

# CITY OF BATAVIA

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**DATE:** April 18, 2013  
**TO:** Government Services Committee  
**FROM:** Bill McGrath, City Administrator  
**SUBJECT:** Ord. 13-24 Adding Albright Theater to List of City Properties at Which Alcohol may be Served

Attached is Ordinance 13-24, which is formally entitled:

Authorizing Alcohol Sales and Consumption on Certain City Property at Certain Times in Conjunction with Authorized and Issued Liquor Licenses Pursuant to Title 3 Chapter 3 of the Batavia Municipal Code

Very recently the Council passed a new comprehensive Liquor Code. In conjunction with that, it passed an ordinance that listed the several City properties upon which liquor could be sold/serve with a license. Staff suggested that the ordinance would be fine-tuned over time; the priority was getting the Code in place for current holders.

One week ago we were approached by a liquor license holder who is negotiating an arrangement with the Albright Theatre by which it could put together dinner/theatre packages, but also the sale of wine at the shows on the City Hall third floor. I checked with the City Attorney, as I was under the impression that there were some restrictions on City Halls, but he advises that there are none, but the property must be included on the list.

In the interest of the theatre's success as well as yet another economic development device to be used downtown, the attached ordinance has been drafted.

As there is a requirement for an existing license, insurance cover for the City, and training, staff does not see any reason to not expand the property list. This ordinance does not authorize the actual sale or service; it just makes it possible, and the actual operation will be reviewed by the Mayor as Liquor Commissioner and Police before granted.

This matter will be on the Government Services agenda for Monday, April 22, 2013.

Please call with any questions. Thank you.

Bill McGrath

attachment: Ord. 13-24

c: Mayor & City Council  
City Council Elect  
Department Heads  
Batavia MainStreet

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 13-24**

**AUTHORIZING ALCOHOL SALES AND CONSUMPTION ON CERTAIN CITY  
PROPERTY AT CERTAIN TIMES IN CONJUNCTION WITH AUTHORIZED AND  
ISSUED LIQUOR LICENSES PURSUANT TO TITLE 3 CHAPTER 3 OF THE BATAVIA  
MUNICIPAL CODE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2013**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This \_\_\_ day of \_\_\_\_\_, 2013

Prepared by:  
Kevin G. Drendel  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

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BATAVIA MUNICIPAL CODE**

**WHEREAS**, the Mayor and the City Council have determined that it is in the best interests of the City to encourage and provide for community events; and,

**WHEREAS**, the City has the authority to authorize the sale and consumption of alcoholic liquor on certain City owned property in keeping with the State Liquor Code and the City Liquor Code for events allowed by the City; and,

**WHEREAS**, the Mayor and the City Council further find that the best interests of the City and the community shall be advanced conditioning and controlling the sale and consumption of alcoholic liquor on City property in order to allow traditional and other community events while also protecting public health, safety and welfare.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** No alcoholic liquor shall be sold or consumed and no open containers of alcoholic liquor shall be possessed on any property owned by the City except as provided in Title 3 Chapter 3 of the Batavia City Code (Liquor) and in keeping with this Ordinance.

**SECTION 2.** As of the effective date of this Ordinance, the only City owned property on which alcoholic liquor may be sold or consumed and open containers of alcoholic liquor may be possessed are as follows (hereinafter “City Event Properties”):

- A. City-owned portions of what is commonly known as the Batavia Riverwalk property;
- B. City Hall (outside **and the Albright Theater (Third Floor South inside)**);
- C. Baptist Church property (outside);
- D. River Street (from Wilson Street north to Spring Street);
- E. City parking lots on State Street and River, upper and lower levels; and
- F. Sidewalks on which an approved adjunct outdoor license has been issued

**SECTION 3.** No alcoholic liquor may be sold, consumed or possessed inside any City buildings at any time for any reason, **except as delineated herein**.

**SECTION 4.** Alcoholic liquor may be sold and consumed and open containers of alcoholic liquor may be possessed on City Event Properties only as follows:

- A. Pursuant to the terms and conditions of validly issued temporary liquor license(s);

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- B. During events that are sponsored or co-sponsored or otherwise authorized by the City to take place on City Event Property;
- C. On the specific City Event Property and in the specifically designated area(s) on the specific City Event Property that is identified in the liquor license(s) issued;
- D. During the hours for which the temporary liquor license(s) is/are issued.

**SECTION 5.** This Ordinance repeals and replaces Ordinance 13-14 and shall be in full force and effect upon its presentation, passage and publication according to law.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	0 Absent		0 Abstentions				
Total holding office: Mayor and 14 aldermen										

ATTEST:

\_\_\_\_\_  
Heidi Wetzel, City Clerk

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