

ORDINANCE 2014-19

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE
BARTLETT MUNICIPAL CODE TO AMEND THE BARTLETT LIQUOR
CONTROL ORDINANCE TO AMEND SECTION 3-3-2-15: CLASS M
AND TO ADD NEW SECTION 3-3-2-17: CLASS O**

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

SECTION ONE: That Title 3, Chapter 3, Section 3-3-2-15: class M of the Bartlett Municipal Code is hereby amended and restated as follows:

3-3-2-15: class M:

class M licenses, which allow out of town caterers not possessing another class of Village of Bartlett liquor license, a license to serve alcoholic liquor for use or consumption, but not for resale in any form, and only at the locations and on the specific dates designated for the catered events approved by the local liquor control commissioner as herein provided, as an incidental part of food services; provided that such serving of alcoholic liquor and the consumption thereof is limited to guests and invitees at catered events and not the general public, and further subject to the following restrictions:

A. Hours of Operation:

1. Not to exceed eight (8) consecutive hours within a period of twenty-four (24) consecutive hours;
2. Within the following time limits:

Sunday, Monday, Tuesday, Wednesday, Thursday	From 8:00 A.M. until 1:00 A.M.
Friday and Saturday	From 8:00 A.M. until 2:00 A.M.

3. Within the time limits imposed by any applicable state statute.

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

C. Number Issued: The number of class M Liquor Licenses shall be limited to five (5).

D. Definitions: For the purpose of this Section 3-3-2-15:M:, the following words shall have the following meanings, except where otherwise specifically indicated:

“Catered events” shall mean a prearranged party, planned function, or event for a specific social or business occasion hosted by an individual or entity held on a specific date or dates at a business location in the Village approved by the local liquor control commissioner or on the premises of a business establishment that does not otherwise have an on premises Village liquor license, at which invited guests, and not the general public, are served food prepared off site by an out-of-town caterer and alcoholic liquor is served only as an incidental part of food services, at no charge to the said invited guests, but at the expense of the host.

“Out-of-town caterer” shall mean and include a person or entity, whose place of business is located outside of the Village, that is in the business of preparing food off site and providing food, beverages, and alcoholic liquor, as an incidental part of food service, at catered events, and which person or entity holds out-of-town local license issued by another municipality, county or other local government and a caterer retailer liquor license issued by the Illinois liquor control commission.

“Out-of-town local license” shall mean (i) a business license for a catering business issued by a municipality other than the Village of Bartlett, or by a county, or by another unit of local government; and (ii) a caterer retailer liquor license, issued by a municipality other than the Village of Bartlett, or by a county, or by another unit of local government.

“State liquor licenses” shall mean a caterer retailer liquor license issued by the Illinois liquor control commission.

E. Insurance: Licensee must furnish evidence that licensee’s liquor liability insurance coverage required under section 3-3-6 of this chapter and any additional liquor liability and/or dram shop insurance coverages required by statute provides coverage for liability arising out of the sale and/or service of alcoholic liquor for each of the catered events. Licensee shall comply with the liquor license and additional insured endorsement requirements set forth in section 3-3-6 of this chapter. The property owner at which the catered event will take place shall provide evidence that said owner has host liquor liability insurance in place.

F. Limits on License: A class M liquor license shall only be issued to out-of-town caterers that do not possess a Village of Bartlett liquor license, but that hold valid out-of-town local licenses issued by another municipality, a county, or another unit of local government and a state liquor license, including a business license and a caterer retailer liquor license issued by said other municipality, county or unit of government, and a caterer retailer liquor license issued by the Illinois liquor control commission. The class M license shall be limited to catered events on specific date(s), times and location(s) set forth in the application, or amended application, and all alcoholic beverage service and consumption shall be confined to a specified area on the premises at which the catered event shall take place and shall be

subject to such other conditions as may be imposed by the local liquor control commissioner. Licensee shall not engage in any sale, or offer for sale or service, of alcoholic liquor in connection with any catered event without holding and maintaining a Village class M liquor license, out-of-town local licenses and state liquor license, and shall not accept payment from any guest and/or invitee at any catered event, but shall only accept payment from the individual, entity, or business establishment, hosting the catered event at a package price agreed to by contract.

