

CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2021 - 05

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, LIQUOR CONTROL,
OF THE MUNICIPAL CODE

Adopted March 2, 2021, by the Mayor and City Council of the City of Genoa,
DeKalb County, Illinois, and approved and published in pamphlet form
this 2nd day of March 2021.

ORDINANCE NO. 2021 - 05

An Ordinance Amending Title 3, Chapter 3, Liquor Control, of the Municipal Code

WHEREAS, the Municipal Code of the City of Genoa requires to be amended from time to time;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the CITY OF GENOA, DeKalb County, Illinois, as follows:

SECTION 1: That the following definitions be incorporated into Section 3-3-1:

3-3-1: DEFINITIONS:

BAR: an establishment where the principal use is the retail sale and consumption of beer, wine, and/or alcoholic liquor on the premises. The incidental sale of packaged liquor may be provided during hours of operation.

BREW PUB: shall mean an establishment where the primary use of the establishment is the sale and production of beer, which may only occur to the extent permitted under a Federal license for a microbrewery.

GAS STATION: an establishment where the principal use is the retail sale of gasoline and other motor fuels.

GROCERY STORE: an establishment where the principal use is the retail sale of food, including meats, produce, and bakery and dry goods.

LIQUOR STORE: a place of business selling alcoholic liquors as a retail store to the general public in sealed bottles or containers for consumption or use away from the premises where said establishment is located (with the exception of an A Liquor License which would permit consumption on premises).

OUTDOOR SEATING: an add on to a B, C, R, or W license that allows seating in an open unroofed area immediately contiguous to the building or structure in which the B, C, R, or W license is issued for, but may not include public sidewalk and must comply with the regulations set forth in Section 3-3-15 of this Chapter.

TASTING ROOM: an establishment which provides tasting of alcoholic liquor samples which are consumed on-premises in a dedicated sampling area.

VIDEO GAMING CAFÉ: an establishment with a State video gaming license where video gaming is the principal use of the business and the sale of alcoholic liquor and/or food is incidental to video gaming.

WINERY: an establishment where the principal use is the sale of wine.

SECTION 2: That the following amendments be made to Section 3-3-4, Application for License and that Section 3-3-4 be re-lettered due to the deletion of H:

“Application or reapplication for such licenses shall be made to the **Mayor Liquor Commissioner**, on forms prepared by the City, signed by the applicant (if an individual) or by a duly authorized agent thereof (if a club or corporation), stating:

H. ~~That the applicant is a citizen of the United States. (1978 Code §37.03; amd. Ord. 1995-12, 4-25-1995)~~

N. ~~O~~ For all pour license applications after the date of this regulation, ~~i.e. A, AO, BP, C, D, D-1, E-1, E-2, E-O, O, and WO liquor license applicants~~, unless the liquor license is for a full-service restaurant or tavern business, demonstrate that the primary business is not video gaming by meeting the conditions below. If these conditions are not met, a G License should be applied for.

i. A maximum of 10% of floor space is devoted to video gaming and it is substantially separated physically and audibly from the rest of the services provided as determined by the City Council.

ii. **That a maximum of 40% of revenues comes from video gaming machines.**

iii. **The City Administrator may request that the applicant** provide a business plan (or business forecast for an existing business) deemed complete and realistic by the Waubensee Community College Small Business Development Center which indicates to the City Council's satisfaction that the business has a reasonable chance of success and that video gaming is a minor portion of the business.

O. INITIAL APPLICATON FEE: A non-refundable application fee in the amount of \$1,500 shall be payable upon the initial application for a liquor license. This fee is in addition to the liquor license fees

established in Section 3-3-7. Those renewing liquor licenses shall not be subject to this application fee.

SECTION 3: That Section 3-3-7 be deleted in its entirety and replaced with the following:

3-3-7: LICENSE CLASSIFICATION AND FEES:

The sale of liquor is not permitted unless a liquor license is received from the City. Licenses required by this Chapter shall be divided into the classes below:

CLASS B LICENSES shall authorize the sale of alcoholic liquors by a Bar, Tasting Room, and Brew Pub for consumption in the interior portion of the premises where sold. Class B licenses shall not be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The annual fee(s) for such license shall be as follows:

B License:	\$900
Add on Packaged Liquor	\$250
Add on Outdoor Seating	\$250
Add on On-Site Beer Production as a Brew Pub	\$250

