

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 18-12

**AN ORDINANCE AMENDING THE VILLAGE CODE PROVISIONS ON ALCOHOLIC
BEVERAGES TO ALLOW AN OUTDOOR STREET PERMIT**

DAVE KIMSEY, Village President
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Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Chatham

on February 27th, 2018

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

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AN ORDINANCE AMENDING THE VILLAGE CODE PROVISIONS ON ALCOHOLIC BEVERAGES TO ALLOW AN OUTDOOR STREET PERMIT

WHEREAS, the Village of Chatham (hereinafter, the “Village”), an Illinois municipal corporation; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

WHEREAS, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issues; and

WHEREAS, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of an operations under local licenses not inconsistent with the law as the public good and convenience may require; and

WHEREAS, Section 4-2 of the Act provides that the Village has the authority to provide penalties for the violation of regulations and restrictions relative to the operation of the local license; and

WHEREAS, the Village’s Liquor Code currently allows certain license holders to obtain outdoor café permits and temporary permits for outdoor sales and the Village Board desires to establish a permit that allows events, involving alcoholic liquor, to take place on Village streets.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendments to Chapter 111. The provisions of Chapter 111 shall be amended to add a new Section 111.17(C) as follows:

111.17C OUTDOOR STREET PERMIT

- (A) On application and payment of an investigation and processing fee of \$100, in addition to the license fee set forth herein, the holder of a Class T license may be issued an outdoor street permit.
- (B) Upon issuance, an outdoor street permit shall entitle a licensee to allow alcoholic liquor, as authorized by his or her primary classification, outside of the permanent structure and off his or her premises for consumption purposes only, including onto a defined portion of the Village's streets, alleys and/or sidewalks (hereinafter "Permitted Area"), subject to the following restrictions and conditions:
 - (1) Providing temporary fencing around the Permitted Area and no alcoholic liquor is permitted outside of said designated and fenced area. The fencing shall provide at least 1 primary means of ingress and egress around the Permitted Area, as well as an emergency exit, unless additional areas or exits are necessary for fire and safety reasons as determined by the Village Building Inspector.
 - (2) The holder of the permit shall be responsible for monitoring the means of ingress and egress, as well as other areas of the Permitted Area so as to provide for adequate crowd control and to prevent any alcoholic liquors from being removed from the Permitted Area by invitees or customers.
 - (3) The holder of the permit shall be required to participate in a meeting with representatives from the village's law enforcement officers to review the physical layout of the site for the event and the designated area, to address the fencing and all other safety issues.
 - (4) The holder of the permit is responsible for removal of all refuse, litter, debris, garbage and the like from the Permitted Area within 2 hours of the ending time of the permit. Any permit holder that fails to remove all refuse, litter, debris, garbage and the like as required shall be billed for the village's services in performing such removal which the holder agrees to pay within 60 days of billing.

- (5) The holder of the permit, or an employee or agent thereof, shall be responsible for checking the identification of all invitees or guests that will consume alcoholic liquor within the Permitted Area and shall provide a wristband or other form of identification to demonstrate the individual is 21 years of age or over.
 - (6) The holder of the permit is required to provide necessary restroom facilities as determined by the village if such restroom facilities do not exist at the Permitted Area.
 - (7) Proper barriers and signage are erected to protect the Permitted Area as approved by the village law enforcement and state law.
 - (8) The permit holder shall indemnify the Village for any and all damages or claims associated with the event and permit and shall be responsible for any damage done to Village property associated with the event and permit.
 - (9) No sales of alcoholic liquor shall be permitted outside of the Permitted License Structure.
- (C) The permit for the outdoor street shall be displayed, together with the licensee's T license, and shall be considered as part of the license, and subject to suspension or revocation whenever the license is subject to suspension or revocation.
- (D) The licensee shall be subject to all other regulations governing the class of license held by the licensee, including but not limited to, regulations governing hours and the sale of food, except as specifically amended herein.
- (E) An outdoor street permit must be approved by the Village Liquor Commissioner, as well as by adoption of a resolution of the Village Board.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law and the penalty provisions therein shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities.

PASSED this 27th day of February, 2018.

	YES	NO	ABSENT	PRESENT
TERRY FOUNTAIN	X			
BRETT GERGER	X			
NINA LINDHORST	X			
RYAN MANN	X			
MATT MAU	X			
PAUL SCHERSCHEL	X			
DAVE KIMSEY				
TOTAL	6	0	0	

APPROVED by the President of the Village of Chatham, Illinois this 27th day of February, 2018.


 Dave Kimsey, Village President

Attest:


 Amy Dahlkamp, Village Clerk