Item #2:
Ordinance Amending Code Re Liquor License *Timmy's*

VILLAGE OF LONG GROVE
ORDINANCE NO. 2011-O-___

AN ORDINANCE AMENDING THE LONG GROVE
VILLAGE CODE REGARDING LIQUOR LICENSES
(Timmy's Sandwiches & Ice Cream)

WHEREAS, pursuant to the Illinois Liquor Control Act, 235 ILCS 5/1-1 *et seq.*, the Village has the authority to license and regulate the retail sale of alcoholic beverages in the Village; and

WHEREAS, pursuant to Chapter 2 of Title 3 of the Long Grove Village Code, the Village has adopted liquor licensing regulations for the sale of alcoholic beverages in the Village; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to amend the Long Grove Village Code, as set forth herein, to accurately reference the number of licenses in each classification;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE. **Recitals**. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO. **Amendment**. Section 3-2-5, entitled "License Classification; Number; Fees;" of Chapter 2, entitled "Liquor Control Regulations," of Title 3, entitled "Business Regulations," of the Long Grove Village Code shall be, and it is hereby, amended in its entirety so that Section 3-2-5 shall hereafter be and read as follows:

3-2-5 LICENSE CLASSIFICATIONS; NUMBER; FEES: The classification of licenses shall be as follows:

(A) Class A Tavern:

1. Classification: Class A licenses shall authorize the retail sale on the premises of alcoholic liquors for consumption only on the premises where sold except between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M.

2. Number: 4

3. Fee: $2,750.00

(B) Class B Club:

1. Classification: Class B licenses shall authorize the retail sale of alcoholic liquors on the premises of any "club" as defined in this chapter for consumption only on the premises where sold except between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M.

2. Number: 2

3. Fee: $2,750.00

(C) Class C Restaurant:

1. Classification: Class C licenses shall authorize the retail sale within a "restaurant", as defined in this chapter, of alcoholic liquors on the premises, for consumption only on the premises except between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M.

2. Number: 3

3. Fee: $2,000.00

(D) Class D Package Wine And Beer:

1. Classification: Class D licenses shall authorize the retail sale, on the premises specified between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M., of wine and nonrefrigerated beer for off site consumption, and for the purpose of on site "winetasting" or "beer tasting". Both "winetasting" and "beer tasting" shall comply with the standards set forth for "winetasting" in section 3-2-1 of this chapter.

2. Number: 2

3. Fee: $800.00

(E) Class E Temporary Licenses:

1. Classification: Class E licenses shall authorize the retail sale on the premises specified except between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M., for the day issued.

2. Fee: $ 20.00

3. Waiver Of Fee: The liquor control commissioner may waive the fee in the following circumstances:

   (a) If the applicant is a not for profit organization;

   (b) If the event is a not for profit occurrence; or

(c) If the applicant has a current and valid village of Long Grove annual liquor license.

(F) Class F Wine And Beer:

1. Classification: Class F licenses shall authorize the sale of wine and beer for consumption on the premises to be served only at a sit down meal and specifically not a bar or other facility and on the premises specified except between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M.

2. Number: ~~1~~ **(2)**

3. Fee: $900.00

(G) Class G Limited License:

1. Classification: Class G licenses shall authorize the sale or distribution of alcoholic beverages on the premises except between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. for no more than twenty (20) events on no more than twenty (20) days per year. The sale or distribution of the alcoholic beverage must be incidental to the principal business activities of the licensee, and must be done immediately prior to, during, or immediately after a sit down meal is served. A cash or open bar is prohibited. Walk in participants shall not be permitted, and attendance at each such event must be by invitation or reservation only.

2. Number: 0

3. Fee: $ 500.00

(H) Class H Winetasting, Package Sales, And On Site Consumption:

1. Classification: Class H licenses shall authorize, on the premises specified and only between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M., the retail sale of wine for: a) off site consumption; b) consumption on the premises where sold; and c) "winetasting on the premises where sold". "Winetasting" shall comply with the standards set forth for "winetasting" in section 3-2-1 of this chapter.

