

VILLAGE OF PLAINFIELD

ORDINANCE NO. 3321

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II OF THE
CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD

An Ordinance Amending the Chapter and Articles
Regulating the Sale and Consumption of Alcoholic Liquors

ADOPTED BY THE
PRESIDENT AND BOARD
OF TRUSTEES OF THE
VILLAGE OF PLAINFIELD
THIS 18TH DAY OF SEPTEMBER, 2017

Published in pamphlet form by
the authority of the President
and Board of Trustees of the
Village of Plainfield, Will and
Kendall Counties, Illinois, this
19th day of September, 2017.

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THE CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD

An Ordinance Amending the Chapter and Articles Regulating
the Sale and Consumption of Alcoholic Liquors

WHEREAS, the Village of Plainfield ("Village"), Will and Kendall Counties, Illinois, as a home rule municipality in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, is enacting this Ordinance pursuant to its home rule authority; and

WHEREAS, pursuant to the laws of the State of Illinois, the Village has the authority to adopt ordinances providing for protection of the health, safety and general welfare of the Village; and

WHEREAS, the regulation of the sale and consumption of alcoholic beverages is a matter which affects the health, safety and general welfare of the citizens of the Village; and

WHEREAS, the Village President and the Village Board of Trustees ("Village Board") have determined that, in the interest of promoting the health, safety and welfare of the Village, it is necessary and desirable to amend the Village's Code of Ordinances to further comprehensively regulate the sale and consumption of alcoholic liquor in the Village; and

WHEREAS, the Village President and the Village Board specifically find that the passage of this Ordinance will promote the health, safety and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PLAINFIELD, WILL AND KENDALL COUNTIES, ILLINOIS, as follows:

SECTION ONE. That the Preamble to this Ordinance and Exhibits are adopted by this reference as if fully set forth herein.

SECTION TWO. That Section 4-22 of Chapter 4, Article II, as it relates to Class K liquor licenses only, and Section 4-45, Notices/Signage, be and hereby are amended as set forth below. The amended text with document markings is attached hereto as Exhibit "A". Deletions from the Code are ~~overstruck~~ and additions to the Code are double underlined.

SECTION THREE

Secs. 4-22.

Class K - Craft Beer License (Production, Storage and Retail Sale): Class K license shall authorize the (a) production and storage of craft beer for retail sale on the licensed premises; (b) storage of craft beer produced by regional craft brewers other than the licensee, provided such storage is for the sole purpose of on-site sampling of the craft beer pursuant to the terms of this article; (c) in-person sales of craft beer to individuals for consumption off the licensed premises; (c) distribution of not more than two hundred thirty-two thousand five hundred (232,500) gallons per year of the licensee's craft beer to other retail licensees provided the licensee has obtained the required State self-distribution exemption; and (d) on-site sampling of craft beer. Craft beer sold to individuals for consumption off the licensed premises shall only be sold in pre-packaged bottle(s), can(s), keg(s) and/or growler(s). Each Class K licensee must, prior to the issuance of this license, comply with and adhere to all applicable federal, state and local regulations, including but not limited to procurement of a Federal Brewer's Notice, Illinois Manufacturer's (Brewer's) Liquor License, State of Illinois Craft Brewer's License, State of Illinois self-distribution exemption, and any other requisite license or permit for the manufacture, packaging, storing, sale and/or distribution of craft beer.

The volume of craft beer produced on the licensed premises shall not exceed four hundred sixty-five thousand (465,000) gallons per year. The portion of the licensed premises dedicated to the manufacture of craft beer shall be segregated from the remainder of the licensed premises and shall not generally be

accessible to the public. The licensee shall maintain accurate records as to the total volume of craft beer manufactured on the licensed premises and the volume of craft beer sold for consumption off the licensed premises. Upon demand, the licensee shall immediately produce said records to the local liquor control commissioner.

Not more than seventy-five percent (75%) of the total gross square footage area of the licensed premises shall be designated to the retail sale of craft beer.

