

ORDINANCE NO. 19-_____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL),
SECTION 3 (DEFINITIONS) AND SECTION 11 (LIQUOR LICENSE
AND PERMIT CLASSIFICATIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code is hereby amended by deleting the stricken language as follows:

3-3-11: LIQUOR LICENSE AND PERMIT CLASSIFICATIONS:

The following are classes of liquor licenses and permits with an annual license and permit fee as indicated:

- 1. On-premises consumption liquor licenses: through
 - 2. Off-Premises Consumption Liquor Licenses: * * *
 - 3. Permits:
- Catering Permit and/or Bartending Services Permit through
Marketing Event Permit** * * *

	<u>Outdoor Seating Permit</u>
<u>Requirements of Permit</u>	For all licensed premises, permits begin on May 1st and expire on April 30th of the following year, usage is allowed throughout this timeframe as long as the permit holder complies with all City requirements. Permit holder shall complete an application and an inspection of the property shall be performed by the City including but not limited to the review of site plans, usage of heaters and/or amplification of music, and security cameras. For all licensed premises, certificates of insurance naming the City of Naperville as an additional insured and a signed indemnification statement is required. For Downtown licensed premises using the public way, the public way must be kept free from refuse at all times and no food preparation permitted on the public way. All public improvements on the public way shall be

	<p>maintained in the existing condition as the time the permit was issued, the permit holder shall be responsible to the City for any damage to any public improvements where such damage arises due to the operation of the outdoor seating area. Use of the outdoor seating permit shall be conducted in a way that does not interfere with pedestrian use. All items placed on the public way for the operation of an outdoor seating area shall be located so that a clear path of at least six (6) contiguous feet and, when possible, eight (8) contiguous feet, shall be provided for passage of pedestrians and so as not to obstruct ingress and egress from the licensed establishment or any other establishment. Notwithstanding, for the licensed establishment located at 120 Water Street, Suite 122, in Naperville, all items placed on the public way for the operation of an outdoor seating area shall be located so that a clear path of at least five (5) contiguous feet, shall be provided for passage of pedestrians and so as not to obstruct ingress and egress from the licensed establishment or any other establishment.</p> <p>Any items placed on the public way for the operation of an outdoor seating area may remain on the public way from April 1 through November 1 and must be removed from the public way between November 2 and March 31. For all licensed premises, the outdoor seating area shall be clearly designated with a distinct and functional barrier as approved by the City. Permitted outdoor seating areas may not extend beyond the boundary of an establishment's facade.</p> <p>Amplified sound from the establishment shall not be audible at 50 feet of originating property's lot lines and its purpose is only to create ambiance for the licensed premises.</p> <p>No smoking allowed within the outdoor seating area.</p>
<p><u>Consumption</u></p>	<p>For all licensed premises, patrons shall remain seated at the outdoor seating area when consuming alcoholic liquor and no patron shall leave the outdoor seating area with liquor. Alcoholic liquor shall only be served and transferred for patrons by a BASSET trained server, no carry-in or carry-out of liquor by a patron to and from the outdoor seating area.</p>
<p><u>Container Restrictions</u></p>	<p>None.</p>
<p><u>Food Service</u></p>	<p>For downtown licensed premises, the service and consumption of alcoholic liquor on the public way shall be incidental to the service and consumption of meals.</p>

<u>Type of Liquor Service</u>	
<u>Annual Fee</u>	<p>Except within a permitted outdoor seating area or otherwise licensed, it shall be unlawful for any person to consume any alcoholic liquor upon any public property.</p> <p>Outdoor seating permit on public way in the Downtown with liquor service: \$500.00</p> <p>Outdoor seating permit on private property with liquor service: \$300.00</p> <p>Outdoor seating permit on public way without liquor service: \$100.00</p>
<u>Other</u>	<p>For all licensed premises, liquor service on public property shall cease by 10:00 p.m. Capped at 5.</p> <p>The provisions contained herein which permit alcohol to be served on City of Naperville public property shall automatically cease to apply, or sunset, on April 30, 2019 (hereinafter "Sunset Provision") unless the City Council affirmatively takes an action to eliminate said sunset provision.</p>

**Special Event Permit through
Temporary Permit**

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SECTION 2: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this ____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk