

ORDINANCE NO. 2017- 18

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 6 AND CHAPTER 10, SECTION 10-82 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING LIQUOR LICENSES AND VIDEO GAMING LICENSES

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the effectiveness and efficiency of Village business; and

WHEREAS, Section 4-1 of the Liquor Control Act of 1934 authorizes the corporate authorities of a municipality to determine the number, kind and classification of liquor licenses; and

WHEREAS, in connection therewith, the Corporate Authorities have determined that it is necessary and in the best interests of the Village to amend various sections of Chapter 6, and Chapter 10, Section 10-82 of the Municipal Code, Village Of Stickney, Illinois (the "Village Code") regarding the issuance of liquor licenses and video gaming licenses as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend various sections of Chapter 6 and Chapter 10, Section 10-82 of the Village Code regarding the issuance of video gaming licenses and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
AMENDMENT OF VARIOUS SECTIONS OF CHAPTER 6 AND CHAPTER 10, SECTION 10-82 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0. AMENDMENT OF CHAPTER 6, SECTION 6-1.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 6, Section 6-1, which Section shall be amended as follows:

Sec. 6-1. - 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:

Alcoholic liquor means alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, containing over one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.

State Law reference— Similar provisions, 235 ILCS 5/1-3.05.

Club means a corporation organized under the laws of this 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 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 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 on 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.

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 where sleeping accommodations are offered for 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 dining room and kitchen equipment and capacity.

State Law reference— Similar provisions, 235 ILCS 5/1-3.25.

Licensee means any person or club holding a license under the provisions of this chapter.

Liquor Control Act means that act approved January 31, 1934 entitled "An Act Relating to Alcoholic Liquors," being Laws 1933—1934, Second Special Session, page 57 (235 ILCS 5/1-1 et seq.).

Original package means any 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.

State Law reference— Similar provisions, 235 ILCS 5/1-3.06.

Restaurant means any public place kept, used, maintained, advertised and held out to the public to be 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.

State Law reference— Similar provisions, 235 ILCS 5/1-3.23.

Retail sale means sale for use or consumption and for resale in any form.

State Law reference— Similar provisions, 235 ILCS 5/1-3.17.

Video Gaming Act means The Video Gaming Act (230 ILCS 40/1 et seq.)

Video Gaming Café means a licensed establishment whose primary source of revenue is the conduct of video gaming and which offers alcohol and food only as a secondary amenity.

Video Gaming Equipment means video gaming terminals, associated video gaming equipment and major components or parts.

Video Gaming Operation, as the context requires, means the conducting of video gaming and all related activities.

Video Gaming Terminal means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.

SECTION 3.1. AMENDMENT OF CHAPTER 6, SECTION 6-5.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 6, Section 6-5, which Section shall be amended as follows:

Sec. 6-5. - Hours of operation.

It shall be unlawful to sell alcoholic liquors at retail except during the hours provided in the following schedule:

Class of License	Hours
C	8:00 a.m. through 2:00 a.m. of the following day.
D	8:00 a.m. through 2:00 a.m. of the following day.
E	8:00 a.m. through 2:00 a.m. of the following day.
F	8:00 a.m. through 2:00 a.m. of the following day.
G	8:00 a.m. through 2:00 a.m. of the following day.
H	8:00 a.m. through 2:00 a.m. of the following day.
I	9:00 a.m. through 12:01 a.m. for days of licensing.
J	9:00 a.m. through 12:01 a.m. for days of licensing.
<u>K</u>	<u>8:00 a.m. through 2:00 a.m. of the following day.</u>

No patron or any member of the public shall enter or remain in any premises from which alcoholic liquor is licensed to be sold at retail, pursuant to classes C, D, F, ~~and G~~, and K between the hours of 2:00 a.m. and 8:00 a.m. on any day. Establishments permitted to sell liquor pursuant to a license under class H may allow the public to enter upon the premises between the hours of 2:00 a.m. and 8:00 a.m. of the following day, provided however, that liquor shall not be made available for display or purchase from 2:00 a.m. through 8:00 a.m. No liquor shall be served for any type of consumption on or off the premises for licenses under class E licenses between the hours of 2:00 a.m. and 8:00 a.m. No alcoholic liquor of any type shall be sold on the premises or off the premises for classes I and J licenses between the hours of 12:01 a.m. and 8:30 a.m. each day of the licenses for the special events.

No person licensed hereunder as a seller of alcoholic liquor, either personally or through his agents or employees, shall sell or permit to be sold, offer for sale, dispense or permit dispensing, or give away any alcoholic liquor during the time periods stated within this section 6-5. This section further prohibits all persons, whether members of

the public or off-duty agents of the licensee, from consuming or being in possession of alcoholic liquor in or upon the premises of a licensee during the above stated hours.

