

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE No. 2020-29

“AN ORDINANCE AMENDING CHAPTER 111
OF TITLE XI OF THE CITY OF MONTICELLO CODE OF ORDINANCES”

ADOPTED BY THE
CITY COUNCIL
CITY OF MONTICELLO
THIS 8TH DAY OF JUNE, 2020

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this 9th day of June, 2020.

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE 2020-29

**AN ORDINANCE AMENDING CHAPTER 111
OF TITLE XI OF THE CITY OF MONTICELLO CODE OF ORDINANCES**

WHEREAS, the City of Monticello (the “City”) is an Illinois municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970 and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*), (the “Code”); and

WHEREAS, the Illinois Liquor Control Act (235 ILCS 5/1-1, *et seq.*) (the “Act”), establishes the general framework for liquor regulation in Illinois; and

WHEREAS, the Act (235 ILCS 5/4-1) authorizes the Mayor and City Council to establish such conditions, regulations, and restrictions upon the issuance of local liquor licenses not inconsistent with the law and as the public good and convenience may require; and

WHEREAS, the City’s liquor regulations are found in Chapter 111 of the City of Monticello Code of Ordinances; and

WHEREAS, the City wishes to make certain amendments to the liquor regulations including updates to reflect modern practices and standards and creating a new liquor license classification to accommodate specialty and other nontraditional liquor serving establishments, subject to certain conditions; and

WHEREAS, the Mayor and City Council find that amending the City of Monticello Code of Ordinances will benefit the public health, safety and welfare, and encourage the City’s continued healthy economic growth;

WHEREAS, Phase 3 of Governor Pritzker’s Reopen Illinois Plan allows for restaurants and bars to serve food and beverages in an outdoor capacity, with anticipated capacity limitations during the upcoming Phase 4; and

WHEREAS, many of the downtown restaurants and bar businesses in the City of Monticello do not have the space or property to utilize to allow a reasonable return for outdoor serving; and

WHEREAS, the City Council of the City of Monticello wishes to artificially increase the capacity awarded to the bars and restaurants, so they may operate to a degree which is viable for their business to move forward.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The Foregoing recitals are incorporated as though fully set forth herein.

Section 2. SECTION AMENDED. The title to Section 111.003 of the City of Monticello Code of Ordinances is changed as follows (additions underlined and deletions ~~struck through~~):

§ 111.003 DEFINITIONS.

* * *

ORIGINAL PACKAGE. Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or contain, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

PARKLET. A space within the city right-of-way, most commonly parking spaces, excluding sidewalk areas but extending from the sidewalk area, that is to be utilized to maintain movable outdoor furniture and will provide space for the consumption of food or beverage. A parklet premises will be defined as a space no less than one parking space and no greater than three parking spaces with a removable barrier between the traffic lane and seating area. The business applying for the parklet space will be responsible for that space, and shall provide proof of insurance evidencing commercial general liability insurance with limits of not less than \$1,000,000 per occurrence, \$3,000,000 aggregate, and an endorsement listing the City of Monticello as an additionally insured.

RESTAURANT. Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, the space being provided with adequate and sanitary kitchen and 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 guests.

* * *

Section 3. SECTION AMENDED. The title to Section 111.048 of the City of Monticello Code of Ordinances is changed as follows (additions underlined and deletions ~~struck through~~):

§ 111.048 TEMPORARY PERMIT TO ALLOW OUTDOOR SERVICE ON PUBLIC PROPERTY.

(A) *Applicant eligibility.* Only persons that:

(B) *Applicant eligibility.* Only persons that:

- (1) Possess a valid liquor license authorizing the sale and service of alcoholic liquor; and
- (2) Are able to demonstrate full compliance with this code may apply for an outdoor service permit.

(C) *Location of outdoor service area.* Only areas that are immediately adjacent to and directly accessible from an existing licensed premise are eligible to be an outdoor service area.

(D) *Term of permit.* Outdoor service permits are valid for a period of 1 year beginning on April 1 and expiring on March 31 of the following year. Applicants must submit with their permit application the date(s) during which outdoor service events are proposed. No outdoor service event may exceed 3 consecutive days, and no permittee shall propose more than 5 outdoor service events during the term of any permit. If the applicant has received approval for a parklet space (as defined in §111.003), the term of the permit shall be determined by the Liquor Control Commissioner, or their designee, and the City Administrator.

Section 4. SUPERSEDER AND SEVERABILITY. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the City, the terms of this Ordinance shall govern. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 13. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. The provisions of the City of Monticello Code of Ordinances amended herein shall be reprinted with the changes.

Passed by the City Council of the City of Monticello, Piatt County, this 8th day of June, 2020, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

City Clerk,
City of Monticello, Piatt County, Illinois

Approved by the City of Monticello this 8th day of June, 2020.

ATTEST:

Mayor, City of Monticello, Piatt County, Illinois

City Clerk, City of Monticello, Piatt County, Illinois