

# Request for City Council Action

Date: July 28, 2015

<b>Agenda Section:</b> Consent Agenda  <b>No.</b> 5	Originating Department:  City Clerk's Office
<b>Item:</b> Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Pertains to Liquor License Requirements  <b>No.</b> 5.10	Approved:

**Background:**

During the past license year, there were at least three instances which arose where a liquor-licensed establishment was either operating without a valid State liquor license, held a City liquor license without a State license (although they were not operating), or the ownership information differed between the City and the State licenses. The State of Illinois does not notify the City of those differences in licensure which are only found as part of periodic checks or notices of violations being forwarded from the State.

Staff considered requiring the submission of a copy of each establishment's State liquor license as part of the standard application process. The copy of a State liquor license will provide the following information: the due date of the State license, license classification, corporation/LLC name and d/b/a name.

In reviewing other municipalities' liquor codes, Staff located language from Dekalb that not only would require a copy of the State license, but would also require that the City be carbon-copied on any documentation submitted to or from the Illinois Liquor Control Commission, which may provide current information in a more timely fashion and keep the City apprised of any changes in operations for the establishments.

**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 Liquor License Requirements.

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 LIQUOR LICENSE REQUIREMENTS**

**ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF CARBONDALE, ILLINOIS  
THE 28<sup>TH</sup> DAY OF JULY, 2015**

**Published in pamphlet form by authority of the City Council of the City of Carbondale,  
Jackson County, Illinois, this 29<sup>th</sup> 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 29<sup>th</sup> day of July, 2015.**

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**Jennifer R. Sorrell, City Clerk**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE TWO (2) OF THE CARBONDALE REVISED CODE AS IT PERTAINS TO LIQUOR LICENSE REQUIREMENTS**

**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 of the Carbondale Revised Code outlines the liquor license requirements for the retail sale of alcoholic liquors within the City of Carbondale; and

**WHEREAS**, the Title 2, Chapter 4, Section 3 establishes the application process for a liquor license in within the City of Carbondale; 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 Section 3 of Title 2, Chapter 4 of the Carbondale Revised Code as it relates to the application process for a liquor license.

**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 3 is hereby amended to read as follows:

2-4-3: APPLICATION:

A. Form; Procedure: All applications for licenses under this chapter shall be in writing, under oath, addressed to the local liquor control commission, and filed in the office of the city clerk.

B. Area Specified: Each license application shall indicate the dimensions of the licensed premises, its location, its control premises, and all parking areas located on the property.

C. Signatures Required: Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. If the applicant is a limited liability company, the application shall be signed and verified by the manager and all members of the limited liability company. The information recited in the application shall be under oath or affirmation as to each person signing the application.

D. Content: Each application shall include the following information and statements:

1. In the case of an individual, the name, birth date, social security number, driver's license number, and address of the applicant.
2. In the case of a partnership, the names, birth dates, social security numbers, driver's license numbers, and addresses of all partners.
3. a. In the case of a corporation or club, the names, birth dates, social security numbers, driver's license numbers, and addresses of the officers, directors, managers; and the names, birth dates, social security numbers, and addresses of all persons who own or have an interest in over five percent (5%) of the stock.  
  
b. In the case of a limited liability company, the date of organization, and the names, birth dates, social security numbers, driver's license numbers, and addresses of the managers and members owning directly or beneficially more than five percent (5%) of the ownership of the company and the person operating as manager of the premises.
4. The class of license for which application is submitted.
5. The nature of the business which the applicant(s) intends to carry out, and the amount of applicant's anticipated gross revenue from other sources within the proposed licensed premises.
6. The nature of entertainment, if any, proposed to be offered within the proposed licensed premises.
7. The length of time the applicant has been a resident of the state, the county, and the city, or if a partnership, the length of time each partner has been a resident of the state, county and city; or if a corporation, the length of time each officer or director has been a resident of the state, county and city; or if a limited liability company, the length of time each manager and/or member has been a resident of the state, county, and city.
8. The address and telephone number of the manager, premises, and business office if different.
9. A list of the governmental entities to which the applicant has submitted an application for a liquor license, the date of the application, the disposition of such application,

amounts of and reasons for fines imposed, and the dates, reason and length of suspension or revocation of such license, if any.

10. A completed criminal background for each person required to report conviction information.

11. The name of any person who has been issued a federal wagering stamp for the current tax year.

12. Evidence of dramshop liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the state. The certificate shall insure the applicant and the owner or lessor of the premises in at least the following amounts:

Thirty thousand dollars (\$30,000.00) general liability/personal injury per person

Thirty thousand dollars (\$30,000.00) general liability/property damage per person

Forty thousand dollars (\$40,000.00) general liability/loss of means of support per person

The insurance coverage shall be kept current at all times during the license year. Upon request of the local liquor control commission, or its agent, a licensee shall provide evidence of coverage at times other than the initial application and renewal of a license.

E. Additional Information Required for a License: In addition, as a condition of applying for or maintaining a City of Carbondale liquor license, the applicant shall copy the City on all subsequent correspondence or forms submitted to the Illinois Liquor Control Commission, and all documents, forms, licenses or correspondence received from the Illinois Liquor Control Commission.

~~E~~F. Additional Information For Certain Licenses: Each applicant for an A1 or A2 license shall include the following:

1. A description of the kitchen facilities and equipment to be used in the preparation and serving of food; and

2. The hours during which the kitchen will be used in the preparation of all food items included on the restaurant menu and the times that full menu service is available. (Ord. 2007-38)

**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:

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P. Michael Kimmel, City Attorney