



**CITY OF WASHINGTON, ILLINOIS**  
**City Council Agenda Communication**

**Meeting Date:** 2/3/2020

**Prepared By:** Pat Brown, City Clerk

**Agenda Item:** Ordinance – Amending §112.02 entitled “Prohibited Acts”

**Explanation:** In June, 2019, the Council approved Ordinance 3329 which amended Chapter 112.50 entitled “Public Accommodation (PA) License” by removing all references to ‘beer and wine’ and inserting ‘alcoholic liquor’ in its place. Deputy Chief of Police Jeff Stevens has since brought to my attention that an amendment to 112.02 entitled “Prohibited Acts” is required to bring it in line with the amendments made to Chapter 112.50. The proposed ordinance accomplishes this. Ordinance 3329 is attached for reference.

**Fiscal Impact:** N/A

**Recommendation/**

**Committee Discussion Summary:** Staff recommends approval.

**Action Requested:** Approval of the ordinance at second reading.

ORDINANCE NO. 3329

Synopsis: Adoption of this ordinance would allow meeting facilities to apply for a Public Accommodation (PA) liquor license and allows for up to five (5) PA licenses in the City in force at any one time.

**AN ORDINANCE AMENDING CHAPTER 112 OF THE CODE OF ORDINANCES OF THE CITY OF WASHINGTON, TAZEWEILL COUNTY, ILLINOIS, ENTITLED "ALCOHOLIC BEVERAGES," BY ADDING MEETING FACILITIES AS A PUBLIC ACCOMMODATION THAT MAY APPLY FOR A PUBLIC ACCOMMODATION LIQUOR LICENSE**

**WHEREAS**, the City Code of Ordinances at Chapter 112 provides for regulation of alcoholic beverages and related licensing; and

**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 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, morals, and welfare to add a business classification to its Public Accommodation liquor license regulations.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWEILL COUNTY, ILLINOIS**, an Illinois home rule municipality, that Chapter 112.50 of the Municipal Code is hereby amended as follows, with additions shown in underlined font and deletions shown in strikethrough font:

**Section 1.** Amendments:

**§ 112.50 PUBLIC ACCOMMODATION (PA) LICENSE**

(A) For purposes of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**"PUBLIC ACCOMMODATION,"** ~~is defined as "a~~ A facility or business establishment of any kind, whose goods, services, facilities, privileges or advantages are extended, offered, sold or otherwise made available to the public."

**"BUSINESS PROPERTY,"** ~~is defined as "t~~ The building out of and real property upon which the public accommodation operates."

**"LICENSED PREMISES,"** ~~is defined as "t~~ The area within a building for which a license authorizing the consumption of ~~beer and wine~~ alcoholic liquor is issued and which is actually used in connection with the consumption of ~~beer and wine~~ alcoholic liquor, but specifically excluding any outside areas such as patios, decks, open porches, roof tops, balconies, stoops, beer gardens and the like, sidewalks, yards, driveways, parking lots and similar outside areas."

~~“PA LICENSE,” is defined as “a~~ license authorizing the consumption of beer and wine~~alcoholic liquor~~ only inside the licensed premises of a person or business entity operating as a public accommodation.”

PRIVATE FUNCTION. An event: held at a licensed premises which has a host who is under contract with the licensee, restricted to invited guests only, where such invited guests are not charged indirectly or directly, at which the host is the only individual responsible for payment to the licensee, which includes fewer than 60 people excluding the licensee’s working staff, and which is not publicly advertised in advance of the event.

- (B) Except for licensees under this Chapter, no person, including any business entity, operating as a public accommodation within the City, shall permit or allow any invitee to possess or consume alcoholic liquor on its business property.

A public accommodation meeting the following business classification, as determined by the City, may apply for a PA License: a ceramic arts hobby facility/business establishment;~~(2), a painting arts hobby facility/business establishment; and (3),~~ a culinary arts hobby facility/business establishment, or a meeting facility available to the general public for rental as a place to conduct private functions.

- (C) ~~Beer and wine~~Alcoholic liquor may only be brought onto the licensed premises in its original package by either:

- (1) the consuming party for personal use; or
- (2) by the person or entity who has rented the licensed premises to hold an event, gathering or other function, and the ~~beer and wine~~alcoholic liquor is ~~only~~ provided only to the person’s or entity’s invitees.