SECTION 3.2. AMENDMENT OF CHAPTER 6, SECTION 6-43.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 6, Section 6-43, which Section shall be amended as follows:

Sec. 6-43. - Classes of licenses.

There shall be the following classes of local liquor licenses:

(1) *Class C.* A class C liquor license shall authorize the sale of any and all alcoholic liquor for consumption on the premises only, not retail sale for outside consumption.

(a) No video gaming terminals shall be permitted on any premises operating under a Class C liquor license, except upon the majority vote of the Board of Trustees of the Village.

(b) Notwithstanding the foregoing, any Class C licensee operating video gaming terminals as of September 1, 2017 may continue its video gaming operations until the licensee leases, transfers, or otherwise assigns his interest in the premise, at which point this exemption shall terminate.

(2) *Class D.* A class D package license shall authorize the sale of any type of alcoholic liquor only in the original package and for consumption off premises only.

(3) *Class E.* A class E restaurant license shall authorize the retail sale, in restaurants only, where food is the main source of revenue, of alcoholic liquor for consumption on the premises where sold only. Under this license, alcoholic liquor may only be sold concurrent with and ancillary to the service of food.

(a) No video gaming terminals shall be permitted on any premises operating under a Class E liquor license, except upon the majority vote of the Board of Trustees of the Village.

(b) Notwithstanding the foregoing, any Class E licensee operating video gaming terminals as of September 1, 2017 may continue its video gaming operations until the licensee leases, transfers, or otherwise assigns his interest in the premise, at which point this exemption shall terminate.

(4) *Class F.* A class F club license shall be a charitable organization recognized by the local liquor control commissioner, which shall authorize the sale of alcoholic liquor by such club for consumption on the premises only, not for retail sale or for consumption outside the premises.

(a) No video gaming terminals shall be permitted on any premises operating under a Class F liquor license, except upon the majority vote of the Board of Trustees of the Village.

(b) Notwithstanding the foregoing, any Class F licensee operating video gaming terminals as of September 1, 2017 may continue its video gaming operations until the licensee leases, transfers, or otherwise assigns his interest in the premise, at which point this exemption shall terminate.

(5) *Class G.* A class G beer and wine license authorizes the sale of beer and wine only, for consumption on the premises only, not for the retail sale of beer and wine for consumption or use outside the premises.

(a) No video gaming terminals shall be permitted on any premises operating under a Class G liquor license, except upon the majority vote of the Board of Trustees of the Village.

(b) Notwithstanding the foregoing, any Class G licensee operating video gaming terminals as of September 1, 2017 may continue its video gaming operations through December 31, 2017. As of January 1, 2018, any Class G licensee operating video gaming terminals as of that date shall be required to obtain a Class K license in order to continue operating video gaming terminals.

(6) *Class H.* A class H license shall authorize the storage, distribution and retail sale of alcoholic liquor, commonly known as beer and wine only, in their original packages, not for consumption on the premises where sold, but where the beer and wine only is intended for delivery to or to be taken away by the consumer.

(7) *Class I.* A class I special event license shall authorize the sale of beer and wine only at special events for consumption on the premises only. A license shall be purchased for each location, and no license shall be transferred. The license shall be for a maximum of seven days from the date issued.

(8) *Class J.* A class J license, all types of special event licenses, shall authorize the sale of alcoholic liquor at special events for consumption on the premises only. A license shall be purchased for each location, and no license shall be transferred. The license shall be for a maximum of seven days from the date issued.

(9) *Class K.* A class K license shall authorize the sale of beer and wine only for consumption on the premises only at a video gaming café, and not for the retail sale of beer and wine for consumption or use outside the premises. A class K license is nontransferable. A class K license does not confer a video gaming sticker.

SECTION 3.3. AMENDMENT OF CHAPTER 6, SECTION 6-44.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 6, Section 6-44, which Section shall be amended as follows:

The fee for a village liquor license shall be as indicated in the following:

<i>Class of License</i>	<i>Fee</i>
C, annually	\$750.00
D, annually	750.00
E, annually	750.00
F, annually	75.00
G, annually	500.00
H, annually	250.00
I, per day	50.00
J, per day	100.00
<u>K, annually.....</u>	<u>750.00</u>

Such fees shall be prorated on a semiannual basis. All such fees shall be paid to the local liquor control commissioner at the time application is made, and shall be forthwith turned over to the treasurer. If the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be nonrefundable and shall be deposited in the general corporate fund or in such other fund as shall have been designated by the board of trustees by proper action.

SECTION 3.3. AMENDMENT OF CHAPTER 6, SECTION 6-45.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 6, Section 6-45, which Section shall be amended as follows:

Sec. 6-45. - Number.

