

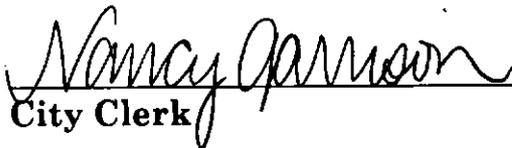
**City of St. Charles, Illinois**

**Ordinance No. 2010-M-52**

**An Ordinance Amending Title 5 “Business License and Regulations,” Chapter 5.08 “Alcoholic Beverages” of the St. Charles Municipal Code**

**Adopted by the  
City Council  
of the  
City of St. Charles  
August 16, 2010**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, August 20, 2010**

  
City Clerk



DATE OF PUBLICATION 8/20/10  
C. P. Miller  
Form

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MAINTAINED 8/16/10  
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**City of St. Charles**  
**Ordinance No. 2010-M- 52**

**An Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages” of the St. Charles Municipal Code**

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

**SECTION ONE:** That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.090A, "Class A – Packaged Alcoholic Liquor Licenses" of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto a new Class A-5 license classification, as follows:

...“A-5            Class A-5 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor shall be incidental to non-alcoholic liquor retail sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, by the glass only, for consumption on the premises.”

**SECTION TWO:** That one (1) Class A-5 license is hereby authorized for issuance to GMF Properties Inc. d/b/a The Wine Exchange.

GMF Properties Inc. d/b/a The Wine Exchange shall surrender its existing Class A-3 license and simultaneously therewith said licensee shall be issued the Class A-5 license authorized above. Upon surrender of its Class A-3 license, said Class A-3 license is no longer authorized and shall cease to exist.

**SECTION THREE:** That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.090B, “Class B – Restaurant Licenses” of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto a new Class B-6 license classification, as follows:

...“B-6            Class B-6 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-6 licenses shall also authorize the retail sale of wine in original

packages only and not for consumption on the premises, in conjunction and solely with a carry out order of one or more meals.”

**SECTION FOUR:** That one (1) Class B-6 license is hereby authorized for issuance to Francesca’s by the River.

Francesca’s by the River shall surrender its existing Class B-2 license and simultaneously therewith said licensee shall be issued the Class B-6 license authorized above. Upon surrender of its Class B-2 license, said Class B-2 license is no longer authorized and shall cease to exist.

**SECTION FIVE:** That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.090C, “Class C – Tavern: Bar; Saloon Licenses” of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto a new Class C-4 license classification, as follows:

...“C-4            Class C-4 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar or saloon. Class C-4 licenses may authorize the sale of alcoholic liquor in outdoor sales areas provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner. Class C-4 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises.”

**SECTION SIX:** That one (1) Class C-4 license is hereby authorized for issuance to Brix W & C Inc. d/b/a Brix Wine and Cheese.

Brix W & C Inc. d/b/a Brix Wine and Cheese shall surrender its existing Class C-1 license and simultaneously therewith said licensee shall be issued the Class C-4 license authorized above. Upon surrender of its Class C-1 license, said Class C-1 license is no longer authorized and shall cease to exist.

**SECTION SEVEN:** That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.100A, “Fees Established”, of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto the following additional language:

...“ <u>Class License</u>	<u>Initial License Fee</u>	<u>Annual Renewal Fee</u>
...		
“A-5	3,400.00	1,800.00

...

B-6	3,400.00	1,800.00
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...

C-4	2,800.00	1,500.00
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..."

**SECTION EIGHT:** That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.130, "License – Hours of Sale", of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety and in lieu thereof the following language shall be substituted as follows:

**"5.08.130 License – Hours of Sale.**

- A. It shall be unlawful for any person holding a Class A-1, A-2, A-3, A-4 or A-5 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7:00 a.m. and after the hour of 10:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and prior to the hour of 10:00 a.m. and after the hour of 10:00 p.m. on Sunday except where December 24 or December 31 occurs on a Sunday, then alcoholic liquor sales shall be unlawful prior to the hour of 8:00 a.m. and after the hour of 10:00 p.m.
- B. It shall be unlawful for any person holding a Class B-1, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 or C-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. Notwithstanding the foregoing, on New Year's Eve in any given year, license holders shall be permitted to remain open to sell alcoholic liquor until 3:00 a.m. New Year's Day.
- C. It shall be unlawful for any person holding a Class D-1 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; between the hours of 3:00 a.m. and 7:00 a.m. on Saturday; and between the hours of 3:00 a.m. and 10:00 a.m. on Sunday. Notwithstanding the foregoing, on New Year's Eve in any given year, license holder shall be permitted to remain open to sell alcoholic liquor until 3:00 a.m. on New Year's Day.
- D. It shall be unlawful for any person holding a Class D-2, D-4, D-5 or D-6 license issued pursuant to this chapter to sell,

offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.

- E. It shall be unlawful for any person holding a Class D-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. Notwithstanding the foregoing, on New Year's Eve in any given year, license holders shall be permitted to remain open to sell alcoholic liquor until 3:00 a.m. New Year's Day.
- F. It shall be unlawful for any person holding a Class E-1 or E-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 11:00 p.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, except as otherwise authorized by the City Council.
- G. It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday."

**SECTION NINE:** That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.260D, "Class B and Class C Licenses – Underage Persons Prohibited in Licensed Premises at Certain Times", of the St. Charles Municipal Code, be and the same is hereby amended by adding thereto the following additional language:

...“Notwithstanding the foregoing, the provisions of this subsection D shall not be applicable to any person under the age of twenty-one (21) years lawfully employed at the licensed premises, provided that such person is on duty, working and being compensated therefor.”

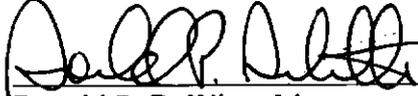
**SECTION TEN:** That after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form pursuant to the authority of the City Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with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

**SECTION ELEVEN:** This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 16th day of August, 2010.

PASSED by the City Council of the City of St. Charles, Illinois this 16th day of August, 2010.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of August, 2010.

  
Donald P. DeWitte, Mayor

ATTEST:

  
City Clerk

COUNCIL VOTE:

Ayes : 6

Nays : 2

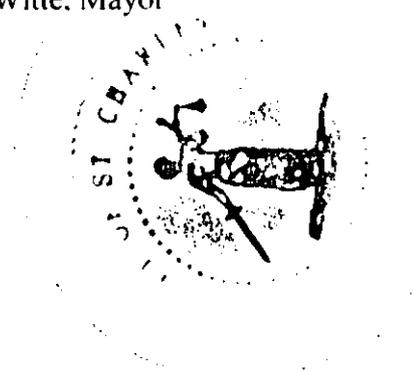
Absent : 1

Recusal : 1

APPROVED AS TO FORM:

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

DATE: \_\_\_\_\_



State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on August 16, 2010, the Corporate Authorities of such municipality passed and approved Ordinance No. 2010-M-52, entitled

"An Ordinance Amending Title 5 "Business License and Regulations," Chapter 5.08 "Alcoholic Beverages" 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. 2010-M-52, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on August 20, 2010, 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 16th day of August 2010.



*Nancy Garrison*  
Municipal Clerk