- G. BASSET Certification: A class M liquor license holder shall at all times cause the sale, offer for sale, and/or serving of alcoholic liquor pursuant to said class M liquor license to be performed exclusively by persons who have received a beverage alcohol sellers and servers education and training (BASSET) certification from an entity that has obtained a BASSET license from the Illinois liquor control commission.
- H. The class M license application shall be submitted in accordance with section 3-3-4 of this chapter 3 and shall include the following:
 - 1. Copies of all out-of-town local licenses and state caterer retailer liquor license.
 - 2. Copies of certificates of insurance evidencing not less than the types and amounts of coverages required under subsection E of this section and as otherwise required by law.
 - 3. Payment of the application fee as required pursuant to section 3-1-1 of this title.
 - 4. A listing of the time(s) and locations(s) of the catered events within the Village of Bartlett subject to the hours of operation set forth in paragraph A.
 - 5. Such other information and/or documentation required by the local liquor control commissioner relative to the catered events.
 - 6. Provided there is an available class M license, or one has been newly created by the corporate authorities, and all of the other conditions of this section 3-3-2-15:M: have been satisfied, the local liquor control commissioner will issue a class M liquor license for one or more catered events, and it shall be incumbent upon the holder of a class M license to amend its application to add any new catered event not listed on the initial application for a class M license during the term of the license is filed with the local liquor control commissioner at least 14 days before the catered event.

SECTION TWO: That Title 3, Chapter 3, of the Bartlett Municipal Code is amended by adding new Section 3-3-2-17: Class O as follows:

3-3-2-17: CLASS O:

Class O licenses are special use permit liquor licenses which allow a licensee who holds a class A, A extended, B, and/or F on premises liquor license that has been issued by the village of Bartlett local liquor control commissioner (the "local liquor control commissioner") to sell and offer for sale alcoholic liquor off premises, at retail, at a package price agreed to by contract with the host and/or to serve alcoholic liquor for use and consumption off the premises for which said class A, A extended, B, and/or F liquor license has been issued, as an incidental part of food services at a prearranged party, planned function or event for a specific social or business occasion event at a business location in the Village, which event is not open to the general public but is by invitation or reservation in conjunction with food services provided by a third party food caterer(s), as defined below, and where alcoholic service is limited to guests and invitees pursuant to a special use permit issued by the Illinois liquor control commission and the local liquor control commissioner for a specific date, time and location, subject to the restrictions set forth below.

A. Hours Of Operation:

1. Not to exceed eight (8) hours within a period of twenty-four (24) consecutive hours;
2. Within the following time limits:

Sunday, Monday, Tuesday, Wednesday, Thursday	From 8:00 A.M. until 1:00 A.M.
Friday and Saturday	From 8:00 A.M. until 2:00 A.M.

3. Within the time limits imposed by any applicable state statute.

B. License Fees: See section 3-1-1 of this title.

C. Number Issued. The number of class O special use permit licenses shall be limited to 10 off premises catered events per class A, class A extended, class B and/or class F liquor licensee per term (5/1 – 4/30).

D. Definitions: For purpose of this section, "food caterer" shall mean and include a person or entity with a business license issued by the Village of Bartlett, another municipality, a county, or by another unit of local government to allow that individual or entity to provide off premises food service for a prearranged party, planned function or event for a specific social or business occasion not open to the general public but only to invited guests, and food service is provided under contract with the host and at no charge to the invited guests.

For purposes of this section, "catered event" shall mean a planned or prearranged party, planned function or event for a special or business occasion by invitation or reservation hosted by an individual or entity, held on a specific date or dates (up to 8 events per licensee, per term) on the premises of a business that does not have a regular on premises village of Bartlett liquor license, where alcoholic liquors are served as an incidental part of food service provided by one or more food caterers for that same prearranged party, planned function or event sold at no charge to the invited guests, but at the cost of the host under contract with the food caterer(s) and/or the licensee for which a special use permit has been issued by the Illinois liquor control commission and the local liquor control commissioner to sell and/or serve alcoholic liquor off premises from the location of its on premises retail liquor license.

