

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.08.280-RESTRICTIONS AND PROHIBITIONS OF CHAPTER 5.08 (ALCOHOLIC BEVERAGES) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE CITY OF CREST HILL CODE OF ORDINANCES

WHEREAS, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, Section 4-1 of the Illinois Liquor Control Act (235 ILCS 5/4-1) authorizes the Corporate Authorities to determine the number, kind, and classification of liquor licenses that authorize the sale of alcoholic liquor at retail within the City’s corporate limits; and

WHEREAS, the Corporate Authorities of the City previously exercised the authority granted by Section 4-1 of the Liquor Control Act, enacting Chapter 5.08 (Alcoholic Beverages) of the City of Crest Hill Code of Ordinances (the “City Code”); and

WHEREAS, pursuant to Section 11-20-3 of the Illinois Municipal Code, the Corporate Authorities of the City have the authority to regulate certain businesses, including Retail Tobacco Stores 65 ILCS 5/11-20-3; and

WHEREAS, February 5, 2024, the Corporate Authorities passed Ordinance #1973 creating a new classification of permit within its Liquor Code, specifically a Bring Your Own Bottle (BYOB) permit, which may be issued only to a Retail Tobacco Store as defined by the Smoke Free Illinois Act; and

WHEREAS, the Corporate Authorities have determined that amending Section 5.08.280 to allow certain regulated outdoor consumption of a patron’s alcohol on the premises of a Class Q BYOB Permitted Business is in the best interests of the City and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREST HILL, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1: The City Council hereby finds that all the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: That Section 5.08.080-Restrictions and Prohibitions of Title 5 (Business Licenses and Regulations), Chapter 5.08 (Alcoholic Beverages) is hereby amended by repealing and replacing Section 5.08.080 with the following:

SECTION 5.08.280- RESTRICTIONS AND PROHIBITIONS.

- (A) It shall be unlawful and strictly prohibited for any Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. to allow any person to consume alcohol on the premises unless it holds a valid current Class Q BYOB Permit.
- (B) No person under the age of 21 shall be allowed to consume alcohol on the premises of any business holding a Class Q BYOB Permit.
- (C) It shall be unlawful and a violation of the Class Q BYOB Permit for the Permit Holder, Owner, Manager, and/or Employees of the Class Q BYOB Permit holder to allow public intoxication on the business premises and the Class Q BYOB Permit Holder or authorized representative(s) shall promptly remove or have removed any customers who are intoxicated, and, if necessary, shall promptly call for police assistance when necessary.
- (D) A Retail Tobacco Store as defined in Section 10 of the Smoke Free Illinois Act, 410 ILCS 82/1 et. seq. which has been issued a Class Q BYOB Permit shall not allow customers to consume any alcoholic beverage on the premises without first being served cigars or other tobacco products. It shall be unlawful and a violation of the Class Q BYOB Permit to allow customers to consume alcohol without also consuming cigars and/or other tobacco products.
- (E) It shall be unlawful and a violation of the Class Q BYOB Permit for any Retail Tobacco Store, including the holder of a Class Q BYOB Permit, to allow gambling of any kind on the premises. The Class Q BYOB Permit is not considered a pouring license, and a Retail Tobacco Store which is issued a Class Q BYOB Permit shall not be considered a liquor licensee of the City.
- (F) It shall be unlawful and a violation of the Class Q BYOB Permit for any employee or owner of a Retail Tobacco Store issued a Class Q BYOB Permit to consume alcohol on the premises or be intoxicated while working at the premises.
- (G) It shall be unlawful and a violation of the Class Q BYOB Permit to allow consumption of alcohol outside the Permitted Business except on an attached patio, deck or other area with access restricted to patrons of the Retail Tobacco Store, and which shall be specifically requested and included in the Permit, if granted by the City.
- (H) A Class Q BYOB Permit Holder shall also provide storage lockers and/ or a secured storage area for customers to keep their alcoholic beverages on premises, but each such individual locker shall be keyed or coded individually so that no one other than the customer assigned that locker shall have access to it. The Class Q BYOB Permit Holder may maintain a master key or combination for the purposes of cleaning out the lockers in the event of disuse by a customer or other legitimate business reasons.
- (I) No opened alcohol may be removed from the premises. If a locker is unavailable, the

Class Q BYOB Permit Holder shall provide a designated secured area for the storage of unconsumed alcohol or discard any opened alcohol.

- (J) The hours of a Retail Tobacco Store holding a CLASS Q BYOB Permit shall be limited to the hours that the Retail Tobacco Store is open to the public. However, the CLASS Q BYOB Permit shall allow on-premises alcohol consumption for private or after-hours events held at the Retail Tobacco Store provided that the on-site consumption of alcohol shall in no event be allowed during the prohibited times as outlined in Section 5.08.180 of the Crest Hill City Code.
- (K) The Retail Tobacco Store holding a Class Q BYOB Permit shall be permitted to charge a fee for providing glassware, ice, or opening bottles, which is sometimes known as "corkage fee." However, the owner and employees of the Class Q BYOB Permit Holder shall not be permitted to pour any alcoholic beverage. The Class Q BYOB Permit holder shall also be permitted to charge locker fees.
- (L) The Class Q BYOB Permit Holder shall also provide to the City a certificate of insurance reflecting General Liability in the amount of \$1,000,000 each occurrence, and Liquor Liability coverage \$250,000 each occurrence. At the time of Permit issuance (and renewal), and at any time the foregoing insurance policies are renewed or changed, the Class Q BYOB Permit Holder shall provide to the City a certificate of insurance naming the City of Crest Hill as an additional insured on the Permittee's General Liability and Liquor Liability Insurance Policies.
- (M) The Class Q BYOB Permit Holder shall defend, indemnify, and hold harmless the City of Crest Hill, its agents, employees, elected and appointed officials from any and all claims or causes of action arising out of the consumption of alcoholic beverages on the premises. The City shall have the sole ability and right to choose defense counsel on any such claim for which the Class Q BYOB Permit Holder is obligated to defend and indemnify the City.
- (N) Any violation of this Section shall be considered grounds for suspension or revocation of the Class Q BYOB Permit by the Mayor who may decide to suspend or revoke the Permit, but only after a hearing which shall be held within 14 days of service of written notice of the alleged violation on the Class Q BYOB Permit Holder. In the event of suspension or revocation, the Permit Holder may appeal to the City Council, whose majority decision shall stand as the final administrative act of the City.

SECTION 3: In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4: That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5: That the City Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED THIS 18TH DAY OF MARCH, 2024.

Alderman John Vershay	Aye	Nay	Absent	Abstain
	_____	_____	_____	_____

Alderman Scott Dyke	_____	_____	_____	_____
Alderman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderman Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 4TH DAY OF MARCH, 2024.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk