



Washington Police Department

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TO: The Honorable Mayor Manier and Washington City Council
FROM: Chief Michael D. McCoy and Deputy Chief Jeff Stevens
RE: Change of Alcoholic Beverages Ordinance to Allow Additional Temporary Event
Licenses for Charitable Purposes
DATE: May 31, 2018

Mayor and Aldermen,

Based on a request from some current liquor licensees, the Department was assigned to review the current ordinance related to Class L licensing, which allows holders of Class A, D, E, G, or J licenses to hold one-day temporary events, generally outdoors, in a special area adjacent to the licensed premise.

The ordinance before the Council for first reading on June 4, 2018, is the result of that review. The change would allow eligible licensees to hold up to two additional events per calendar year if those additional events are held for a bona fide charitable purpose and the events do not place an undue burden on public services such as police protection. Additionally, the ordinance would lengthen the advance notice to the City from 10 business days to not less than 21 days.

Controls in the ordinance would require the applicant to show a charitable purpose and would limit charitable and non-charitable special events to one on any given day in the City and one per calendar month per licensee. These terms are intended to reduce the potential for abuse associated with a false claim of charity, prevent burdening of public services, and maintain appropriate limits on liquor-involved events. The increased lead time for licensing provides for better planning and attentiveness in ensuring compliance with licensing standards by the City as well as licensees.

ORDINANCE NO. _____

Synopsis: Adoption of this ordinance would allow eligible licensees to hold up to two (2) additional temporary events per liquor license year if those additional events are held for a bona fide charitable purpose and meet additional regulations.

AN ORDINANCE AMENDING CHAPTER 112 ALCOHOLIC BEVERAGES OF THE CITY OF WASHINGTON CODE OF ORDINANCES BY ADDING TWO ADDITIONAL CLASS L TEMPORARY EVENT LICENSES PER LIQUOR LICENSE YEAR

WHEREAS, the City of Washington is a home rule government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Washington may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council of the City of Washington hereby finds that it is in the best interest of the public health, safety and welfare to add up to two additional temporary events per liquor license year to the liquor license regulations.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON:

Section 1. That § 112.20 of the City of Washington Code of Ordinances entitled "Classification of Liquor Licenses; Number of Licenses Permitted" is amended by deleting §112.20(L) in its entirety and by substituting the following as § 112.20(L):

“(L) **Class L.** Class L liquor licenses shall permit the sale at retail of alcoholic liquor for consumption on the premises to be sold at a temporary event by a currently licensed retail seller of alcoholic liquor in the City of Washington, for a one (1) day period of time. Such sales shall be by responsible persons and shall be allowed for single day in a specific location as follows:

- (1) Definitions.
 - (a) "Premises" shall mean the building out of which the licensee primarily operates, and for which a current liquor license is in effect and has previously been issued.
 - (b) "Special Area" shall mean the area within which the temporary event will take place, and for which the Temporary Event license is sought.
- (2) Only the holders of current Class A, D, E, G, and J liquor licenses, issued by the City of Washington, may apply for a Temporary Event license under the provisions of this Paragraph (L).
- (3) A complete liquor license application must be submitted for the Special Area.
- (4) The Special Area must comply with all of the following requirements:

- (a) The Special Area must be adjoining and adjacent to the Premises, unless otherwise determined by the City Liquor Commissioner; and
 - (b) the Special Area must satisfy all of the requirements for the issuance of a liquor license (which specifically includes ownership of the Special Area or a written lease agreement for the Special Area), with the exception of the requirement that the sales take place in a building; and
 - (c) the Special Area must be fully enclosed by means of a fence or other structure, such that access to and from the area is limited to only one (1) point of access, and such that litter and other debris are or will be wholly contained within the Special Area. The City Liquor Commissioner, by nature of the event and/or location, will determine whether fencing of the event area will be required and whether a Washington Police Officer will be required to be present to monitor the event. If it is determined that a Washington Police Officer is required, the expense of the officer will be the responsibility of the licensee.
- (5) The hours of sale within the Special Area may not commence before Noon, and must terminate no later than 11:00 p.m. on the day that such temporary event is held or conducted. The hours of sale for the Premises are not affected by the provisions of this paragraph (L), and need not be limited to the hours of sale within the Special Area.
- (6) The Temporary Event license will permit the sale of Alcoholic Liquor for one (1) day only.
- (7) No noise emanating from the Special Area shall be audible from the closest lot line of any residentially zoned lot that is also used for residential purposes. If noise is audible at the closest lot line of any residentially zoned lot that is also used for residential purposes, the Temporary Event license will be immediately revoked, and the sale of alcoholic liquor within the Special Area shall cease and become illegal upon notification thereof by the Chief of Police or his or her designee.
- (8) A license fee for such license must be paid with the application in an amount equal to One Hundred Fifty Dollars (\$150.00).
- (9) The licensee must satisfy all of the requirements of Chapter 112 of the Code of Ordinances of the City pertaining to the sale of alcoholic liquor, including but not limited to the carrying of dram shop insurance naming the City as a co-insured, and must comply in all respects with the requirements necessary for the sale of alcoholic beverages in the State of Illinois, including but not by way of limitation, the additional requirements for a Special Event Retailer's License required by 235 ILCS 5/7-1, as amended from time to time.
- (10) Not more than two (2) Temporary Event Licenses may be issued to a single holder of a liquor license during any one (1) liquor license year (May 1st through April 30th), except that a liquor license holder may request and the Liquor Control Commissioner may issue up to two (2) additional Temporary Event Licenses to a single holder of a liquor license when the applicant specifies and warrants that all

proceeds from the specified event will be donated to a named nonprofit organization in accordance with the requirements herein;

- (a) Within 30 days of the event, the applicant must provide the City Clerk with a complete and accurate accounting of all expenses and income related to the event;
 - (b) Within 14 days of providing such accounting, the applicant must provide the City Clerk with proof of payment of the proceeds to the designated nonprofit organization;
 - (c) The specific nonprofit organization to receive the proceeds must be designated on the application and must agree to receive such proceeds;
 - (d) Failure of the applicant to comply with this section after issuance of the Temporary Event License is a violation of this Chapter 112 and subjects the holder to the penalties listed herein, including suspension or revocation of the holder's Class A, D, E, G, or J liquor license upon which issuance of the Temporary Event License is predicated;
 - (e) The Liquor Control Commissioner may deny issuance of a Temporary Event License applied for to benefit a nonprofit organization on the grounds that the nonprofit organization is not known to be a bona fide nonprofit organization or the expected proceeds to be paid to the nonprofit organization are not substantial in comparison to the event costs or costs or potential costs of related public services;
 - (f) The Liquor Control Commissioner may deny issuance of a Temporary Event License when, in the opinion of the Chief of Police or his/her designee, the City will not be able to efficiently provide required public services, including police services, during the period of the event.
- (11) No Temporary Event License may be issued to the holder of liquor license issued by the City of Washington, if the holder has violated the provisions of Chapter 112 of the Code of Ordinances of the City, or compromised and settled such a liquor code violation, within the twelve months immediately prior to the filing of the application for a Temporary Event License.
- (12) No more than one Temporary Event License may be in effect on any one day within the City and no licensee may hold more than one Temporary Event License in a calendar month.
- (13) The application for a Temporary Event License must be submitted not less than twenty-one (21) days prior to the temporary event. Upon submission of the application, with the license fee attached, the Chief of Police, or his or her designee, shall inspect the Special Area and advise the Liquor Control Commissioner as to whether the Special Area complies in all respects with the Code of Ordinances of the City, and as to the prior violations of the Liquor Code of the City. Thereafter, the Liquor Control Commissioner will review the application, application materials and attachments, the report of the Chief of Police, and will grant or deny the

application for a Temporary Event License within ten days of the filing of the application for the Temporary Event License.

(Am. Ord. 3192, passed 7-18-16; Am. Ord. 3200, passed 9-19-16)”

Section 2. This Ordinance shall otherwise be in full force and effect from and after its passage and approval and publication as required by law.

Section 3. Any Section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions, which shall remain in full force and effect thereafter.

PASSED AND APPROVED THIS _____ day of _____, 2018.

AYES: _____

NAYS: _____

MAYOR

ATTEST:

CITY CLERK