

ORDINANCE NO. MC- 1014

AN ORDINANCE AMENDING CHAPTER 10 OF THE HOMEWOOD
MUNICIPAL CODE REGARDING THE NUMBER, KIND, AND
CLASSIFICATION OF LIQUOR LICENSES AND THE FEES TO BE PAID
FOR SUCH LICENSES

WHEREAS, section 4-1 of the Liquor Control Act of 1934 (235 ILCS 5/4-1) authorizes a municipality to determine the number, kind, and classification of licenses for the retail sale of alcoholic liquor and local license fees to be paid for each license category.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois:

SECTION ONE - AMENDMENTS TO THE HOMEWOOD MUNICIPAL CODE:

A. Section 10-54 of the Homewood Municipal Code is amended by deletion of the entire section and by substitution of the following:

Section 10-54. Classes.

Licenses permitting the sale at retail of alcoholic liquor shall be of these classes:

(1-VE) *Class 1-VE - general.* A class 1-VE - general license permits the retail sale of any alcoholic liquor in the original package for off-premises consumption and also the sale of any alcoholic liquor for on-premises consumption, either at a counter or bar or at tables, with or without meals. Video gaming eligible.

(1-VL) *Class 1-VL - general.* A class 1-VE - general license permits the retail sale of any alcoholic liquor in the original package for off-premises consumption and also the sale of any alcoholic liquor for on-premises consumption, either at a counter or bar or at tables, with or without meals. Video gaming terminals are live.

(1A) *Class 1A - general, no video gaming.* A class 1A - general no video gaming license permits the retail sale of beer and wine in the original package for off-premises consumption and also the sale of any alcoholic liquor for on-premises consumption, either at a counter or bar or at tables, with or without meals. No more than two televisions and no video gaming devices are allowed on the premises.

(2) *Class 2 - package.* A class 2 - package license permits the retail sale of any alcoholic liquor in the original package only for off-premises consumption.

(3-VE) *Class 3-VE - club.* A class 3-VE - club license permits the retail sale of any alcoholic liquor for on-premises consumption only by members and their bona fide guests. Video gaming eligible.

(3-VL) *Class 3-VL - club.* A class 3-VE - club license permits the retail sale of any alcoholic liquor for on-premises consumption only by members and their bona fide guests. Video gaming terminals are live.

(4-VE) *Class 4-VE - restaurant with bar.* A class 4-VE - restaurant with bar license is available only to establishments primarily serving meals prepared in the establishment's kitchen, having a seating capacity for the service of meals at tables or counters for not less than 50 patrons and permitting the retail sale of any alcoholic liquor for on-premises consumption only, and having a bar. A counter is defined and held to mean a facility with a top surface at normal table surface distance above the general floor level, at which facility a patron is seated and served with a meal. Seating capacity at the establishment's bar shall not be considered in determining whether space for 50 patrons is available. Video gaming eligible.

(4-VL) *Class 4-VL - restaurant with bar.* A class 4-VL - restaurant with bar license is available only to establishments primarily serving meals prepared in the establishment's kitchen, having a seating capacity for the service of meals at tables or counters for not less than 50 patrons and permitting the retail sale of any alcoholic liquor for on-premises consumption only, and having a bar. A counter is defined and held to mean a facility with a top surface at normal table surface distance above the general floor level, at which facility a patron is seated and served with a meal. Seating capacity at the establishment's bar shall not be considered in determining whether space for 50 patrons is available. Video gaming terminals are live.

(4A-VL) *Class 4A-VL - 75/25 restaurant with bar.* A class 4A-VL - 75/25 restaurant with bar license is available only to establishments primarily serving meals prepared in the establishment's kitchen, having a seating capacity for the service of meals at tables or counters for not less than 50 patrons and permitting the retail sale of any alcoholic liquor for on-premises consumption only, and having a bar. A counter is defined and held to mean a facility with a top surface at normal table surface distance above the general floor level, at which facility a patron is seated and

served with a meal. Seating capacity at the establishment's bar shall not be considered in determining whether space for 50 patrons is available. Video gaming terminals are live. Video gaming terminals are live.

No more than 25% of the licensee's gross receipts over any 12-month period shall be from alcohol sales. Licensee shall be obligated, upon request, to produce sales records or other evidence substantiating its compliance with the license requirements concerning percentage of alcoholic beverage sales.