2. Number: 1

3. Fee: $1,000.00

(I) Class I Winery License -- Winetasting and Package Sales:

1. Classification: Class I licenses shall authorize, on the premises specified and only between the hours of 10:00 o'clock (10:00) A.M. and 9:00 o'clock (9:00) P.M., the retail sale of wine produced at such winery for (i) off-site consumption and (ii) winetasting on the premises where sold. "Winetasting" shall comply with the

standards set forth for "winetasting" in section 3-2-1 of this chapter. No other on-site consumption of wine or any other alcoholic beverages shall be permitted under this license classification.

2. Number: 1

3. Fee: $1,000.00

(J) Original Package Retail Sales:

No license issued under this chapter, except for class D, and H, and I licenses, shall authorize the retail sale of alcoholic liquors in the "original package" as herein defined.

(K) Original Package Retail Sales: No license issued under this chapter, except for class D, H, and I, and L licenses, shall authorize the retail sale of alcoholic liquors in the "original package" as herein defined.

(L) Class L Grocery Store:

1. Classification: Class L licenses shall authorize the retail sale of alcoholic liquor at retail in original packages or containers at a grocery store, subject to the following terms, conditions, and restrictions:

   a. A Class L license may only be issued to and held by a grocery store located within the HR-1 zoning district.

   b. Not more than 20 percent of the total floor area of the licensed premises may be devoted to the storage and display of alcoholic liquors.

   c. Alcoholic liquors may be sold daily only between the hours of 7:00 a.m. and 10:00 p.m.; provided that no alcoholic liquors may be sold except when groceries are available for purchase in the licensed premises.

   d. Tastings of samples of wine or beer may occur within the licensed premises for the purpose of inducing a sale at retail of such wine or beer in the original package, subject to the following conditions:

      i. Each tasting must be attended and supervised by a person 21 years old or older, who must be a full-time or part-time employee of the licensee or an alcoholic liquor distributor representative.

      ii. The actual amount being tasted may not exceed one (1) ounce per sample of wine, or two (2) ounces per sample of beer.

iii. No charge, cost, fee, or other consideration of any kind may be levied for any tasting, unless: (a) the tasting event is promoted as being for the benefit of a 501(c)(3) or similar tax-exempt eleemosynary entity, and (b) all moneys collected in connection with the tasting is delivered to such eleemosynary entity.

iv. A tasting may be conducted only between the hours of 11:00 a.m. and 9:00 p.m.

e. Service of samples of beer or wine for on-site consumption is authorized in connection with a program within the licensed premises for the purpose of providing instruction regarding food preparation and wine pairing, subject to the following conditions:

i. Admission to the instructional program must be by reservation only.

ii. Attendance at the instructional program must be limited to no more than twenty-five (25) patrons.

iii. The actual amount of beer or wine being sampled at any instructional program shall conform to the standards set forth in Section 3-2-5(L)(1)(d)(ii).

f. Service of wine by the glass for on-site consumption is authorized but only in connection with a special event for a charitable or store promotion, provided that no more than twenty (20) special events occurring on not more than twenty (20) days per year shall be permitted unless additional events are authorized by the Village Board upon request. The licensee shall deliver written notice to the village manager no less than three business days prior to any special event.

2. Number: 1

3. Fee: $2,600.00.

(M) Sale at Religious Facilities:

1. Classification: Class M licenses shall authorize the sale of certain alcoholic liquors in connection with a limited number of special events conducted at religious facilities but not part of an actual religious service, subject to the following terms, conditions, and restrictions:

a. The Class M licenses authorize the sale of alcoholic liquor at no more than 52 special events during the license term.

b. The Class M licenses authorize the sale of alcoholic liquors for special events conducted on the licensed premises for no more than two consecutive days.

c. Alcoholic liquor is prohibited between the hours of 2:00 a.m. and 9:00 a.m. on any day.

d. The licensee shall be required to obtain a State license and otherwise comply with all requirements for any other liquor license, except that an event caterer or other purveyor of alcoholic liquor can hold such other State licenses and meet the other licensing requirements.

e. At least three business days in advance of any special event at which alcoholic liquor will be sold at a licensed premises pursuant to a Class M license, the licensee shall notify the Village in writing of: (a) the date(s) and time(s) during which a special event will be held at the licensed premises at which alcoholic liquor will be sold; (b) the name of the State licensee who will be principally responsible for the sale of such alcoholic liquors and all relevant information regarding such licensee's State license; and (c) the estimated number of persons attending the special event.

f. After a Class M license is issued in any license year, a Class M licensee shall not thereafter be eligible to apply for or receive a Class E Temporary License for the premises for which the Class M license was issued.

2. Number: No limit

3. Fee: $60.00

SECTION THREE. **Amendment.** Section 3-2-9, entitled "License Renewal;" of Chapter 2, entitled "Liquor Control Regulations," of Title 3, entitled "Business Regulations," of the Long Grove Village Code Village Code shall be, and it is hereby, amended so that said Subsections 3-2-9 shall hereafter be and read as follows:

3-2-9: LICENSE RENEWAL:
Any licensee may renew the license at the expiration thereof if the licensee is then qualified to receive a license under the terms of this chapter; provided, however, that the renewal privilege herein granted shall not be construed as a vested right or as a prohibition in the deduction in the number of liquor licenses to be issued in the village. (Ord. 69-O-9, 10-14-1969). If a licensee does not renew the license within three months following the expiration date (January 1st), the license shall not be renewed and the number of authorized number licenses shall be automatically reduced to eliminate the expired and non-renewed license.

SECTION FOUR. **Effective Date**. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS 8TH DAY OF FEBRUARY, 2011.

AYES: (__)

NAYS: (__)

ABSTAIN: (__)

ABSENT: (__)

APPROVED THIS 8TH DAY OF FEBRUARY, 2011.

_____
Village President

ATTEST:

_____
Village Clerk

RECEIVED
FEB 01 2011
VILLAGE OF LONG GROVE

VILLAGE OF LONG GROVE

2011 LIQUOR LICENSE APPLICATION

Name of Applicant: Timmy's Sandwiches and Ice Cream

____ Sole Proprietorship ____ Partnership ____ Club X Corporation

License Class(es) Applied For: _____ _____ _____

X New ____ Renewal

NOTICE

Any license issued pursuant to this application will be conditioned upon the acquisition by the applicant of a <u>state license issued by the Illinois Liquor Control Commission</u>. Any license so conditionally issued shall not authorize the retail sale of any alcoholic liquor until proof of acquisition of such State license is furnished to the Local Liquor Control Commissioner. In the event that the applicant is refused a State license by said Commission, the license conditionally issued pursuant to this application shall become null and void.

- **IN ACCORDANCE WITH THE VILLAGE CODE AND 60 DAYS PRIOR TO THE ISSUANCE OF A NEW LIQUOR LICENSE, THE APPLICANT MUST SUBMIT A LIQUOR LICENSE APPLICATION. THE APPLICATION WILL BE REVIEWED BY THE VILLAGE BOARD OF TRUSTEES AND, IF APPROVED, AN AMENDMENT TO THE VILLAGE CODE WILL BE ENACTED.**
- **LICENSES EXPIRE ON DECEMBER 31ST OF EACH CALENDAR YEAR AND ARE NOT PRO-RATED.**
- **MAKE CHECK OR MONEY ORDER PAYABLE TO THE VILLAGE OF LONG GROVE.**
- **PLEASE PRINT OR TYPE THE INFORMATION REQUESTED IN THE SPACES PROVIDED. THE APPLICATION FORM MUST BEAR AN ORIGINAL SIGNATURE.**
- **ATTACH A COPY OF PROOF OF DRAM SHOP INSURANCE IN THE AMOUNT OF $2.000.000.**

The undersigned _____ hereby makes application for a Class F License under the Village of Long Grove Liquor Ordinance and tenders herewith the required annual license fee of $ 900.00.

Schedule of Annual Fees for Liquor Licenses:

Class A	$2,750.00
Class B	$2,750.00
Class C	$2,000.00
Class D	$800.00
Class E	$20.00
Class F	$900.00
Class G	$500.00
Class H	$1,000.00
Class I	$1,000.00
Class J	$1,100.00

See Section 3-2-5 of the Village of Long Grove Liquor Control Ordinance for license class requirements and restrictions.

