

VILLAGE OF WINNEBAGO

ORDINANCE NO. 2020-05

**AN ORDINANCE AMENDING LIQUOR
ORDINANCE NO. 97-11 TO CHANGE ALLOWED
SALE HOURS FOR ALL CLASSES OF LIQUOR
LICENSE HOLDERS AND REPEALING
ORDINANCE NO. 2019-07**

**ADOPTED BY THE
BOARD OF TRUSTEES**

VILLAGE OF WINNEBAGO

THIS 9th DAY OF March, 2020

Published in pamphlet form by authority of the Village Board of Trustees of the Village of Winnebago, Illinois, this 9th day of MARCH, 2020.

STATE OF ILLINOIS)
)
COUNTY OF WINNEBAGO)

SS

PAMPHLET PUBLICATION CERTIFICATION FORM

I, Sally Jo Huggins, certify that I am the duly elected and acting Village Clerk of the Village of Winnebago, Winnebago County, Illinois.

I further certify that on MARCH 9, 2020 the Corporate Authorities of the above municipality passed and approved Ordinance No. 2020-05, entitled "An Ordinance Amending Liquor Ordinance No. 97-11 to Change Allowed Sale Hours for All Classes of Liquor License Holders and Repealing Ordinance No. 2019-07", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2020-05, including the ordinance and a cover sheet thereof, was prepared, and a copy of the ordinance was posted in the Village office located at 108 West Main Street, Winnebago, Illinois, commencing on MARCH 11, 2020, and continuing for at least ten (10) days thereafter. Copies of the ordinance were also available for public inspection upon request in the office of the Village Clerk located at the above Village office address.

DATED at Winnebago, Illinois, this _____ day of _____, 2020.

(SEAL)

Sally Jo Huggins, Village Clerk

ORDINANCE NO. 2020- 05

**AN ORDINANCE AMENDING LIQUOR ORDINANCE NO. 97-11 TO CHANGE
ALLOWED SALE HOURS FOR ALL CLASSES OF LIQUOR LICENSE
HOLDERS AND REPEALING ORDINANCE NO. 2019-07**

WHEREAS, the Village of Winnebago's liquor ordinance was previously passed via Ordinance No. 97-11 on October 13, 1997, part of which ordinance established certain allowed hours of sale for beer and alcoholic liquor (sometimes hereafter referred to as liquor), distinguishing between, and setting different liquor sale hours for, different classes of liquor license holders, namely, those with package liquor sales only, and those with actual service of liquor for consumption on the premises; and

WHEREAS, after a Village-wide referendum passed at the November 6, 2018 election whereby the entire Village became a "wet" community in its entirety, with only annexed areas being "wet" prior thereto; and

WHEREAS, Ordinance No. 2019-04 was passed by the Village Board of Trustees on March 11, 2019, whereby video gaming was allowed in the Village, provided the applicant held duly issued State of Illinois and Village of Winnebago liquor licenses, and submitted and had approved a video gaming application by both the State of Illinois and the Village of Winnebago; and

WHEREAS, pursuant to Ordinance No. 2019-07 also passed on March 11, 2019, the hours of sale for Class A and Class B liquor license holders only were expanded to accommodate service of liquor as part of a restaurant brunch or other similar event, along with expanded hours of service allowed of liquor on certain holidays; and

WHEREAS, per state statute, video gaming is allowed only during the times that liquor is allowed to be sold at a given establishment holding valid State of Illinois and Village of Winnebago liquor licenses, which hours are currently dictated by the class of liquor license held; and

WHEREAS, pursuant to the Village's current liquor sale hours regulations, those who serve alcohol in the package only, or have a combination license whereby alcoholic liquor is sold in the package and there is video gaming at a convenience store or a restaurant area of a grocery store, are allowed to have their video gaming terminals operated for a more expansive spread of hours than those holding a class of liquor license only allowing for consumption of liquor on the premises because currently the sale of packaged liquor has extended allowed sale hours, and

WHEREAS, if there were uniform liquor hours allowed in the Village of Winnebago regardless of the class of liquor license held, the given video gaming establishment would not necessarily be open for the entirety of those extended hours because personnel from the restaurant would need to be present; and

WHEREAS, there have not been problems or public safety issues with the operation of video gaming in the Village of Winnebago to date; and

WHEREAS it is believed to be in the best interest of the citizenry of the Village of Winnebago, and more equitable for all video gaming license holders, to have uniform liquor sale hours throughout the Village regardless of the class of liquor license held; and

WHEREAS, with passage of the instant ordinance, Ordinance No. 2019-07 would no longer be necessary.

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

ARTICLE I
UNIFORM LIQUOR SALE HOURS FOR ALL LICENSE CLASSES

Section 2 of Article V of Ordinance No. 97-11 shall be, and hereby is deleted in its entirety and replaced by the following new Section 2 language:

Section 2. Hours of Sale.

A) No alcoholic liquor shall be sold, offered for sale, given away, carried out of, or consumed by, anyone, including, but not limited to, the owners and employees thereof, on or in any premises licensed under this ordinance at hours other than the following designated hours:

FOR ALL CLASSES OF LIQUOR LICENSE HOLDERS:

Monday through Sunday

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

B) All licensees shall make it a policy that all alcoholic liquor in glasses or cans or bottles be removed from bar tops, counters, tables, and any other location open to the public at time of closing.

C) All premises licensed under this ordinance shall be subject to inspection by the Village President, as liquor commissioner, and/or his designated agents at any hour deemed necessary to ensure compliance with this section.

State law reference: 235 ILCS Section 5/4-2 (formerly 235 ILCS 5/6-14).

ARTICLE II
REVOCATION OF ORDINANCE NO. 2019-07

Ordinance No. 2019-07 shall be and hereby is revoked in its entirety, as the content of the same is now moot with the passage of the instant ordinance.

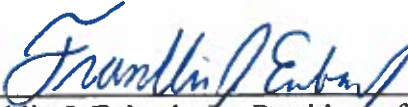
ARTICLE III
AFFIRMATION OF ORDINANCE NO. 97-11

All other provisions of Ordinance No. 97-11, as amended, not in conflict with the instant ordinance shall remain in full force and effect.

ARTICLE IV
EFFECTIVE DATE

This ordinance shall become effective on the date of its passage and approval, with publication to follow immediately thereafter in pamphlet form.

APPROVED:



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

ATTEST:



Sally Jo Huggins, Village Clerk

PASSED:

3-9-2020

APPROVED:

3-9-2020

PUBLISHED

(in pamphlet form): _____