

CITY OF ST. CHARLES

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ORDINANCE NO. 1994-M-19

AN ORDINANCE AMENDING TITLE 5, "BUSINESS LICENSES AND REGULATIONS," CHAPTER 5.08, "ALCOHOLIC BEVERAGES," SECTION 5.08.080, "LICENSE-CLASSES AND FEES," OF THE ST. CHARLES MUNICIPAL CODE

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ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 21ST DAY OF MARCH, 1994

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PUBLISHED IN PAMPHLET FORM BY  
AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES,  
ILLINOIS, THIS 25TH DAY OF  
MARCH, 1994

  
CITY CLERK

( S E A L )

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ORDINANCE NO. 1994-M-19

AN ORDINANCE AMENDING TITLE 5, "BUSINESS LICENSES AND REGULATIONS," CHAPTER 5.08, "ALCOHOLIC BEVERAGES," SECTION 5.08.080, "LICENSE-CLASSES AND FEES," OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Section 5.08.080, "License - Classes and Fees," of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefor:

**5.08.080 License - Classes and fees.**

An initial license fee of double the fee charged in the class applied for shall be paid by any new applicant for a liquor license. Licenses to sell alcoholic liquor retail are divided into the following classes:

- A. Class A licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises. Curb service or sale is prohibited. However, if the Class A licensee is located in the same building as a food store or drug store, or in an adjoining building, the entrance to the liquor licensee's facility shall be by means of a separate entrance from the out of doors and if there is access from the food store or drug store, it shall be by a controlled access, by means of a turnstile, which provides a restricted entrance only through a solid permanent dividing wall where the dividing wall runs from the floor to a minimum of seventy-two inches in height with a control device that spans the remainder of the space between the top of the wall and the ceiling. The turnstile entrance shall include means of locking off the entrance after hours. The annual license fee for such license shall be one thousand six hundred dollars.
- B. Class B licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern (1) for consumption on the premises; provided, that if located in a hotel or motel, there shall be no retail package sales nor any room service. The annual license fee for such licenses shall be one thousand three hundred twenty dollars.
- C. Class C licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern (2)

- for consumption on the premises. The annual license fee for such license shall be one thousand three hundred twenty dollars.
- D. Class D licenses shall authorize the retail sale of alcoholic liquors on the premises of any resort hotel or motel for consumption on the premises when such retail sale is made by the person who operates the resort hotel or motel. The annual license fee shall be one thousand five hundred dollars. A supplemental late-hour license fee of five hundred fifty dollars shall be paid before any resort hotel or motel shall exercise the privilege contained in subsection B of Section 5.08.340, entitled, "Special Hours for Resort Hotels or Motels."
- E. Class E licenses shall authorize the retail sale of alcoholic liquors on the premises of any hotel or motel for consumption on the premises when such retail sale is made by the person who operates the hotel or motel. The annual license fee for such licenses shall be two thousand dollars.
- F. Class F licenses shall authorize the retail sale of alcoholic liquors on the premises of any club for consumption on the premises; provided, that such club shall have been in existence for at least six months prior to the filing of an application for a license under this chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. The annual license fee for such licenses shall be one thousand dollars.
- G. Class G, special restricted licenses, shall authorize the retail sale of alcoholic liquor for consumption solely on the premises in conjunction with the operation of Arthur Andersen and Co.. In addition to the regular restrictions and penalties, this license is further subject to the following restrictions:
1. Restricted Hours. Liquor may be sold only between the hours of eleven a.m. and one a.m., and further limited to sales to individuals who are participating in the executive training center for business and professional personnel and their invited guests.
  2. Restricted Term and Renewal. This license and classification will expire and terminate on the cessation of operation by Arthur Andersen and Co. of an executive training center for business and professional personnel at the location authorized by the local liquor control commissioner.
  3. Fee. The annual license fee shall be one thousand six hundred dollars.
  4. Number of Licenses. There shall be issued only one class G license in any license year.
  5. Change of Location. The license is not to be removed from the location of 1405 North Fifth Avenue, St. Charles, Illinois, without the approval of the city

council and the consent of the local liquor control commissioner.