(4B) *Class 4B - 75/25 restaurant with bar; no video gaming.* A "class 4B - 75/25 restaurant with bar no video gaming" license is available only to establishments which primarily serve meals prepared in the kitchen of the establishment, having a seating capacity for the service of meals at tables or counters for not less than 50 patrons and permitting the retail sale of any alcoholic liquor for on-premises consumption only, and having a bar. A counter is defined and held to mean a facility with a top surface at normal table surface distance above the general floor level, at which facility a patron is seated and served with a meal. Seating capacity at the establishment's bar shall not be considered in determining whether space for 50 patrons is available.

No more than 25% of the licensee's gross receipts over any 12-month period shall be from alcohol sales. Licensee shall be obligated, upon request, to produce sales records or other evidence substantiating its compliance with the license requirements concerning percentage of alcoholic beverage sales.

No video gaming devices or coin operated amusement devices are allowed on the premises.

(5A) *Class 5A - restaurant without bar, no video gaming.* A class 5A license is available only to establishments primarily serving meals prepared in the establishment's kitchen, having a seating capacity for the service of meals at tables or counters, permitting the retail sale of alcoholic liquor for on-premises consumption only, having no bar and no video gaming or coin operated amusements on the premises.

(6) *Class 6 - special license.* A class 6 - special license is a special permit for the sale of beer and wine only and may be granted from time to time to clubs, associations and lodges organized for objects and purposes other than the consumption of alcoholic liquor and organized for at least two years before the date of application for license. Special licenses may also

permit the sale of mixed drinks upon the approval of the village liquor commissioner.

(7-VL) *Class 7-VL - beer and wine only.* A class 7-VL - beer and wine only license permits the sale of beer and wine on premise only with food service. Video gaming terminals are live.

(7A) *Class 7A - 7/25 beer and wine only; on- and off-premise consumption; no video gaming.* This license classification is available only to establishments primarily engaged in serving food prepared on-site in a fully equipped kitchen with food service seating at tables or counters for at least 50 patrons. Retail sale of beer and wine for on- and off-premise consumption is allowed. No more than 25% of the licensee's gross receipts over any 12-month period shall be from alcohol sales. Licensee shall be obligated, upon request, to produce sales records or other evidence substantiating its compliance with the license requirements concerning percentage of alcoholic beverage sales. Video gaming or coin operated amusement devices are not permitted.

(7B) *Class 7B - 7/25 beer and wine only; on premise consumption; no video gaming.* This license classification is available only to establishments primarily engaged in serving food prepared on-site in a fully equipped kitchen with food service seating at tables or counters for at least 50 patrons. Retail sale of beer and wine for on premise consumption is allowed. No more than 25% of the licensee's gross receipts over any 12-month period shall be from alcohol sales. Licensee shall be obligated, upon request, to produce sales records or other evidence substantiating that it is in compliance with the license requirements concerning percentage of alcoholic beverage sales. Video gaming or coin operated amusement devices are not permitted.

(8) *Class 8 - hotels and motels; no video gaming.* A class 8 - hotels and motels license permits the retail sale of any alcoholic liquor in the original package for off-premises consumption. It also permits the sale of any alcoholic liquor for on-premises consumption, either indoors or outdoors, with or without meals, to patrons and guests of the establishment. No video gaming is allowed. If the hotel or motel conducts business under two or more entities with common ownership, the licensee shall only be required to procure one license.

Outdoor sale and consumption shall be subject to these limitations:

(i) Serving and consumption of alcoholic liquor shall be confined to that portion of the premises (including any adjacent area leased or

licensed to the liquor licensee) as approved by the local liquor commissioner (the "Outdoor Area");

(ii) The main and principal operation of the Outdoor Area shall be for dining and food service must be available in the outdoor dining area at all times when alcohol is offered for sale;

(iii) No music of any kind may be played or broadcast from the premises, including the Outdoor Area, before 10:00 a.m. or after 10:00 p.m.;

(iv) No alcoholic liquor may be removed from the Outdoor Area unless taken inside the hotel or motel building;

(v) Only alcoholic liquor purchased from the licensee may be consumed in the Outdoor Area;

(vi) Serving and consumption of alcoholic liquor in the Outdoor Area shall terminate at 11:00 p.m. Sunday through Thursday evenings and at midnight on Friday and Saturday evenings;

(vii) The Outdoor Area shall be physically separated from the remainder of the premises and from adjoining property and the public way by a fence, barrier, or other physical demarcation as approved by the local liquor commissioner.

