

**ORDINANCE NO. 08-01**

**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 ALLOW  
RETAIL SALE OF ALCOHOLIC LIQUOR IN BOWLING ALLEYS  
FOR CONSUMPTION ON THE PREMISES,  
AMENDING LIQUOR SALE HOURS,  
AND MAKING CERTAIN CLARIFICATIONS**

**WHEREAS**, the Village of Winnebago Board of Trustees believes it to be in the best interest of the Village of Winnebago to encourage additional venues for entertainment in the Village of Winnebago; and

**WHEREAS**, interest has been expressed in opening a bowling alley in the Village of Winnebago, with alcoholic liquor allowed to be served for consumption on the premises in order to make the business a competitive one with like businesses; and

**WHEREAS**, the Village Board of Trustees believes that a bowling alley would be a positive addition to the Village of Winnebago, and the potential for success of such venue would be enhanced by the allowing of service of alcoholic liquor at such location within certain strictly defined parameters; and

**WHEREAS**, the Village Board of Trustees believes it would be in the best interest of the citizenry of the Village of Winnebago to allow weekend hours of liquor sales to apply when New Year's Eve falls on a weekend; and

**WHEREAS**, there are certain other clarifications that need to be made to the Village's liquor ordinance originally passed on October 13, 1997, Ordinance No. 97-11, and amended via Ordinance No. 06-02 passed on April 10, 2006.

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

**PART I**

The following definition shall be added in alphabetical order to the "Definitions" contained in Article I, Section 3 of Ordinance No. 97-11:

**Bowling alley** means any public place kept, used, maintained, advertised and held out to the public as a place where the game of tenpins, or bowling, is actually and regularly engaged in, and may include a lounge area within the same premises, provided that lounge area meets the requirements stated in this ordinance.

**PART II**

**AMENDMENT OF ARTICLE V, SECTION 1**

The following license classification shall be added to Article V, Section 1 of Ordinance No. 97-11:

7) **Class F license** shall authorize the retail sale in bowling alleys of alcoholic liquor by the drink or pitcher for consumption only on the bowling alley premises provided the gross dollar value received from all sources of gross revenues on the bowling alley premises, except for alcoholic liquor served and consumed on the premises, is at least 45% of the total gross revenues received from all sources of income on the bowling alley premises including the sale of alcoholic liquor served and consumed on the premises. Thus, the gross revenues from the sale of alcoholic liquor served and consumed on the bowling alley premises must not exceed 55% of the total gross revenues generated on the bowling alley premises. The definition of gross revenues received from all sources, except from alcoholic liquor served and consumed on the bowling alley premises, shall include,

but not necessarily be limited to, bowling fees, shoe rentals, vending machine sales, and sale of non-alcoholic beverages and food consumed on the bowling alley premises.

Alcoholic liquor may be sold under a Class F license only during the period when patrons of the bowling licensee are offered the opportunity to engage in the game of bowling.

Further, no license may be granted to or retained by any bowling alley which does not have at least ten (10) regulation bowling lanes.

A Class F licensee may also maintain and operate a lounge within the same premises, provided that such lounge area shall only contain a maximum of one square foot of floor space for every five square feet of floor space in the non-lounge areas of the bowling alley. A bowling alley lounge shall be subject to the following additional restrictions:

- a) There shall be a single entrance for both the bowling alley and lounge. The single entrance shall not permit patrons direct ingress to the lounge.
- b) The lounge may not be opened beyond the hours specified in Article V, Section 2, nor at any time when the bowling alley area is closed.

The annual fee for a Class F license shall be One thousand five hundred and 00/100 dollars (\$1,500.00).

For holders of a Class F license, the license holder shall submit to the Liquor Commissioner a statement reflecting the gross revenue in dollars and percentages collected by the licensee from all sources, including, but not limited to, gross revenues collected from bowling fees, shoe rentals, vending machine sales, and sale of non-alcoholic beverages and food consumed on the premises, except for the sale of alcoholic beverages, and the total gross revenue in dollars and percentages collected by the licensee from all sources with no exceptions. A certified public accountant or public accountant shall

prepare the statement and indicate the scope of his or her examination, if any, and the degree of responsibility he or she is taking. The statement shall be submitted semiannually on or before April 1<sup>st</sup>, which shall cover the six-month period ending the last day of February, and October 1<sup>st</sup>, which shall cover the six-month period ending the last day of August. If the Commissioner wishes to challenge the statements so provided, he may call the holder of said license to submit whatever additional proof necessary to support the statements of the license holder.