H. Class H, special restricted license, shall authorize the retail sale of alcoholic liquor for consumption solely on the premises in conjunction with food service and the catering of private parties. In addition to the regular restrictions and penalties, this license is further subject to the following restrictions:

1. Restricted Term and Renewal. This license and classification will automatically expire on the cessation of the Hotel Baker Corporation, a wholly owned subsidiary of the Lutheran Social Services of Illinois, and its operations at the Hotel Baker located at 100 West Main Street, St. Charles, Illinois.
2. Fee. The annual license fee shall be one thousand six hundred dollars.
3. Number of Licenses. There will be only one class H license in any license year.
4. Change of Location. This license is not to be removed from the location at 100 West Main Street, St. Charles, Illinois, without the approval of the city council and the consent of the local liquor control commissioner.
5. Restricted Services. This classification does not permit a general service bar where patrons may stand or sit in order to purchase, accept, drink or receive alcoholic liquor. Only a restricted service bar or bars will be permitted. A restricted service bar is a permanent or portable bar which contains alcoholic liquor, mixes and related paraphernalia which are used in the preparation of alcoholic drinks. A restricted service bar, further, does not and shall not have seats or stools or other places for persons to sit or stand while drinking an alcoholic beverage. A restricted service bar is solely to be used for the preparation and disbursement of drinks at the food service tables or other locations away from the bar.

I. Class I, special restricted licenses, shall authorize the retail sale of beer and wine for consumption sold on the premises in conjunction with food service. In addition to the regular restrictions and penalties, these licenses are further subject to the following restrictions:

1. Hours. It is unlawful to sell or serve beer or wine other than between the hours of eleven a.m. and eleven p.m. of any weekday except Friday and Saturday when the hours shall be from 11:00 a.m. to 12:00 p.m. and between the hours of noon and ten p.m. of any Sunday.
2. Fee. The annual license fee shall be one thousand two hundred dollars.

3. Number of Licenses. There will be only seven Class I licenses in any one year: license numbers one, three, four, five, six, seven and eight. (Ord. 1992-M-35 § 1; Ord. 1991-M-67 § 1; Ord. 1991-M-51 § 1; Ord. 1990-M-94 § 1; Ord. 1990-M-51 § 1)
4. Change of locations.
  - a. License number one is not to be removed from the location of 2125 West Main Street in the city without the approval of the city council and the consent of the local liquor control commissioner.
  - b. Vacant.
  - c. License number three is not to be removed from the location at 140 S. 16th Street in the city without the approval of the city council and the consent of the local liquor control commissioner.
  - d. Vacant.
  - e. License number five is not to be removed from the location at 1554 E. Main Street in the city without the approval of the city council and the consent of the local liquor control commissioner. (Ord. 1990-M-51 § 1)
  - f. License number six is not to be removed from the location at 615 S. Randall Road, Unit #114, in the city without the approval of the city council and the consent of the local liquor control commissioner. (Ord. 1990-M-94 § 2)
  - g. License number seven is not to be removed from the location of 2059 Prairie Street in the city without the approval of the city council and the consent of the local liquor control commissioner. (Ord. 1991-M-51 § 1.)
  - h. License number eight is not to be removed from the location at Space No. 115A, Charlestowne Mall, East Main Street in the city without the approval of the city council and the consent of the local liquor control commissioner. (Ord. 1991-M-67 § 1.)
5. Restricted Service. This classification does not permit a general service bar where patrons may stand or sit in order to accept, purchase, drink, or receive beer and/or wine. Only a restricted service bar will be permitted. Patrons may accept, purchase or receive beer and/or wine but not drink at a restricted service bar when such bar is located in a restaurant at a shopping mall which has a minimum square footage of 400,000 square feet. A restricted service bar is a permanent or portable bar which contains beer and/or wine. A restricted service bar further does not and shall not have seats, stools or other places for persons to sit or stand while drinking beer and/or wine. A restricted service bar is solely to be used for the preparation and disbursement of beer and/or wine at the food service tables. (Ord. 1992-M-35 § 1; Ord. 1991-M-67 § 1;

Ord. 1991-M-51 § 1.) Ord. 1990-M-51 § 1; Ord. 1989-M-20 § 1.)

