

ORDINANCE NO. MC-1038

**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 deleting the entire section and substituting the following:

Sec. 10-54. Classes.

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

(1) *Class 1 - general.* This 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.

(1A) *Class 1A - general.* This 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 are allowed on the premises.

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

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

(4) *Class 4 restaurant with bar.* This 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.

(4A) *Class 4A - 75/25 restaurant with bar.* This 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.

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.

(5) *Class 5 - restaurant without bar.* This 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.

(6) *Class 6 - special license.* This 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) *Class 7 - beer and wine only.* This license permits the sale of beer and wine on premise only with food service.

(7A) *Class 7A - 7/25 beer and wine only; on- and off-premise consumption.* This license 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.

(7B) *Class 7B - 7/25 beer and wine only; on premise consumption.* This license 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.

(8) *Class 8 - hotels and motels.* This 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. 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.* This 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.* This 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.* This license permits the sale and sampling of craft or microbrew beer, select or fine wine as defined in Class 14 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.* This 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.* This 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) *Class 13 - public golf course.* This 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.

(14) *Class 14 - craft spirits, limited beer and wine.* This 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.

"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.* This license authorizes the sale of beer for on-premises consumption when ordered with food.

(16) *Class 16 - brew pub.* This 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.

B. Section 10-55 of the Homewood Municipal Code is amended by deleting the entire section and substituting the following:

Sec. 10-55. Contents; location; video gaming endorsement

- (a) Licenses shall clearly indicate the class of license and the terms of issuance, the name of the licensee, and the location of the premises. Licenses issued under this article shall apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license.
- (b) Each license authorizing sale of alcohol for on-premises consumption shall also be assigned a video gaming endorsement to identify the establishments' eligibility to conduct video gaming in conjunction with its liquor license.
 - (1) The letter "L" shall indicate video gaming is authorized and offered on the premises.
 - (2) The letter "E" shall indicated video gaming is authorized but not offered on the premises.
 - (3) The letter "X" shall indicate that video gaming is prohibited as a condition of the liquor license.
- (c) A liquor licensee that has operated for at least four years at the same location under the same ownership shall be eligible to request that its video gaming endorsement change from "X" to "E" or "L" provided they are current on all municipal taxes and fees.
- (d) A new liquor license issued for a location where the previous license was endorsed with a "L" or "E," shall carry the same endorsement as the previous license.

C. 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 1	L	\$4,000
	E, X	2,400
Class 1A	L	\$3,500
	E, X	\$1,900
Class 2		\$2,100
Class 3	L	\$3,800
	E, X	\$2,200
Class 4	L	\$3,600
	E, X	\$2,000
Class 4A	L	\$3,600
	E, X	\$2,000
Class 5	L	\$3,600
	E, X	\$2,000
Class 6		\$25*
Class 7	L	\$3,600
	E, X	\$2,000
Class 7A	L	\$3,100
	E, X	\$1,500
Class 7B	L	\$3,100
	E, X	\$1,500
Class 8	L	\$4,000
	E, X	\$2,400
Class 9		\$1,500
Class 10		\$1,500
Class 11		\$25*

Class 12 \$300

Class 12A \$25*

Class 13 L \$3,800
 E, X \$2,200

Class 14 L \$3,500
 E, X \$1,900

Class 15 L \$3,600
 E, X \$2,000

Class 16 L \$3,100
 E, X \$1,500

D. Section 10-58 of the Homewood Municipal Code is amended by deleting the entire section and substituting the following:

Sec. 10-58. Number limitations.

The number of licenses shall be limited as follows:

Class 1	L	2
	E	1
	X	0
Class 1A	L	0
	E	0
	X	0
Class 2		10
Class 3	L	0
	E	1
	X	1


Class 4	L	2
	E	1
	X	0
Class 4A	L	1
	E	4
	X	2
Class 5	L	0
	E	2
	X	0
Class 6		Unlimited
Class 7	L	1
	E	0
	X	0
Class 7A	L	0
	E	0
	X	0
Class 7B	L	0
	E	1
	X	0
Class 8	L	0
	E	1
	X	0
Class 9		0
Class 10		1
Class 11		Unlimited
Class 12		2

Class 12A		Unlimited
Class 13	L	0
	E	1
	X	0
Class 14	L	0
	E	1
	X	0
Class 15	L	0
	E	0
	X	0
Class 16	L	0
	E	0
	X	1

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 23rd day of June, 2020.


Village President

ATTEST:


Village Clerk

Ayes: 5

Nays: 0

Abstain: 0

Absent: 1