

ORDINANCE NO. _____
Date Passed: April 23, 2012

**AN ORDINANCE AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES) AND
CHAPTER 26 (BUSINESSES AND BUSINESS REGULATIONS) OF THE MUNICIPAL
CODE OF THE CITY OF ROCHELLE TO ESTABLISH AN INITIAL APPLICATION
FEE AND AMEND FEES FOR LIQUOR LICENSES**

WHEREAS, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, provides in part that in every City the City Council " shall have the power by general ordinance or resolution to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with this Act and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued in their political subdivision"; and

WHEREAS, Section 2 of Chapter 6 (Alcoholic Beverages) contains definitions applicable to the application and issuance of liquor licenses; and

WHEREAS, Section 44 of Chapter 26 (Businesses and Business Regulations) of the Rochelle Municipal Code contains provisions establishing the fees for certain business licenses, including fees for liquor licenses; and

WHEREAS, the City Council deems it appropriate to establish an additional fee for an initial application for a liquor license and amend the fees for obtaining various types of liquor licenses; and

WHEREAS, all other necessary findings have been made;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS**, as follows:

1. Section 2 of Chapter 6 (Alcoholic Beverages) and Section 44 of Chapter 26 (Businesses and Business Regulations) of the Municipal Code of the City of Rochelle are hereby amended to read as shown in **Exhibit A** attached hereto (additions shown in red underline, deletions in red strike-through).

2. This ordinance shall become effective June 1, 2012, after publication as provided by law, and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 23rd day of April, 2012.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

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Exhibit A

Chapter 6 ALCOHOLIC BEVERAGES

Sec. 6-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means 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 the four varieties of liquor defined herein: alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a person. The provisions of 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 one-half of one percent or less of alcohol, by volume. None of the provisions of this chapter shall apply to wine intended for use by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq.

Bar means a counter from which alcoholic beverages are served.

Bar area means the room or place in which a bar is located.

Beer means a beverage obtained by 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.

Club means 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 local liquor control commissioner at the time of its application for a license under the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., 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 name and address; provided, that the affairs and management of such club are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting; and provided further 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 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.

Consumption sales means the sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

Distributor means any person, other than a manufacturer or nonresident dealer licensed under the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., who is engaged in the purchasing, storing, possessing or warehousing any alcoholic liquors for resale or reselling at wholesale, within or without this city.

Gas station and *filling station* mean a place where gasoline, gasoline products, oil and oil products are sold at retail for motor vehicles.

Hotel means 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 for 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.

Illinois Liquor Control Act means an act passed by the 58th Illinois General Assembly entitled "An Act relating to alcoholic liquors," approved January 31, 1934, as amended, 235 ILCS 5/1-1 et seq.

Illinois Liquor Control Commission and state *commission* mean the commission created by the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq.

Importing distributor means any person other than a nonresident dealer licensed under the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., who imports into this state, from any point in the United States outside this state, whether for himself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or who imports into this state, from any point in the United States outside this state, for consumption in any one calendar year, more than one gallon of such liquors.

Initial application means any application that is not an application seeking renewal of a liquor license held by the applicant at the time such application is submitted.

Licensed premises means the premises described in the application for the license or in the license as the place where the business to be covered or covered by the license is to be or is carried on.

Manufacturer means every brewer, fermenter, distiller, rectifier, winemaker, blender, processor, bottler or person who fills or refills an original package, and any other person engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as defined in this section.

Meals means salads, sandwiches, pizza and dinners containing pasta, fish, meat or poultry, together with similar foods prepared or cooked on the premises and ordered by the patrons from a full service menu for consumption on the premises. The term "meals" does not include popcorn, potato chips, pretzels, peanuts and other food considered as snacks.

Original package means any unopened bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

Owner and *proprietor* include all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on, whether they be individuals, partners, corporations, joint stock companies, fiduciaries or officers, directors, stockholders of corporations or otherwise.

Package sales means the sale or offering for sale at retail of alcoholic liquor, in the original package, and not to be consumed or in fact consumed, in whole or in part, on the premises where sold; provided, however, that the term "package sales" shall not include original packages containing less than one-half pint of alcoholic liquor.

Restaurant means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, having a complete menu service during the hours of 5:00 p.m. to 9:00 p.m. each day that the premises are open to the public. The dining area must be not less than 1,200 square feet and must be maintained separate and apart from the kitchen. Alcoholic beverages shall be served directly to the tables except when there is a banquet or reception not open to the general public when alcoholic beverages may be served from a service area. No bar can be located upon the premises. The restaurant and kitchen facilities must be licensed and inspected by the county health department as a commercial food service establishment.

Restaurant/recreation means:

(1) Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served having a complete menu service at least during the hours of 5:00 to 9:00 p.m. each day the premises are open to the public. A dining area of not less than 1,200 square feet must be maintained as separate and apart from the kitchen and bar area. The kitchen shall contain at a minimum the following facilities:

- a. A utility service sink.
- b. A three-compartment sink or a mechanical dishwasher.
- c. Separate handwashing facilities in the kitchen for employees.
- d. Commercial cooking equipment including a grease duct, exhaust equipment, and a fire suppression system meeting the requirements of sections 506, 507 and 509 of the 1996 International Mechanical Code.

The restaurant must be licensed and inspected by the county health department as a commercial food service establishment.

(2) A facility which has all the facilities of a restaurant together with separate facilities such as bowling lanes, billiards, miniature golf, simulated or actual golfing and similar types of activities, and at least 51 percent of the gross revenues, as determined by the close of the licensee's most recent past fiscal or calendar year of operation, must be obtained from the sale of meals and recreation activities.

Retailer means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

Sale means any transfer, exchange or barter, in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes all sales, whether direct or indirect, made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

Sell at retail and *sale at retail* refer to and mean sales for use or consumption and not for resale in any form.

Snacks means popcorn, potato chips, peanuts, pretzels, breadsticks, relishes, hors d'oeuvres and similar foods not ordinarily consumed as a meal.

Spirits means 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.

To sell includes to keep or expose for sale, and to keep with intent to sell.

Wine means 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 defined in this section.

Chapter 26 BUSINESSES AND BUSINESS REGULATIONS

Sec. 26-44. Schedule of license, permit or registration fees.

(a) All businesses, trades and occupations set forth in this section are required to obtain a license, permit or registration certificate prior to operation in the city.

(b) The amount and the period covered required by this section shall be as follows:

TABLE INSET:

Classification	Amount	Period
Alcoholic beverages:		

	Tavern	\$800.00 <u>900.00</u>	Annual
	Restaurant/recreation	1,000.00 <u>1,100.00</u>	Annual
	Package	450.00 <u>550.00</u>	Annual
	Package beer and wine	350.00 <u>450.00</u>	Annual
	Restaurant	700.00 <u>800.00</u>	Annual
	Restaurant/beer and wine	500.00 <u>600.00</u>	Annual
	Club	1,200.00 <u>1,100.00</u>	Annual
	One-day non-profit beer and wine	25.00	Per day
	<u>Initial Application</u>	<u>500.00</u>	<u>Per Initial Application, as defined in Sec. 6-2 (Definitions), in addition to the applicable license fee</u>
	Peddlers/itinerant merchants	25.00	Five days
	Industrial peddlers	100.00	Three months
	Solicitors and canvassers	25.00	Five days
	Peddler/solicitors badge	15.00	Week
	Industrial peddlers badge	15.00	Three months
	Fingerprints	15.00	Annual
	Taxicabs and limousines		
	Plus \$5.00 per driver	50.00	Annual
	All other businesses	None	Initial registration (see section 26-33 for inspection/re-inspection fees)