

ORDINANCE NO. 17-_____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL),
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 and adding the underlined language as follows:

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

3. Permits:

	Outdoor Seating Permit
Requirements of Permit	<p><u>For all licensed premises, permits begin on April 1st and expire on March 31st 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.</u></p> <p><u>For all licensed premises, certificates of insurance naming the City of Naperville as an additional insured and a signed indemnification statement is required.</u></p> <p><u>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 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 five 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.</u></p>

	<p><u>For all licensed premises, the outdoor seating area shall be clearly designated with a permanent or semi-permanent barrier as approved by the City.</u></p> <p><u>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.</u></p>
Consumption	<p><u>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.</u></p>
Container Restrictions	<p>None.</p>
Food Service	<p><u>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.</u></p>
Annual Fee	<p><u>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.</u></p> <p><u>Outdoor seating permit on public way in the Downtown with liquor service: \$500.00</u></p> <p><u>Outdoor seating permit on private property with liquor service: \$300.00</u></p> <p><u>Outdoor seating permit on public way without liquor service: \$100.00</u></p>
Other	<p><u>For all licensed premises, liquor service on public property shall cease by 10:00 p.m.</u></p>

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

SECTION 3: The provisions contained herein which permit alcohol to be served on City of Naperville public property shall automatically cease to apply, or sunset, on March 31, 2018 (hereinafter "Sunset Provision") unless the City Council affirmatively takes an action to eliminate said Sunset Provision.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk