# VILLAGE OF SUGAR GROVE BOARD REPORT

 TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT EICHELBERGER, VILLAGE ADMINISTRATOR ALISON MURPHY, ASSISTANT TO THE VILLAGE ADMINISTRATOR/ VILLAGE CLERK
SUBJECT: DISCUSSION: LIQUOR CONTROL ORDINANCE REVISION
AGENDA: JUNE 21, 2022 REGULAR BOARD MEETING
DATE: JUNE 9, 2022

### ISSUE

Should the Board discuss revisions to the Village Code Chapter 2 Liquor Control.

#### DISCUSSION

Over the past year, the Village Board has approved several changes to the Village Liquor Control ordinance including creating new Class R – Gas Station/Convenience Store and Class S – Event Venue classifications, removing the restriction for Board members to hold a liquor license and amending the Class C – Temporary license to remove the fencing provision. These frequent amendments led staff to conduct a thorough review of the Liquor Control ordinance to see if the regulations could be modified to accommodate new businesses and uses without frequent amendments and to provide consistency across businesses. The staff review committee consisted of Administrator Eichelberger, Chief Rollins, and Village Clerk Murphy. Based on this review, the following changes to the ordinance are proposed.

- 1. Eliminate all current classifications and replace with the following:
  - a. On Premise All Ages
  - b. On Premise 21+
  - c. On Premise Pour
  - d. Off Premise
  - e. Government On and Off Premise
- 2. Each license classification can be issued as Annual or Temporary with temporary defined as up to 30 days per license year (any portion of a day is a full day).
- 3. Eliminate all specific classification restrictions and replace with general guidelines for all classifications.

- a. On Premise includes entire defined premises, indoor and outdoor
- b. Application would require exhibit to define premises, enclose need caseby-case, food truck premises can be amended by approval during the license year.
- c. On Premise includes catering, BYOB, hotel bar/restaurant (mini-bars under package)
- d. BYOB is prohibited without a liquor license.
- e. Hours of Operation 6:00 a.m. 2:00 a.m.
- f. No food/menu requirement
- g. No seating requirement
- h. No limit by volume
- i. Off Premise must be in original sealed packaging
- j. Off premises allows for 24/7 sales
- k. Delivery Allowed with all Off Premise
- I. As is currently required in the Code, all personnel who dispenses, sells, delivers, or serves liquor shall be BASSET trained.
- m. Licensees must comply with state statute as outlined in the Liquor Control Act (235 ILCS 5/1-1 et seq).
- n. Licensees must comply with all state and federal statutes.
- 4. Automatically include tasting with On Premise and Off Premise licenses
  - a. Must follow state regulations
  - b. Not to be used for video gaming qualification purposes
- 5. Replace current fee structure for consistency
  - a. \$1,500.00 for all Annual On Premise and Off Premise licenses
  - b. \$750.00 for all Temporary On Premise and Off Premise licenses

By streamlining the classification requirements and fees, the committee hopes to create a flexible, responsive process for licensees and the Board. Consistent fees reflect similar staff administrative costs across classifications and eliminate inconsistency among business. A comparison of the current and proposed license classifications and fees is shown in the Attachment A. The current License Classifications are shown in Attachment B.

# COST

There will be attorney fees of approximately \$1,500 for review of the ordinance if changes are made and also a small cost for codifying the ordinance, which is already included in the budget.

# RECOMMENDATION

That the Board discuss the proposed revision to the Liquor Control Ordinance and direct staff to proceed accordingly.

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\$18,452

Total Fees & Licenses

Proposed Liquor License Classifications, Number and Fees

### 3-2-6: LICENSE CLASSIFICATIONS:

A. There shall be the following classifications of license:

Exhibit B

1. Class A-Tavern:

a. Sale Of Liquor By The Drink: A class A license authorizes the licensee to sell to the general public alcoholic liquor by the drink only, excepting vinous beverages which may be served by the bottle or carafe, or beer or margaritas which may be served by the pitcher of a capacity not to exceed sixty (60) ounces, for consumption on the premises where sold, and not for resale in any form.

b. Presence Of Minors Restricted: It shall be unlawful for any person under the age of twenty one (21) years to be present in a class A tavern during the times that alcoholic liquor is sold. If the license is issued for a business which is not predominantly for the sale of alcoholic liquor, such as hotels or bowling alleys, this subsection shall only apply to the room or area set aside for the sale and consumption of alcoholic liquor; provided, that persons under the age of twenty one (21) years may be present in said licensed premises during times at which a meal is being served as long as they are accompanied by a parent, guardian, or spouse twenty one (21) years of age or older.

c. After Hours: No person, except peace officers in the performance of law enforcement duties, the licensee and licensee's employees or agents actually working, shall be present in a class A tavern between the hour of closing and the hour of opening as established in this chapter; provided, that the license is issued for a business which is not predominantly for the sale of alcoholic liquor such as hotels or bowling alleys, this subsection shall apply only to the room or area set aside for the sale and consumption of alcoholic liquor.

