

**THE VILLAGE OF HAINESVILLE  
LAKE COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 22-10-333**

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**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE  
VILLAGE OF HAINESVILLE CODE OF ORDINANCES  
REGARDING ALCOHOLIC BEVERAGES**

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**GERRY DALEY, Mayor  
KATHY METZLER, Village Clerk**

**GEORGEANN DUBERSTEIN  
GEORGE DUBERSTEIN  
JACK CHYNOWETH  
KRIS CHYNOWETH  
MARY KOVAL  
WALTER KRIESE**

**Village Board**

ORDINANCE NO. 22-10-333

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE  
VILLAGE OF HAINESVILLE CODE OF ORDINANCES  
REGARDING ALCOHOLIC BEVERAGES**

**WHEREAS**, Chapter 5.08 of the Village of Hainesville Code of Ordinances governs alcoholic beverages;

**WHEREAS**, the Video Gaming Act, 230 ILCS 40/1, *et seq.* ("Act"), authorizes municipalities to permit video gaming at premises which are licensed to sell alcoholic beverages for consumption on site;

**WHEREAS**, the Village has been approached by individuals looking to locate a business within the Village that includes video gaming as authorized by the Act;

**WHEREAS**, the Village Board finds it necessary and in the best interest of the Village and its residents to amend the Village of Hainesville Code of Ordinances to authorize video gaming in limited circumstances at restaurants and other licensed premises with full service kitchens as provided herein;

**WHEREAS**, in order to authorize video gaming, certain amendments are necessary to Chapter 5.08 of the Village of Hainesville Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Hainesville, Lake County, Illinois, as follows:

**SECTION 1:** The above-stated recitals are incorporated by reference.

**SECTION 2:** Section 5.08.010 of the Village Code is amended to add the following definitions:

"Full-service kitchen" means a kitchen with adequate cooking facilities such as ovens, ranges, stoves, and cooking surfaces, to prepare food for the on-site consumption of patrons, with adequate facilities to store food to be prepared in the future and to sanitize and clean equipment as necessary. A full-service

kitchen may offer a mix of items for sale to patrons which includes food prepared on site and food which is purchased from a third party which is in a near ready to eat format and may only need to be heated in order to be served. However, in order to qualify as a full-service kitchen, more than 60% of meals served to patrons shall be prepared on site. A full-service kitchen shall be licensed by the Lake County Department of Health and any other agency with licensing jurisdiction.

"Restaurant" means any public place kept, used, and maintained, advertised, and held out to the public as a place where meals actually are prepared, cooked and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. A restaurant shall be licensed by the Lake County Department of Health and any other agency with licensing jurisdiction.

**SECTION 3:** Section 5.08.090 of the Village Code, relative to the

Application for a liquor license, is amended to add a new subparagraph D, 11 as follows:

11. A statement whether the applicant intends to provide video gaming and video gaming terminals on the licensed premises pursuant to 230 ILCS 40/1, *et seq.*, the rules and regulations of the Illinois Gaming Board, and the provisions of the village code.

**SECTION 4:** Section 5.08.120 of the Village Code is repealed in its

entirety and replaced as:

**5.08.120 Classification of licenses—Number of licenses—Fees.**

Licenses issued under this chapter shall be divided into various classes, and shall be limited in number and shall provide for fees as follows:

- A. Class A Licenses: Maximum Number Allowed is One. Restaurants. Class A licenses shall authorize the retail sale of alcoholic beverages in restaurants with a full-service kitchen for consumption on the premises. The issuance of a Class A license and the retention of that license shall only take place where more than fifty (50) percent of the gross retail sales shall be derived from the sale of food and nonalcoholic beverages, also for consumption on the premises. For restaurants with a seating capacity of fifty-one (51) or more persons, the fee for such license shall be one thousand four hundred dollars (\$1,400.00) for each year the license is issued in the name of such licensee. For restaurants with a seating capacity of fifty (50) persons or fewer, the fee for such license shall be five hundred dollars (\$500.00) for each year the license is issued in the name of such licensee. A Class A

licensee is permitted to have Video gaming terminals subject to the following conditions:

