

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 21 - 32

AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE

DAVE KIMSEY, Village President
DAN HOLDEN, Village Clerk

KRISTEN CHIARO
ANDREW DETMERS
MEREDITH FERGUSON
BRETT GERGER
MATT MAU
PAUL SCHERSCHEL
Village Trustees

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Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL
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ORDINANCE NO. 21 - ____

AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE

WHEREAS, the Village of Chatham (hereinafter “Village”) is an Illinois Municipal Corporation existing and operating under the Illinois Municipal Code and the laws of the State of Illinois; 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 issued; 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 a local license not inconsistent with the law as the public good and convenience may require; and

WHEREAS, the Village Board previously has restricted outdoor liquor consumption by requiring certain licensees to apply for and obtain an Outdoor Café Permit; and

WHEREAS, the Corporate Authorities of the Village believe it is in the best interest of the Village to amend the Village Liquor Code to reflect changes to Outdoor Café Permits issued in the Village.

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. Amendment to Village Code. Chapter 111 of the Village Code shall be

amended as follows (added; ~~deleted~~):

§ 111.01 DEFINITIONS.

ALCOHOL. The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR. Includes alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. This chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing .5% or less, of alcohol by volume.

BANQUET HALL. A business organized in a way that it provides a place available for rental by members of the general public. The building housing the business shall be designed to accommodate a minimum of 50 persons safely. The business is typified by wedding celebrations, parties, business meetings, or dances by private clubs or individuals. In this type of business, the lessor or licensee is paid a fee by the lessee for use of the hall and or providing alcoholic liquor.

BEER. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter and the like.

BREW PUB. A manufacturer and retailer of alcohol who holds a brew pub license from the State of Illinois.

CATERER RETAILER. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals (not including snacks as the primary meal) and alcoholic liquors are sold at a package price agreed upon under contract.

CLUB. A corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Liquor Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any

annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

CONVENIENCE STORE. A grocery store which also sells motor fuel.

DISTILLING PUB. A manufacturer and retailer of spirits who holds a distilling pub license from the State of Illinois.

GROCERY STORE. A retail establishment primarily engaged in the sale of food and household items with the sale of alcoholic liquors as incidental to its primary business.

HOTEL. Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered to adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures, being provided with adequate and sanitary kitchen and dining room equipment and capacity.

LIQUOR CONTROL ACT. The Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1, et seq. as now or hereafter amended.

LIQUOR COMMISSIONER. The President of the village.

MICROBREWERY. A manufacturer of alcohol who holds a class 1 brewer's license from the State of Illinois.

PACKAGE STORE. A retail establishment, the primary business of which is the sale of alcoholic liquor for consumption off premises.

PERSON. Any natural person, or any corporation or partnership or unincorporated association.

RESTAURANT. Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually 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. Any business claiming to be a restaurant must document, on demand of the Liquor Commissioner, that 60% or more of its gross receipts during the past three months is derived from the sale of food as distinguished from alcoholic liquor.

RETAILER. A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

SALE. Any transfer, exchange, or barter in any manner or by any means whatsoever, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

SELL AT RETAIL and SALE AT RETAIL. Refers to and means sales for use or consumption and not for resale in any form.

SPECIAL EVENT. An event conducted by an educational, fraternal, political, civic, religious or other nonprofit organizations.

SPECIAL EVENT RETAILER. An educational, fraternal, civic, religious or nonprofit organization which sells or offers for sale, beer or wine or both, only for consumption at the location and on the dates designated by a special event license.

SPIRITS. Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

STATE COMMISSION. The Illinois Liquor Control Commission.

TO SELL. Includes to keep or expose for sale and to keep with intent to sell.

WINE. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

WINERY. A manufacturer and retailer of wine who holds a wine maker retailer license from the State of Illinois.

§ 111.10 LICENSE REQUIRED.

It shall be unlawful to manufacture, sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

§ 111.17 CLASSIFICATION AND FEES.

(A) Non Gaming Licenses:

—(A) A Class B “Banquet Hall” license shall authorize the service or sale of alcoholic liquor at retail, to be sold and served by the drink or pitcher only, although beer may be sold by the keg, and wine may be sold by the bottle, so long as beer and wine are served by the drink or by the pitcher, for consumption on the premises only, in the course of banquet hall business. In the course of this business, the licensee is responsible for control of patrons in the business premises, and at no time may patrons be allowed to act as bartenders or otherwise dispense liquor. At all times that the premises are used for the sale of alcoholic liquor, the licensee or a manager acting for the licensee must be on the premises. The annual fee for the license shall be \$800 payable in two installments, \$400 on December 31 of each year and \$400 on June 30 of each year.

A Class BP “Brew Pub” license shall be issued only to a brew pub and shall entitle the licensee to manufacture beer and sell at retail the beer manufactured on or off the premises. The beer may be sold in bundles of bottles or cans for consumption off the premises where sold or by the glass, bottle, or can, not to exceed 16 ounces, or by the pitcher of a capacity not to exceed 60 ounces for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

—(B) A Class C “Convenience” license shall be issued only to a convenience store, and shall entitle the licensee to sell beer and wine only, in the original package only and in not more than case lots, in bottles and cans only, for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

A Class CR “Caterer Retailer” license shall authorize the holder to operate as a Caterer Retailer within the corporate limits of the village. A CR license is subject in all respects to all restrictions, conditions and licensing procedures set forth in this chapter, except as specifically modified as follows:

(1) A CR license is not a license to sell, offer to sell or dispense alcoholic liquor at a specific location: therefore location restrictions set forth on this chapter, and the provisions of § 111.13(B), (N) and (Q) do not apply.

(2) A CR license holder is not prohibited from holding another retail liquor license issued by the village; however, the restriction of such other license shall apply at the location which is licensed pursuant to the other license.

(3) A CR license holder shall not sell, offer to sell or dispense alcoholic liquor in the village during the following hours:

(a) Monday through Saturday: 12:00 a.m. through 8:00 a.m.

(b) Sunday: 12:00 a.m. through 12:00 p.m., and after 10:00 p.m.

(4) A CR license holder shall not sell, offer to sell or dispense alcoholic liquor on more than two days per year at anyone location zoned residential under the Zoning Ordinance of the village, nor on more than ten days per year at anyone location zoned business under the Zoning Ordinance of the village.

(5) A village CR license does not prohibit the licensee from selling, offering to sell or dispensing alcoholic liquor outside the corporate limits of the village in conformity with the State Liquor Control Act and with the laws, ordinances, rules and regulations of other jurisdictions.

(6) A CR licensee shall at all times, and as a condition of its license, observe state, county, and local laws, rules and regulations pertaining to the handling of food.

(7) A CR licensee shall not sell, offer for sale, or dispense alcohol other than in conjunction with the sale, offer for sale, or service of prepared meals.

(8) A CR license holder shall have, as a condition of its license, a valid Caterer Retail license issued by the state.

(9) A CR license holder shall maintain records showing all occasions on which it has sold, offered for sale, or dispensed alcoholic liquor, including the location and dates of such occasions, and the persons with whom the license holder has contracted. These records shall be maintained for two years and shall be open to inspection by the Liquor Commissioner or his or her designee.

A Class DP “Distilling Pub” license shall be issued only to a distilling pub and shall entitle the licensee to manufacture spirits and sell at retail the spirits manufactured on or off the premises. The spirits may be sold in bottles for consumption off the premises where sold or by the lowball glass, shot glass, or as part of a cocktail when consumed on the premises. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

~~—(C)~~ A Class G “Grocery” license shall be issued to a grocery store, and shall entitle the licensee to sell alcoholic liquor, in the original package only and in not more than case lots, in bottles or cans only, for consumption off the premises where sold. The annual fee for such license shall be \$600. The annual fee shall be payable in two installments, namely, \$300 on December 31 of each year and \$300 on June 30 of each year.

A Class LP “Limited Package” license shall be issued only to a retail business, the principal business of which is other than the sale of alcoholic liquor, and shall entitle the licensee to sell at retail beer and wine only, in the original package only, for consumption off the premises where sold. Sales of single cans or bottles of beer are prohibited. Sales of beer and wine through a drive-up window are prohibited. The annual fee for such license shall be \$1,000. The

annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

A Class M “Microbrewery” license shall be issued only to a microbrewery, and shall entitle the licensee to sell beer only, in the original package only and in not more than case lots, in bottles and cans only, to distributors and, if granted an exception by the State of Illinois, retailers. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

~~—(D)~~ A Class N “Not for Profit” license may be granted only to a club, and shall entitle the licensee to sell at retail alcoholic liquor for consumption, but not in the original package on the premises specified in the license. The annual fee for such license shall be \$300. The annual fee shall be payable in two installments, namely, \$150 on December 31 of each year and \$150 on June 30 of each year.

~~—(E)~~ A Class P “Package” license shall be issued to a package liquor store, and shall entitle the licensee to sell at retail alcoholic liquor, in the original package only for consumption off the premises where sold. Sales through a drive-up window are allowed in accordance with the law and applicable zoning regulations. The annual fee for such license shall be \$800. The annual fee shall be payable in two installments, namely, \$400 on December 31 of each year and \$400 on June 30 of each year.

~~—(F)~~ A Class LP “Limited Package” license shall be issued only to a retail business, the principal business of which is other than the sale of alcoholic liquor, and shall entitle the licensee to sell at retail beer and wine only, in the original package only, for consumption off the premises where sold. Sales of single cans or bottles of beer are prohibited. Sales of beer and wine through a drive-up window are prohibited. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

~~—(G)~~ A Class R-1 “Restaurant 1” license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for such license shall be \$600. The annual fee shall be payable in two installments, namely, \$300 on December 31 of each year and \$300 on June 30 of each year.

~~—(H)~~ A Class R-2 “Restaurant 2” license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises where sold. A restaurant holding a Class R-2 license must be located in an area zoned for restaurants and is not to be considered a “tavern” under the Zoning Ordinance of the village. The annual fee for such license shall be \$800. The annual fee shall be payable in two installments, namely, \$400 on December 31 of each year and \$400 on June 30 of each year.

~~—(I)~~ A Class RE “Recreational” license shall be issued to a recreational business and shall entitle the licensee to sell at retail, on the premises specified, for consumption on said premises,

of alcoholic liquor by the drink or vinous beverages by the bottle or carafe, or beer if by the pitcher of a capacity not to exceed 60 ounces or by the bottle or glass of a capacity not to exceed 16 ounces. The annual fee shall be \$800 payable in two installments, namely, \$400 on December 31 of each year and \$400 on June 30 of each year.

(1) Service of alcoholic liquor shall be only during the time that the athletic or sports portions of the premises are open and available for use.

(2) Food may be served for the convenience of the patrons, so long as such food service complies with all applicable health regulations and licensing requirements.

(3) A certified record of annual revenue shall be included with the liquor license renewal application and shall be considered by the local Liquor Control Commissioner as a basis of nonrenewal of the liquor license.

(4) A recreational license issued for a golf course or sports complex may also authorize the retail sale of alcoholic liquor for consumption outside the physical structure of the premises but adjacent to and within the property lines of the facility, excluding public parking lots, sidewalks, and roadways, subject to the following provisions:

(a) All alcoholic liquor shall be purchased from the recreational premises. No outside alcoholic liquor shall be permitted on the premises; and

(b) A policy of dram shop insurance shall be required for the outside premises and shall comply with all the insurance requirements as provided for in this chapter and 235 ILCS 5/6-21; and

(c) A trained employee shall be responsible for the service of alcohol at the outside recreational activity.