2. Class B-Package Liquor:

a. Sale For Consumption Off Premises: A class B license authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption off of the premises where sold.

#### 3. Class C-Temporary:

a. A class C license authorizes the licensee to sell alcoholic liquor to be consumed on the premises where sold and not for resale in any form at a banquet, picnic, bazaar, fair, celebration, or similar private or public assembly and not containing more than six percent (6%) of alcohol by weight.

b. Such temporary license shall be granted to local not for profit organizations legally chartered as such or governmental entities, for community events.

c. Such license authorizes the retail sale and/or consumption of alcoholic beverages containing not more than six percent (6%) alcohol on municipally or other governmentally owned property. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner. The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities to protect the public health, safety, welfare and morals of the residents of the village, and shall restore premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this chapter.

d. The license issued shall be limited to the premises specified in the license, which premises shall be: a) entirely enclosed in a walled tent or b) entirely enclosed by a double fence with at least four feet (4') separating each fence row.

e. Payment shall be made to the village for the actual costs incurred by the village in providing additional police personnel necessitated by improper conduct or control by the licensee on the specific premises. Each licensee who is to be held responsible for additional charges shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the liquor control

https://export.amlegal.com/api/export-requests/7ee45339-b025-4343-adc7-30a4934963aa/download/

commissioner, and shall thereafter promptly pay any such additional charge determined by the commissioner to be due the village.

f. Such license shall be authorized on a day to day basis, but for not more than five (5) consecutive days.

4. Class D-Club:

a. Consumption On Premises: A class D license authorizes the licensee to sell alcoholic liquor for consumption on the premises, when sold only to the members and the invited guests of the members.

b. Availability Of License: The license shall only be available to clubs, fraternal societies or lodges which have been in existence in the state continuously for a period of three (3) years prior to making application for a license and shall have at least fifty (50) members regularly paying dues.

c. Salaries: No member or officer of the organization shall be paid a salary or other compensation from the proceeds from the distribution or sale of alcoholic liquor or from the general revenues of the organization.

d. Membership List: With the application and renewal of a class D license, there shall be filed a true and complete list, in duplicate, containing all the names and addresses of the members of the club.

e. Purpose Of Club: No class D license shall be issued until the local liquor control commissioner has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor.

5. Class E-Restaurant:

a. Sale Of Liquor By The Drink: A class E license authorizes the licensee to sell to the general public alcoholic liquor by the drink only, excepting vinous beverages which may be served by the bottle or carafe, or beer or margaritas which may be served by the pitcher of a capacity not to exceed sixty (60) ounces for consumption on the premises where sold, and not for resale in any form.

b. Time Of Sale Restricted: Service of alcoholic liquor shall only be during times that food prepared on the premises is available to be served and a full menu is in effect; except and unless the time during which food is prepared and available to be served is outside of the times specified for the service of alcoholic liquor as set forth in this chapter.

c. Availability Of License: The license shall only be available for premises defined as a "restaurant" herein that has a minimum seating capacity of one hundred twenty five (125) seats on the same floor or level.

6. Class F-Beer And Wine Restaurant:

a. Sale Of Beer And Wine: A class F license authorizes the licensee to sell to the general public beer and wine by the glass, bottle, carafe or which may be served by the pitcher of a capacity not to exceed sixty (60) ounces for consumption on the premises; provided, that such sales shall be in conjunction with the sale of food for consumption on the premises so long as such sales are during the hours prescribed in this chapter for the sale of alcoholic liquor.

b. Bars Prohibited: All liquor service shall be at tables or booths. No bar shall be available for customer use.

7. Class G-Golf Course:

a. Sale Of Liquor By The Drink: A class G license authorizes the licensee to sell to the general public alcoholic liquor by the drink for outdoor consumption on the premises where sold, and not for

resale in any form.

b. Time Of Sale Restricted: Outdoor golf course service of alcoholic liquor shall only be during times specified and for a class G license that the golf course is open to the general public.

