

ORDINANCE NO. 2010-03

**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
INCREASE INITIAL APPLICATION FEE, FURTHER DECREASE
CERTAIN LIQUOR LICENSE FEES, REINSTATE ONE ANNUAL
PAYMENT REQUIREMENT, AND MAKE TECHNICAL CORRECTION
TO AMENDING LIQUOR CONTROL ORDINANCE NO. 08-01**

WHEREAS, the current Board of Trustees of the Village of Winnebago, on October 12th, 2009, voted, upon the recommendation of the Village of Winnebago Liquor Control Commission to, inter alia, decrease liquor license fees for most classes of liquor license holders; and

WHEREAS, the recommendation of the Village of Winnebago Liquor Control Commission for such decrease was provided at the time because the second installment of the annual liquor license fees was coming due, but the Liquor Control Commission also provided the further recommendation that the liquor license fees be further reviewed in approximately six months after comparing the new decreased rates to liquor license fees of comparable and/or surrounding communities; and

WHEREAS, the Village Board of Trustees, has taken into account further recommendations of the Village of Winnebago Liquor Control Commission, has reviewed the liquor license fees of other municipalities in close proximity to the Village of Winnebago and/or of comparable size, and has determined that since a substantial amount of legal work by the Village attorney, and Liquor Control Commission time is required when someone presents an initial application, that it would be more fair and equitable to increase the initial non-refundable liquor license application fee from \$500.00 to \$5,000.00 and again lower the annual fee for all classes of liquor license, except for the caterer's

license as the annual fee amount is quite low, and also to resume the practice of requiring the annual liquor license fee to be paid in one installment to improve the Village of Winnebago's cash flow at a much needed time of the year; and

WHEREAS, in fairness to all liquor license holders, and to ensure necessary cash flow to the Village of Winnebago, the Village Board of Trustees believes that no grace period should be allowed beyond the due date of April 30th of the given year, or the liquor license should automatically expire and require a new application and application fee to be submitted; and

WHEREAS, there is a technical correction to be made to Ordinance No. 08-01, which amended Village Liquor Ordinance 97-11, to reflect the correction of the typographical error of "weekend "to "weekday" in the 4th "Whereas" clause of Ordinance No. 08-01.

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

PART I-INCREASE IN INITIAL LIQUOR LICENSE APPLICATION FEE

Article IV Section 3 (B) of the Village of Winnebago's Liquor Ordinance No. 97-11 shall be revoked in its entirety and the following substituted in place thereof:

B) A person wishing to file an application for a retail liquor dealer's license may obtain an application form from the Village for the purpose of providing reasonable information about the applicant. Such application shall be filed with the local liquor commissioner, together with a manual outlining the applicant's program for training its employees to properly handle the sale of alcoholic liquor, and with a non-refundable application fee of Five thousand and 00/100 dollars (\$5,000.00) for each class of liquor license for which an application is made, except that the non-refundable initial application fee for a Class Ctr liquor

license fee shall be \$2,500.00. Further, if the Ctr application is submitted at the same time, or within 30 days of another class of liquor license application, then the total application fee shall be \$6,000.00 for both applications. Payment of the entire initial non-refundable application fee(s) must be submitted at the time of submission of the liquor license application(s). Each application shall be signed by the applicant, if the applicant is an individual; by the president and secretary, if the applicant is a club or corporation; or by a general partner, if the applicant is a partnership. A copy of the lease or title insurance policy for the premises for which a license is sought shall be attached to the application.

