
ORDINANCE NO. 2016-17-01

*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 SPECIAL MEETING ON MAY 3, 2016

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
Kyle Frost
John Huemann
Mary Lou Hutchinson
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

ORDINANCE NO. 2016-17-01

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 9.01, Definitions, of Chapter 9 of the Johnsburg Municipal Code shall be amended to add the following text:

Caterer retailer: a person who serves alcoholic liquor for consumption off site of the licensed premises, as an incidental part of food service, sold at a package price as agreed upon under contract.

SECTION 2: That Section 9.08, Classifications of Licenses, Daily Permits, Number and Fees, of Chapter 9 of the Johnsburg Municipal Code, is hereby amended to read as follows:

9.08 Classifications of Licenses, Daily Permits, Number and Fees

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 or club.

The following restrictions are applicable for daily permits.

- 1) No more than seven (7) event permits shall be issued to anyone such organization or club during a one year period.
 - 2) All sales and consumption pursuant to the event 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 event 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 \$1,000.00. There shall be no more than one Class E license in force in the Village at any one time.

Special Events

- All license holders are granted one special event permit to be utilized during Saufen und Spiel which is held annually during the first part of September.
- In addition to the special event permit granted for Saufen und Spiel, each license holder shall be granted two (2) special event permits each year.
- Consumption during special events outside the premises shall be restricted to not less than twenty five (25) feet from a roadway, twenty five (25) feet from property boundaries, or as restricted by the Local Liquor Commissioner
- Special event request must be made to the Local Liquor Commissioner no less than thirty (30) days prior to the event.

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: Four (4)
2. Class A-1: Six (6)
3. Class B: Six (6)
4. Class C: Three (3)
5. Class E: One (1)

1. Class A: \$1,200.00;
2. Class A-1,500.00
3. Class B: \$1000; Event Permit - \$100.00 per day
4. Class C; \$500.00
5. Daily Permit - \$25.00
6. Class E: \$1,000.00

SECTION 3: That Section 9.09, Records, of Chapter 9 of the Johnsburg Municipal Code, is hereby amended to read as follows:

9.09 Records.

The Local Liquor Control Commissioner shall keep, at the Office of the Village Administrator, a complete record of all licenses issued, and shall furnish the Chief of Police with a copy thereof. Upon the issuance of any new license, or the suspension or revocation of any old license, the Local Liquor Control Commissioner shall file written notice of such action with the Village Administrator and copy to the Chief of Police.

SECTION 4: That Section 9.18-A, Location Restrictions, Notification, of Chapter 9 of the Johnsburg Municipal Code, is hereby amended to read as follows:

- A. Location Restrictions. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, undertaking establishments or mortuary, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station provided that this prohibition shall not apply to the delivery destination of alcoholic liquor. Distance shall be measured from the nearest part of the building on the licensed premises to the nearest part of the building housing any church, school, hospital, undertaking establishment or mortuary, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any park, provided that this prohibition shall not apply to clubs established prior to December 17, 1991.

SECTION 5: That Section 9.29, BASSET Training or its Equivalent Required, of Chapter 9 of the Johnsburg Municipal Code, is hereby amended to read as follows:

9.11 BASSET Training or its Equivalent Required

In order to provide information to sellers and servers of alcoholic liquor about the effects of

alcohol and drug use and abuse and to provide the necessary skill development techniques to identify and/or intervene with patron use problems thereby reducing the incidence of patron misuse, all employees of holders of Class A, Class B and Class E liquor licenses issued by the Village who sell alcoholic liquor and at least one representative of the holders of a Event and Daily Permit issued by the Village, who shall be on site during the permitted time, shall complete Beverage Alcohol Sellers and Servers Education and Training (BASSET) pursuant to a program licensed by the Illinois Liquor Control Commission pursuant to 77 Illinois Administrative Code, Ch.XVI, Part 3500, Sec. 3500.101, et seq., as may be amended. Employees may complete different training programs if the Local Liquor Commissioner determines in his sole discretion that the alternative program is equivalent to BASSET Training. All new applicants for a liquor license including applicants for an Event and Daily Permit shall provide proof of compliance with this section prior to being issued a license by the Village. When a license holder adds a new employee, the new employee shall comply with this section and proof shall be provided to the Village within 90 days of commencement of employment.

SECTION 6: 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 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: 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 Klemstein, Huemann, Curry, Hutchinson and McEvoy

Voting Nay: None

Abstain: None

Absent: Trustee Frost

APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:



Village Clerk Claudett E. Peters

Passed: May 3, 2016

Approved: May 3, 2016

Published: May 3, 2016

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CERTIFICATION

I, CLAUDETT E. PETERS, 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 3rd day of May, 2016 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. 2016-17-01 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 3rd day of May, 2016, 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 3rd day of May, 2016.



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

(SEAL)