

**ORDINANCE 2020-O-1**

**AN ORDINANCE AMENDING BYOB REGULATIONS  
MAKING THE PILOT PROGRAM PERMANENT AND  
EXPANDING IT TO ADDITIONAL BUSINESSES**

**WHEREAS**, the Village regulates the sale of liquor in accordance with the provisions of the Illinois Liquor Control Act of 1934 as amended (the Act), and

**WHEREAS**, so-called “BYOB” or Bring Your Own Bottle regulations were adopted in 2016 as a pilot program with the intention of allowing businesses that did not qualify for, or did not desire, true liquor licenses to permit customers to bring alcoholic liquor for their own consumption on the businesses’ premises, and

**WHEREAS**, BYOB regulations are not considered liquor licenses under the Act and the case law interpreting the same and as such do not meet the requirements of a “pouring license” necessary for the issuance of a video gaming license by the Illinois Gaming Board, and

**WHEREAS**, the Village Board finds that certain modifications of the existing BYOB regulations is appropriate and necessary, and in particular to make the regulations permanent and to expand it to additional forms of businesses which hopefully will spur economic development and increase commercial trade within the Village, and

**WHEREAS**, the Village Board wants to ensure that the public interest is genuinely served by any and all licenses and permits granted to businesses,

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

**SECTION ONE:** Section 110.55 of the Winthrop Harbor Municipal Code is amended and shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

110.55 BYOB. ~~The following provisions are adopted as a pilot program in order to determine whether or not a~~ regulations in this section apply to so-called BYOB (Bring Your Own Bottle) ~~program is in the best interests of the citizens and and which are applicable to certain classes of~~ businesses within the Village. ~~The Village Board reserves all right to prohibit such activities or adopt further regulations following their occasional assessment of this pilot program.~~

- A. It shall be expressly permissible for restaurants and tobacco dealers in the Village to allow patrons to bring in their own alcoholic beverages and for the restaurant or tobacco dealer to provide glassware or other vessels to those patrons, provided they have a village-issued BYOB license permit for the same. Businesses may also provide storage lockers for customers to keep their alcoholic beverages on

premises, but each such individual locker shall be keyed or coded individually so that no one other than the customer assigned that locker shall have access to it; provided, however, that the business may maintain a master key or combination for the purposes of clearing out the lockers in the event of disuse by a customer or other legitimate business reasons.

- B. To qualify for a BYOB license permit, ~~the a~~ restaurant shall be required to have a current license from the Lake County Health Department; and a tobacco dealer must have a current Class B Tobacco Dealer's License issued by the Village of Winthrop Harbor. Further, the qualifying business must not be in arrears in any fees owed to the Village, and no person owning more than 5% of the business shall have been convicted of a felony or a misdemeanor involving dishonesty, such as fraud or theft.
- C. The owner of a qualifying restaurant business may apply for a license permit by providing a sworn statement on a form provided by the Village Clerk, submitting to a background check and paying the annual fee.
- D. No restaurant business shall allow any person to consume alcohol on the premises unless it holds a valid current BYOB license permit or a valid current liquor license.
- E. No person under 21 may consume alcohol on the premises of any business.
- F. Patrons must be served food, cigars or other tobacco products and cannot simply sit and drink alcoholic beverages at the restaurant or tobacco dealer.
- G. No alcohol may be consumed in the premises at any time between 11:00 pm and 11:00 am the following morning.
- H. Gambling of any kind is prohibited in the premises.
- I. Public intoxication is not permitted by this section and restaurant business owners and managers shall promptly eject persons who have become intoxicated, and, if necessary to call the police promptly for assistance.
- J. No employee or owner of the restaurant business may consume alcohol on the premises or be intoxicated while working at the premises.
- K. No alcoholic beverages may be poured or consumed by any adult in a booth or table where a minor is seated, unless the minor is accompanied by a parent or legal guardian, and is properly supervised.
- L. The restaurant business shall be permitted to charge a fee for providing glassware or opening bottles, sometimes known as "corkage". However, the owner and employees of the restaurant business shall not be permitted to pour any alcoholic beverage. The business shall further be permitted to charge locker fees if lockers are provided for customers.
- M. The BYOB license permit is not considered a pouring license, and a restaurant business which qualifies for ~~such permission~~ a BYOB permit is not considered a liquor licensee or otherwise qualified to hold a terminal operator's license as that term is defined within the Illinois Video Gaming Act, 230 ILCS 4/1 et. seq. unless that restaurant also holds a valid and current local and state issued liquor license.
- N. The annual fee of \$100 applies to all restaurants businesses holding BYOB licensespermits. This fee is in addition to all other license fees applicable to the businesses.

- O. Any proven violation of the provisions of this section shall be considered grounds to revoke this grant of permission by the Village ~~Board~~ President upon not less than three (3) days' written notice. In the event of such revocation, the affected business may appeal to the Village Board whose majority decision shall stand as the final administrative act of the Village.
- P. A violation of the provisions of this section shall also subject the offender to penalties as provided in the chart of fines set forth in Section 39.07 of this Code.

**SECTION TWO:** 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 7<sup>th</sup> DAY OF JANUARY, 2020.

ATTEST:

---

DR. MICHAEL BRUNO, MAYOR

---

JULIE RITTENHOUSE, VILLAGE CLERK