

Caterer's License

The City of Champaign has had a Caterer's License for a number of years. Urbana has permitted caterers to serve alcoholic beverages on an informal basis and thus imposed no formal control or regulations.

The proposal before you was intended to fill that void by establishing rules regarding the commercial serving of alcoholic beverages at various temporary locations.

A survey of other communities that do have Caterer's Licenses reveals that a common element is the requirement that the licensee be a bona fide catering operation and that the sale of alcoholic beverages represents only an incidental part of their business.

One of the concerns of the Council was the requirement that the caterers not have more than 40% of its gross revenue from the sale of alcoholic beverages. This provision was taken directly from the Champaign Caterer's Ordinance and when I inquired of Champaign Officials, they had no concerns or complaints about the 40% rule.

As long as the event is truly a private party such as a wedding reception, etc., the City has little or no concerns, but the City does have a concern that the Caterer's license is not used to support a "defacto public drinking event". The Urbana Police Department has experienced "defatco public drinking events" in the past which became disorderly with fights and underage drinking. I feel that having the ability to have a catered event with food and drink provided under the cover of a Caterer's License could increase the opportunities for further such "defacto public drinking events" which in turn then can be turned into violent events if "bring your own bottle" is permitted. This is why I felt one practical way of controlling such behavior would be to require the caterer to mark the alcoholic beverages served by him in some unique manner so that the "bring your own bottle" persons are easily identified. If this were done, the caterer himself could recognize when those persons who brought their bottle are putting the caterer at risk for dram shop liability for drinks he did not even serve. This could introduce some element of control. If, however, the Council regards the obligation to uniquely mark the alcoholic beverage served by the caterer as onerous, that is not an essential part of the Caterer's license and can be eliminated. I have attached an alternate version of the ordinance which eliminates this requirement.

This Ordinance:
AMENDS the Code of Ordinances.

ORDINANCE NO. 2007-05-042-A

**AN ORDINANCE ESTABLISHING A CLASS CA CATERER'S RETAIL LIQUOR
LICENSE**

WHEREAS, the sale by a Caterer of alcoholic beverages at various locations in the City, have the potential of promoting alcohol abuses, and thus should be licensed and regulated,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Section 3-41 of the Code of Ordinances of the City of Urbana is amended to create a new license classification, Class CA Caterer's Retail Liquor License. Section 3-41 of the Urbana City Code is hereby amended to add a Subsection (m) to read as follows:

(m) Caterer Licensee, CA

1. There shall be two classes of caterer's liquor licenses:

(i) Existing liquor license holders and (ii) the caterer that does not hold any liquor license other than the caterer's liquor license.

2. Existing liquor license holders may acquire a CA license as an additional license which shall permit them to sell alcoholic beverages only as allowed in their primary liquor license at a catering location. Fees for such licenses shall be as set forth in Section 14-7.

3. A bonafide caterer that has been issued an Illinois Department of Revenue Sales Tax number may acquire a CA license which shall permit them to sell any alcoholic beverages at a catering location. Fees for such license shall be as set forth in Section 14-7.

4. Applicants and holders of a CA license must comply with all other requirements for license applications and licensed premises in this Chapter.

5. The CA license shall permit the sale of alcohol beverages at the catering location. The catering location is defined as a location which is not open to the general public where, pursuant to an agreement with an event sponsor, the licensee is providing prepared food for serving at private parties, such as wedding receptions or other similar events.

6. No person shall possess alcoholic beverages other than those provided by the licensee on the premises of the catering location.

7. Possession of alcoholic beverages other than that served by the caterer at the catering location is not allowed and such is in violation of this ordinance.

8. Alcoholic beverages to be served by the caterer shall be marked in a unique manner to identify such as alcoholic beverages provided by the caterer.

9. Gross revenues from the sale of alcoholic liquor at any event catered by a Class CA licensee shall not exceed forty percent (40%) of the total gross revenues generated from the sale of alcohol and food at that event.

10. A Class CA licensee shall submit an affidavit on a quarterly basis on a form provided by the Liquor Commissioner certifying compliance with this requirement.

11. If the Class CA licensee has entered into a contract with another individual or entity for the service of food at the catered event, the copy of the contract shall be available for inspection on the premises of the catered event during the event.

12. No event catered by a Class CA licensee shall exceed seventy-two 72 hours in length, nor shall alcoholic liquor be served at any catered event for more than eight (8) consecutive hours.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Laurel L. Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE ESTABLISHING A CLASS CA CATERER'S RETAIL LIQUOR LICENSE, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

Phyllis Clark, CITY CLERK

This Ordinance:
AMENDS the Code of Ordinances.

ORDINANCE NO. 2007-05-042-B

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This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Laurel L. Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

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DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

Phyllis Clark, CITY CLERK