

Request for City Council Action

Date: June 14, 2016

Agenda Section: General Business No. 6	Originating Department: City Clerk's Office
Item: Ordinance Amending Title Two (2) of the Carbondale Revised Code Establishing a Temporary Extended Premises License (Class L) for Licensees Holding a Class A, B, E, H, or J Liquor License No. 6.5	Approved:

Background:

From time-to-time, the City receives requests from liquor license holders seeking to host special events at locations adjacent to their licensed premises. The State of Illinois allows alcohol retailers to hold a Special Use license which authorizes the sale of alcohol for on-premises consumption for a period ranging between one and fifteen days, but only when the applicant submits documentation showing dram shop liability insurance at the maximum limit and with the approval of the local authority (the City.)

The proposed amendment to Title Two of the Carbondale Revised Code establishes a temporary extended premises license and provides for a largely administrative process to review the application, event plans, and required documentation. The applicant for a Class L license will have already received Local Liquor Control Commission approval of their standard liquor license; this temporary license will be issued or denied by the Local Liquor Control Chair, based in part upon staff's recommendations. Incorporated in the language of the proposed license is a measure of control which allows the requirement of additional safety, staffing, or sanitation measures depending on the size and nature of the event. Entry age will also depend largely on the nature of the event as well. If an applicant has held temporary extended premises license(s) in the past where there were a number of violations, disorderly behavior by employees or attendees of the event, or failure to maintain control of premises and policing of premises, this may result in the denial of a future temporary extended premises license, but will not necessarily jeopardize the base liquor license.

Recommended Action:

It is recommended that the City Council approve an Ordinance Amending Title Two (2) of the Carbondale Revised Code Establishing a Temporary Extended Premises License

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. 2016-**

**AN ORDINANCE AMENDING TITLE TWO OF THE CARBONDALE REVISED CODE
ESTABLISHING A TEMPORARY EXTENDED PREMISES LICENSE (CLASS L) FOR
LICENSEES HOLDING A CLASS A, B, E, H OR J LIQUOR LICENSE**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 26TH DAY OF JANUARY, 2016**

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 27th day of January, 2016.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified 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 27th
day of January, 2016.**

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING TITLE TWO OF THE CARBONDALE REVISED CODE ESTABLISHING A TEMPORARY EXTENDED PREMISES LICENSE (CLASS L) FOR LICENSEES HOLDING A CLASS A, B, E, H OR J LIQUOR LICENSE

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, the City Code of the City of Carbondale, Illinois, under Title 2, Chapter 4, Section 9 list the classification of liquor licenses; and

WHEREAS, the City Council of the City of Carbondale finds it in the best interest of the City of Carbondale to amend Title 2, Chapter 4, Section 9 of the Carbondale Revised Code and establish a temporary extended premises license (Class L) for licensees holding a Class A, B, E, H or J 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 9 of the Carbondale Revised Code is hereby adding sub-paragraph L as follows:

L. Class L licenses (One day extended premises) shall authorize a license holder in good standing of a Class A, B, E, H, or J liquor license to sell alcohol for consumption upon the controlled premises, as defined in Title 2 Chapter 1 Section 2, covered by the primary liquor license on a date certain. The license fee for Class L licenses shall be \$25 per day. Following the issuance of a Class L license, the licensee will be required to obtain a State Special Use license prior to holding the event.

The Local Liquor Control Chair will review the application, required documentation, and recommendations from City Staff prior to making a determination of whether or not to issue the temporary extended premises license. The approval of such license may be dependent upon the applicant complying with requirements identified by the Local Liquor Control Chair for the erection of tents, fences, or other barricades, provision of sufficient waste receptacles and outdoor restroom facilities, requirements for utilizing non-glass beverage containers, providing additional security, requirements for the removal of barricades, temporary signage, and litter within a specified time following the completion of the event for which the license has been issued, and past performance in conducting such temporary extended premises events. A determination for a minimum age requirement will be made based upon the classification held by the applicant and the nature of the event to be held. The licensee shall comply with Section 4 of Title 14 of the Carbondale Revised Code as it relates to the use of amplified sound devices and general noise restrictions.

A denial of a Class L license shall not be considered a denial of a liquor license for the purpose of an application for renewal or for a new primary liquor license.

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:

Lenoard "Jamie" Snyder, City Attorney