There shall be issued in the village no more than six class C licenses; provided, however, that satellite stations existing under any class C licenses issued to the Hawthorne Race Track or any concessionaire connected therewith shall not be included in or considered a part of the six class C licenses. There shall be issued in the village no more than three class D licenses. There shall be issued in the village no more than two class E licenses. There shall be issued in the village no more than three class F licenses. There shall be issued in the village no more than six class G licenses. There shall be issued in the village no more than one class H license. There shall be issued in the village no more than four class K licenses, except as authorized upon the majority vote of the Board of Trustees.

SECTION 3.4. AMENDMENT OF CHAPTER 6, SECTION 6-49.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 6, Section 6-49, which Section shall be amended as follows:

Sec. 6-49. - Restrictions on issuance and retention of certain classes of E licenses.

(1) Class E Licenses

A class E restaurant license may be issued and retained by an establishment which:

- (4A) Has a seating capacity at tables for a minimum of 50 persons for food services;
- (2B) Is in fact operated as a restaurant; and
- (3C) Offers its patrons full and complete meals, including dinner menu, and in which the serving of alcoholic beverages is incidental and complimentary to the service of such meals.

No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant. Without limiting the generality of the foregoing, limited food service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, etc., do not satisfy the requirements for this license classification.

No video gaming terminals shall be permitted on any premises operating under a Class E liquor license, except upon the majority vote of the Board of Trustees of the Village.

Notwithstanding the foregoing, any Class E licensee operating video gaming terminals as of September 1, 2017 may continue its video gaming operations until the licensee leases, transfers, or otherwise assigns his interest in the premise, at which point this exemption shall terminate.

(2) Class K Licenses

(A) No class K license shall be issued to any applicant for a premises that is within 1,000 feet of the property line for an existing class K licensed establishment, except as authorized upon the majority vote of the Board of Trustees. This restriction shall not apply to any premises which operates video gaming terminals as of September 1, 2017.

(B) No class K license shall be issued to any establishment which is within 100 feet of any public or private elementary or secondary school.

(C) No class K license shall be issued to any establishment which is within 1,000 feet of any horse racing or riverboat gambling facility.

(D) After September 1, 2017, no class K license shall be issued to any establishment which has been operational and open to the public for a period of less than six months, except as authorized upon the majority vote of the Board of Trustees.

SECTION 3.5. AMENDMENT OF CHAPTER 10, SECTION 10-82.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 10, Section 10-82, which Section shall be amended as follows:

Sec. 10-82. - Video gaming permitted only on premises where alcoholic liquor is sold at retail—Payment of license sticker fee.

(a) Any establishment within the village which is licensed to sell alcoholic liquor pursuant to a class K liquor license, unless otherwise authorized pursuant to Section 6-43, and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a video gaming sticker from the village for each video gaming terminal located at such establishment.

(b) Any person licensed to sell alcoholic liquor pursuant to a Class K liquor license, unless otherwise authorized pursuant to Section 6-43, may apply to the liquor control commissioner for a village video gaming sticker on an application form provided by the village and shall specify the name and address of the operator of the premises and the name and address of the owner of each video gaming terminal for which a video gaming sticker is being sought.

(c) The license sticker fee for the operator of the premises shall be \$500.00 per year, payable annually in advance, for each video gaming terminal set up for operation, leased or distributed to the operator of the premises. The license sticker fee for the owner of each video gaming terminal shall be \$500.00 per year, payable annually in advance, for each video terminal set up for operation.

(d) All video gaming terminals at premises within the village shall display a village video gaming sticker at all times.

(e) Village gaming stickers shall not be issued for any video gaming terminal on any premise that is located within 1,000 feet of a horse racing or riverboat gambling facility or is located within 100 feet of a school or place of worship. The restriction does not apply if the church or school is established after the issuance of the liquor license.

(f) No more than five video gaming terminals may be located on any premises where alcoholic liquor is sold.

(g) Video gaming terminals must be located in an area that is restricted to persons over 21 years of age. The entrance to such area must be within the view of at least one employee.

(h) No holder of a license to sell alcoholic liquor may cause or permit any person under the age of 21 years to use or play a video gaming device.

(i) Video gaming may be played only during the hours of operation for the consumption of alcohol at that establishment.

(j) Any holder of a liquor license must comply with any provision of the act and must also follow all rules, regulations and restrictions imposed by the Illinois Gaming Board.

(k) Annual fees to be paid shall be for a calendar year without proration should the video gaming terminal operate for any portion of any calendar year.

(l) Any violation of any provision of this section shall be deemed a violation of the provisions of this chapter and subject to enforcement.

(m) No video gaming sticker shall be issued for any establishment which has been in operation and open to the public at its current location for fewer than six months, except as authorized by a majority vote of the Board of Trustees.

SECTION 3.6. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with applicable law.

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PASSED this 5th day of September, 2017.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: none

ABSENT: none

ABSTENTION: none

APPROVED by me this 6th day of September, 2017.

Jeff Walik, President

ATTESTED AND FILED in my
office this 6th day of September, 2017.

Audrey McAdams, Village Clerk