**PART II--DECREASE IN LIQUOR LICENSE FEES FOR CERTAIN
CLASSES OF LICENSES**

A) **The last sentence of Article V, Section 1 (1)** of the Village of Winnebago's liquor ordinance (No. 97-11, as amended, specifically via Ordinance No. 09-12), pertaining to the annual fee for a Class A liquor license, which class of license authorizes the retail sale in restaurants only of alcoholic liquor for consumption on the restaurant premises, shall be amended as follows to decrease the amount of the annual license fee:

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

B) **The last sentence of Article V, Section 2** of the Village of Winnebago's liquor ordinance (No. 97-11, as amended, specifically via Ordinance No. 09-12), pertaining to the annual fee for a Class B liquor license, which class of license authorizes the retail sale in restaurants only of beer and wine for consumption on the premises, shall be amended as follows to decrease the amount of the annual license fee:

The annual fee for a Class B liquor license shall be One thousand and 00/100 dollars (\$1,000.00).

C) **The last sentence of Article V, Section 3** of the Village of Winnebago's liquor ordinance (No. 97-11, as amended, specifically via Ordinance No. 09-12), pertaining to the annual fee for a Class C liquor license, authorizing the retail sale of alcoholic liquor for consumption on the premises only in hotels and motels shall be amended as follows to decrease the amount of the annual license fee:

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

D) **The last sentence of Article V, Section 4** of the Village of Winnebago's liquor ordinance (No. 97-11, as amended, specifically via Ordinance No. 09-12), pertaining to the annual fee for a Class D liquor license, authorizing the retail sale, on the premises specified in the license, of alcoholic liquor in the original package and not for consumption on the premises (package sales) shall be amended as follows to decrease the amount of the annual license fee:

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

E) **The last sentence of Article V, Section E** of the Village of Winnebago's liquor ordinance (No. 97-11, as amended, specifically via Ordinance No. 09-12), pertaining to the annual fee for a Class E liquor license, authorizing liquor license retail sale, on the premises specified in the license, of beer and wine only in its original package and not for consumption on the premises (package sales) shall be amended as follows to decrease the amount of the annual license fee:

The annual fee for a Class E liquor license shall be One thousand and 00/100 dollars (\$1,000.00).

F) **The last sentence in Article V, Section 7** (in the section pertaining to the fee for a Class F (bowling alley) license) of the Village of Winnebago's liquor ordinance

(No. 97-11, as amended, specifically via Ordinance No. 09-12), pertaining to the annual fee for a Class F liquor license, authorizing the holder of such license to serve alcoholic liquors on the premises provided the gross revenues from the sale of alcoholic liquor does not exceed fifty-five percent (55%) of the total gross revenues on the bowling alley premises, shall be amended as follows to decrease the amount of the annual license fee:

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

PART III-ANNUAL PAYMENT REQUIREMENT

The installment payment option referenced in Ordinance No. 09-03 passed on April 13th, 2009, which ordinance added an installment payment option when the liquor license fees were doubled, shall be and hereby is deleted in its entirety, and Ordinance No. 97-11 shall be and hereby is amended to add a Section 1.5 to Article V to read as follows:

SECTION 1.5 ANNUAL PAYMENT REQUIREMENT

All liquor license annual fees shall be paid in one installment, and payment must be received by the close of business on the last business day of April of a given year. No grace period shall be allowed. All annual payments shall be date and time stamped by receiving Village personnel, and any renewal fees not received by the close of business on the last business day in April of a given year shall not be accepted thereafter. In such case, the respective liquor license shall expire, and the licensee whose liquor license has expired shall be required to submit a whole new liquor license application with non-refundable full initial application fee, and shall be required to go through the entire application process with submission of all documents as with any other application. As with all other initial liquor license applications, a hearing shall be held before the Liquor Control Commission on such application, with no guarantee of availability of a liquor license, or the granting of such application.

PART IV--TECHNICAL CORRECTION

The 4th "Whereas" of the introductory paragraph of Ordinance No. 08-01, which ordinance amended Village Liquor Ordinance No. 97-11, shall be and hereby is amended for the purpose of typographical correction such that the reference on the last line to the word "weekend" shall be replaced with the word "weekday".

PART V--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-~~03~~ are hereby repealed.

PART VI--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:

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

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED:

3/8/10

APPROVED:

3/8/10

PUBLISHED

(in pamphlet form): _____