any time when the movie theatre is closed.

Section 2: That Sec. 6-88, Term; fees, is hereby amended to include the following fee for a Class L license:

“L: \$2,500”

Section 3: That Sec. 6-129, subsection (a)(5) Hours of business – Generally, is hereby amended to include a Class L license along with a Class I:

“(5) I and L”

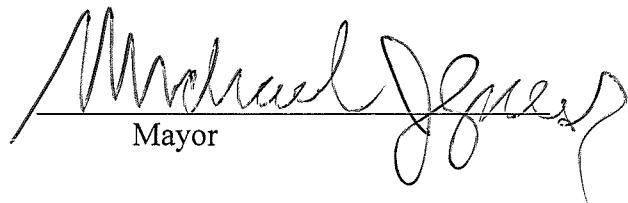
Section 4: That subsection (c) “Sexual Explicit Conduct”, of Section 6-131 “Prohibited Activities on Licensed Premises” of Chapter VI “Alcoholic Beverages” of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new subsection (c) to be entitled “Sexually Explicit Conduct”, of Section 6-131 “Prohibited Activities on Licensed Premises” of Chapter VI “Alcoholic Beverages” of the Wheaton City Code which shall read as follows:

(c) *Sexually Explicit Conduct*, it shall be unlawful for any licensee, its owner, employees or other person in charge of any premises licensed to sell alcoholic liquor to permit the following kinds of conduct or the sale or letting of: books; magazines; coin operated motion picture devices; dvds, or to allow access on the premises where alcohol is sold to web-sites or other electronic media depicting, describing or relating to any of the following types or kinds of conduct on such premises:

- (1) the performance of acts or simulated acts of: sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
- (2) the actual or simulation of touching, caressing, or fondling of the breast, buttocks, anus or genitals.
- (3) the actual or simulated display of breasts, pubic hair, anus, vulva, or other genitals or genital areas.

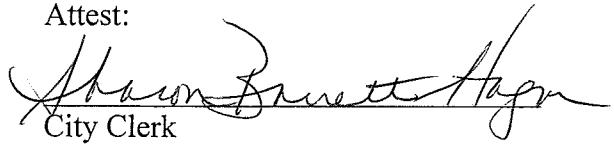
Section 5: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael Gresk
Mayor

Attest:



Aaron Bennett Hagan
City Clerk

Roll Call Vote:

Ayes: Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suess
Councilwoman Ives

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 19, 2011

Published: December 20, 2011

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