

ORDINANCE 2015-O-23

**AN ORDINANCE AMENDING MULTIPLE SECTIONS
OF THE LIQUOR CONTROL PROVISIONS
OF THE MUNICIPAL CODE OF WINTHROP HARBOR**

WHEREAS, the State of Illinois recently adopted PA 99-0046, which made a number of changes to the Illinois Liquor Control Act of 1934, and

WHEREAS, the Village Board finds that some of the provisions within that Act require the adoption of local regulations consistent with those modifications, and

WHEREAS, the Village Board further finds that additional modifications of the current liquor license regulations are required to preserve the public peace, and to more carefully balance the rights of property owners and citizens with those of licensees,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Chapter 110 of the Winthrop Harbor Municipal Code is hereby amended by the addition of the following section 110.25, which shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§110.25 OUTDOOR BEER GARDEN AND CAFÉ REGULATIONS

Outdoor beer gardens and cafes licensed as Class H adjuncts to Class G license holders shall be subject to the following supplemental regulations:

- A) No alcoholic beverages may be sold, served or transported beyond the established perimeter of the beer garden or café at any time whatsoever, except to return into the primary establishment;
- B) No person shall be in or on the beer garden or café with an alcoholic beverage at any time other than during the open hours allowed under section 110.31(A);
- C) Outdoor loudspeakers or amplified music or sound systems shall be permitted on any beer garden or café, however any music or audio programming played on such equipment shall be permitted only when it is not audible at any point 100 feet from the perimeter of the beer garden or café;
- D) The licensee shall be required to adopt adequate internal controls or rules to limit the noise generated by any patrons or other persons on the beer garden or café so that the noise shall not be audible at any point 100 feet from the perimeter of the beer garden or café at any time;

E) When the beer garden or café is located on a public sidewalk, at least six (6') feet of clearance shall be afforded in a convenient location for pedestrians to walk through.

SECTION TWO: Section 110.43 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 110.43 BASSET CERTIFICATION REQUIREMENTS.

(A) For purposes of this chapter, BASSET shall refer to a Beverage Alcohol Sellers And Servers Education and Training , duly licensed by the Illinois Liquor Control Commission pursuant to ILCS Ch. 235, Act 5, § 6-27. ~~CURRENTLY CERTIFIED~~ shall mean that the employee possesses a BASSET certification that is not more than five years old.

~~(B) Each and every time a license is issued or reissued, the licensee shall be required to sign a statement acknowledging that the licensee shall hire and retain on premises at all times during operation of a licensed premises, and during the entire term of his, her or its license, at least one employee who is currently certified in the BASSET program. Each and every person serving or selling alcoholic beverages or package goods in any licensed establishment shall be currently certified in the BASSET program.~~

~~(C) The failure of any licensee to retain at least one BASSET certified employee or to have that employee physically present during all times that sales of alcohol are being conducted on the licensee's premises shall constitute a violation of this chapter. Any occasion whereby a licensee permits, allows or suffers a person to sell or serve any alcoholic beverage or package goods who is not currently certified in the BASSET program shall constitute a violation of this chapter.~~

(D) Every licensee shall maintain copies of the BASSET certification for each of his or her BASSET certified employees on the licensed premises and, on the request of a Winthrop Harbor police officer, or the Winthrop Harbor Liquor Control Commissioner or his or her designee, shall produce such copies for inspection and verification.

SECTION THREE: Section 110.33 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 110.33 SALES RESTRICTED / HAPPY HOUR REGULATIONS.

(A) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be a habitual drunkard, a spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor,

shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service.

(B) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient he or she shall, before making such sale or delivery, demand positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(C) No person shall transfer, alter, or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of an identification card obtained by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this section.

(D) The consumption or possession of alcoholic liquor by any person under 21 years of age is forbidden.

(E) The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this section.

(F) Licensees may offer a discounted drink "happy hour" during any portion of any day, subject to and consistent with the provisions regulating the same in the Liquor Control Act of 1934 as amended, subject to the following local regulations. In particular, the following regulations shall apply to all licensees other than those strictly selling package goods: It is expressly prohibited to:

(1) sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;

(2) sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(4) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (3).

SECTION FOUR: Section 110.99 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows:

§ 110.99 PENALTY.

(A) (1) Whoever violates any provisions of § 110.33 shall be subject to imprisonment in a penal institution other than the penitentiary for not more than six months for any offense, and shall further be fined pursuant to the following chart, or both:

1st Offense	2nd Offense	3rd Offense
\$250	\$500	\$750

(2) Whoever violates the following series of code sections shall be fined pursuant to the chart set forth hereinbelow:

Offense Section Number	1st Offense	2nd Offense	3rd Offense
<u>§ 110.25</u>	<u>\$250</u>	<u>\$500</u>	<u>\$750</u>
§ 110.34	\$250	\$500	\$750
§ 110.39	\$250	\$500	\$750
§ 110.40	\$100	\$200	\$300

(B) Any person, firm, or corporation violating any provision of this chapter other than § 110.33, 110.34, 110.39 or 110.40 shall be fined not less than \$250 nor more than \$750 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(C) In addition to any other penalties imposed pursuant to this chapter, any person who violates any regulation of this chapter may be required to complete a duly licensed Beverage Alcohol Sellers and Servers Education And Training (“BASSET”) program. See ILCS Ch. 235, Act 5, § 6-27. Failure to complete the BASSET program when so required shall constitute a violation of this chapter.

(D) In further addition, the imposition of a penalty under this section shall not affect the right of the Local Liquor Commissioner to seek the imposition of penalties, including, but not limited to suspension or revocation of any licensee for any alleged violations of this chapter.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 20TH DAY OF OCTOBER, 2015.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Hargett, Marabella, McCarthy, Robards, Weiss

NAYS: None

PASSED: None

ABSENT: None

FIRST READING: WAIVED OCTOBER 6, 2015

SECOND READING: WAIVED OCTOBER 20, 2015

ORDINANCE PASSED: OCTOBER 20, 2015