

ORDINANCE NO. 2010-06

**AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 97-11  
ENTITLED "AN ORDINANCE ESTABLISHING A LIQUOR CONTROL  
COMMISSION AND PROVIDING FOR THE CONTROL AND  
REGULATION OF THE SALE AND CONSUMPTION OF ALCOHOLIC  
LIQUORS IN THE VILLAGE OF WINNEBAGO, ILLINOIS"**

**TO  
PROVIDE FOR SPECIAL EVENT PERMIT FOR  
CLASS A, B, C, AND F LIQUOR LICENSE HOLDERS**

WHEREAS, the Village of Winnebago's current liquor ordinance does not allow for a liquor license holder whose license covers the sale of beer, wine, or alcoholic liquor, on the subject premises in conjunction with the operation of a restaurant, hotel, or bowling alley, to obtain a Special Event Permit in order to host an outdoor event on or adjacent to the premises on which the liquor establishment operates where beer, wine, or alcoholic liquor may be served; and

WHEREAS, it is believed by the Board of Trustees of the Village of Winnebago that certain kinds of such type of events would be a positive type of social gathering option and in the best interests of the citizens of the Village of Winnebago, provided appropriate rules and safeguards are in place;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

**PART I-REVISION IN DEFINITION OF "COURTYARD" AND  
ADDITION OF "SPECIAL USE PERMIT" DEFINITION**

A) **The definition of "courtyard" contained in Article I Section 3** shall be deleted in its entirety, and the following new definition of the word "courtyard" substituted in place thereof:

**Courtyard** means a seasonal open-area used for the service of food and alcohol. A courtyard shall be a permanent part of the improvement constructed with at least a three-foot solid barrier such as a wall or fence. Additional screening or solid barrier up to six feet in height may be required by the liquor control commission, depending upon the nature and use of the surrounding properties. However, a Class A, B, C, or F liquor license holder who applies for and is granted a Special Event Permit by the Village Board of Trustees to hold a Special Event on the premises surrounding the building where the liquor licensee operates its business, or on the adjacent property, for the given Special Event shall be allowed to comply with the courtyard requirement by erecting temporary fencing of a quality at least as durable as construction fencing, with staking required. Such temporary fencing shall be subject to approval by the Village Board of Trustees. Primary access to any courtyard shall be through the dining area of the licensed facility. Fire exits shall be provided as required by the Village Building and Zoning Ordinance and any other applicable laws. Courtyard seating may not be counted toward any minimum seating standard required by this ordinance.

B) **Article I Section 3 of the liquor ordinance** shall have the following definition for Special Event Permit added in alphabetical order, to the other definitions contained in that section:

**Special Event Permit** shall mean a permit that is granted at the sole discretion of the Village Board of Trustees to a Class A, B, C, or F liquor license holder to hold a date certain specific event on the outside premises surrounding the building where the liquor licensee operates its business, or on the adjacent property,

whereat beer, wine, or alcoholic liquors, depending on the licensee's class of license, shall be allowed to be served, provided such liquor licensee meets the requirements for a "courtyard" established herein, and meets such other special terms and conditions set for each such Special Event Permit issued that are determined as necessary by the Village Board of Trustees.

## **PART II-PROVISION FOR SPECIAL USE PERMIT**

A) **The caption for Article V** of the liquor ordinance shall be amended to read as follows:

### **ARTICLE V—LICENSE CLASSIFICATION/SPECIAL EVENT PERMIT/FEES/HOURS OF SALE**

B) **The following Section 1.5 shall be added to Article V** of the liquor ordinance:

#### **SECTION 1.5 SPECIAL EVENT PERMIT**

At the sole discretion of the Village Board of Trustees, a Special Event Permit for the purpose defined hereinabove may be granted to a Class A, B, C, or F liquor license holder, setting forth such terms and conditions as the Board deems appropriate for each given Special Event. These terms and conditions may include, but shall not necessarily be limited to, requirements pertaining to allowable event hours, maximum decibel level, police officer presence and other security provisions, exact form of temporary fencing required, and parking provisions. There shall be a \$50.00 separate fee for such Special Event Permit.

## **PART III-REPEAL OF ANY PRIOR OR CONFLICTING ORDINANCES**

Any and all ordinances or parts of ordinance provisions passed by the Board of Trustees of the Village of Winnebago, Illinois, which are in conflict with this Ordinance No. 2010-06 are hereby repealed.

**PART IV-ORDINANCE EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after the date of its passage, approval, and publication, as provided by law.

**APPROVED:**

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Franklin J. Eubank, Jr., President of the Board of  
Trustees of the Village of Winnebago, Illinois

**ATTEST:**

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**PASSED:**

6/7/10

**APPROVED:**

6/7/10

**PUBLISHED**

**(in pamphlet form):** \_\_\_\_\_