

ORDINANCE NO. 19-026

AN ORDINANCE AMENDING SECTION 115.24, ENTITLED "CLASSES OF LICENSES; FEES", OF THE CITY ORDINANCES OF THE CITY OF MONMOUTH, ILLINOIS

BE IT ORDAINED by the City Council of the City of Monmouth, Warren County, Illinois, as follows:

Section 1:

Section 115.24 of the Monmouth Code of Ordinances, as currently codified is hereby amended to include subsection (A) (5) to read as follows:

Section 115.24 (A) (5) - SPECIAL EVENT LICENSE (CLASS 5).

(1) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) **APPROVED LOCATION.** Special event locations must be approved by the Mayor/Liquor Commissioner, or his designee.

(b) **CLASS 5 SPECIAL EVENT LICENSE.** A city license issued to an event organizer issued for a specific term as set forth below.

(c) **MERCHANTS' ASSOCIATION.** A group of three or more businesses with the purpose of promoting tourism or community gathering, with at least one member of the association holding a current liquor license, or State issued special event license.

(d) **ORGANIZER.** The civic, service, charitable, not-for-profit, or merchants' association responsible for hosting, organizing, managing, and monitoring the event.

(e) **SPECIAL EVENT.** An event, outing, festival, celebration or other such special occasion for consumption of alcoholic beverages on premises or within an area specifically designated as a Class 5 license.

(2) *License Required.* No person shall operate a special event serving alcoholic beverages on any portion of the city's property without a valid Class 5 Special Event License to be so issued by the City Clerk. A Class 5 Special Event License may only be issued to an organizer.

(3) *License.* The City Clerk shall issue a license to an organizer if the organizer receives ultimate approval from the City Council. The organizer shall complete an application on a form approved by the City Clerk. The organizer shall, at a minimum, provide the following information:

(a) The organizer's name and address. If the organizer is a corporation, the organizer shall identify a manager and state the name and address of its manager;

(b) Attach a copy of its plan of operation as provided for in division (7) below;

(c) Certify that the special events license is located in an approved location;

(d) Provide evidence of the event manager's completion of a BASSET certified training program; and

(e) Provide evidence of insurance insuring the organizer against liability arising out of the operation of the organizer's special event in amounts of at least \$500,000 for the injury or death of one person, \$1,000,000 for the injury or death of two or more persons and \$50,000 for damage to property. The city shall be named as an additional insured in the policy providing the insurance, and the policy shall further provide that it may not be canceled except upon ten days' written notice filed with the City Clerk.

(f) The application shall be made with the City Clerk not less than 30 days prior to the date of the event.

(4) *Term.* A Class 5 Special Event license shall be issued for a specific date (or dates for a seasonal recurring event within a season), and shall be valid only during the hours shown on the license, which hours shall be subject to the approval of the Mayor/Liquor Commissioner or his designee. In no event shall the hours exceed 7:00 a.m. to 12:00 midnight.

(5) *Fee.*

(a) A non-refundable application fee of \$50 to recover the cost of processing the application shall be paid to the City Clerk by an Organizer.

(6) *Inspection; Records.*

(a) The city reserves the right to inspect all licensed premises at any time.

(b) Every holder of a Class 5 Special Event license shall keep complete and accurate records, including a daily sheet showing receipts from the sale of alcoholic liquor.

(7) *Plan of Operation.* Each organizer shall provide a copy of its plan of operation to the City Clerk. The plan of operation shall provide, at a minimum, the following:

(a) A dimensional plan drawn to scale and done in a professional manner showing the special events area and all public improvements (sidewalks, light posts, benches, planters, trees and tree grates) in the immediate area, and showing the location and approximate size of all proposed signs and banners advertising alcoholic beverages;

(b) The location of the entrances and exits of the special event, which shall include the organizer's proposal to provide secure access to the event;

(c) The location of all trash receptacles for the special event; and

(d) The location of any portable toilets for the special event, if deemed necessary.

(8) *Restrictions*

(a) The organizer shall conduct the special event in a safe manner.

(b) The organizer shall:

(i) Operate the special event in accordance with the plan of operation filed with and approved by the city.

(ii) The Mayor/Liquor Commissioner or his designee may consider the following characteristics of the event as proposed to determine whether to request a meeting with the organizer ahead of the event and whether to recommend the imposition

of additional security measures as a condition of the license, which factors that may be consider include the following:

1. The size of the event;
2. The duration of the event;
3. The number of persons that can reasonably be expected to attend the event;
4. The event's proximity to residential areas;
5. The event's proximity to public streets or other public rights-of-way;
6. Whether entertainment will be provided;
7. The Police Department's or other municipalities' experience with similar events in the past; and
8. Any other characteristics of the event as proposed that could reasonably be expected to adversely affect the public health, safety and welfare in the absence of security measures.

