

ORDINANCE NO. O-2021-23

**AN ORDINANCE AMENDING THE WHEATON LIQUOR CONTROL
ORDINANCE, CHAPTER 6 - ALCOHOLIC BEVERAGES
SEC. 6-87.5 OUTDOOR SPECIAL EVENT LIQUOR LICENSE**

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Section 1: That Sec. 6-87.5 is hereby repealed and rescinded in its entirety and replaced with a new Section 6-87.5 which shall read as follows:

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

- (a) For city-based nonprofit organizations, the outdoor special event liquor license shall authorize the sale of alcoholic liquor on a specified premises for a maximum period of five consecutive days in conjunction with an outdoor special event as defined in section 10-241. For existing Class A, B or I licensees, the outdoor special event liquor license shall authorize the sale of alcoholic liquor on a specified premises for a maximum period of one day each calendar year.
- (b) All applications for an outdoor special event liquor license shall be made pursuant to the provisions of section 6-82 or 6-83.5. Application for an outdoor special event liquor license shall be made with the submission of the application for the special event permit so long as there is sufficient time to allow review by the Liquor Commission. Otherwise, the application for the outdoor special event liquor license shall be made in sufficient time to allow that review. The processing of all outdoor special event liquor license applications shall be according to the procedures in section 6-86.
- (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 alcoholic liquor 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, the DuPage County Fairgrounds property located at 2015 Manchester Road or Cosley Zoo located at 1356 Gary Avenue.
- (e) Upon final approval by the city council, the outdoor special event liquor license shall be granted only for the dates and type and quantity of alcoholic liquor specified in the application.

- (f) City-based nonprofit organizations shall obtain a special event permit pursuant to section 10-241 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 held by a city-based nonprofit organization shall attend and complete the city 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 shall submit a certificate of insurance as required by section 6-93. 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 city 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 city 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 city services provided shall be due within 30 days of invoicing. The city services required under this provision shall not be subject to city assistance as described in section 10-4.

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.

Philip J. Sauer
Mayor

Attest:


Sharon Bennett-Hayes

City Clerk

Roll Call Vote

Ayes: Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier

Nays: None

Absent: None

Motion Carried Unanimously

Passed: May 17, 2021

Published: May 18, 2021

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