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**ORDINANCE NO. 2019-20-44**  
*An Ordinance Amending Certain Sections of Chapter 9,  
Liquor Control and Liquor Licensing, of the Johnsburg Municipal Code*

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A REGULAR MEETING ON FEBRUARY 4, 2020  
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry  
Beth Foreman  
Kyle Frost  
Josh Hagen  
Greg Klemstein  
Kevin McEvoy

Village Administrator

Claudett E. Sofiakis

**ORDINANCE NO. 2019-20-44**  
***An Ordinance Amending Certain Sections of Chapter 9,  
Liquor Control and Liquor Licensing, of the Johnsburg Municipal Code***

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: That Section 9.08A shall be amended as follows:

A. Classes. Liquor licenses shall be divided into three classes:

1. A Class A License which shall authorize the retail sale, in the enclosed premises approved by the Local Liquor Commissioner, of alcoholic liquor for the consumption on the premises as well as the retail sale of alcoholic liquor in the original package, both on premises as well as by delivery to a location within the corporate boundaries of the Village. Outside entertainment is not permitted except for two (2) special events annually, by request to the Local Liquor Commissioner.
2. A Class A-1 License which shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as the retail sale of the alcoholic liquor in the original package, both on premises as well as by delivery to a location within the corporate boundaries of the Village. Also an outdoor area immediately contiguous to the building or structure where alcoholic beverages are served or consumed shall be permitted. Any outdoor area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:
  - a. The Building department will conduct an administrative review of the application and a site review; and will make a recommendation to either approve or deny the application to the Local Liquor Commissioner within 30 days of receipt. The application shall include, at a minimum, the following information:
    1. A plot plan showing the location of the outdoor area;
    2. Plans depicting fencing, or other barriers features that will restrict access to the outdoor area to the licensed premises;
    3. Distance to all property lines;
    4. Provisions for refuse disposal for the outdoor area.
  - b. The outdoor area shall comply with all building codes, public safety requirements and ADA requirements;
  - c. The outdoor area shall not be detrimental to the health, safety and welfare of nearby residents, or members of the public;
  - d. The outdoor area shall be no greater in size than 100% of the square footage of the existing structure.

- e. The outdoor area shall have a maximum capacity as defined by applicable fire code which shall be separately posted at the entrance to the outdoor area.
  - f. Any part of the outdoor area not blocked by a building shall be surrounded by a fence or other barrier approved by the Local Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with ordinances regarding vision, clearance, and required distance from corners.
  - g. All combustible rubbish shall be stored in a noncombustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
  - h. The noise emanating from any outdoor area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of this or other Village codes pertaining to noise.
  - i. The license holder shall be responsible for preventing violations of this section.
  - j. No outdoor area where alcoholic beverages are served pursuant to this license shall be permitted within 100 feet of land zoned for residential purposes (as measured from the licensed building protruding decks or fences).
  - k. The outdoor area shall be closed between the hours of 12:00 midnight and 9:00 am on the following day
  - l. A service bar shall be permitted in the outdoor area but no seating shall be allowed at such service bar.
3. Class B License which shall authorize the retail sale of alcoholic liquor not for consumption on the premises where sold, but for i) carry out or ii) by delivery to a location within the corporate boundaries of the Village only.
  4. Class C License which shall authorize the retail sale of alcoholic liquor, on the premises specified, for consumption on premises of a not-for-profit corporation where sold.
  5. Daily Permit. The Local Liquor Control Commissioner may grant a daily permit to any nonprofit organization or club within the Village, such as a church, order of lodge, veteran's organization, civic organization, fire department or other similar organization, authorizing the sale of alcoholic liquor at any picnic, club or similar function sponsored by such organization of club.

The following restrictions are applicable for daily permits.

- 1) No more than seven (7) daily permits shall be issued to anyone such organization or club during a one year period.

- 2) All sales and consumption pursuant to the daily permit shall be conducted only during the hours specified on the permit.
  - 3) Unless specifically provided otherwise, all requirements of this chapter including, but not limited to, a policy of insurance, shall apply to daily permits granted under this subsection.
  - 4) If the applicant does not own the premises from which the sale of liquor is made, a statement in writing executed and acknowledged by the owner of the premises shall be provided to the Local Liquor Commissioner stating that the applicant has permission to occupy the premises at the dates and time of and for the purposes set forth in the application.
  - 5) Requests for daily permit must be made 30 days prior to effective date of the permit.
  - 6) Application fee for a daily permit shall be those costs associated with issuing the permit but in no case less than \$50.00.
6. Class E License. A Class E License shall be issued only to a business that is a caterer-retailer and who presently holds a Class A, Class A-1 or Class B liquor license issued by the Village of Johnsburg. The Class E license authorizes the sale and delivery of alcoholic beverages by the drink for consumption as an incidental part of food service off-site of the licensed premises. The annual fee for a Class E license shall be \$250.00 plus \$50.00 per event. There shall be no more than one Class E license in force in the Village at any one time.
7. BYOB Corkage License. A BYOB Corkage License shall authorize a restaurant establishment to allow customers to bring beer or wine into the premises to be consumed on premise only as a compliment to food served on premise. For the purposes of a BYOB License, the restaurant must derive more than forty percent (40%) of its gross revenue (on an annual basis) from the sale of food. The determination of whether the forty percent (40%) gross revenue standard has been met shall be made at the time of a license renewal for the year just ended. In the event a license holder has not possessed a BYOB License for a full year, the determination of whether the forty (40%) standard has been met shall be deferred until the next license renewal period. The records used to determine whether the forty percent (40%) standard has been met shall include, but not be limited to audited financial statements, corporate financial reports, tax return information, or any other form of information deemed acceptable by the Village. The following terms and conditions shall apply to a BYOB Corkage License:
- a. The license holder is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.
  - b. The license holder and employees over the age of twenty one (21) are permitted to open and pour the wine or beer.
  - c. The license holder is permitted to provide storage for the beer or wine as allowed by all applicable laws.
  - d. The license holder may charge a corkage fee for these services.