8. Class H-Hotel (Full Service):

a. Sale Of Liquor By The Drink: A class H license authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold, not for resale in any form, and only as provided in subsections H2 through H4 of this section.

b. Locked Minibars Permitted: A class H license authorizes the licensee to place small, locked refrigerated units containing alcoholic beverages (commonly referred to as "minibars") in the guestrooms. Keys for said units may only be provided to hotel guests who are at least twenty one (21) years of age.

c. Time Of Sale In Dining Room Restricted: Service of alcoholic liquor in the dining room of said hotel shall only be during times that food prepared on the premises is available to be served in the dining room and a menu is in effect; except and unless the time during which food is prepared and available to be served is outside of the times specified for the service of alcoholic liquor as set forth in this chapter. Said menu must consist of, but not be limited to, hot appetizers, hot or cold sandwiches, and other hot entrees prepared on the premises.

d. Time Of Sale In Lounge Restricted: Service of alcoholic liquor in the lounge of said hotel shall only be during times that food prepared on the premises is available to be served in the dining room and a menu is in effect; except and unless the time during which food is prepared and available to be served is outside of the times specified for the service of alcoholic liquor as set forth in this chapter. Said menu must consist of, but not be limited to, hot appetizers prepared on the premises.

e. Availability Of License: The license shall only be available for premises defined as a "hotel (full service)" herein.

9. Class I-Hotel (Limited Service):

a. Consumption On Premises: A class I license authorizes the licensee to sell alcoholic liquor to registered guests of the hotel only (and only as provided in subsection 13 of this section), for consumption on the premises where sold, and not for resale in any form.

b. Drink Charges: A class I license authorizes the licensee to charge by the drink or cover the drink charges under the hotel fees.

c. Locked Minibars Permitted: A class I license authorizes the licensee to place small, locked refrigerated units containing alcoholic beverages (commonly referred to as "minibars") in the guestrooms. Keys for said units may only be provided to hotel guests who are at least twenty one (21) years of age.

d. Availability Of License: The license shall only be available for premises defined as a "hotel (limited service)" herein.

10. Class J-Specialty Basket:

a. Sale For Consumption Off Premises: A class J license authorizes the licensee to sell wine to the general public in original packages only, for consumption off the premises where sold, in conjunction with sales of floral arrangements or specialty baskets only.

b. Value Of Baskets: The value of said floral arrangements and basket contents must be greater than the value of the wine being sold with the arrangement or basket.

c. Availability Of License: This license shall only be available for floral or specialty basket shops whose primary purpose is the sale of floral arrangements or specialty baskets.

11. Class K-Catering:

a. Sale Of Alcoholic Liquor: A class K license authorizes the licensee to sell alcoholic liquor in connection with the operation of a catering business within the village.

b. Sale Of Liquor In Original Packages: A class K license authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption at a private party when the licensee caters the food for said party.

c. Availability Of License: The license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business with headquarters within the village.

d. Licensed Premises: All food and beverage sales made by the licensee shall be made at the registered office of the licensee, which shall be deemed the licensed premises. Such sales shall be subject to all applicable taxes.

12. Class L-Restaurant And Tavern:

a. A restaurant and tavern license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink for consumption on the premises.

b. All such liquor service shall be by the drink only, excepting vinous beverages which may be served by the bottle or carafe, or beer or margaritas which may be served by the pitcher of a capacity not to exceed sixty (60) ounces.

c. A full menu shall be available at all times alcoholic beverage sales are being conducted until ten o'clock (10:00) P.M. Sunday through Thursday and eleven o'clock (11:00) P.M. on Friday and Saturday. After such times in the event a full menu is not provided a reduced menu, which may include only appetizers, sandwiches, snacks, hors d'oeuvres, or other similar foods, shall be available. (Ord. 2004-06-15B, 6-15-2004)

13. Class M-Temporary Seasonal Market:

a. A class M license authorizes the retail sale of wine or fruit wines during the operation of a seasonal market for consumption off the premises where sold and consumption on the premises as provided below for winetasting.

b. The term "seasonal market" shall be defined as a lawfully established community event and public market at which vendors sell or offer for retail sale produce and other goods directly to the consumers.

c. This license shall authorize the licensee to conduct product tasting of wine or fruit wines conducted at a freestanding booth utilized by the licensee. All product tasting shall be consumed in the area immediately adjacent to said freestanding booth. Winetasting shall be limited to an individual serving of two (2) ounces of wine or fruit wine. Said product tasting shall be limited to three (3) such servings by any individual person on any given day of the seasonal market. The chief of police is hereby delegated the right to create additional rules and regulations to ensure that said limitation can be verified and enforced at any such seasonal market. The licensee must provide adequate dramshop liability insurance as required by the Illinois liquor control act, as it is now or may hereafter be amended.

