

ORDINANCE NO. _____

Date Passed: June 11, 2012

**AN ORDINANCE AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES)
OF THE ROCHELLE MUNICIPAL CODE TO ALLOW AND
REGULATE THE SALE OF LIQUORS IN AN OUTDOOR
SETTING BY LIQUOR LICENSEES**

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, Chapter 6 (Alcoholic Beverages) of the Rochelle Municipal Code provides for the regulation of the sales of alcoholic liquors in establishments within the City of Rochelle; and

WHEREAS, the Mayor and City Council find it in the best interests of the City to permit and regulate the sale of alcoholic liquors by a permitted licensee in an outdoor area connected to a licensee’s licensed premises;

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

1. Chapter 6 (Alcoholic Beverages) of the Rochelle Municipal Code is amended by adding Article III (Outdoor Liquor Sales) as shown on **Exhibit A** hereto.

This ordinance shall become effective after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 11th day of June, 2012.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

EXHIBIT A

ARTICLE III. OUTDOOR LIQUOR SALES.

Sec. 6-70. Outdoor Sales of Liquor Permitted.

Subject to approval of the Liquor Commissioner and the conditions contained in this Article, the sale, service and consumption of alcoholic liquors in an outdoor seating area shall be permitted adjacent to premises licensed to sell alcoholic liquor for consumption on the premises.

Sec. 6-71. Outdoor Area Requirements.

- (a) Any outdoor area in which a liquor licensee seeks permission to serve alcoholic liquors must conform to the following standards:
- (1) The outdoor area must be owned by the licensee, or leased by the licensee and the owner must consent to the sale of alcoholic liquors in the outdoor area;
 - (2) Access to the outdoor area must be only through the indoor licensed premises;
 - (3) The outdoor area must be enclosed by a decorative fence, not less than 36" in height nor more than 72" in height, which fence must allow viewing of the outdoor area from the outside, and the fence must create a complete enclosure around the outdoor area with an emergency gate;
 - (4) The outdoor area must be situated on a hard surface, such as concrete, asphalt, or wood decking; and
 - (5) No bar as defined in this Chapter may be constructed or maintained in the outdoor area.
- (b) In order to ensure compliance with the provisions of this Article, the licensee seeking approval for liquor sales in an outdoor area shall submit a site plan for review to the Community Development Department which shall make its recommendation to the Liquor Commissioner. The fee for this review shall be \$150.00.

Sec. 6-72. Hours of Operation Limited.

A licensee who has obtained permission to serve alcoholic liquors in an outdoor area may serve alcoholic liquors from the beginning hour of operation permitted by the licensee's liquor license until one hour prior to the ending hour of operation permitted by the licensee's liquor license.

Sec. 6-73. Entertainment in an Outdoor Area.

A licensee is permitted to provide any lawful entertainment in the outdoor area provided the licensee complies with applicable Federal, State and City ordinances regulating entertainment, including without limitation any noise and nuisance ordinances.

Sec. 6-74. Smoking Prohibited.

Smoking shall be prohibited in outdoor areas where alcoholic liquors are permitted to be served.