

CITY OF LEROY  
COUNTY OF MC LEAN  
STATE OF ILLINOIS

ORDINANCE NO. 675

AN ORDINANCE AMENDING CHAPTER 34 -LIQUOR,  
OF THE MUNICIPAL CODE OF THE CITY OF  
LEROY, ILLINOIS, 1975 (AS AMENDED)

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY  
THIS 17th DAY OF June, 1996


PRESENTED: June 17, 1996  
PASSED: June 17, 1996  
APPROVED: June 17, 1996  
RECORDED: June 17, 1996  
PUBLISHED: June 17, 1996

In Pamphlet Form

Voting "Aye" 6  
Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

  
X \_\_\_\_\_  
Acting City Clerk of the City of  
LeRoy, McLean County, Illinois

Dated: June 17, 1996.

ORDINANCE NO. 675

AN ORDINANCE AMENDING CHAPTER 34 -LIQUOR,  
OF THE MUNICIPAL CODE OF THE CITY OF  
LEROY, ILLINOIS, 1975 (AS AMENDED)

WHEREAS, the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), Chapter 34-Liquor, expressly prohibits the serving of alcoholic beverages in outdoor areas located upon licensed premises, such prohibition being in accordance with Ordinance No. 547, adopted the City Council of the City of LeRoy, Illinois, effective June 20, 1994; and

WHEREAS, the Mayor and City Council of the City of LeRoy, Illinois, an Illinois municipal corporation, have now determined that permitting outdoor sale of alcoholic beverages in certain limited areas and under certain specified conditions upon licensed premises is in the best interests of the city and its residents,

NOW, THEREFORE, BE IT ORDAINED, the City Council of the City of LeRoy, in lawful meeting assembled, as follows:

Section 1. Section 34.21 A, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), and Ordinance No. 547 are hereby repealed.

Section 2. New Section 34.21 A, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follow:

Sales and serving of alcoholic beverages for consumption on the premises shall be allowed in outdoor areas when such areas meet the following conditions and upon application to the Liquor Commissioner for the City of LeRoy, who, along with the City Council, shall approve the application upon review of the proposal, to ascertain that the outdoor area and the times that it shall be in use are in accordance with the conditions and specifications hereinafter set forth.

Conditions and specifications required for permit to utilize area to serve and sell alcoholic beverages outdoors:

1. Applicant must already have a City of LeRoy Class A, Class B, or Class D license currently in good standing with the city.
2. Formal, written request for an outdoor serving and sales area shall be submitted to the Liquor Commissioner and City Council for approval.
3. Prior to consideration of the application by the City of LeRoy Liquor Commissioner and by the city council, notice of the filing of the application and of

the date, time and place at which such application shall be formally considered by the Liquor Commissioner and by the city council shall be given in a newspaper of general circulation within the City of LeRoy at least once, not less than 10 days prior to the date fixed for formal consideration of the application.

2. Screening by privacy fences or landscaping 100% opaque from ground level to a height of at least six (6) feet above ground level must be provided on all open sides of the proposed sales and serving area. No outdoor sales or serving shall be permitted until all landscaping and/or fencing is in place and complete.

3. Access to the outdoor area shall be from the interior of the licensed premises only. Emergency exits from the outdoor area shall be provided if required in accordance with the city building code, and upon adequate evidence being submitted to the City of LeRoy liquor commissioner that control of persons attempting to exit or enter through such emergency exit shall be satisfactory so as not to permit the exit or entry of any person other than for emergency reasons.

4. Hours during which the outdoor area may be occupied by customers of the establishment and alcoholic beverages sold and served shall be from opening time of the establishment until 8:00 p.m., daily, and only from the first Saturday in April through the last Saturday in October of each calendar year.

5. No live music shall be allowed in any outdoor area, nor shall the access way(s) to and from the interior of the licensed premises remain open to such an extent as to permit noise from live music or other entertainment being provided inside the interior area of the licensed premises to become a nuisance.