- (D) No alcoholic beverages can be sold, offered for sale, gifted, given in return for any donation or any monetary contribution of any kind, or otherwise provided to invitees, by the licensee or its agents, on the licensed premises and business property.

- (E) The possession or consumption of any alcoholic liquor on the licensed premises by any person under 21 years of age is prohibited. The provisions of Section 112.04 apply to licensees and their agents in terms of not permitting possession or consumption of alcoholic liquors by persons under 21 years of age. Licensees and their agents may not suffer or permit the possession or consumption of alcoholic liquor by any person under the age of 21 years, or consumption of alcoholic liquor by any intoxicated person.

- (F) Consumption of ~~beer and wine~~alcoholic liquor on the licensed premises may only occur between the hours of 6:00 a.m. and 12:00 a.m. on Monday through Thursday; between the hours of 6:00 a.m. on Friday and 1:00 a.m. on Saturday; between the hours of 6:00 a.m. on Saturday and 1:00 a.m. on Sunday; and between the hours of 10:00 a.m. on Sunday and 12:00 a.m. on Monday. The licensee shall not permit any invitee to remain at the licensed premises for longer than one-half hour after the aforementioned closing times.

- (G) Licensees are prohibited from providing any outdoor entertainment on the business property.

- (H) All applicants for the PA License must submit a written application to the Mayor, or the party designated by him/her, as set forth in Section 112.22 for retail licenses, or in such form as

approved by the Mayor, or the party designated by him/her. All information required of a retail license applicant may be required for a PA License applicant.

- (I) All licensees must obtain and continually carry dram shop and/or host liquor liability insurance coverage, and must provide and submit proof of insurance when submitting the PA License application.
- (J) A PA License issued under this Section shall be valid from the date of issuance until the next succeeding April 30, with an annual license fee of ~~three hundred fifty dollars~~ (\$350.00).
- (K) Except as expressly modified in this Section, licensees of a PA License are subject to all other provisions of Chapter 112.
- (L) PA licensees, except for a culinary arts hobby facility/business establishment, may not provide beverage service of any type, nor charge for corkage, provision of glassware or beverage serving items. No PA licensee may structure any fee or charge that increases based on the amount of alcoholic liquor served or consumed. Nothing in this section prohibits a PA licensee from charging an increased flat rate upcharge, over and above the customary room rental rate, for events which include the service or consumption of alcoholic liquor.
- (M) PA licensees operating a meeting facility available to the general public for rental as a place to conduct private functions must keep an event contract which includes the name(s) of all hosts, date and time of the event, and number of guests and which is available for inspection by the City or its agents for a minimum of 1 year beyond the event date.
- (N) There shall be no more than 5 Class PA licenses for the consumption of alcoholic liquor in the City in force at any one time.

**Section 2.** That all ordinances or parts thereof in conflict herewith be, and the same hereby are, expressly repealed.

**Section 3.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

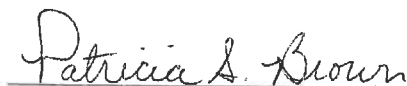
PASSED AND APPROVED this 17th day of June, 2019.

AYES Adams, Black, Brownfield, Butler, Cobb, Dingleline, Stevens

NAYS -0-

  
Mayor

ATTEST:

  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**Synopsis:** Adoption of this ordinance would bring Section 112.02 in line with Section 112.50 that was amended under Ordinance 3329, which removed 'beer and wine' and inserted 'alcoholic liquor' as it pertains to what can be consumed on premise of a non-retail Public Accommodation licensed establishment.

**AN ORDINANCE AMENDING §112.02 OF THE CODE OF ORDINANCES  
OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS,  
ENTITLED "PROHIBITED ACTS"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
WASHINGTON, TAZEWELL COUNTY, ILLINOIS:**

**SECTION 1.** That paragraph (C) of §112.02 entitled "Prohibited Acts" is hereby amended by deleting said paragraph (C) in its entirety and inserting the following as said paragraph (C):

"(C) No person shall consume any alcoholic liquor in any public place within the city except in premises licensed for the retail sale of alcoholic liquors under Section 112.20 or for the consumption of alcoholic liquor under Section 112.50."

**SECTION 2.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be, and the same are hereby repealed.

**SECTION 3.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk