

CITY OF LEROY
COUNTY OF MCLEAN
STATE OF ILLINOIS

ORDINANCE NO. 648

AN ORDINANCE AMENDING CHAPTER 34 - LIQUOR, SECTION 34.09 B., OF THE
MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (AS AMENDED)

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 5th
DAY OF February, 1996.

PRESENTED: February 5, 1996

PASSED: February 5, 1996

APPROVED: February 5, 1996

RECORDED: February 5, 1996

PUBLISHED: February 5, 1996

In Pamphlet Form 3

Voting "Aye" 5

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 Juanita Sagley
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: February 5, 1996.

ORDINANCE NO.648.....

AN ORDINANCE AMENDING CHAPTER 34 - LIQUOR, SECTION 34.09 B., OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (AS AMENDED)

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, hereinafter referred to as "CITY," have determined that it is in the best interests of the city and its residents to amend the ordinance regarding regulation of the sales of liquor within said city, to provide for the licensing of catering businesses to enable said businesses to supply and serve alcoholic beverages for certain types of events,

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

Section 1. That Chapter 34, Liquor, of the Municipal Code of LeRoy, Illinois 1975 (as amended), Section 34.09 B., is hereby amended by addition of sub-paragraph (6), said sub-paragraph being in words and figures as follows:

(6). Class W-C licenses - shall authorize the holder thereof to provide catering services, including supplying, mixing, pouring or serving of alcoholic beverages, provided the holder may charge the person, persons or entity for whom the catering services are being provided (said person, persons or entity, being hereinafter referred to from time to time as the "contractor") no more than the actual retail price of the alcohol provided by the Class W-C license holder. Any Class W-C license holder who does not have a license to sell alcohol may not charge more for the alcohol than the Class W-C license holder paid for the alcohol. A Class W-C license does not authorize the sale of alcoholic beverages. Alcoholic beverages provided and served under a Class W-C license authorization may be served on Monday through Saturday from eleven o'clock A.M. to one o'clock A.M. the following day and from twelve o'clock noon on Sunday until one o'clock A.M. the following day and at no other time. On December 31 of each year such services are authorized until two o'clock A.M. the following day.

- (a) Activities and events at which a Class W-C license shall be considered authority to supply and serve alcoholic beverages shall be specified events such as weddings, reunions, family gatherings or family parties, office parties, and the like, as may customarily be the type of gathering or occasion for which a caterer would normally be used in conjunction with providing food and beverages at a specific event. Catering shall be deemed to include the following:

the giving away of liquor;
the dispensing of liquor;
the providing of mix, ice, water or glasses for the purpose of mixing

drinks containing alcoholic liquor for consumption on the same premises;
the pouring of liquor;
the providing of "set-ups" containing alcoholic liquor; and
the storage of any alcoholic beverage in connection with any of the preceding acts listed.

(b) Class W-C licenses shall be obtained in the same manner as all other liquor licenses (including any state license(s) that may be required) and shall be valid for one year. In addition to the license, a Class W-C license holder shall, prior to catering any event in the City of LeRoy at which alcoholic beverages shall be served, register the event, at least seven (7) working days prior to the event, with the city clerk, pay a \$5.00 registration fee (per event), and provide the following required information on an "Event Permit Application" form:

1. location of the event,
2. estimated number of people expected to be in attendance,
3. name of person(s) or organization sponsoring or holding the event,
4. proof of dram-shop insurance for the particular premises,
5. clear details as to how the consumption of alcoholic beverages by minors will be controlled,
6. the names and addresses of all employees, officers, directors, shareholders and partners of applicant who will be pouring, mixing or serving alcoholic beverages during the event, and
7. if the estimated number expected to attend exceeds 50 persons, information regarding restroom and parking facilities for guests.

Alcoholic beverages may not be provided or served by the Class W-C license holder unless an Event Permit has been issued by the Liquor Commissioner of the City of LeRoy, which permit will normally be issued, or notice given that it will not be issued, not less than two working days before the event.

(c) Class W-C license applications must be signed not only by the applicant, but must also be signed by any employee of applicant, or any partner, shareholder, officer or director of applicant, if any of the same shall be actually involved in serving, mixing, or pouring alcoholic beverages. No minor employed by applicant or acting as a director or officer of applicant, or a partner or shareholder of applicant shall qualify to serve, mix or pour alcoholic beverages at any catered event.