- J. Class J licenses shall authorize the holders of class C licenses to receive a class J license for the fee of six hundred sixty dollars, which will permit them to have the privileges granted to class A license holders.
- K. Class K licenses shall authorize all class B, C, E, and F license holders who desire to provide live entertainment on any Saturday night until two a.m. Sunday to hold a supplemental entertainment license. The yearly fee for said supplemental license shall be six hundred dollars.
- L. For classes B, C, D and E, there shall be an additional license fee of six hundred sixty dollars for one permanent bar and six hundred sixty dollars for the privilege of having any number of additional service bars.
- M. There shall be a late payment fee of fifty dollars for each renewal license fee which is not paid on or before May 1st for the liquor license year and for which the completed application and the insurance requirements of Section 5.08.070 have not been satisfied.
- N. Class N licenses shall authorize the retail sale of beer and wine to be consumed on the premises at a banquet, picnic, bazaar, fair or similar assembly where food is dispensed and only where the dispensing of food predominates, for a period of twenty-four hours or less, subject to the applicable closing hours provisions as set forth in this code. Such license shall be issued only to not-for-profit organizations. Each shall obtain a permit from the Illinois Liquor Control Commission. No more than six such licenses shall be issued to any organization within any three-hundred-sixty-five day period. No more than two Class N licenses shall be issued for any twenty-four hour period. Evidence of adequate dram shop insurance and liability insurance (if for an out-of-doors license) issued by an insurance carrier approved by the liquor commissioner shall accompany any application for a license. There shall be a minimum of five liquor supervisors for every one hundred persons in attendance during the hours of the license. The liquor supervisors shall be members of the organization to which the license is issued and shall insure maintenance of the public peace. The fee for such license shall be thirteen dollars. The initial license fee of double the fee charged in the class shall not be applicable to a class N license.
- O. Class O licenses shall authorize the retail sale of beer and wine to be consumed on the premises at a picnic, bazaar, fair or similar assembly where food is dispensed and only where the dispensing of food

predominates for a period from twelve noon to midnight subject to the applicable provisions as set forth in this Code. Such license may be issued only to a Class B, C, I or R licensee. In the event such license is for premises other than the licensed premises, the licensee shall obtain a separate license or permit from the Illinois Liquor Control Commission for the premises on which the banquet, picnic, bazaar, fair or similar assembly is to be conducted. The licensee shall rope off the licensed premises, shall provide for pickup of litter and trash, shall hand-stamp each patron being served after checking the identification of such patron, and shall provide no more than one glass of beer or wine per patron per order. Such banquet, picnic, bazaar, fair or similar assembly must be conducted during a special event approved by the City Council. A sign limiting beer and wine to the premises shall be conspicuously displayed at all times. No more than two class O licenses shall be issued for any twenty-four hour period. Evidence of adequate dram shop insurance and liability insurance (if for an out-of-doors license) issued by an insurance carrier approved by the liquor commissioner shall accompany any application for a license. There shall be a minimum of five liquor supervisors for every one hundred persons in attendance during the hours of the license. The liquor supervisor shall insure maintenance of the public peace. The fee for such license shall be one hundred dollars. The initial license fee of double the fee charged in the class shall not be applicable to a class O license. The licensee shall otherwise comply with all of the application requirements of the St. Charles Municipal Code including Section 5.08.050 (6).

P. Class P licenses shall authorize the retail sale of wine in packages and not for consumption on the premises. The holder of such a license may only sell wine as part of a gourmet food/gift basket and not separately. Such license shall be issued only to a retail store open to the general public. Each such licensee shall obtain the proper license from the Illinois Liquor Control Commission. Such license shall permit the sale of wine only during the period from November 1 until December 31. The fee for such license shall be four hundred dollars.