- E. Insurance: The owner of the premises at which the prearranged party planned function or event will take place must furnish evidence of host liquor liability coverage and the licensee must furnish evidence that licensee's liquor liability insurance coverage required under section 3-3-6 of this chapter and any additional liquor liability and/or dramshop insurance coverages required by statute provides coverage for liability arising out of the sale and/or service of alcoholic liquor for the date(s), time(s) and off premises location set forth in the state and local special use permits. Licensee shall comply with the liquor license and additional insured endorsement requirements set forth in section 3-3-6 of this chapter.
- F. Limits On License: A class O special use permit liquor license shall only be issued to class A, A extended, B, and/or F liquor licensees and for catered events as defined in this Section O as an incidental part of food service provided by the licensee or a third party food caterer(s) that is also under contract with the host to provide prepared meals at the same catered event. The class O special use permit liquor license shall only be valid for catered functions located within the corporate limits of the village on the dates, times and location set forth in the Class O special use permit.
- G. BASSET Certification: A class O special use permit liquor license holder shall at all times cause the sale, offer for sale, and/or serving of alcoholic liquor pursuant to said class O liquor license to be performed exclusively by persons who have received a beverage alcohol sellers and servers education and training (BASSET) certification from an entity that has obtained a BASSET license from the Illinois liquor control commission.
- H. Submittal of Licensee Application: The class O license application shall be submitted in accordance with section 3-3-4 of this chapter and shall also include the following:
 - 1. A copy of licensee's class A, A extended, B and/or F on premises Bartlett liquor license.

2. A listing of the time(s) and location(s) of the catered events within the village of Bartlett subject to the hours of operation set forth in subsection A of this section.
 3. A copy of the food catering contract for each catered event.
 4. Copies of certificates of insurance evidencing not less than the types and amounts of coverages required under subsection E of this section.
 5. Such other information and/or documentation required by the local liquor control commissioner relative to the catered events.
 6. Payment of the application fee as required pursuant to section 3-1-1 of this title.
 7. Upon review of submittals set forth in paragraphs 1 through 6 of this subsection H and a preliminary determination that all of the conditions of this section have been satisfied, the local liquor control commissioner will issue an unsigned class O special use permit liquor license or letter directed to the Illinois liquor control commission, to enable the applicant to procure a state special use permit for the catered event(s) applied for, and evidencing or stating the local liquor control commissioner's intention to sign or issue a class O special use permit liquor license for the dates and times set forth in a valid special use permit liquor license issued by the Illinois liquor control commission, provided the submittal documents are filed with the local liquor control commissioner at least fourteen (14) days before the catered event, or before the first catered event if more than one catered event.
 8. Provided the class O liquor licensee has filed its state issued special use permit license with the local liquor commissioner at least seven (7) days before the catered event and has otherwise complied with the requirements of this section, the local liquor control commissioner will issue a class O special use permit for the catered event.
- I. Alcoholic liquor shall not be served off premises at any catered event by a class A, class A extended, class B, or class F Bartlett liquor licensee that does not also have either a class K caterer's license or a class O special use permit liquor license for such catered event.

SECTION THREE: That Title 3, Chapter 1, Section 3-1-1 of the Bartlett Municipal Code is amended by adding the following under the heading "Liquor Sales" with respect to the fees charges for class M and Class O liquor licenses:

Class M: \$200 per year plus \$25 per amendment to add catered event(s) not included in the initial application.

Class O: \$100 per year plus \$25 per additional special use permit per catered event not included in the initial application.

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

ROLL CALL VOTE:

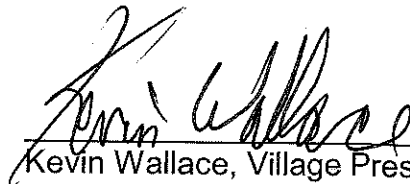
AYES: Trustees Arends, Camerer, Carbonaro, Martin, Reinke, Shipman

NAYS: None

ABSENT: None

PASSED: April 1, 2014

APPROVED: April 1, 2014


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 2014-19, enacted on April 1, 2014, as the same appears from the official records of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois.


Lorna Gilles, Village Clerk

