

ORDINANCE NO. 2024- 36

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. Description of the boundary of the Downtown Mt. Vernon Dora:

Beginning at the intersection of N. 11th Street and Harrison Street; thence proceeding Southerly along the N. 11th Street, which turns into S. 11th Street, to the intersection of S. 11th Street and Jordan Street, thence Westerly along Jordan Street to the intersection of Jordan Street and S. 12th Street, thence Southerly along S. 12th Street to the intersection of S. 12th Street and Casey Avenue, thence Easterly along Casey Avenue to the intersection of Casey Avenue and S. 8th Street, thence Northerly along S. 8th Street, which turns into N. 8th Street, to the intersection of N. 8th Street and Harrison Street, thence Westerly along Harrison Street to the intersection of Harrison Street and N. 11th Street, which is the point of beginning. DORA shall include the Right of Way of each street included in the interior limits of the DORA boundary. The exterior boundary shall be only the south side of Harrison Street, both sides of 11th Street, both sides of Jordan Street, east side of S. 12th Street, north side of Casey Avenue, and the west side of 8th Street. The DORA shall not include the property on which the Jefferson County Courthouse resides.(See Map of DORA attached hereto as Exhibit A).

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. No outside alcohol shall be allowed within 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 21<sup>st</sup> day of October 2024.

  
Deputy City Clerk – Rebecca Barbour

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Botch				X	
Gliosci	X				
Moore	X				
Young	X				
Lewis				X	

**APPROVED** by the Mayor of the City of Mt. Vernon, Illinois on the 4<sup>th</sup> day of November 2024

APPROVED:   
Mayor - John Lewis

ATTEST:   
Deputy City Clerk – Rebecca Barbour

(SEAL)

Exhibit A

DORA Boundary Map