d. If selling or offering to sell wine or fruit wine on village owned property, the licensee shall indemnify and hold harmless the village from all financial loss, damage and harm arising from the retail sale of wine or fruit wine and product tasting during the operation of the seasonal market. The village staff shall promulgate forms for said indemnification required hereunder.

e. The license issued shall be limited to the premises specified in the license, which premises shall be only property specified in subsection 3-2-12E1 of this chapter. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner; however, such license shall be authorized for not more than five (5) consecutive days. A single license can cover multiple regularly recurring days throughout a season (example: each Sunday from 9:00 A.M. to 2:00 P.M. from May through October). The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities to protect the public health, safety, welfare and morals of the residents of the village, and shall restore premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this chapter.

f. Payment shall be made to the village for the actual costs incurred by the village in providing additional police personnel necessitated by improper conduct or control by the licensee on the specific premises. Each licensee who is to be held responsible for additional charges shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the liquor control commissioner, and shall thereafter promptly pay any such additional charge determined by the commissioner to be due the village. (Ord. 2011-05-03, 5-3-2011)

14. Class N-Private Country Club:

a. Sale Of Alcoholic Liquor: A class N license authorizes the licensee to sell alcoholic liquor for consumption on the premises, when sold only to the members and the invited guests of the members and/or the club. Liquor service shall be available from bars, at tables/booths, and from golf carts. Alcoholic liquor may be served by the glass, pitcher, or in original containers. Liquor sold may not be removed from the premises.

b. Availability Of License: The license shall only be available to private country clubs which have been in existence in the state continuously for a period of three (3) years prior to making application for a license.

c. Premises: For purposes of this license classification only, "premises" shall be defined as the internal and external portions of the country club (located within the village of Sugar Grove), including indoor dining rooms (which must have seating for at least 75 persons), outdoor patios and decks, lodging throughout the country club, and the golf course itself.

d. Purpose Of Club: No class N license shall be issued until the local liquor control commissioner has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor. (Ord. 2008-07-01A, 7-1-2008)

15. Class O-Temporary Governmental Special Events:

a. A class O license authorizes the retail sale of wine during the operation of a governmental special event for consumption off the premises where sold and consumption on the premises as provided below for wine tasting.

b. The term "governmental special event" shall be defined as a community event specifically authorized by resolution of the governmental entity holding said event and sponsored primarily for the benefit of the governmental entity. Sale of alcohol shall not be the primary reason for the event, but shall be ancillary to the main purpose of the event (as reasonably determined by the village staff).

c. This license shall authorize the licensee to conduct product tasting of wine conducted at the governmental special event. All product tasting shall be consumed on the premises. Wine tasting shall be limited to an individual serving of two (2) ounces of wine. Said product tasting shall be limited to three (3) such servings by any individual person on any given day of the event. The chief of police is hereby delegated the right to create additional rules and regulations to ensure that said limitation can

be verified and enforced at any governmental special event. This license shall also authorize the licensee to sell wine in original packages only, for consumption off the premises. The licensee must provide adequate dramshop liability insurance as required by the Illinois liquor control act, as it is now or may hereafter be amended.

d. The license issued shall be limited to the premises specified in the license. Such temporary license shall only be granted to governmental entities for a governmental special event. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner; however, such license shall be authorized for not more than five (5) consecutive days. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this chapter. (Ord. 2009-09-15A, 9-15-2009)

16. Class P-Wine And Beer Specialty Shop:

a. A class P license shall authorize the retail sale of bottled wines and premium beer only in the original package and not for consumption on the licensed premises, and the sale of wine and premium beer by the glass for consumption on the licensed premises.

b. Seating for customers ordering wine or premium beer by the glass for consumption on the licensed premises, inclusive of outdoor seating, shall not exceed thirty (30) seats.

c. This license classification shall also allow the delivery of alcoholic liquor, without a charge, by such a licensee in small and limited amounts for sampling purposes only in conjunction with sales promotional efforts occurring on the licensed premises. The sampling shall be attended and supervised by a full-time employee and only in a designated area on the licensed premises, and shall be subject to such further regulation as deemed necessary by the local liquor control commissioner.

d. Only products registered with the state liquor commission may be tasted in the following amounts: wine, one ounce and beer, two (2) ounces. Limited to six (6) tastings per customer.

e. A class P license also authorizes the sale of alcoholic liquor related accessories, fine food related accessories, small gourmet foods which shall be limited to cold sandwiches, appetizers, tapas or other similar foods, and drink products. A class P license shall not allow the sale of quick preparation foods, general supermarket foods or household products. (Ord. 2012-07-17A, 7-17-2012)

17. Temporary Carry Out And/Or Delivery Of Packaged Liquor: A class Q liquor license may be granted to the holder of an existing liquor license on a short-term temporary basis. A class Q license shall entitle the holder to sell to the general public alcoholic beverages in original packages only, for consumption off of the premises where sold as part of a carry-out or delivery service. Such temporary license shall be limited in scope and duration and subject to any special conditions set forth in the grant of permit.