6. A detailed plan of the area intended to be utilized for outdoor liquor sales, serving and consumption, shall be submitted to the City of LeRoy Liquor Commissioner and City Council. Such plan shall include, a scale drawing of the exterior walls and shrubbery area, including any emergency exits, and all entry and exit ways into and from the interior area of the licensed premises; shall show lighting arrangements (and how that will affect any area beyond the enclosed space), flooring substance and design and roofing (if any proposed).

7. The outdoor sales and serving area must meet all McLean County Health Department regulations.

8. Upon approval of the application, the applicant and all employees of the applicant shall be responsible for controlling noise in the outdoor sales/serving area. The maximum amount of noise allowed shall be that amount deemed "reasonable." "Reasonable" shall be deemed to mean noise at such a level that complaints are not made by neighbors or other members of the public regarding noise from the outdoor area of the establishment. Upon a complaint being received concerning excessive or unreasonable noise from the outdoor sales/serving area, investigation shall be made by the city police department. If the investigating officer(s) determine(s) that the complaint was justified and the noise level was excessive or unreasonable, a warning notice shall be issued by the appropriate police official. Upon the issuance of three such warning notices within the period of the first Saturday of April through the last Saturday of October in any calendar year, the City of LeRoy Liquor Commissioner shall promptly give formal, written notice to the owner or manager of the licensed premises that further outdoor sales/serving privileges are revoked for the remainder of the calendar year. Such notice shall be served by the city police department upon the owner and/or manager of the licensed

premises. Failure to promptly abide by the revocation notice shall be deemed cause for further disciplinary proceedings in accordance with the city ordinances, including fine, and suspension or revocation of license.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by \_\_\_\_\_  
Dave McClelland \_\_\_\_\_, seconded by \_\_\_\_\_ Fred Dodson \_\_\_\_\_ by roll  
call vote on the \_\_\_\_\_ 17th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 1996, as follows:

Aldermen elected \_\_\_\_\_ 6 \_\_\_\_\_ Aldermen present \_\_\_\_\_ 6 \_\_\_\_\_

VOTING AYE:

Ron Litherland, Dave McClelland, Lois Parkin, Fred Dodson, Dawn Thompson, Bill Swindle  
(full names)


VOTING NAY:

None  
(full names)

ABSENT, ABSTAIN, OTHER:

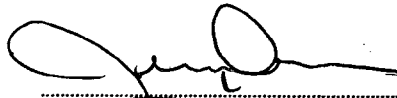
None  
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the \_\_\_\_\_ 17th \_\_\_\_\_ day of  
June \_\_\_\_\_, 1996.




\_\_\_\_\_  
Sue Marcum, Acting City Clerk of the City of  
LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this \_\_\_\_\_ 17th \_\_\_\_\_ day of  
June \_\_\_\_\_, 1996.



\_\_\_\_\_  
Jerry C. Davis, Mayor of the City of LeRoy,  
McLean County, Illinois

ATTEST: (SEAL)

  
\_\_\_\_\_  
Sue Marcum, Acting City Clerk,  
City of LeRoy, McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on June 17, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 675, entitled:

AN ORDINANCE AMENDING CHAPTER 34 -LIQUOR,  
OF THE MUNICIPAL CODE OF THE CITY OF  
LEROY, ILLINOIS, 1975 (AS AMENDED),

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

The pamphlet form of Ordinance No. 675, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on June 17, 1996, 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 LeRoy, Illinois, this 17th day of June, 1996.

(SEAL)

  
Acting Municipal Clerk

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF McLEAN        )

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 34 -LIQUOR,  
OF THE MUNICIPAL CODE OF THE CITY OF  
LEROY, ILLINOIS, 1975 (AS AMENDED).

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 17th day of June, 1996, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 17th day of June, 1996.

  
.....  
Acting City Clerk

(SEAL)