

CITY OF BATAVIA

DATE: May 20, 2011
TO: Government Services Committee
FROM: Bill McGrath, City Administrator
SUBJECT: Proposed Amendment to Municipal Code Regarding Liquor License Application Fees; Ordinance 11-19

As the Mayor mentioned at the Council meeting, we have recently been deluged with people wanting to discuss their plans for opening up restaurants and other establishments that need a liquor license. Currently the city charges \$25.00 plus the actual cost of verifications, generally fingerprinting. There is virtually no fee for the staff time to administer the application system, much less the police investigators who make inquires about the individuals. We also need a mechanism to separate the serious people from the not-so-serious tire kickers. I have reviewed the liquor license provisions of several communities and found that our application fee is wanting. I've discussed the matter with the Mayor and he is in support of an amendment to raise the initial application fee to \$250.00. A liquor license is a valuable commodity, a serious business, and not a service provided for all citizens trough their taxes.

The attached ordinance contains the addition of new language requiring a \$250.00 application fee. The changes to the current Code are as follows:

3-3-4: APPLICATION FOR LICENSE, ISSUANCE:

...

- B. Each application shall be accompanied by cash, postal money order, draft or cashier's check in the entire amount of the annual license fee provided herein for the class of license applied for. (1972 Code § 111.015; amd. 1986 Code)

NEW SECTION C:

- C. *Initial License Fee In connection with the first application or any person, group of persons, partnership, corporation, limited liability company, or other entity applying for a license under this Chapter, said applicant shall, in addition to the annual license fee, also pay at the time of such application a non-refundable initial license expense of Two Hundred Fifty Dollars (\$250.00), which shall be in addition to the license fee required in this Chapter. Such amount shall be due and paid at the time when the application is filled out and filed with the Local Liquor Control Commissioner. The initial license expense shall be for the purpose of defraying any and all costs which the City may incur as a result of the review and investigation of said application (including fingerprinting), and shall not be refunded regardless of whether the applicant is issued a license or not. An additional initial application fee of \$50.000 shall be charged for each person in excess of 2 that are required to be fingerprinted.*

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-19**

**AMENDING TITLE 3, CHAPTER 3, SECTION 4 OF
THE BATAVIA MUNICIPAL CODE TO ESTABLISH AN INITIAL
LIQUOR LICENSE APPLICATION FEE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 6TH DAY OF JUNE, 2011**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 7th day of June, 2011

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-19**

**AMENDING TITLE 3, CHAPTER 3, SECTION 4 OF
THE BATAVIA MUNICIPAL CODE TO ESTABLISH AN INITIAL LIQUOR
LICENSE APPLICATION FEE**

WHEREAS, the City of Batavia has reviewed it's Municipal Code provisions relative to the charge for initial liquor license applications, and has determined that an increase is equitable so that the expense of such process is borne by the applicants instead of being subsidized by taxpayers; and

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: That Title 3, Chapter 3, Sections C and D 4, of the Batavia Municipal Code is hereby amended and revised to provide as follows:

“C. Initial License Fee In connection with the first application for any person, group of persons, partnership, corporation, limited liability company, or other entity applying for a license under this Chapter, said applicant shall pay at the time of such application a non-refundable initial license expense of Two Hundred Fifty Dollars (\$250.00), which shall be in addition to the license fee required in this Chapter. Such amount shall be due and paid at the time when the application is filled out and filed with the Local Liquor Control Commissioner. The initial license expense shall be for the purpose of defraying any and all costs which the City may incur as a result of the review and investigation of said application (including fingerprinting), and shall not be refunded regardless of whether the applicant is issued a license or not. An additional initial application fee of \$50.000 shall be charged for each person in excess of two (2) that are required to be fingerprinted.”

“D. Each application shall include the address of the proposed licensee. If said application is made on behalf of a partnership, then the address of each of the partners involved in that partnership shall be shown on said application. If said application is made by a corporation, then the legal address of the corporation and also the legal address of the person named to manage said tavern shall be shown.

If the address of any licensee, or of a partner where a partnership is licensee, or the manager where the corporation is licensee, should be changed during the term of the

CITY OF BATAVIA, ILLINOIS ORDINANCE 11-19

license, then the licensee, partner, or manager, so changing his legal address will immediately be required to inform the local liquor control commissioner as to the change in any such address.”

SECTION 2: This Ordinance shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 6th day of June, 2011.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 6th day of June, 2011.

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 | | | | | | | | | | |
| VOTE: | | Ayes | Nays | Absent | Abstentions | | | | | |
| Total holding office: Mayor and 14 aldermen | | | | | | | | | | |

ATTEST:

Heidi Wetzell, City Clerk

- D Each application shall include the address of the proposed licensee. If said application is made on behalf of a partnership, then the address of each of the partners involved in that partnership shall be shown on said application. If said application is made by a corporation, then the legal address of the corporation and also the legal address of the person named to manage said tavern shall be shown.

If the address of any licensee, or of a partner where a partnership is licensee, or the manager where the corporation is licensee, should be changed during the term of the license, then the licensee, partner, or manager, so changing his legal address will immediately be required to inform the local liquor control commissioner as to the change in any such address. (Ord. 75-24, 5-19-1975)

DELETED LANGUAGE:

In the event the application is not approved, said fee shall be returned to the applicant, less a processing fee composed of twenty five dollars (\$25.00) plus the actual cost of verification of the representations in the application, including, but not limited to, criminal background checks on those required under this title. Said charge shall be collected for each person or entity required to meet the requirements of this title. In the event the applicant is approved, the applicant shall be billed such fee, and payment thereof shall be made prior to actual issuance of the license.

This matter will be on the May 23, 2011 Government Services Committee agenda. Please call with any questions. Thank you.

Attachment : Ord. 11-19

C: City Council,
Department Heads
Deputy Chief Eul
City Attorney