18. Class R - Gas Station/Convenience Store

a. A Class R license shall authorize the licensee to sell to the general public alcoholic liquor in original packages only, for consumption off of the premises where sold, and shall authorize the service of beer only, in conjunction with video gaming, to be sold for consumption on the specified premises.

b. The on-site consumption component of the Class R license shall be subject to the following guidelines and restrictions:

(1) This license shall authorize the service of beer only, limited to one (1) drink per hour per video gaming customer on the licensed premises, and no such customer shall be served more than two (2) beer beverages during any one calendar day.

(2) No serving of beer shall be greater than twelve (12) fluid ounces and shall not exceed a maximum alcohol content of 5% ABV.

(3) The service of beer shall be ancillary to the operation of a gas station or convenience store that holds a valid video gaming license with the state and the village. It shall not be advertised or otherwise held out to be a drinking establishment. No window or any other signage shall be permitted on the licensed premises or surrounding property that indicates that alcoholic beverages are available for consumption at the licensed premises.

(4) On-premise consumption may only occur in the separate video gaming area, and video gaming terminals must be located in the direct line of site of the cashier from the location of the cashier counter. No patio, beer garden, or similar area shall be allowed on the licensed premises for alcohol consumption.

(5) Beer beverages may not be removed from the designated gaming area at any time.(6) The license holder shall not serve alcohol to any individual without their age having been first verified confirming that such individual is at least twenty-one (21) years of age.

(7) Beer shall be poured from its original container into a clear container before serving to a customer. No cans or glass containers shall be allowed.

(8) Beer service shall only be provided to patrons who are actively playing on video gaming terminals.

(9) No happy hour practices shall be allowed on the licensed premises.

(10) The license holder shall adhere to the village's closing hours set forth in section 3-2-13 of the Village Code.

B. There shall be the following classes of permits:

1. Liquor and Wine Tasting Permit:

a. Availability of Permit: Holders of a class B, D, J, or P license may apply on an annual basis for a liquor and wine tasting permit.

b. Annual Permits: Holders of a class B, D, J, or P license may obtain an annual tasting permit in conjunction with their liquor license application or renewal for the May 1 April 30 term, by submitting to the local liquor control commissioner an application for the tasting permit, a schedule of tastings planned for the year, and payment of an additional fee for the tasting permit. The yearly schedule submitted at the time of application may be amended by providing mandatory prior written notification to the local liquor control commissioner. Applications for a tasting permit may be submitted at a time other than the submission of a liquor license application or renewal, with permit applicants to pay a prorated amount for the annual fee.

c. Guidelines and Restrictions. This permit shall authorize the holder to conduct product tastings of liquor and wine as a promotional procedure each week for a period not to exceed two (2) consecutive days. All tastings must be conducted at a freestanding booth utilized by the permit holder, with all liquor and wine to be consumed in the area immediately adjacent to said freestanding booth. The tasting shall be attended by and supervised by a full-time employee over the age of twenty-one (21) years, and all alcoholic tastings may only be provided and served to individuals over the age of twenty-one (21) years.

No permit holder shall give or offer to give away alcoholic liquors as a gift, gratuity, or any item with the sale of nonalcoholic products, or to induce the purchase of or promote the sale of nonalcoholic products.

Tasting authorized by this permit shall be limited to beer, wines, and liquors only, and shall be in compliance with 235 Illinois Compiled Statutes 5/6-31.

The chief of police is hereby delegated the right to create additional rules and regulations to ensure that said limitations can be verified and enforced at any such tasting. (Ord. 2012-07-17A, 7-17-2012;

6/17/22, 8:56 AM

https://export.amlegal.com/api/export-requests/7ee45339-b025-4343-adc7-30a4934963aa/download/ amd. Ord. 2013-10-01A, 10-1-2013; Ord. 2020-03-19A, 3-19-2020; Ord. 20220201B, 2-1-2022)