CLASS C LICENSES shall authorize the sale of alcoholic liquors by a Club for consumption in the interior portion of the premises. In addition, alcoholic liquors may be served with meals to the public. Class C licenses shall be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The annual fee(s) for such license shall be as follows:

C License:	\$900
Add on Packaged Liquor and Add on Outdoor Seating	\$250

CLASS E LICENSES shall authorize the Mayor of the City, as Liquor Commissioner, to issue a license for the sale of alcoholic liquors for a period of one day. A Class E shall be issued only to a not-for-profit corporation chartered in the State. Class E Licenses shall not be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The fee(s) for such license shall be as follows:

E License:	\$25/day
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CLASS G LICENSES shall authorize the sale of alcoholic liquors by a Video Gaming Café for consumption in the interior portion of the premises only. Class G licenses shall be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The fee(s) for such license shall be as follows:

G License:	\$1,200
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CLASS R LICENSES shall authorize the sale of beer, wine, and ale by a Restaurant or Banquet Facility for consumption in the interior portion of the premises. Class R licenses shall be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The annual fee(s) for such license shall be as follows:

R License:	\$1,000
Add on Alcoholic Liquor	\$250
Add on Outdoor Seating	\$250

CLASS S LICENSES shall authorize the retail package sales of beer, wine, and ale by a Gas Station, Liquor Store, or Grocery Store for consumption off the premises where sold. Class S licenses shall also authorize the distribution in containers not to exceed 1 ounce of beer and wine for consumption on the premises. Said distribution shall be for the purposes of sampling only and shall be without remuneration. Class S licenses shall be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The fee(s) for such license shall be as follows:

S License:	\$800
Add on Alcoholic Liquor	\$250

CLASS W LICENSES shall authorize the sale of wine for consumption on or off premises, except that on premises shall be limited to dispensing no more than twenty (20) ounces of wine to any one person per day. The Class W licenses shall be restricted to the liquor districts as limited by Section 3-3-14 of this Chapter. The annual fee(s) for such license shall be as follows:

W License:	\$800
Add on Outdoor Seating	\$250

SECTION 4: That Section 3-3-8 be deleted and replaced with the following:

3-3-8: NUMBER OF LICENSES:

- A. Class B Licenses. There shall be in force at any time no more than three (3) Class B licenses.
- B. Class C Licenses. There shall be in force at any time no more than one (1) Class C license.
- C. Class E Licenses. There shall be no limit to the number of Class E licenses in force at any time.
- D. Class G Licenses. There shall be in force at any time no more than two (2) Class G licenses.

E. Class R Licenses. There shall be in force at any time no more than six (6) Class R licenses.

F. Class S Licenses. There shall be in force at any time no more than three (3) Class S licenses.

G. Class W Licenses. There shall be in force at any time no more than one (1) Class W license.

SECTION 5: That Section 3-3-13 be deleted in its entirety and replaced with the following:

3-3-13: CLOSING HOURS:

It shall be unlawful to permit the sale of alcohol on or in any premises where liquor is sold except during the hours stated in this Chapter. No patron or employee shall be permitted to consume alcoholic liquor later than thirty (30) minutes past the closing hours listed in this Chapter. No patron shall remain, or be permitted to remain, on any premises licensed for the sale of alcoholic liquor later than thirty (30) minutes past the closing hours listed in this Chapter. The doors of such premises shall be locked promptly within thirty (30) minutes past the closing hours listed in this Chapter and remain locked during the closed period.

A. Hours Established: Liquor license for all licenses, except E licenses whose hours shall be determined by the Chief of Police, shall be as follows:

1. Monday through Thursday: 6:00 AM to 12 AM
2. Friday: 6:00 AM to 1:00 AM on Saturday
3. Saturday: 6:00 AM to 1:00 AM on Sunday
4. Sundays: 10:00 AM to 10:00 PM

B. Special Event and Holiday Hours:

1. New Year's Eve and New Year's Day: It shall be lawful for any licensee, subject to this license restriction other than closing hours, to sell or offer for sale at retail alcoholic liquor until midnight on December 31st and continuing through until 2:00 AM on January 1st of any year.