- e. An opened bottle of wine may be removed from the restaurant provided staff seals the container in a tamperproof bag as provided by law.
- f. In addition to general liability insurance, licensee must provide a certificate of insurance naming the Village of Johnsburg certificate holder and additional insured in the amount of Two hundred and fifty thousand dollars (\$250,000) per person and Five hundred thousand dollars (\$500,000) per occurrence for bodily injury liability; Fifty thousand dollars (\$50,000) for loss of means of support, Fifty thousand dollars (\$50,000) for property damage liability, or a Five hundred thousand dollar (\$500,000) single limit dramshop policy.

8. BYOB License. A BYOB License shall authorize a restaurant establishment to allow customers to bring beer or wine into the premises to be consumed on premise only as a compliment to food served on premise. For the purposes of a BYOB License, the restaurant must derive more than forty percent (40%) of its gross revenue (on an annual basis) from the sale of food. The determination of whether the forth percent (40%) gross revenue standard has been met shall be made at the time of a license renewal for the year just ended., In the event a license holder has not possessed a BYOB License for a full year, the determination of whether the forth (40%) standard has been met shall be deferred until the next license renewal period. The records used to determine whether the forty percent (40%) standard has been met shall include, but not be limited to audited financial statements, corporate financial reports, tax return information, or any other form of information deemed acceptable by the Village. The following terms and conditions shall apply to a BYOB License:

- a. The license holder is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.
- b. No license holder, nor any employee or staff member are permitted to open and pour the wine or beer.
- c. No storage of beer or wine is permitted.
- d. No corkage fee may be charged.
- e. An opened bottle of wine may not be removed from the restaurant but must be disposed of before the customer leaves the premises.
- f. In addition to general liability insurance, licensee must provide a certificate of insurance naming the Village of Johnsburg certificate holder and additional insured in the amount of Two hundred and fifty thousand dollars (\$250,000) per person and Five hundred thousand dollars (\$500,000) per occurrence for bodily injury liability; Fifty thousand dollars (\$50,000) for loss of means of support, Fifty thousand dollars (\$50,000) for property damage liability, or a Five hundred thousand dollar (\$500,000) single limit dramshop policy.

9. BYOB Non-restaurant License. A BYOB Non-restaurant License shall authorize a retail establishment to allow customers to bring beer or wine into the premises only at a special event. The following terms and conditions shall apply to a BYOB Non-restaurant License:

- a. The license holder is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.
- b. No license holder, nor any employee or staff member are permitted to open and pour the wine or beer.

- c. No storage of beer or wine is permitted.
- d. No corkage fee may be charged.
- e. An opened bottle of wine may not be removed from the establishment and must be disposed of before the customer leaves the premises.
- f. In addition to general liability insurance, licensee must provide a certificate of insurance naming the Village of Johnsburg certificate holder and additional insured in the amount of Two hundred and fifty thousand dollars (\$250,000) per person and Five hundred thousand dollars (\$500,000) per occurrence for bodily injury liability; Fifty thousand dollars (\$50,000) for loss of means of support, Fifty thousand dollars (\$50,000) for property damage liability, or a Five hundred thousand dollar (\$500,000) single limit dramshop policy.

SECTION 2: That Section 9.08 6.B, License Classifications and Fees of the Johnsburg Municipal Code, is hereby amended to read as follows:

- B. License Classification and Fees. There shall be not more than the following number of licenses per class of license and the following fees shall be paid upon application for a new or renewed license:

1. Class A:	Seven (7)
2. Class A-1:	Eight (8)
3. Class B:	Five (5)
4. Class C:	Three (3)
5. Class E:	One (1)

1. Class A:	\$1,700.00
2. Class A-1:	\$2,000.00
3. Class B:	\$1,250.00
4. Class C:	\$ 500.00
5. Class E:	\$ 250.00 plus \$50.00 per event
6. <u>BYOB Corkage</u>	<u>\$ 400.00</u>
7. <u>BYOB</u>	<u>\$ 200.00</u>
8. <u>BYOB (retail)</u>	<u>\$ 200.00</u>
<del>6-9.</del> <u>Daily Permit</u>	<u>\$ 25.00</u>

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.


Voting Aye: Trustees Foreman, Curry, McEvoy, Hagen, Frost and Klemstein

Voting Nay: None

Abstain: None

Absent: None

(SEAL)

APPROVED:   
Village President Edwin P. Hettermann

ATTEST:   
Village Clerk Claudett E. Sofiakis

Passed: February 4, 2019

Approved: February 4, 2019

Published: February 4, 2019

Prepared by: Claudett E. Sofiakis  
Village of Johnsburg  
1515 Channel Beach Avenue  
Johnsburg, IL 60051

**CERTIFICATION**


I, CLAUDETT E.SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 4th day of February, 2020 the foregoing Ordinance entitled *An Ordinance Amending Certain Sections of Chapter 9, Liquor Control and Liquor Licensing, of the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2019-20-44 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 4th day of February, 2020 and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 4th day of February, 2020.

  
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Claudett E. Sofiakis, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