If the Mayor/Liquor Commissioner or his designee deems additional security measures are required the organizer shall pay to the city an amount equal to the prevailing overtime wages which the city is required to pay to any on-duty city police officers required in the discretion of the Mayor/Liquor Commissioner or his designee to provide such additional security.

(c) The following items are additional requirements with which the organizer must comply.

(i) All merchants intending to sell, serve or otherwise distribute alcoholic beverages must be listed on the application.

(ii) Only merchants with a current liquor license, or a State issued special event liquor license, are allowed to sell, serve, or otherwise distribute alcohol at any time during the event.

(iii) Organizers are required to have checkpoints at all entrances and exits from the event. The checkpoints are required to:

1. Be occupied by at least one volunteer, who is 21 years old or older;
2. Have a trash receptacle; and
3. Have a free standing sign stating, 'No alcohol past this point,' not smaller than four feet high and four feet wide.

(iv) Organizers are required to check I.D.s of patrons.

(v) Banners and large signs displaying or advertising alcoholic beverages are not allowed unless specifically approved by the Mayor/Liquor Commissioner or his designee. Menu signs of reasonable size may be placed in close proximity of alcohol purchasing locations.

(d) The organizer is required to purchase wrist bands for all attendees that are 21 years of age or older. Wristbands must contain adhesive and be one time use only. Wristbands shall not be transferable to other persons.

(e) All drink containers must be made from a non-breakable material including plastic cups and/or aluminum cans. Glass bottles shall not be sold during the event. If a beverage can only be purchased in a glass bottle it must be poured into a plastic cup. The

glass bottle must be disposed of by the organizer's staff. At no time may a special event worker hand a consumer a glass container.

(f) **BASSET Training.** The organizer must have been trained via a State of Illinois approved BASSET training program. There must be at least one person on site at all times that is BASSET certified. If the organizer will not be on-site for the entire duration of the special event the organizer must provide names of the additional qualified members on the application.

(g) **Reservation of rights.** The city reserves the right to require any special event to cease part or all of its operation in order to allow for construction, maintenance or repair of any street, sidewalk utility, or public building by the city, its agents or employees, or by any other governmental entity or public utility; to allow for the use of the street or sidewalk in connection with parades, civic festivals and other events of temporary nature as licensed by the city; and to remedy a public nuisance or to protect the public health, safety, or welfare.

(h) (i) The organizer shall at all times comply with the requirements of the ordinances of the city and the laws of the state while engaged in the operation of the special event, including specifically but not limited to any law, regulation or ordinance pertaining to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.

(ii) The organizer shall not include materially false or misleading information on its application.

(iii) The organizer shall at all times operate the special event so that it does not create a public nuisance or a hazard to the public health, safety or welfare.

(9) *Clean Up.*

(a) The organizer shall, within 120 minutes after the ending time of the event, remove all refuse, litter debris, garbage and the like from the property used for the event abutting or in any public right-of-way.

(b) In the event that an organizer does not remove all refuse, litter, debris, garbage and the like in the 120-minute period, the city may remove all refuse, litter, debris, garbage and the like from the property used for the event and bill the organizer for the costs of removal.

(c) Any organizer that does not properly clean up the site will not be allowed to reapply for a special events license of any type for a period of three years.

(10) *Appeal.*

(a) In the event an organizer violates any provision of the special event license requirements contained herein, the City Clerk shall provide written notice to the organizer of the violation, and that the organizer shall not be eligible to apply for another special event license for a period of three years. Said notice shall be mailed to the organizer's address as shown on its application.

(b) Within seven days of the date of the mailing of the notice referred to above, the organizer may file with the Clerk a written request for a hearing before the local liquor commissioner. In that event, a hearing shall be scheduled and held no later than 45 days after the request for hearing was filed. For purposes of the hearing, the following shall apply.

(i) All interested persons will be given a reasonable opportunity to be heard.

(ii) The formal rules of evidence shall not apply. Hearsay testimony will be admissible.

(iii) The organizer may present evidence and cross-examine the witnesses.

(c) The decision by the local liquor commissioner shall be final, subject to the right to appeal the decision to a court of competent jurisdiction pursuant to Illinois law.

Section 2:

In all other respects, Section 115.24 of the Code of Ordinance of the City of Monmouth, previously enacted, shall remain in full force and effect.

Section 3:

This ordinance shall be in full force and effect after passage and approval thereof.

PASSED this _____ day of _____, A.D., 2019.

APPROVED this _____ day of _____, A.D., 2019.

MAYOR

ATTESTED:

CITY CLERK

Ayes: _____

Nays: _____

Absent or not voting: _____