

Request for City Council Action

Date: October 23, 2012

<p>Agenda Section: General Business</p> <p>No. 5</p>	<p>Originating Department:</p> <p>City Manager/Legal</p>
<p>Item: An Ordinance Amending Title Two (2) Chapter Four (4) Section Eleven (11) of the Carbondale Revised Code as it Relates to Catering Licenses</p> <p>No. 5.7</p>	<p>Approved:</p>

Background:

Southern Illinois University Carbondale (SIU) currently possesses Class A1 and A2 liquor licenses that allow the sale of alcoholic beverages in conjunction with food sales in the Arena, the Stadium and the Student Center. The City has received a request from SIU to consider allowing the catering of beer and wine by the glass in conjunction with selected entertainment events at the following locations: Shryock Auditorium, McLeod Theatre, Morris Library, the Law School, the Stone Center, the Student Center, the Student Health Center and the Dunn Richmond Economic Development Center. A copy of the letter is attached. Currently, the liquor licenses held by SIU do not allow for this type of catering at locations other than the Arena, the Stadium and the Student Center.

City and SIU staff have met and discussed this request and determined that in order to allow such sales a new catering category (c.3) must be added to 2-4-11 of the Carbondale Revised Code. This category would provide a catering license specific to events on the SIU campus and specific to the locations noted above.

The proposed amendment reads as follows:

2-4-11.c.3

Southern Illinois University Carbondale Catering Option: Licensees who wish to cater alcohol to Southern Illinois University Carbondale properties may do so upon application to and approval by the local liquor control commission, or its designee. Functions being held at designated Southern Illinois University Carbondale properties may be by invitation only or may be open to the public. The sale of beer and wine only by the glass is permitted at events at designated Southern Illinois University Carbondale properties for consumption on the premises only. To obtain a catering license for events at Southern Illinois University Carbondale properties, the licensee must be approved by Southern Illinois University Carbondale authorities prior to application to the City. A catering license for events on Southern Illinois University Carbondale properties shall be limited to the following locations: Shryock Auditorium, McLeod Theatre, Morris Library, the Law School, the Stone Center, the Student Center, the Student Health Center and the Dunn Richmond Economic Development Center.

The Liquor Advisory Board was scheduled to review and make a recommendation on this matter on October 4, 2012, however the meeting was cancelled due to a lack of a quorum.

Recommended Action:

The City Council is requested to adopt the amendment to Title Two (2) Chapter Four (4) Section Eleven (11) of the Carbondale Revised Code.

<p>Engineering Approval Obtained</p>	<p>Finance Approval Obtained</p>	<p>Legal Approval Obtained</p>	<p>Approval Obtained</p>	<p>Manager's Approval Obtained</p>
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Council Action: Motion by _____ 2nd by _____ to _____

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING TITLE TWO (2) CHAPTER FOUR (4) SECTION ELEVEN (11) OF THE CARBONDALE REVISED CODE AS IT RELATES TO CATERING LICENSE

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THIS 23RD DAY OF OCTOBER, 2012

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 24th day of October, 2012.

CERTIFICATE OF PUBLICATION

I, Rachael Keehn, the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this ordinance was published in pamphlet form by authority of the City Council on the 24th day of October, 2012.

Rachael Keehn, City Clerk

ORDINANCE NO. 2011-____

AN ORDINANCE AMENDING TITLE TWO (2) CHAPTER FOUR (4) SECTION ELEVEN (11) OF THE CARBONDALE REVISED CODE AS IT RELATES TO CATERING LICENSE

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, Title Two (2) Chapter Four (4) Section Eleven (11) of the Carbondale Revised Code provides for a catering license for holders of other liquor license; and

WHEREAS, updating and amending Titles of the Carbondale Revised Code is necessary periodically to remain current with State law and to adopt new programs which may be beneficial to the community; and

WHEREAS, the City Council of the City of Carbondale recognizes the need to amend Title Two (2) Chapter Four (4) Section Eleven (11) to provide for a catering license at Southern Illinois University Carbondale properties; and

WHEREAS, the City Council of the City of Carbondale finds it in the best interest of the City of Carbondale to amend Title Two (2) Chapter Four (4) Section Eleven (11) as set out herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CARBONDALE, ILLINOIS AS FOLLOWS:**

SECTION 1. That Title Two (2) Chapter Four (4) Section Eleven (11) of the
Carbondale Revised Code is hereby amended as follows:

2-4-11: CATERING OPTION FOR LOCAL LICENSEES:

A. Qualifications; Restrictions: A catering option is available as an addition to any
classification of alcoholic liquor license available under this title. The option allows licensees to
serve and sell alcohol for consumption off the licensed premises while catering any event.

B. Compliance: No licensee shall serve or sell alcoholic liquor at an off premises, catered
event except upon application to and approval by the local liquor control commission, or its
designee. Approval is subject to the terms, conditions, and restrictions of this and all other
pertinent sections of this code.

C. Types Of Catering Options Available:

1. Civic Center and Southern Illinois University Carbondale Catering Option: Licensees
who wish to cater alcohol at the Carbondale Civic Center or at designated Southern Illinois
University Carbondale properties may do so upon application to and approval by the local liquor
control commission, or its designee. Functions being held at the civic center or at designated
Southern Illinois University Carbondale properties may be by invitation only or may be open to
the public. The sale of alcohol is permitted at civic center functions and events at designated
Southern Illinois University Carbondale properties for consumption on the premises only.
Packaged beer or wine may be sold when the sale is in conjunction with a preapproved beer or
wine tasting event except, however, the seal of said packaged beer or wine may not be broken
while on the premises. To obtain a catering license for events at Southern Illinois University
Carbondale properties the licensee must be approved by Southern Illinois University Carbondale
authorities prior to the application to the Local Liquor Control Commission.

2. Private Function Catering Option: Licensees who wish to cater alcohol at private
functions may do so upon application to and approval by the local liquor control commission, or
its designee. The private function must be by invitation only and not open to the public. The sale
of alcohol to guests or invitees is not permitted at the private function.

3. A catering license for events on Southern Illinois University Carbondale properties shall be limited to the following locations: Lesar Law Building, Stone Center, Student Center, Student Health Center, Dunn Richmond Economic Development Center, McLeod Theatre, Morris Library, and Shryock Auditorium.

D. Sought In Conjunction With Liquor License Application: An application for the catering option may be filed in the city clerk's office at the time of application for a liquor license, at the time of renewal of a liquor license, or any time during the license year. There is no fee required.

E. Dramshop Insurance: Licensees applying for either the private function catering option or the civic center catering option shall obtain dramshop liability insurance in the amounts required as set forth in this title. A certificate of insurance must be filed with the city clerk's office at the time of application for the catering option. The certificate must document that the licensee is covered by dramshop liability insurance at all catered events to be held off the licensed premises. In addition, if the licensee is applying for the civic center catering option, the certificate of insurance must also name the city of Carbondale as an additional insured. Further, if the licensee is applying for a license to cater on Southern Illinois University Carbondale properties, the certificate of insurance must also name Southern Illinois University Carbondale as an additional insured.

F. Designee Of The Local Liquor Control Commission: For purposes of this section, the city clerk is hereby named the designee of the local liquor control commission.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed Ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance No. 2012-___ of the Ordinances of the City of Carbondale, Illinois, and shall be in full force and effect from and after its passage, approval, recording and publication in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Rachael Moore, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, Assistant City Attorney