

Request for City Council Action

Date: June 30, 2015

Agenda Section: Consent Agenda No. 5	Originating Department: City Clerk's Office
Item: Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Pertains to Class B Liquor Licenses No. 5.12	Approved:

Background:

At the City Council meeting of January 6, 2015, Ordinance 2015-03 was passed amending Title Two of the Carbondale Revised Code to create the B3 liquor license classification for “stand-alone” Video Gaming Establishments. These licenses were capped at five (5) of which two licenses have been issued, two licenses have been approved pending receipt of outstanding items, and one license yet remains available.

B3 licenses must maintain a distance of at least 500 feet from any other B3 licensed establishments and must also comply with other location restrictions as set out in 2-4-21 of the City Code and in the Illinois State Code which prevents such an establishment from locating within one hundred feet (100’) of any church or school, other than an institution of higher learning, hospital, home for the aged or indigent persons or for veterans, their spouses or children or any military or naval station.

During the May 19, 2015, Local Liquor Control Commission and City Council meetings, it was recommended that the City Council consider restricting the location of this classification from the zoning area of BPR (Primary Business District) as it is now or will be defined in the future. City staff discussed this matter and determined that this matter isn’t truly within the purview of the Planning Commission or the Liquor Advisory Board as individual Boards/Commissions, but rather a decision for the City Council. Of the B3 licenses issued or approved, none are currently or will be located in the BPR.

An additional change included within the Ordinance is of a technical nature relating to the requirement that a B3 liquor license receive at least 51% of its gross revenue from video gaming in order to retain the B3 license classification. Language mirroring that of the Class A licenses is reflected in the attached Ordinance. This modification requires sufficient documentation to demonstrate that the establishments are meeting such requirement. Attached as Exhibit “A” is a draft of the form which will be provided with each liquor license renewal application to Class A and Class B licensees. This documentation does not prevent the Commission from requesting an audit of any or all licensees, but will provide some indication of what locations are holding appropriately classified liquor licenses.

Recommended Action:

It is recommended that the City Council approve an Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Pertains to Class B Liquor Licenses.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

**CITY OF CARBONDALE, ILLINOIS
ORDINANCE NO. 2015-**

**AN ORDINANCE AMENDING TITLE TWO (2) OF THE CARBONDALE REVISED
CODE AS IT PERTAINS TO CLASS B LIQUOR LICENSES**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 30TH DAY OF JUNE, 2015**

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 1st day of July, 2015.

CERTIFICATE OF PUBLICATION

I, Jennifer R. Sorrell, the duly qualified and acting City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 1st day of July, 2015.

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING TITLE TWO (2) OF THE CARBONDALE REVISED CODE AS IT PERTAINS TO CLASS B LIQUOR LICENSES

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, Title 2, Chapter 4, Section 9, allows for the classification of Class B3 liquor licenses for “stand-alone” Video Gaming Establishments within the City of Carbondale; and

WHEREAS, Class B3 Liquor Licenses are issued to businesses that operate primarily for the purpose of video gaming with at least fifty one percent (51%) of its gross revenue from video gaming; and

WHEREAS, the City Council of the City of Carbondale finds that it is in the best interest of the City of Carbondale to amend Chapter 2 of Title 4, Section 9, of the Carbondale Revised Code as it relates to Class B3 licenses available to video gaming establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. That Title 2, Chapter 4, Section 9.B.3. is amended to read:

2-4-9 B.3.

Class B3 licenses shall authorize retail sale of alcoholic liquors, by the drink, for consumption on the premises only, subject to the terms, conditions, and restrictions of this and all other pertinent sections of this code, and as a secondary business to the business of video gaming. This license shall be issued only to a business that operates primarily for the purpose of video gaming with at least fifty

one percent (51%) of its gross revenue from video gaming. Any applicant or licensee who receives at least fifty one percent (51%) of their gross revenue from video gaming shall apply for a class B3 license and is not eligible to receive or retain a class B1 or B2 license. Any current B1 or B2 licensee licensed for license year 2014-2015 who receives at least fifty one percent (51%) of their gross revenue from video gaming, shall be converted to a B3 license. Should a class B3 license have been issued to the applicant for the premises in the proceeding year for which a renewal application is made, a class B3 license shall not be issued to the applicant for the premises unless the applicant submits to the local liquor control commission sufficient documentation to establish that at least fifty one percent (51%) of the gross revenue was collected from video gaming. The determination of the sufficiency of documentation shall be at the sole discretion of the local liquor control commission.

The total number of class B3 licenses issued by the local liquor control commission will not exceed five (5). No class B3 license shall be issued for any location within the city that is within five hundred feet (500') of any other class B3 liquor licensed establishment. (Ord. 2015-3) No class B3 license shall be located in the Primary Business District (PBR) as it is now, or may in the future, be designated.

SECTION 2. All of the remaining sections of Title 2 of the Carbondale Revised Code shall remain in full force and effect.

SECTION 3. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 4. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

SECTION 5. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 6. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

SECTION 7. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
John M. Henry, Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney



City of Carbondale, Illinois
 Carbondale Liquor Control Commission
 Business Data Report

Licensee's Name: _____

City of Carbondale License Number: _____

Illinois State Liquor License Number: _____

Sales Information					
Month / Year	Food Sales	Total Liquor Sales	Gaming	Other	Total Sale
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$

Inventory Value				
	Beer	Wine	Liquor	Total
Dollar Amount	\$	\$	\$	\$

I certify that all information presented on this report is true and accurate:

Signature: _____

Title: _____ **Date:** _____