

ORDINANCE NO. 2024-

AN ORDINANCE AMENDING CHAPTER 111 OF THE CITY CODE RELATING TO THE SALE OF ALCOHOLIC LIQUORS FOR CONSUMPTION WITHIN DESIGNATED OUTDOOR REFRESHMENT AREAS

WHEREAS, in response to the COVID-19 pandemic, owners of restaurants and bars within the downtown area have continued to evolve to provide safe options for their customers, including providing outdoor seating, curbside pick-up, online ordering and convenient to-go options; and

WHEREAS, restaurants and bars within the downtown area are often faced with limited options for expansion in order to accommodate safe practices with respect to social distancing, including limited ability to provide outdoor dining areas; and

WHEREAS, Chapter 111, Section 17(D) of the City Code prohibits the consumption or possession of alcoholic liquor, including beer and wine, in any public park, street, alley or public place within the corporate limits of the City; and

WHEREAS, the Mayor and City Council believe that it would be beneficial to the residents of Mt. Vernon and the owners of dining and drinking establishments within the downtown area to allow for designated outdoor areas within downtown Mt. Vernon for patrons of such establishments to gather, in a safe manner in order to consume food and alcoholic beverages sold by such establishments; and

WHEREAS, the Illinois Liquor Control Act (235 ILCS 5/1-1 *et. seq.*) (the "ILCA") allows on-premises consumption liquor license holders to engage in to-go sales of such alcoholic liquors provided that the containers of alcoholic liquors have been properly sealed and/or labeled in accordance with the provision of the ILCA.

WHEREAS, the Mayor and City Council believe that it would be in the best interests of the City, its residents and downtown business owners to amend Chapter 111 to allow for the establishment of Designated Outdoor Refreshment Areas (DORA) within the downtown area in order to allow patrons of downtown dining and drinking establishments to consume alcoholic beverages purchased from registered dining and drinking establishments in a safe area that allows for appropriate social distancing, provided that the sale of such alcoholic beverages is conducted in accordance with the ILCA.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MT. VERNON, ILLINOIS AS FOLLOWS:

SECTION 1 - RECITALS: The foregoing recitals are hereby incorporated as though fully restated herein.

SECTION 2 - AMENDMENT TO CHAPTER 111: Chapter 111 of the City Code is hereby amended by renumbering Chapter 111 Section 23 (Effective Date) to Chapter 111

Section 24; by renumbering Chapter 111 Section 24 (Severability) to Chapter 111 Section 25 and by the adoption of new Chapter 111 Section 23 which shall hereafter read as follows:

“§ 111.23 Designated Outdoor Refreshment Areas ("DORA")

- A. Designation of DORA Areas: Open containers of alcohol and public consumption of alcohol by individuals 21 years of age and older shall be permitted upon public streets, sidewalks and other public places owned, controlled or operated by the City which are identified as Designated Outdoor Refreshment Areas ("DORA"). The DORA boundaries designated herein are generally described as follows:
- 1.
 2. Such other areas as may be designated by the City Council by ordinance duly adopted.
- B. Businesses located within the DORA holding a current liquor license allowing for the sale of alcoholic liquors for on-premises consumption and which are registered with the City in accordance with this paragraph, (each a "Registered Business") may sell alcoholic beverages permitted by such liquor license to patrons for consumption within a designated DORA location. In order to register, a business must:(i) Submit a written application to the City to register for the DORA program, which application shall be in the form prescribed by the City; (ii) Hold a current, valid City of Mt. Vernon liquor license that authorizes retail sales of alcoholic beverages for on-premises consumption at the Registered Business premises; and (iii) Execute a DORA program participation agreement in a form prescribed by the City, which shall, at a minimum, provide that the Registered Business agrees to:
1. Only serve beverages in DORA branded cups, which can be obtained from Mt. Vernon Festivals, Inc.
 2. Distribute the DORA branded cups, without charge, to individuals 21 years of age and older who wish to purchase alcoholic beverages from the Registered Business for the purpose of consuming such alcoholic beverages within a designated DORA location, but only after the purchaser's age is verified by an employee of the Registered Business who is qualified to sell, serve, and dispense alcoholic beverages in accordance with Chapter 111 of this Code.
 3. At all times while participating in the DORA program, maintain all insurance required for liquor licenses under Chapter 111 of this Code and name the City as an additional insured on the Registered Business's dram shop liability and general commercial liability insurance policies.
 4. Indemnify and hold harmless the City for all claims or damages relating to the Registered Business's participation in the DORA program;

5. Strictly comply with this chapter, all DORA program rules and regulations established by the City and all other applicable local, State, and federal statutes, ordinances, regulations, and permit requirements, including all requirements and conditions of the registered business's State liquor license.
- C. Public possession of open containers and consumption of alcoholic beverages within DORA shall be limited to individuals consuming beverages in the required DORA branded cups, provided that such beverages were purchased from a Registered Business Premises. Open containers of alcohol may not be carried into or out of the DORA boundaries.
- D. No DORA shall be available for possession of open containers of alcoholic beverages or for the consumption of alcoholic beverages before 11:00 a.m. or past 11:00 p.m. each evening and shall remain closed for such purposes until such time on the following day that authorized sales of alcoholic liquor may begin pursuant to liquor licenses held by any Registered Business.”