~~—(J)~~ A Class SE “Special Event” license shall authorize the sale at retail during a special event on the premises specified, and during the time specified therein, of alcoholic liquor by a special event retailer. The term of the license shall not exceed five days. The license application shall set forth whether or not the event is open to the public and shall contain an estimate of the largest number of adult persons expected to be in attendance at any time during the event. The estimate shall be based on historical attendance experiences for similar events after consultation by the license applicant with the Chief of Police. The fee for the license shall be as follows:

(1) If the special event is not open to the public, or if it is open to the public and less than 250 adult persons are expected to be in attendance at the event at any time: \$50 per day or portion of a day;

(2) If the special event is open to the public and 250 adult persons or more are expected to be in attendance at any time: \$100 per day or portion of a day.

~~—(K)~~ A Class T “Tavern” license shall entitle the licensee to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

A Class W “Winery” license shall be issued only to a winery and shall entitle the licensee to manufacture wine and sell at retail the wine manufactured on or off the premises. The wine may be sold by the bottle for consumption off the premises where sold or by the glass, bottle, or carafe, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The

annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

(B) Gaming Licenses:

A Class R-1G "Restaurant 1 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-1G" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-1G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

To be eligible for a Class R-1G license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-1G license shall submit a projection of expected receipts from sales of food and non-alcoholic beverages, from sales of beer and wine, and from video gaming. Upon application for renewal of a Class "R-1G" liquor license, licensees shall submit information on actual receipts from sales of food and non-alcoholic beverages, from sales of beer and wine, and from video gaming for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

A Class R-2G "Restaurant 2 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-2G" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-2G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

To be eligible for a Class R-2G license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-2G license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming. Upon application for renewal of a Class "G" liquor license, licensees shall submit information on actual receipts from sales food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of

application for renewal, for such amount of time as the licensee has been in operation in the village.

A Class TG "Tavern Gaming" license shall be issued to a tavern and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "TG" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the TG license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

To be eligible for a TG license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic liquor must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class TG license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming. Upon application for renewal of a Class "TG" liquor license, licensees shall submit information on actual receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

~~(C) –(LP)~~ The number of licenses issued by the village shall be as follows:

- (1) There may be one Class B license;
- (2) There may be three Class C licenses;
- (3) There may be one Class G license;
- (4) There may be two Class N licenses;
- (5) There may be three Class P licenses;
- (6) There may be one Class LP license;
- (7) There may be zero Class R-1 licenses;
- (8) There may be zero Class R-2 licenses;
- (9) There may be one Class RE license;
- (10) There may be one Class SE license outstanding at any time;
- (11) There may be zero Class T licenses;
- (12) There may be zero Class BP license;
- (13) There may be zero Class DP license;
- (14) There may be zero Class M licenses;
- (15) There may be zero Class W license;
- (126) There may be two Class R-1G licenses;
- (137) There may be three Class R-2G licenses;
- (148) There may be six Class TG licenses.

~~–(MQ) A Class CR "Caterer Retailer" license shall authorize the holder to operate as a Caterer Retailer within the corporate limits of the village. A CR license is subject in all respects to all~~

restrictions, conditions and licensing procedures set forth in this chapter, except as specifically modified as follows:

— (1) A CR license is not a license to sell, offer to sell or dispense alcoholic liquor at a specific location: therefore location restrictions set forth on this chapter, and the provisions of § ~~111.13~~(B), (N) and (Q) do not apply.

— (2) A CR license holder is not prohibited from holding another retail liquor license issued by the village; however, the restriction of such other license shall apply at the location which is licensed pursuant to the other license.

— (3) A CR license holder shall not sell, offer to sell or dispense alcoholic liquor in the village during the following hours:

— (a) Monday through Saturday: 12:00 a.m. through 8:00 a.m.

— (b) Sunday: 12:00 a.m. through 12:00 p.m., and after 10:00 p.m.

— (4) A CR license holder shall not sell, offer to sell or dispense alcoholic liquor on more than two days per year at anyone location zoned residential under the Zoning Ordinance of the village, nor on more than ten days per year at anyone location zoned business under the Zoning Ordinance of the village.