**PART III**  
**AMENDMENT OF ARTICLE V, SECTION 2**

Article V, Section ~~2A~~<sup>of</sup> Ordinance No. 97-11 shall be deleted in its entirety and the following language substituted in place thereof:

- A) No alcoholic liquor shall be sold, offered for sale, given away, carried out of, or consumed by anyone, including the owners and employees thereof, on or in any premises licensed under this ordinance at hours other than the following designated hours:

**FOR CLASS A, CLASS B, CLASS C, AND CLASS F LICENSE HOLDERS:**

Monday through Thursday and Sunday	Between 11:00 a.m. and 1:00 a.m. of the following day
Friday through Saturday	Between 11:00 a.m. and 2:00 a.m. of the following day

However, in the event that New Year's Eve (December 31) of any given year falls on a weekday, or Sunday, the latest hour to which alcoholic liquor may be sold, offered for sale, given away, carried out of, or consumed by anyone, including the owners and employees

thereof, on or in such premises falling under a Class A, B, C, or F license classification shall be extended to 2:00 a.m. of the following day.

**FOR CLASS D AND CLASS E LICENSE HOLDERS**

Monday through Sunday

Between 6:00 a.m. and 2:00 a.m.  
of the following day

**PART IV**  
**AMENDMENT OF ARTICLE VI**

The following section shall be added to Article VI—Changes Affecting Licensure

**Section 5. CHANGE IN NAME OF LICENSEE**

- A) In the event there is a change in the name of the licensee resulting from any voluntary or involuntary action or inaction by the licensee including, but not limited to, election of name change, formation of new corporation, etc., such an occurrence shall be deemed to constitute a change in the identification of the holder of a license issued under this ordinance and a new license shall be required.
- B) Before any such name change is effectuated, the licensee shall, at least thirty (30) days before submitting the paperwork to the applicable entity to effectuate such name change, give the local liquor control commissioner written notice describing such intended action, in reasonable detail explaining the reasoning for the same. Failure to give the notice required by the provisions of this subsection (B) shall constitute a violation of this ordinance, subjecting the licensee to revocation or suspension of the license. No additional license fee shall be payable for a new license required by virtue of the occurrence of any of the events described in subsection (A) of this section as long as ownership is maintained by the same owner.

- C) No alcoholic liquor shall be purchased by licensee or sold, served, or given away by licensee at any time that the name under which the licensee operates does not exactly match the name of the individual or entity to whom the liquor license was issued, with the name on the liquor license issued for the applicable time period being prima facie evidence of the individual or entity to whom the liquor license was issued.

**PART V**  
**AMENDMENT OF ARTICLE IX, SECTION 3 (A)**

Article IX, Section 3 (A) of Ordinance No. 97-11 shall be deleted in its entirety, and the following substituted in place thereof:

**Section 3. EMPLOYMENT OF UNDERAGE PERSONS**

- A) It shall be unlawful for any licensee under this ordinance, or any officer, associate, member, representative, agent, or employee of such licensee, to engage, employ, or permit any person under the age of twenty-one (21) years to tend bar or to draw, pour, or mix any alcoholic liquor; provided, that the provisions of this section shall not be construed to prevent the employment of persons who are at least eighteen (18) years of age as waiters or waitresses in restaurants; hotels, and motels for the purpose of serving food and alcoholic liquor in the licensed retail premises, or as waiters or waitresses in the lounge area of a bowling alley for the purpose of serving food and alcoholic liquor in the lounge area and bowling area of the subject premises. Further, a person employed by licensee who is at least eighteen (18) years of age shall be allowed to take the initial order for each patron for any alcoholic liquor in the licensed premises. All licensees operating restaurants,