(viii) The local liquor commissioner may waive one or more of the above requirements, may impose additional requirements, or may suspend or prohibit outdoor alcoholic liquor sales as necessary for the public good and convenience of the village and its residents.

(ix) Other than as stated above, Section 10-64 of this Code shall not apply.

(9) *Class 9 - package.* A class 9 - package license permits the retail sale of beer and wine only in the original package and only for off-premises consumption.

(10) *Class 10 - beer and wine only.* A class 10 - beer and wine only license permits the sale of beer and wine for off-premises consumption only, but display of beer and wine within the licensed premises must be limited to no more than twenty percent (20%) of total display area.

(11) *Class 11 - market license.* A class 11-market license permits the sale and sampling of craft or microbrew beer, select or fine wine as defined in

Class 14A during the operation of a seasonal market for consumption off-premises and sampling on-premises as provided below.

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.

This license shall authorize the licensee to conduct product tasting at a freestanding booth utilized by the licensee. All samples shall be consumed in the area immediately adjacent to the freestanding booth. Samples shall be limited to an individual serving of two ounces of wine or beer. Said product tasting shall be limited to three such servings by any individual person on any day of the seasonal market. The Chief of Police is 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.

If selling alcohol 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 alcohol and sampling. The village shall promulgate forms for the required indemnification.

The license issued shall be limited to the premises specified in the license. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner. A single license can cover multiple regularly recurring days throughout a season (example: each Saturday 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 this chapter.

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 therefore, 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.

(12) *Class 12 - public accommodation.* A Class 12 - public accommodation license permits the consumption of alcoholic liquor on the business premises of a refreshment, entertainment or recreation facility not licensed under the Liquor Control Act of 1934.

(12A) *Class 12A- special public accommodation.* A Class 12A special public accommodation license permits the consumption of alcoholic liquor during a public function conducted on the premises of a public library or other unit of local government.

(13-VE) *Class 13-VE - public golf course.* A class 13-VE - public golf course license permits the sale of alcoholic liquors for consumption on the premises of a public golf course. For this license class, "premises" shall mean the entire golf course except the areas where motor vehicles are regularly parked or operated, and "facility" shall mean the clubhouse dining areas, including its banquet rooms, decks, patios, grill room, bar, and any temporary tents erected where food is served. A class 13 - public golf course license shall authorize the sale of alcoholic liquor from the facility, from one or more motorized food and beverage carts, and from a "halfway house" all for consumption on the premises. No licensee shall permit any patron to possess alcoholic liquor on the premises not acquired from the licensee. Video gaming eligible.

(13-VL) *Class 13-VL - public golf course.* A class 13-VL - public golf course license permits the sale of alcoholic liquors for consumption on the premises of a public golf course. For this license class, "premises" shall mean the entire golf course except the areas where motor vehicles are regularly parked or operated, and "facility" shall mean the clubhouse dining areas, including its banquet rooms, decks, patios, grill room, bar, and any temporary tents erected where food is served. A class 13 - public golf course license shall authorize the sale of alcoholic liquor from the facility, from one or more motorized food and beverage carts, and from a "halfway house" all for consumption on the premises. No licensee shall permit any patron to possess alcoholic liquor on the premises not acquired from the licensee. Video gaming terminals are live.

(14) *Class 14 - (reserved)*

(14A) *Class 14A - craft spirits, limited beer and wine; no video gaming.* A Class 14A license authorizes:

(a) retail sale of any spirits, craft or microbrew beer, select or fine wine, for on-premises consumption only;

(b) retail sale of Craft Spirits, in the original package, for off-premises consumption only;

subject to these restrictions:

1. Cocktails shall be made on-premises, by hand;

2. No Craft Spirits may be sold in original packaging less than 375 milliliters in volume;

3. Food for on-premises consumption may be provided. No video gaming devices or coin operated amusement devices will be allowed on the premises.

“Craft Spirits” means spirits manufactured by an Illinois-licensed Class 9 craft distiller.