1. Video gaming net revenue shall be less than thirty percent (30%) of the total net revenue from all transactions by the establishment on an annual basis. Total net revenue shall be defined as video gaming terminal income less any and all gaming payouts, State of Illinois, municipal, and terminal operator payments pursuant to the Video Gaming Act, 230 ILCS 40/1, *et seq.*, plus other net revenue of the establishment. Businesses must submit their sales receipts on a yearly basis to the village and the sales receipts shall be reviewed prior to issuance of a renewed liquor license and business license. The amount of net revenue attributable to video gaming shall be determined from the official reports of the Illinois Gaming Board for the calendar year prior to renewal of the license. The village will endeavor to determine the net revenue by April 30 of each year before renewal, but the determination may be delayed due to the availability of reports from the Illinois Gaming Board.
  2. The establishment must be operated primarily as a sit-down restaurant offering its patrons full and complete meals prepared on the premises.
  3. The establishment must serve food from the time of opening to the public each day up to at least one (1) hour prior to the actual closing of the establishment on any day.
  4. The establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1, *et seq.*, and a local video gaming license issued by the village.
  5. The establishment shall comply with all rules and regulations issued by the Illinois Video Gaming Board.
  6. Operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are not permitted.
- B. Class B Licenses: Maximum Number Allowed is One. Package Goods. Class B licenses shall authorize the retail sale in the original package, of alcoholic liquor on the premises, specified for consumption off the premises where sold where such sales constitute the principal business of the licensee. The fee for such license shall be two thousand dollars (\$2,000.00) for each year that the license is issued in the name of such licensee. A Class B licensee is prohibited from having video gaming terminals.
- C. Class C Licenses: Maximum Number Allowed is Zero. Package Goods: Beer and Wine. Class C licenses shall authorize the retail sale, in the original package of beer and wine only on the premises specified, for consumption off the premises where sold where such sales constitute the principal business of the licensee. The fee for such license shall be one thousand

three hundred dollars (\$1,300.00) for each year that the license is issued in the name of such licensee. A Class C licensee is prohibited from having video gaming terminals.

- D. Class D Licenses: Maximum Number Allowed is Four. Alcoholic Liquor in Food Stores. Class D licenses shall authorize the retail sale of alcoholic liquor in food stores or other stores approved by the issuance of such license by the liquor control commissioner of the village. Such beverages shall not be consumed on the premises thereof. The annual license fee for such license shall be one thousand three hundred dollars (\$1,300.00) for each year that the license is issued in the name of such licensee. A Class D licensee is prohibited from having video gaming terminals.
- E. Class E Licenses: Maximum Number Allowed is Zero. Taverns; Pubs; Sports Bars. Class E licenses shall authorize the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form. All such liquor service, excepting vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces, shall be by the drink only and may be served from a customer bar. The annual fee for a Class E license shall be two thousand dollars (\$2,000.00). A Class E licensee is prohibited from having video gaming terminals.
- F. Class F Licenses: Special Event Retailer. Class F licenses are temporary licenses which shall authorize the retail sale of alcoholic liquor by an educational, fraternal, political, civic, religious, or nonprofit organization which sells or offers for sale beer or wine, or both, only for consumption at a location and on a date(s) designated a special event retail license, the term of which is not to exceed fifteen (15) days per licensee per location in any one twelve (12) month period, in accordance with the state of Illinois statutes. The fee for a Class F license shall be twenty-five dollars (\$25.00) per day. An unlimited number of Class F licenses may be issued in the village. A Class F licensee is prohibited from having video gaming terminals.
- G. Class G Licenses: Maximum Number Allowed is Zero. Private Clubs; Beer and Wine. Class G licenses shall authorize the retail sale of beer and wine only by a private club for consumption on the premises where sold. The license may restrict the hours permitted for the sale of beer and wine. The annual fee for a Class G license shall be two thousand dollars (\$2,000.00). A Class G licensee is prohibited from having video gaming terminals.
- H. Class H Licenses: Maximum Number Allowed is One. Tasting of Alcoholic Liquor. Class H licenses shall authorize the bona fide tasting of alcoholic liquor as that term is defined in Section 5.08.10 in connection with the sale of alcoholic liquor in its original package by holders of a Class B license or the retail sale of alcoholic liquor in a food store by holders of a Class D license. The annual license fee for a Class H shall be two hundred fifty dollars (\$250.00) for each year that the license is issued in the name of such licensee. A Class H licensee is prohibited from having video gaming terminals.