Q. Class Q licenses shall authorize all class B, C, E and F license holders who desire to have supplemental hours to remain open until 2:00 a.m. Saturday morning rather than 1:00 a.m. This license class shall automatically terminate on April 30. The yearly fee for said supplemental license shall be six hundred dollars.

R. Class R licenses shall authorize the retail sale of beer, wine, cognac, liqueurs (50 proof or less) and armagnac in packages and not on the premises, except beer and wine may be sold by the glass in that area of the premises in which pasta is sold. There shall be a separate cash register and separate personnel for the area in which pasta is sold as compared with the area in which package liquor is sold. The package liquor sale area shall be separated from the pasta area by a floor to ceiling wall with a doorway between the two areas. Wine tasting shall be permitted in the area in which packaged goods are sold provided, however, there shall be no charge for such wine tasting and the wine tasting shall be limited to an intermittent basis during the hours package goods are sold. The hours of operation of the package store and the sale of wine by the glass shall be from 10:00 a.m. to 9:00 p.m. on weekdays, 10:00 a.m. to 10:00 p.m. on Friday and Saturday and from 12:00 noon to 10:00 p.m. on Sunday. This license class shall terminate if the license is removed from the location at 100 North 3rd Street in the city. The annual license fee for such license shall be two thousand one hundred thirty dollars.

(Ord. 1993-M-10 § 1; Ord. 1992-M-14 § 1; Ord. 1991-M-82 § 1; Ord. 1991-M-30 § 1; Ord. 1988-M-71 § 1; Ord. 1988-M-70 § 1; Ord. 1987-M-34 § 1; Ord. 1985-M-81 § 1; Ord. 1985-M-32 § 1; Ord. 1984-M-36 § 1; Ord. 1984-M-37 § 1 and 2; Ord. 1984-M-2 § 1; Ord. 1981-M-36 § 1; Ord. 1981-M-30 § 1; Ord. 1981-M-7 § 1; Ord. 1981-M-6 § 1; Ord. 1981-M-3 § 1; Ord. 1980-M-25 § 1(b), h); Ord. 1979-M-54 § 1(b); Ord. 1978-M-1 § 1; Ord. 1977-M-39 § 1; Ord. 1977-M-28 § 2; Ord. 1976-M-42 (part); Ord. 1976-M-5 (part): prior code § 24.029.)

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

**PRESENTED** to the City Council of the city of St. Charles, Illinois, this 21st day of March, 1994.

**PASSED** by the City Council of the city of St. Charles, Illinois, this 21st day of March, 1994.

**APPROVED** by the Mayor of the city of St. Charles, Illinois,  
this 21st day of March, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

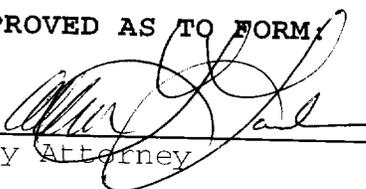
COUNCIL VOTE:

Ayes: 14

Nays: 0

Absent: 0

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
City Attorney

DATE: 3/24/94

STATE OF ILLINOIS )  
 ) SS.  
COUNTIES OF KANE AND DUPAGE )

C E R T I F I C A T E

I, JEAN M. CONNORS, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on March 21, 1994, the Corporate Authorities of such municipality passed and approved Ordinance No. 1994-M-19, entitled

"AN ORDINANCE AMENDING TITLE 5, 'BUSINESS LICENSES AND REGULATIONS,' CHAPTER 5.08, 'ALCOHOLIC BEVERAGES,' SECTION 5.08.080, 'LICENSE-CLASSES AND FEES,' OF THE ST. CHARLES MUNICIPAL CODE",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1994-M-19, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, and a copy of such Ordinance was posted in the municipal building, commencing on March 25, 1994, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 23<sup>rd</sup> day of March, 1994.

  
Municipal Clerk

( S E A L )