The production and sale of craft beer for consumption on the licensed premises is expressly prohibited, except this license classification shall allow the delivery of craft beer by the licensee in limited amounts for sampling purposes only to (a) licensee's customers; and/or (b) attendees at certified educational or instructional classes related to the production of craft beer and sponsored by the licensee on the licensed premises, pursuant to the following conditions:

- (1) Sampling is permitted only during the licensee's authorized retail sale hours and may only occur on that portion of the licensed premises dedicated to offering sampling, which area shall be segregated from the manufacturing area of the licensed premises.
- (2) Sampling by customers shall only occur from a single bar located on the licensed premises, with seating at the bar available for such sampling. No other customer seating on the licensed premises shall be permitted. The provisions of this subparagraph (2) shall not apply to sampling related to certified educational or instructional classes.
- (3) Craft beer may be served for sampling purposes provided the total quantity of the craft beer sampling package served to a single person is not more than sixteen (16) ounces of craft beer.
- (4) A price may be set for such sampling.
- (5) All applicable taxes including sales tax shall be collected and paid on all revenue realized from such sampling.
- (6) All sampling shall be attended and supervised by a BASSET-certified site manager.
- (7) Sampling shall be subject to all other terms and conditions regulating this license classification and to such further regulations as deemed necessary from time-to-time by the local liquor control commissioner.

It shall be unlawful for the holder of a Class K license to provide a sample of or sell craft beer before the hour of 10:00 a.m. or after the hour of 9:00 p.m. on any Sunday; or before the hour of 9:00 a.m. or after the hour of 11:00 p.m. any

Monday through Saturday. The annual fee for such license shall be One Thousand Nine Hundred Dollars (\$1,900.00). There shall be no more than one (1) Class K license(s) issued at any one time.

(Ord. No. 3312, eff. 6-2017; Ord. No. _____, eff. _____).

Sec. 4-45. Notices; signage.

In addition to the signage required pursuant to sections 4-17 and 4-37 of this article, all licensees shall cause the following notices/signs to be framed and displayed at all times on the licensed premises in a conspicuous location, prominently visible to all patrons:

(a) Underage drinking card. A printed card approximately 8" x 10" bearing an underage drinking warning which reads substantially as follows:

UNDERAGE DRINKING

If you are under 21, you are subject to a mandatory fine of up to \$750.00 if you purchase and/or consume any alcoholic liquor on this premises. If you buy for or deliver an alcoholic beverage to an underage person, you will also be subject to a fine of up to \$750.00.

(b) Governmental Warning Card/Surgeon General's Warning. A printed card approximately 8" x 10" bearing the following governmental warning which shall read substantially as follows:

"Government Warning: According to the surgeon general, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects."

On any licensed premises where cigarettes are offered for retail sale, a white card bearing red letters at least ½ inch in height the following Surgeon General's Warning which shall read substantially as follows:

"Surgeon General's Warning: Smoking by pregnant women may result in fetal injury, premature birth, and low birth weight."

(c) Illinois Liquor Control Commission Age Verification Sign. A printed card/paper approximately 8" x 10", which substantially states "Be prepared to show PROOF OF AGE".

(d) Health Department Certificate. A copy of the certificate issued by the applicable county health department evidencing the licensee's current compliance with all applicable regulations of that department.

(e) Business License. A copy of the current Business License issued to the licensee by the Village.

(f) Occupancy Restrictions. A printed card approximately 5" x 7" bearing the occupancy restrictions applicable to the licensed premises pursuant to state and/or local fire code regulations, codes and ordinances.

(g) Price List. A copy of the current price list for all alcoholic liquor sold at the licensed premises, as required to be maintained pursuant to section 4-36(b) of this article.

(Ord. No. 3312, eff. 6-2017; Ord. No. _____, eff. _____).

SECTION FOUR. That any Village Ordinance or Resolution, or part thereof, in conflict with the provisions of this Ordinance is, to the extent of such conflict, expressly repealed.

SECTION FIVE. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be stricken and shall not affect any other provision of this Ordinance.

SECTION SIX. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

SECTION SEVEN. This Ordinance shall be numbered as Ordinance No. 3321.

PASSED the 18th day of September, 2017.

AYES: Lamb, Larson, Newton, O'Rourke, Wojowski, Bonuchi

NAYS: None

ABSENT: None

APPROVED this 18th day of September, 2017.

MICHAEL P. COLLINS
Michael P. Collins
Village President

ATTESTED AND FILED IN MY OFFICE:

MICHELLE GIBAS
Michelle Gibas
Village Clerk

EXHIBIT A

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Not more than seventy-five percent (75%) of the total gross square footage area of the licensed premises shall be designated to the retail sale of craft beer.

~~Under no circumstance shall the total gross square footage dedicated to the retail sale of craft beer be more than three thousand (3,000) square feet.~~

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