1. The tasting samples of alcoholic liquor permitted to be sold shall be permitted on the licensed premises during authorized hours of business, but in no event shall such tastings take place outside of the normal business hours of the licensed premises.
2. Samples of alcoholic liquor may not exceed the following amounts:
  - a. Distilled spirits: One-quarter ounce;
  - b. Wine: One ounce;
  - c. Beer: Two ounces.
3. No more than three samples in the amounts set forth above may be served to a single consumer in one day.
4. Tasting may only be performed under the supervision of a Class H liquor license or by a tasting representative registered by the Illinois Liquor Commission pursuant to Section 100.40 of Title 11 of the Illinois Administrative Code, 11 Ill. ADC100.40.
5. Tasting shall be conducted in a manner which will confined the consumption on the premises solely for the purposes of providing samples in connection with anticipated sales.
6. All servers at tastings must be BASSET-certified.
7. All tastings shall be conducted in accordance with Section 6-31 of the Illinois Liquor Control Act, the Village Code, and regulations now in force or hereafter established by the Illinois Liquor Commission governing "product sampling" or "tasting." To the extent that such laws, ordinances, or regulations differ, the most restrictive provision shall govern.
8. A holder of a Class B or Class D license may apply for a Class H license, for use in conjunction with, and on the same premises as the Class B or Class D license. To qualify for a Class H license, the holder of a Class B or Class D license must present evidence that:
  - a. The location and physical arrangements for tasting are adequate, including, without limitation, considerations such as the overall size of the premises and the percentage of the premises devoted to tasting; a determination as to the suitability of the location and physical arrangements for tasting shall be within the sole discretion of the liquor commissioner; and
  - b. Supervision of tasting will be continuous during the times when tasting is allowed by someone who is not involved in other transactions within the establishment, which supervising person must be the Class H liquor licensee or a tasting representative registered by the Illinois Liquor Commission pursuant to Section 100.40 of Title 111 of the Illinois Administrative Code, 11 Ill. ADC 100.40.
- I. Class I Licenses: Maximum Number Allowed is One. Sale of Beer for On-Premise Consumption at Package Goods Establishments. Class I licenses shall authorize the sale of beer for on-premises consumption by holders of a Class B license. The annual license fee for a Class I license shall be three hundred dollars (\$300.00) for each year that the license is issued in the name of such licensee. A Class I licensee is prohibited from having video gaming terminals.

J. Class J Licenses. Maximum Number Allowed is Zero. Sale of Alcoholic Liquor on Premises with a Full-Service Kitchen. Class J licenses shall authorize the retail sale of alcoholic liquor for the consumption or use on the licensed premises, incidental to the sale of food which is prepared daily in an operational full service kitchen for the on-site consumption of patrons, on premises maintaining no barroom, tavern, lounge, or other area reserved exclusively for the retail sale of alcoholic liquor on said premises. The annual license fee for a Class J license shall be two thousand five hundred dollars (\$2,500.00) for each year that the license is issued in the name of such licensee. A Class J licensee is permitted to have Video gaming terminals subject to the following conditions:

1. Video gaming net revenue shall be less than thirty percent (30%) of the total net revenue from all transactions by the establishment on an annual basis. Total net revenue shall be defined as video gaming terminal income less any and all gaming payouts, State of Illinois, municipal, and terminal operator payments pursuant to the Video Gaming Act, 230 ILCS 40/1, *et seq.*, plus other net revenue of the establishment. Businesses must submit their sales receipts on a yearly basis to the village and the sales receipts shall be reviewed prior to issuance of a liquor license and business license renewal. The amount of net revenue attributable to video gaming shall be determined from the official reports of the Illinois Gaming Board for the calendar year prior to renewal of the license. The village will endeavor to determine the net revenue by April 30 of each year before renewal, but the determination may be delayed due to the availability of reports from the Illinois Gaming Board.

2. The establishment must offer its patrons full and complete meals prepared on the premises.

3. The establishment must serve food from the time of opening to the public each day up to at least two (2) hours prior to the actual closing of the establishment on any day.

4. The establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1, *et seq.*, and a local video gaming license issued by the village.

5. The establishment shall comply with all rules and regulations issued by the Illinois Video Gaming Board.

6. Operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are not permitted.

No new or additional licenses in excess of the maximums established in subsection A through J herein may be issued in the village unless and until the mayor and board of trustees adopt an ordinance authorizing an increase in the number in one or more classes.

**SECTION 5:** Section 5.08.320 of the Village Code is amended as follows:

**5.08.320 - Gambling.**

It is unlawful to permit any gambling on any premises licensed to sell alcoholic liquor. However, video gaming and video gaming terminals may be allowed on the premises pursuant to 230 ILCS 40/1, *et seq.*, the rules and regulations of the Illinois Gaming Board, and the provisions of the village code.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7:** If any part of this Ordinance is found or determined to be invalid, the invalid portion shall be stricken here from and the remainder shall be in full force and effect.

**SECTION 8:** This ordinance shall be in full force and effect from and after its passage and approval. This ordinance shall be published in pamphlet form.

APPROVED this 25 day of October, 2022.



ADOPTED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Jack Chynoweth	✓			
Kris Chynoweth	✓			
George Duberstein	✓			
Georgeann Duberstein	✓			
Mary Koval	✓			
Wally Kriese				
Gerry Daley				
TOTAL	5	Ø	Ø	

ABSTAIN

✓

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APPROVED by the Mayor on October 25, 2022.

  
Gerry Daley, Mayor

ATTEST:

  
Kathy Metzler, Village Clerk

4889-1916-9082, v. 1