2. Sunday before Memorial Day: It shall be lawful for B, R, and C liquor license holders to remain open until 12 AM midnight on the Sunday before Memorial Day.
 3. Sunday before Labor Day: It shall be lawful for B, R, and C liquor License holders to remain open until 12 AM midnight on the Sunday before Labor Day.
 4. Super Bowl Sunday: It shall be lawful for B, R, and C liquor license holders to remain open until 12 AM midnight on Super Bowl Sunday, in which the professional football "Super Bowl" game is played.
- C. Emergency Closing: In all cases where the public peace or safety is likely to be endangered, in the option of the Genoa Police Officer on duty, by allowing the premises licensed hereunder to remain open, it shall be lawful for the Mayor to issue his proclamation, under the Seal of the City, commanding the enjoining persons licensed by said City under this Chapter, their employees and agents, to close their places of business for such time as the Mayor shall deem necessary; and neither to sell, give away, nor suffer to be drawn, any of said liquor in or about their premises during the time mentioned in said proclamation.

SECTION 6: That Section 3-3-14, Location Restrictions, be amended to add:

- E. Zoning Requirements. The holder of a liquor license shall abide by all requirements and restrictions stated in the Municipal Code of the City of Genoa, including the Zoning Ordinance, and all restrictions of the Illinois State Statutes.

SECTION 7: That Section 3-3-15, Building and Premises Requirements, Section A be amended to instead read:

- A. Seating Capacity: All ~~Class A, B, C, D, D-1, E-1, E-2 and W liquor license establishments shall have a maximum capacity equal to no greater number than one person per ten (10) square feet of floor area within the establishment, excluding storage areas.~~ establishments with a liquor license must comply with Building Code Standards adopted by the City in regards to maximum capacity. This capacity must be clearly posted near the entrance of each establishment. Compliance will be the responsibility of the license holder.

SECTION 8: That Section 3-3-15, Building and Premises Requirements, be amended to add:

- E. OUTDOOR SEATING REGULATIONS: Any liquor license applicant which

requests to be permitted to have outdoor seating in any open unroofed area in which alcoholic beverages are served or consumed pursuant to a B,C,R, or W license shall conform to the following:

1. Must have a Special Use Permit that allows outdoor dining.
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
3. The open unroofed area shall be no greater than 1/2 the other floor space of the licensed premises.
4. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
5. With the exception of the W License, any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
6. All electrical wiring shall comply with the codes of the City.
7. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
8. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
9. The license holder shall be responsible for preventing violations of this chapter.
10. No open unroofed area where alcoholic beverages are served pursuant to this license shall be permitted within 100 feet of land zoned for residential purposes.

SECTION 9: That Section 3-3-17, Dancing; Live Entertainment, Section C, 2 be amended to instead read:

2. Annual Permit. An applicant for an annual permit must pay a \$250.00 fee, and file with the Finance Office Manager, at the time of application for a **Class D1** Liquor License, a completed Live Entertainment Permit application in the form approved by the Liquor Commissioner. The Liquor Commissioner shall issue or deny the permit within 10 business days of the issuance of a **Class D1** Liquor Licenses to the applicant. (Ord. 2004-22, 05-05-2004; Ord 2015-19, 10-6-2015)

SECTION 10: That Section 3-3-25, Penalty, be amended to instead read:

3-3-25: PENALTY:

Any person who violates this **section chapter** and has been issued a citation signed by a City Law Enforcement Officer of this **section chapter** shall be fined in accordance with Section 1-4-1.

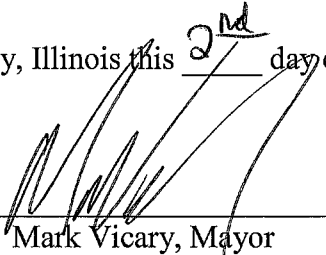
SECTION 11: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 12: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 13: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Alderman Name	Aye	Nay	Abstain	Absent
Pam Wesner				✓
Glennis Carroll	✓			
Dennis Di Guido	✓			
James Stevenson	✓			
Courtney Winter	✓			
Chuck Cravatta	✓			
Jonathon Brust	✓			
Katie Lang	✓			
Mayor Mark Vicary				

PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this 2nd day of March, 2021.
Approved by me this 2nd day of March, 2021.

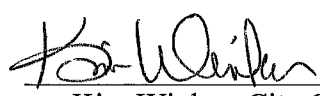


Mark Vicary, Mayor

(SEAL)

ATTESTED and filed in my office this 3rd day of March, 2021.





Kim Winker, City Clerk