The terms “craft or microbrew beer, select or fine wine” means beer or wine produced by brew pubs, Class 1 or Class 2 brewers licensees, 1st Class wine manufacturers or 1st Class wine makers as defined by Illinois law, or similar entities licensed outside of Illinois.

(15) *Class 15 - beer only, no video gaming.* This license authorizes the sale of beer for on-premises consumption when ordered with food. Video gaming or coin operated amusement devices on the licensed premises are prohibited.

(16) *Class 16 -brew pub; no video gaming.* A Class 16 license permits the licensee to engage only in those sales and ancillary activities permitted by a “brew pub” license issued by the State of Illinois. The applicant must own or lease the premises to be licensed. No video gaming or coin operated amusement devices are allowed on the premises.

B. Section 10-56 of the Homewood Municipal Code is amended by deletion of the entire section and by substitution of the following:

Sec. 10-56. Fees

The following fee schedule for various license classes shall prevail, and the graduation of fees among classes is intended as a reasonable distinction as to the benefit derived by the licensee by virtue of the revenue obtained by use of a particular license class. Liquor license fees are in addition to any other license or permit fees applicable to the liquor licensee's business. All fees are due on May 1 of each year, except as noted.

Class	Fee
1-VE	\$2,400
1-VL	\$4,000
1A	\$1,900
2	\$2,100
3-VE	\$2,200
3-VL	\$3,800
4-VE	\$2,000
4-VL	\$3,600
4A-VL	\$3,600
4B	\$2,000
5A	\$2,000
6	\$25 per license, payable at time of issuance.
7-VL	\$3,600
7A	\$1,500
7B	\$1,500
8	\$2,400
9	\$1,500

10	\$1,500	
11	\$25	per license, payable at time of issuance.
12	\$300	
12A	\$25	per license, payable at time of issuance.
13-VE	\$2,200	
13-VL	\$3,800	
14	(reserved)	
14A	\$1,900	
15	\$2,000	
16	\$1,500	

C. Section 10-58 of the Homewood Municipal Code is amended by deletion of the entire section and by substitution of the following:

Sec. 10-58. Number limitations.

The number of licenses shall be limited as follows:

(1-VE) Class 1-VE licenses shall be limited to one.

(1-VL) Class 1-VL licenses shall be limited to two.

(1A) Class 1A licenses shall be limited to one.

(2) Class 2 licenses shall be limited to ten.

(3-VE) Class 3-VE licenses shall be limited to one.

(3-VL) Class 3-VL licenses shall be limited to zero.

(4-VE) Class 4-VE licenses shall be limited to two.

(4-VL) Class 4-VL licenses shall be limited to two.

(4A-VL) Class 4A licenses shall be limited to one.

(4B) Class 4B licenses shall be limited to four.

(5A) Class 5A licenses shall be limited to two.

(6) There shall be no limit upon the number of class 6 licenses.

(7-VL) Class 7-VL licenses shall be limited to one.

(7A) Class 7A licenses shall be limited to zero.

(7B) Class 7B licenses shall be limited to zero.

(8) Class 8 licenses shall be limited to one.

(9) Class 9 licenses shall be limited to zero.

(10) Class 10 licenses shall be limited to one.

(11) There shall be no limit on the number of Class 11 licenses.

(12) Class 12 licenses shall be limited to two.

(12A) There shall be no limit upon the number of class 12A licenses.

(13-VE) Class 13-VE licenses shall be limited to one.

(13-VL) Class 13-VL licenses shall be limited to zero.

(14) Class 14 licenses shall be limited to zero.

(14A) Class 14A licenses shall be limited to one.

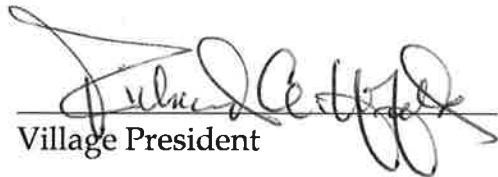
(15) Class 15 licenses shall be limited to one.

(16) Class 16 licenses shall be limited to two.

SECTION TWO - EFFECTIVE DATE:

This ordinance shall be in full force and effect after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 9th day of April, 2019.


Village President

ATTEST:


Village Clerk

Ayes: 6

Nays: 0

Abstain: -

Absent: -