

ORDINANCE 2014-047 PASSED: NOVEMBER 24, 2014

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 38 "INTOXICATING LIQUORS", SECTION 38.07 "CLASSIFICATION OF LIQUOR LICENSES" WITH THE ADDITION OF SUBSECTION H "GOLF COURSE".

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the City of DeKalb currently maintains Chapter 38 of the City Code, which relates to the Liquor Regulations within the City of DeKalb; and,

WHEREAS, the City Council finds that certain updates to Chapter 38 are required to properly promote the public health, safety, welfare and morals; and,

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Ordinances Amended.

City Code 38.07 shall be amended with the addition of subsection (h) as follows:

h) Golf Course.

1. Golf Course licenses are available only to for-profit entities that privately own and operate golf courses within the corporate limits of the City of DeKalb. Publicly owned/operated golf courses shall be eligible for licensure under the PENP license program. A Golf Course license shall permit the sale of alcoholic beverages, either in prepared drinks or in the original packaging, for consumption on the premises of the golf course only. No package sales for consumption off the premises shall be permitted, and no person shall be permitted or authorized to remove alcoholic beverages purchased at a Golf Course from the Golf Course premises.

2. Within the interior portions of any building on the Golf Course premises, the Licensee may designate areas to be utilized as a Restaurant, areas to be utilized as a Bar, and areas to be utilized for Hospitality. Additionally, if the Licensee requests the same and specifically obtains approval from the City Council, the Licensee may designate areas of an indoor portion of its facilities to be utilized as indoor practice areas, where alcoholic beverages may be consumed by persons over the age of 21, with or without Real Food, and such indoor practice areas may also be utilized by persons under the age of 21 who are not engaging in the consumption of alcoholic beverages. The Licensee shall be responsible for devising a security plan outlining the proper supervision of such

areas.

a) In the event that a Golf Course wishes to also have a Hospitality License for Banquet Sales, it shall submit a floor plan showing a designated Banquet Area. The Banquet Area may be an area that is used for Bar or Restaurant purposes when not in use as a Banquet Facility. However, it must be capable of being physically separated (by a wall, half-wall, stairs/grade separation or other separation acceptable to the Liquor Commissioner) from the other areas of the Building when in use for Banquet purposes. Unless an area is expressly reserved for Banquet use at all times and is used for no other purpose, the Licensee shall give the City not less than 72 hours written notice of its intent to use the Banquet Area for Banquet purposes (and shall describe the nature and duration of the Banquet event contemplated). No separate City approval shall be required for Banquet use of the facility, provided that timely notice has been provided.

b) A Golf Course that provides a Banquet Area or a Bar Area must offer restroom facilities for patrons in the Banquet Area or Restaurant Area that can be accessed without entering any designated Bar Area that would be in use at the time of the Banquet. The Liquor Commissioner may require such additional maps, floor plans, or descriptions as shall be necessary to evaluate a request for a supplemental Hospitality License or Bar License for a Golf Course.

3. On the exterior premises of the Golf Course, the Licensee may engage in the retail sale of alcoholic beverages, either in prepared drinks or in the original packaging, for consumption on the premises of the golf course areas. This includes the sale of alcoholic beverages from outdoor bar areas or from golf carts or similar vehicles operated on the premises by the Licensee. The sale and consumption of alcoholic beverages on outdoor portions of the premises shall be permissible on the golf course, golf course pathways, and all outdoor portions of the Golf Course premises, except that *there shall be no sale or consumption of alcoholic beverages*: 1) in any driveway or parking lot areas where motor vehicles are authorized or permitted to drive; or, 2) within fifteen (15) feet of the exterior lot line of the premises. The Licensee shall be responsible for providing a site plan for the golf course, outlining the areas where sale and consumption are and are not permitted, for review and approval by the City. The City reserves the right to impose additional restrictions. Exterior premises of a Golf Course permitted for the sale or consumption of alcoholic beverages are not required to be completely enclosed/fenced.

