

VILLAGE OF BARTLETT

COMMITTEE AGENDA

APRIL 2, 2019

LICENSE & ORDINANCE, CHAIRMAN CAMERER

Carry-In License



Agenda Item Executive Summary

Item Name Carry-In License Committee or Board Committee

BUDGET IMPACT			
Amount:	N/A	Budgeted	N/A
List what fund	N/A		
EXECUTIVE SUMMARY			
<p>The Village has always looked for new avenues to help its local restaurants and eateries. A trend some small eating establishments are moving towards are “carry-in licenses.” The Village received a recent request to have a carry-in license and staff engaged in reviewing what the parameters could be. Staff looked at multiple forms of the licenses and found St. Charles’ license to be a good guide for consideration. The proposed parameters are listed in the memo for discussion. Should the license be approved and an applicant apply, they would need to go through the special use process and be approved.</p>			
ATTACHMENTS (PLEASE LIST)			
Staff memo Sample Ordinance			

ACTION REQUESTED

For Discussion Only X
Resolution _____
Ordinance _____
Motion: _____

MOTION:

Staff: Sam Hughes, Senior Management Analyst Date: 3/26/2019

Memorandum

To: Paula Schumacher, Village Administrator
From: Samuel Hughes, Senior Management Analyst
Date: 3/27/2019
Re: Carry-In License

The Village has always looked for new avenues to help its local restaurants and eateries. A trend some small eating establishments are moving towards are “carry-in licenses.” These liquor licenses allow restaurants that do not have a large demand or would not normally have a full liquor license, to allow patrons to bring in their own. The Village received a recent request to have a carry-in license and staff engaged in reviewing what the parameters could be. Staff looked at multiple forms of the licenses and found St. Charles’ license would be a good guide for consideration. The parameters of the proposed license are highlighted below:

1. The beer or wine is carried in the original bottle, unopened.
2. No more than one bottle of wine not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer in 12-ounce cans or bottles may be carried per patron.
3. The restaurant may require the beer or wine to be opened and served by a staff member and they may charge a corkage or setup fee for that service.
4. The beer or wine may only be consumed by persons who are served a meal.
5. The beer or wine may be served only during the hours that food is being served.
6. Carry-in beer or wine may only be consumed inside the restaurant premises.
7. Carry-in licensees are prohibited from storing alcohol on the premises.
8. Patrons may remove one, unsealed and partially consumed bottle of wine for off-premises consumption and any sealed bottles/cans of beer, provided that the patron or guest has purchased a meal and consumed a portion of the bottle of wine and/or beer with the meal on the restaurant or food establishment premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag.
9. BASSET training is required for at least one person who is on duty whenever wine and/or beer is allowed to be carried into the premises and consumed;
10. Carry-in licensees shall be liable for, violations for service to minors and the over serving of patrons and guests, and in addition to the fines, suspension and/or revocation of the carry-in liquor license or potentially suspension and/or revocation of the business license issued to the commercial establishment.

11. Proposed hours of service are:

Sunday – Thursday 10:30 a.m. to 12:00 midnight

Friday and Saturday 10:30 a.m. to 1:00 a.m.

If the eatery stops serving food before the time listed, beer and wine are restricted from being served.

Businesses that do not prepare and serve food as their principal business would be exempt from receiving a carry-in license. Eateries requesting a license are also required to have liquor liability insurance and the cost for a license would be set at \$250 per year which is in the range of surrounding communities with a similar license. Should the license be approved and an applicant apply, they would need to go through the special use process and be approved. This item is before you for discussion purposes.

ORDINANCE 2019 - _____

**AN AMENDMENT TO TITLE 3, CHAPTER 3, OF THE
BARTLETT MUNICIPAL CODE ENTITLED "THE BARTLETT LIQUOR
CONTROL ORDINANCE" TO AMEND SECTION 3-3-2 THEREOF
TO ADD A NEW LIQUOR LICENSE CLASSIFICATION FOR THE
CARRY-IN OF BEER AND/OR WINE FOR CONSUMPTION ON PREMISES**

WHEREAS, the President and Board of Trustees of the Village of Bartlett have adopted Title 3, Chapter 3, entitled the Bartlett Liquor Control Ordinance of the Bartlett Municipal Code; and

WHEREAS, the President and Board of Trustees of the Village of Bartlett deem it in the best interests of the Village of Bartlett to provide a liquor license category for the carry-in of unopened beer and/or wine for consumption on the premises of a commercial business that is a restaurant or food service establishment in which food preparation and the service of food is the principal business, and which restaurant or food service establishment does not sell alcoholic beverages;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, as follows:

SECTION ONE: That Section 3-3-2 entitled "License Classification, Hours, Fees, Number Issued" of Chapter 3 of Title 3 of the Bartlett Municipal Code is hereby amended by adding new Section 3-3-2-18: CLASS P: as follows:

3-3-2-18: CLASS P: A Class P Carry-In License shall authorize the carry-in of beer or wine only (spirits are not permitted) by the business patron(s) or guest(s) of a commercial business that does not sell alcoholic beverages but operates as a restaurant or food service establishment in which food service preparation and service of food is the principal business conducted, to allow for consumption of said carried-in beer and/or wine on the premises, subject to the following limitations and restrictions:

For purposes of this section "beer" shall mean any alcoholic beverage obtained by the alcoholic fermentation of an infusion or concoction of

barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

For purposes of this section, "wine" shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits and vegetables, excluding grains, containing sugar, and including such beverages when fortified by the addition of alcohol or spirits.

For purposes of this section, "restaurant" or "food service establishment" shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are prepared and served, without sleeping accommodations, where the principal business conducted is food preparation and the service of food on the premises, where such space being provided has an adequate and sanitary commercial kitchen and separate dining room with dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and guests.

A. Hours of Operation:

Sunday, Monday, Tuesday, Wednesday, and Thursday	From 10:30 a.m. to 12:00 midnight
Friday and Saturday	From 10:30 a.m. to 1:00 a.m.

but with said hours of operation subject to the restriction that carried-in beer and wine may be served only during the hours that food is being served, and subject to the further limitations and restrictions set forth in this Section.

B. Annual License Fees: See Section 3-1-1 of this Title.

C. Number Issued: The number of Class P liquor licenses shall be limited to 3.

D. Insurance:
Proof that the licensee has in place, carries and maintains dram shop liability insurance, or liquor liability insurance or commercial general liability insurance which includes host liquor liability coverage.

E. Conditions:

1. The beer and/or wine that is carried in by patrons and guests of the commercial business must be in the original bottle or can and must be unopened.

2. No more than one (1) bottle of wine not exceeding seven hundred fifty milliliters (750 ml) per guest and no more than one (1) six-pack of beer (six 12 ounce cans or bottles, or in cans or bottles not exceeding in the aggregate 72 fluid ounces) per guest may be brought into the restaurant or food establishment for consumption by any patron.
3. At the licensee's discretion, the licensee may require the beer or wine to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service.
4. The beer or wine may only be consumed by persons who are served a meal.
5. The beer or wine may be served only during the hours that food is being served.
6. Carry-in beer or wine may only be consumed inside the restaurant premises.
7. Carry-in licensees are prohibited from storing alcohol on the premises.
8. Patrons may remove one, unsealed and partially consumed bottle of wine for off-premises consumption and any sealed bottles/cans of beer, provided that the patron or guest has purchased a meal and consumed a portion of the bottle of wine and/or beer with the meal on the restaurant or food establishment premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag.
9. Illinois beverage alcohol sellers and servers education and training (BASSET) certification from an entity that has obtained a BASSET training license from the Illinois Liquor Control Commission. BASSET training is required for at least one person who is on duty at all times that wine and/or beer is allowed to be carried into the premises and consumed by the patron that carried in said wine and/or beer and his or her guests, and subject to the limits set forth in paragraph 2 of this subsection E.
10. Carry-in licensees shall be liable for violation of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons and guests, and in addition to the fines, suspension and/or revocation of the carry-

in liquor license issued under this section, shall further be subject to the fines and penalty provisions set forth in Chapter 1 of this Title, including the suspension and/or revocation of the business license issued to the commercial establishment.

SECTION TWO: That Section 3-1-1 entitled "License Required, Fees, Special Regulations" of Title 3 of Chapter 1 of the Bartlett Municipal Code is hereby amended by amending "Class P" under the heading "Liquor Sales" and inserting across from "Class P": "\$250.00 per year".

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon passage and approval.

ROLL CALL VOTE:

AYES:
NAYS:
ABSENT:

PASSED:
APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Gilles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2019 - ____ enacted on _____, 2019, and approved on _____, 2019, as the same appears from the official records of the Village of Bartlett.

Linda Gallien, Village Clerk

SAMPLE