(d) The Class W-C license holder shall immediately cease the sale and serving of alcoholic beverages at any event if the City of LeRoy Police Department informs the license holder that a violation of any of the following city ordinances has occurred at the event:

- (i) the class W-C license holder has knowingly served alcohol to a person under the age of 21 at the event in violation of the Municipal Code of the City of LeRoy;
- (ii) if open and notorious possession or consumption of alcohol by one or more persons leaving the event has occurred and the license holder is aware of the violations or reasonably should have been aware of the violations;

- (iii) complaints from two or more persons or households have been received by the police department in regard to a nuisance being created by the noise from the event.
- (e) Any Event Permit may be denied for any of the following reasons:
- (i) required information is not provided on the permit application; or
 - (ii) the application is not timely filed; or
 - (iii) a prior event sponsored by the individual, individuals, entity or organization sponsoring this event violated one or more city ordinances or caused a disturbance; or
 - (iv) a prior event catered by this Class W-C license holder violated CITY ordinances; or
 - (v) the liquor commissioner determines that the provisions for parking, restrooms or the prevention of the delivery of alcohol to underage persons are inadequate and that a substantial risk to the public health and welfare would result if the permit were issued.
- (f) Should an Event Permit application be denied, the city clerk shall immediately notify the applicant of the denial. The applicant may request a hearing on the denial which shall be held before the liquor commissioner or his or her designee as soon as practical after the demand for hearing has been made, in writing. An Event Permit may be revoked by the liquor commissioner at any time prior to the event if the liquor commissioner receives information which he or she deems reasonable and trustworthy indicating that the event application contained false information or that circumstances have changed and some or all of the information set forth on the application is no longer true.
- (g) The City of LeRoy will recognize catering licenses issued by any other issuing authority in McLean County, including the County of McLean, for the purpose of eligibility for Class W-C licenses in the City of LeRoy to the same extent that the other issuing authority recognizes Class W-C licenses issued by the City of LeRoy. Only for Class W-C licenses and only to the extent a reciprocal waiver is granted to residents of LeRoy by the other liquor license granting jurisdiction, holders of similar catering licenses from other jurisdictions need not apply for a City of LeRoy license, need not meet any residency requirement, but upon inquiry must be able to establish they meet all other requirements, to obtain a Class W-C license, and must give proof of holding a valid similar license from some other issuing authority in McLean County, Illinois. Any violation of a catering license by a license holder not holding a Class W-C City of LeRoy license occurring in the City of LeRoy may be prosecuted in the City of LeRoy with the sanctions of fines and denial of future Class W-C licenses within the City of LeRoy.
- (h) The annual license fee for such license shall be \$250.00 for those persons or entities who do not hold another classification of liquor license, and \$100.00 for any person having any other type of liquor license issued by the City of LeRoy. A holder of any other liquor license from the CITY may also own a Class W-C liquor license.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

David McClelland, seconded by Dawn Thompson

_____, by roll call vote on the 5th day of February, 1996, as follows:

Aldermen elected 5 Aldermen present 5

VOTING AYE:

David McClelland, Lois Parkin, Ronnie Litherland, Dawn Thompson, Fred Dodson
(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 5th day of February, 1996.

X Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 5th day of

February, 1996.

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

ATTEST: (SEAL)

X Juanita Dagley
Juanita Dagley, City Clerk, City of LeRoy,
McLean County, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on February 5, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 648, entitled:

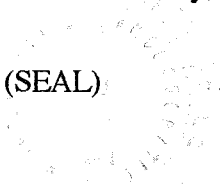
AN ORDINANCE AMENDING CHAPTER 34 - LIQUOR, SECTION 34.09 B., OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (AS AMENDED),

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

The pamphlet form of Ordinance No. 648, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on February 5, 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 5th day of February, 1996.

(SEAL)



Juanita Dagley
Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Juanita Dagley, 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, SECTION 34.09 B., OF THE MUNICIPAL CODE 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 5th day of February, 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 5th day of February, 1996.

X Juanita Dagley
City Clerk

(SEAL)