4. A Golf Course Licensee shall pay the higher of the then-applicable application and renewal fees for a Bar or Restaurant license, and shall have the same term of license as a Bar.

5. Golf Course Licensees may also apply for and obtain Live Entertainment, Outdoor Special Event, and Tasting permits. Golf Course Licensees shall not be authorized to obtain Caterer permits or BYOB licensure. All package sales of alcoholic beverages shall be for consumption on the premises only.

City Code Sections 38.16, 38.17, and 38.20 shall be amended as follows:

Subsection (a) of Sections 38.16, 38.17 and 38.20 shall be amended to reflect that a Golf Course may apply for a Live Entertainment permit, Outdoor Special Event permit or a Tasting/Sampling permit.

City Code 38.25 shall be amended as follows:

Subsection (a) of Section 38.25 shall be amended to reflect that the hours of operation for a Golf Course license are the same as the hours of operation for a Bar, Package License, PENP or Hospitality licensee.

Section 38.27 shall be amended as follows:

Subsection (c)(4) of Section 38.27 shall be amended as follows:

4. Video Gaming Terminals shall only be permitted to be installed in facilities that possess a liquor license permitting them to sell alcohol for consumption on the premises without a corresponding sale of food. Video Gaming Terminals shall not be permitted at any establishment that is not permitted to sell alcohol for consumption on premises, nor shall they be permitted at any restaurant that is required to serve food with purchases of alcohol (other than a restaurant included within a Golf Course). Under the current classifications of the City of DeKalb Liquor Code, Video Gaming Terminals shall only be permitted at: 1) facilities that have a Bar or Golf Course license; 2) facilities that have a PENP or Hospitality liquor license and which maintain a bar area restricted to persons twenty-one (21) years of age or older, separated from areas unrestricted in age by full walls and doors, which age-restricted bar area is kept closed and locked when not in operation (provided that all video gaming machines or terminals shall be installed in such restricted-age bar area). Video Gaming shall not be permitted at any facility which has a combination license authorizing use of any portion of the premises as a Restaurant (i.e. shall not be permitted at any facility with a Restaurant and Bar Liquor License), or in any facility other than an establishment licensed as a Bar, PENP, Hospitality or Golf Course establishment (or combination of those licenses).

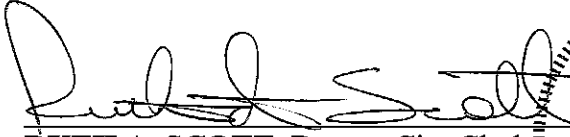
Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

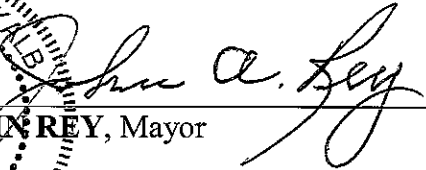
Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

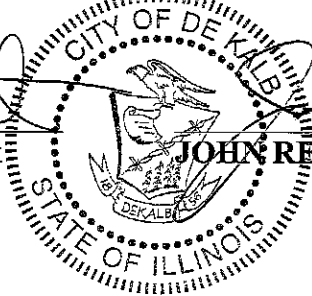
Section 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: November 25, 2014. Effective date: December 5, 2014.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 24th day of November, 2014, and approved by me as Mayor on the same day. Received and filed, waived second reading, and passed by a 6-2 roll call vote. Aye: Jacobson, Finucane, Lash, Baker, O'Leary, Rey. Nay: Snow, Naylor.

ATTEST:


RUTH A. SCOTT, Deputy City Clerk


JOHN REY, Mayor

The seal of the City of DeKalb, Illinois, is circular. It features a central figure of a Native American holding a bow and arrow. The text "CITY OF DE KALB" is written in a circle around the top, and "STATE OF ILLINOIS" is written around the bottom. The year "1831" is also visible at the bottom.