SECTION 3 - AMENDMENT: Chapter 111 Section 17(D) of the City Code is hereby amended to read as follows:

“§ 111.17(D). Except as provided for in Chapter 111 Section 23 herein, no person shall possess any open container or consume any alcoholic liquor upon any public property as defined in § 111.02 (definition of public property) within the corporate limits of the City. No licensee shall allow or permit any individual to transport or carry any alcoholic liquor out of the premises of the licensee except in the original package and seal unbroken.”

SECTION 4 - SEVERABILITY OF PROVISIONS: Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5 - CONFLICTING ORDINANCES: Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this Ordinance takes effect are hereby repealed.

SECTION 6 - AUTHORITY: This Ordinance is hereby declared to be an exercise of the City’s home rule authority pursuant to Illinois law.

SECTION 7 - EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Mt. Vernon, Illinois, on the _____ day of _____ 2024.

Deputy City Clerk – Rebecca Barbour

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT

APPROVED by the Mayor of the City of Mt. Vernon, Illinois on the _____ day of _____ 2024

APPROVED: _____
Mayor - John Lewis

ATTEST: _____
Deputy City Clerk – Rebecca Barbour

(SEAL)

CITY OF MT. VERNON



Creativity Redefined!

**Application:
Registered Business -- Designated Outdoor
Refreshment Areas (DORA)**

**Return Completed Form To:
City of Mt. Vernon
1100 Main Street
Mt. Vernon, Illinois
Attn: City Manager's Office**

Enclosures:

- Application.
- Agreement.

Application to Participate as a Registered Business -- Designated Outdoor Refreshment Areas (DORA)

<p>Office Use Only Date Received _____ DORA # _____</p>
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By completing this application, the liquor license holder is requesting that it be designated as a “Registered Business” within the meaning of Chapter 111 Section 23 of the City Code. In order to qualify as a Registered Business, the applicant must hold a current liquor license which allows for the sale of alcoholic liquor for on-premises consumption within a business located within the DORA District. If authorized by the City, the “Registered Business” may sell alcoholic beverages, as permitted by such liquor license, to patrons for consumption within the designated DORA locations, in accordance with the DORA program participation agreement to be executed by the applicant and the provisions of Chapter 111 of the City Code.

Establishment Information	
Legal Name	
DBA	
Address of Establishment	
Phone Number	
Mt. Vernon Liquor License Number	
Manager Name	
Manager Phone Number	
Manager E-Mail	

Does the applicant have a valid Mt. Vernon and State of Illinois liquor license for on-premises consumption? **YES**
NO

Does the applicant agree to comply with the requirements set forth in Section 111.23 of the City Code (Designated Outdoor Refreshment Areas)? **YES** **NO**

The undersigned hereby makes application to register for the DORA program under the provisions of Section 111.23 of the City of Mt. Vernon City Code. **The undersigned has also attached a signed program participation agreement.**

Please sign below:

Printed Full Name Title

Applicant Signature Date

Printed Full Name Title

Applicant Signature Date

Designated Outdoor Refreshment Area Program Participant Agreement

The Applicant, _____ agrees that in the event that its application to participate as a Registered Business to sell alcoholic beverages for consumption in the DORA is approved by the City of Mt. Vernon, it will do each of the following:

1. Only serve drinks in DORA approved cups as provided for in Chapter 111, Section 23 of the City's Revised Code.
2. Distribute the DORA approved cups, without charge, to individuals 21 years of age and older who wish to purchase alcoholic beverages from the Registered Business for the purpose of consuming such alcoholic beverages within a designated DORA location, but only after the purchaser's age is verified by an employee of the Registered Business who is qualified to sell, serve, and dispense alcoholic beverages in accordance with Chapter 111 of this Code.
3. At all times while participating in the DORA program, maintain all insurance required for liquor licenses under Chapter 111 of this Code and name the City as an additional insured on the Registered Business's dram shop liability and general commercial liability insurance policies.
4. Indemnify and hold harmless the City for all claims or damages relating to the Registered Business's participation in the DORA program;
5. Strictly comply with this chapter, all DORA program rules and regulations established by the City and all other applicable local, State, and federal statutes, ordinances, regulations, and permit requirements, including all requirements and conditions of the registered business's State liquor license.

Agreed this _____ day of _____, 20____.

(Applicant Business Owner or Manager)

(Signature of Applicant Owner/Manager)

Business Name

Business Liquor License Number