

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 08-08-01-10

AN ORDINANCE APPROVING REVISIONS TO THE BUSINESS LICENSE REGULATIONS (TITLE 3), LIQUOR CONTROL (CHAPTER 3), OUTDOOR SALES AND SERVICE (SECTION 17) OF THE MUNICIPAL CODE, LE ROY, ILLINOIS, 2003

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
4th Day of August, 2008

PRESENTED: **August 4, 2008**

PASSED: **August 4, 2008**

APPROVED: **August 4, 2008**

RECORDED: **August 4, 2008**

PUBLISHED: **August 4, 2008**


In Pamphlet Form

Voting "Aye" 7

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)



City Clerk of City of Le Roy

Dated: August 4, 2008

ORDINANCE NO. 08-08-01-10

AN ORDINANCE APPROVING REVISIONS TO THE BUSINESS LICENSE REGULATIONS (TITLE 3), LIQUOR CONTROL (CHAPTER 3), OUTDOOR SALES AND SERVICE (SECTION 17) OF THE MUNICIPAL CODE, LE ROY, ILLINOIS, 2003

WHEREAS, the Mayor and City Council of the City of Le Roy, McLean County, Illinois, an Illinois municipal corporation, have determined that it is necessary and in the best interest of the City and its residents that the criteria for outdoor sales and services provided by the City be changed,

WHEREAS, all things required by law and ordinance to be done in regard to changes to the criteria for outdoor sales and services provided by the City of Le Roy have been completed,

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

SECTION 1.

Title 1, Chapter 3, Section 17, Subsection A, License In Good Standing Required: Add language "class A-S and class B-S"

Title 1, Chapter 3, Section 17, Subsection A, License In Good Standing Required: in good standing with the city shall be amended and replaced by "in good standing with the city & state."

Title 1, Chapter 3, Section 17, Subsection E, Screening Requirements: Amend and delete such language by deleting subsection E as follows: Screening by privacy fences or landscaping one hundred percent (100%) opaque from ground level to a height of six feet (6') 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. (Ord. 675, 6-17-1996; amd. 2003 Code)

Title 1, Chapter 3, Section 17, Subsection E, Screening Requirements:
Add the following language:

“1. Screening by privacy fences or landscaping one hundred percent (100%) opaque from ground level to a height of six feet (6') above ground level must be provided on all open sides of the proposed sales and serving area for all class A, class A-S, class B, and class B-S. No outdoor sales or serving shall be permitted until all landscaping and/or fencing is in place and complete. (Ord. 675, 6-17-1996; amd. 2003 Code)

2. Screening by fencing or landscaping from ground level to a height of six feet (6') above ground level must be provided on all open sides of the proposed sales and serving area for all class D license holders. No outdoor sales or serving shall be permitted until all landscaping and/or fencing is in place and complete. (Ord. 675, 6-17-1996; amd. 2003 Code)”

Title 1, Chapter 3, Section 17, Subsection G, Days And Hours: Amend and delete such language by deleting subsection G as follows:

Days And Hours: 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 eight o'clock (8:00) P.M., daily, and only from the first Saturday in April through the last Saturday in October of each calendar year.

Title 1, Chapter 3, Section 17, Subsection G, Hours of Operation: Add the following language:

"Hours of Operation: Hours during which the outdoor area may be occupied by customers of the establishment and alcoholic beverages sold, served and consumed shall be from opening time of the establishment until closing. Each license holder must follow the specific requirements of their respective license classification for hours of operation."

Title 1, Chapter 3, Section 17, Subsection H, Noise Control: Amend and delete such language by deleting subsection H as follows:

1. No live music shall be allowed in any outdoor area, nor shall the accessways 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.
2. 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 determines 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 (3) such warning notices within the period of the first Saturday of April through the last Saturday of October in any calendar year, the city local liquor control 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

Title 1, Chapter 3, Section 17, Subsection H, Noise Control: Add the following language:

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

2. Upon approval of the application, the applicant and all employees of the applicant shall be responsible for controlling noise in the outdoor sales/serving and consumption 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 and consumption area, investigation shall be made by the city police department. If the investigating officer determines 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 (3) such warning notices in any calendar year, the city local liquor control commissioner shall promptly give formal, written notice to the owner or manager of the licensed premises that further outdoor sales/serving and consumption 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."

Title 1, Chapter 3, Section 17, Subsection I, Health Regulations: Amend and delete such language by deleting subsection I as follows:

The outdoor sales and serving area must meet all McLean County health department regulations. (Ord. 675, 6-17-1996)

Title 1, Chapter 3, Section 17, Subsection I, Health Regulations: Add the following language:

"I. Health Regulations: The outdoor sales, serving and consumption area must meet all McLean County Health Department regulations. (Ord. 675, 6-17-1996)"

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

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Steve Dean, and seconded by T.A. Whitsitt by roll call vote on the 4th day of August, 2008 as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

Shirley Chancellor, Nancy Bentley, Dawn Thompson, Dave McClelland, T.A. Whitsitt, Dawn Hanafin, Steve Dean

Voting Nay:

None

Absent:

None

Abstain:

John Haney

Other:

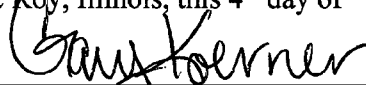
None

And deposited and filed in the office of the City Clerk in said municipality on the 4th day of August, 2008.



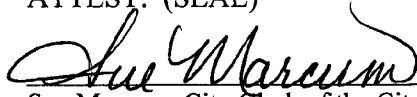
Sue Marcum, City Clerk of the City of Le Roy
Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 4th day of August, 2008



Gary Koerner Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Sue Marcum, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

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

I further certify that on **August 4, 2008** the Corporate Authorities of such municipality passed and approved **Ordinance No. 08-08-01-10** entitled:

AN ORDINANCE APPROVING REVISIONS TO THE BUSINESS LICENSE REGULATIONS (TITLE 3), LIQUOR CONTROL (CHAPTER 3), OUTDOOR SALES AND SERVICE (SECTION 17) OF THE MUNICIPAL CODE, LE ROY, ILLINOIS, 2003

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

The pamphlet form of Ordinance No. **08-08-01-10**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **August 4, 2008** 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 Le Roy, Illinois this 4th day of August, 2008.

(SEAL)


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 Le Roy, 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 APPROVING REVISIONS TO THE BUSINESS LICENSE REGULATIONS (TITLE 3), LIQUOR CONTROL (CHAPTER 3), OUTDOOR SALES AND SERVICE (SECTION 17) OF THE MUNICIPAL CODE, LE ROY, ILLINOIS, 2003

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 4th day of August, 2008 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 4th day of August, 2008

(SEAL)


City Clerk