— (5) A village CR license does not prohibit the licensee from selling, offering to sell or dispensing alcoholic liquor outside the corporate limits of the village in conformity with the State Liquor Control Act and with the laws, ordinances, rules and regulations of other jurisdictions.

— (6) A CR licensee shall at all times, and as a condition of its license, observe state, county, and local laws, rules and regulations pertaining to the handling of food.

— (7) A CR licensee shall not sell, offer for sale, or dispense alcohol other than in conjunction with the sale, offer for sale, or service of prepared meals.

— (8) A CR license holder shall have, as a condition of its license, a valid Caterer Retail license issued by the state.

— (9) A CR license holder shall maintain records showing all occasions on which it has sold, offered for sale, or dispensed alcoholic liquor, including the location and dates of such occasions, and the persons with whom the license holder has contracted. These records shall be maintained for two years and shall be open to inspection by the Liquor Commissioner or his or her designee.

— (NR) (1) A Class R-1G "Restaurant 1 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-1G" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-1G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

— (2) To be eligible for a Class R-1G license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § ~~111.11~~, applicants for a Class R-1G license shall submit a projection of expected receipts from sales of food and non-alcoholic beverages, from sales of beer and wine, and from video gaming. Upon application for renewal of a Class "R-1G" liquor license, licensees shall submit information on actual receipts from sales of food and non-

alcoholic beverages, from sales of beer and wine, and from video gaming for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

~~—(OS) (1) A Class R-2G "Restaurant 2 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-2G" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-2G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.~~

~~—(2) To be eligible for a Class R-2G license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-2G license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming. Upon application for renewal of a Class "G" liquor license, licensees shall submit information on actual receipts from sales food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.~~

~~—(PT) (1) A Class TG "Tavern Gaming" license shall be issued to a tavern and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "TG" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the TG license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.~~

~~—(2) To be eligible for a TG license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic liquor must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class TG license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming. Upon application for renewal of a Class "TG" liquor license, licensees shall submit information on actual receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming, for the 12 calendar months prior to application for renewal or,~~

~~if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.~~

§ 111.17B OUTDOOR CAFE 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, BP, DP, W, R-1 or R-2 license may be issued an outdoor cafe permit.

(B) Upon issuance, an outdoor cafe permit shall entitle the licensee to sell alcoholic liquor as authorized by his or her primary classification, outside of the permanent structure of his or her premises under the following conditions:

(1) A permanent fence, not less than three feet in height, made of wood or other similar material, shall be erected by the licensee.

(a) The fence shall be designed in such a manner so that the vision of a person on either side of the fence is not obscured when viewing through the fence.

(b) The fencing shall be positioned between the area in which alcoholic liquor can be consumed outside and any adjoining residential or commercial property.

(2) (a) Access into the outdoor cafe shall be from the permanent structure only and no access shall be permitted from the street, sidewalk, or adjoining property.

(b) Emergency exits as approved by the Village Building Inspector shall be provided.

(3) No music of any kind, which is of such a volume so as to disturb the neighborhood in any manner, may be played or broadcast from the outdoor cafe or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner.

(4) No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley; and no alcoholic liquor served in an open container may be removed from the outdoor cafe or permanent structure.

(5) The permit for the outdoor cafe shall be displayed, together with the licensee's T, BP, DP, W, R-1 or R-2 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.

(6) 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.

(7) The annual fee for an outdoor cafe permit shall be \$100, with a \$15 annual renewal/inspection fee.

(8) There shall be one outdoor cafe permit outstanding in the village.

Section 3. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 4. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall

affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
ANDREW DETMERS	✓			
MEREDITH FERGUSON				✓
BRETT GERGER	✓			
MATT MAU	✓			
PAUL SCHERSCHEL				✓
DAVE KIMSEY				
TOTAL	4	0	0	2

APPROVED by the President of the Village of Chatham, Illinois this 12 day of October, 2021.


 Dave Kimsey, Village President

Attest:

 Dan Holden, Village Clerk