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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 6 ARTICLE I OF  
THE ROCHELLE MUNICIPAL CODE PERTAINING TO ARTS AND  
ENTERTAINMENT LIQUOR LICENSE CLASSIFICATIONS**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

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**DAN McDERMOTT**  
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**DON BURKE**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO.** \_\_\_\_\_  
**Date Passed:** \_\_\_\_\_, 2019

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 6 ARTICLE I OF  
THE ROCHELLE MUNICIPAL CODE PERTAINING TO ARTS AND  
ENTERTAINMENT LIQUOR LICENSE CLASSIFICATIONS**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, the City of Rochelle (“City”) in an effort to promote the health, safety, and welfare of the City and its residents desires to amend Chapter 6 Article I of the Rochelle Municipal Code to adequately regulate the consumption of alcohol at various art and entertainment studios (“Amendments”);

**WHEREAS**, said Amendments will create a Class U liquor license to allow for the consumption alcohol at said art and entertainment studios, but will prohibit the sale of alcohol at those establishments; and

**WHEREAS**, said Amendment will also include an applicable license fee of \$200 for a Class U liquor license; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve said Amendments; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

**SECTION ONE:** 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 One.

SECTION TWO: That Section 6-2 entitled “DEFINITIONS” of Chapter 6, Article I, of the Rochelle Municipal Code be and is hereby created and established by adding the following underlined language in alphanumerical order:

**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:

Arts and entertainment studio means a licensed business establishment where a person(s) utilizes a space for teaching art and/or makes their own art, including not limited to painting, pottery, or another common art medium.

SECTION THREE: That Section 6-3 entitled “LICENSE CLASSIFICATION” of Chapter 6, Article I, of the Rochelle Municipal Code be and is hereby created and established by adding the following underlined language in numerical order:

**Sec. 6-3. - License classifications.**

It is unlawful to sell, distribute or give away alcoholic liquor, beer or wine to the general public without first having obtained a license from the city. It is also unlawful to allow the consumption of alcoholic liquor, beer or wine at an unlicensed business when the business is open to the general public. The license classifications are as follows:

(9) Class U licenses. Class U licenses shall authorize a licensee of an arts and entertainment studio to permit consumption of beer and wine only, brought onto the premises of an arts and entertainment studio by a patron twenty-one (21) years of age or older for personal consumption or for personal consumption of other patrons who are twenty-one (21) years of age or older. The consumption of beer and wine is restricted to licensed premises. Such consumption shall be limited to members of a group assembled on the premises for the purpose of attending arts and crafts classes offered by an arts and entertainment studio.

No more than one (1) 750-milliliter bottle of wine per patron or no more than thirty-six (36) ounces of beer per patron (unopened) shall be permitted to be brought into the premises. The sale of beer, wine, spirits, and all other types of alcohol to patrons of the licensed premises shall be prohibited. No package sales are permitted. No holder of a Class U license shall allow service or consumption of any alcoholic liquor on the premises between the hours of twelve o'clock (12:00) midnight and ten o'clock (10:00) a.m. on any day.

SECTION FOUR: That Section 26-44 entitled “SCHEDULE OF LICENSE PERMIT OR REGISTRATION FEES” of Chapter 26, Article II, of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language:

**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:

| Classification               | Amount          | Period   |
|------------------------------|-----------------|--|
| Alcoholic beverages:         |                 |  |
| Initial fee (all licenses)   | \$500.00        | One time (covers all fingerprinting for initial application) |
| Class B                      | \$1,000.00      | Annual   |
| Class P-1                    | \$550.00        | Annual   |
| Class P-2                    | \$650.00        | Annual   |
| Class C                      | \$1,200.00      | Annual   |
| Class R-1                    | \$700.00        | Annual   |
| Class R-2                    | \$900.00        | Annual   |
| Class R-3                    | \$1,200.00      | Annual   |
| Class S                      | \$550.00        | Annual   |
| Class E                      | \$25.00         | Per day  |
| Class M-1                    | \$1,800.00      | Annual   |
| Class M-2                    | \$1,800.00      | Annual   |
| Class M-3                    | \$1,800.00      | Annual   |
| Class T                      | \$2,500.00      | Annual   |
| <u>Class U</u>               | <u>\$200.00</u> | <u>Annual</u>  |
| Fingerprinting               | \$50.00         | For each person fingerprinted after initial application      |
| 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                 | \$50.00         | Annual   |

|                         |                                |  |
|-------------------------|--------------------------------|--|
| Street performers       | \$10.00                        | Annual   |
| Taxicabs and limousines | \$50.00 plus \$5.00 per driver | Annual   |
| All other businesses    | None                           | Initial registration (see section 26-33 for inspection/re-inspection fees) |

**SECTION FIVE:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION SIX:** Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions-imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

**SECTION SEVEN:** The City Clerk shall publish this Ordinance in pamphlet form.

**SECTION EIGHT:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 6 ARTICLE I OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO ARTS AND ENTERTAINMENT LIQUOR LICENSE CLASSIFICATIONS” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CITY CLERK