I. Background Information

1. Name of applicant Tim Almy
2. Name of business to be licensed if different from name of applicant
   Timmy's Sandwiches and Ice Cream
3. Eight digit Illinois Department of Revenue Business Tax (Sales Tax) number
   3863-0486
4. Telephone number of sole proprietorship, partnership, club or corporation 847-883-8930
5. Telephone number at the business premise location 847-883-8930
6. Permanent address of Applicant (if less than two years, provide last previous address)
7. Address of premises to be licensed 132 old McHenry Rd
8. Social Security Number or Taxpayer Employer Identification Number of Applicant
   338 68 3711
9. Applicant driver's license number and issuing state A 450 8197 8206 7-19-08
10. Character of Applicant's business SANDWICH / ICE CREAM SHOP
11. If Applicant is a corporation or club, purpose for which it was formed
12. Length of time Applicant has been in business of type specified in response to question 10 above
    3 years
13. Value of goods, wares, and merchandise currently on hand (specify accounting method, and whether book value or fair market value) personal accountant
    Bert McAndrew & Associates 847-842-1040

II. Status of Business

Check the applicable box (assumed name/sole proprietorship, partnership, Illinois corporation, foreign corporation, limited liability company), which corresponds to your business' official papers filed with the Office of the Secretary of State.

Based on the box that you check, provide the date of the filing of the sole proprietorship/assumed name with the County Clerk; in the case of a co-partnership, the date of formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; in the case of a foreign corporation, the foreign state where it was incorporated and the date, as well as the date of its becoming qualified under the "Business Corporation Act of 1983" to transact business in the State of Illinois; in the case of a limited partnership, the date of formation of such partnership; or in the case of a limited liability company, the date of formation of such entity.

NOTE: In the case of a sole proprietorship, Section 5/6-2 of the Illinois Liquor Control Act requires that the business owner reside within the jurisdiction that grants the local liquor license.

A.	☐	Sole Proprietorship	Date filed with County Clerk: _____
B.	☐	Partnership	Date of formation: _____
C.	☑	Illinois Corporation	Date of incorporation: 11/07
D.	☐	Foreign Corporation	State of incorporation: _____
			Date qualified to do business in Illinois: _____
E.	☐	Ltd. Liability Co.	Dated formed: _____

III. Ownership Information

Provide the owner/officer/partner information in accordance with the business status described under Question II. This information must be submitted for all owners/officers/partners. The same information must be submitted for shareholders with interests equal to or exceeding 5%.

The following information must be provided for each individual applicant, sole proprietor, partner, corporate officer or director (whether or not they own any stock), shareholders owning in the aggregate stock equal to or more than 5% (including officers, directors and shareholders with stock equal to or more than 5% for all corporate shareholders), and/or manager or agent conducting the business. Indicate the total percentage of stock of the corporation, if any, which is held by persons who hold less than 5% interest. All not-for-profit organizations and associations must provide the requested information for all corporate officers, directors and managers. If additional space is needed, provide information on separate sheet(s) in the same format as this application requires.

For each owners/officers/partners/5% shareholder, provide full name, home address, city, state, zip code, social security number, date of birth, sex, title/position, home telephone number and percentage ownership. Percentage ownership should equal 100%. If there are a number of shareholders owning less than 5%, indicate the aggregate total of ownership under E.

Ownership Information

A.

Name (Last, First, Middle Initial)		Home address		City	State	Zip
Almy, Timothy W		3119 Old McHenry Rd		Long Grove	IL	60047
Social Security #	**Date of Birth**	**Sex**	**Title/Position**	**Area code/telephone #**		**% owned**
338683711	7-20-78	M	owner	224-612-1220		100

B.

Name (Last, First, Middle Initial)		Home address		City	State	Zip
Social Security #	**Date of Birth**	**Sex**	**Title/Position**	**Area code/telephone #**		**% owned**

C.

Name (Last, First, Middle Initial)		Home address		City	State	Zip
Social Security #	**Date of Birth**	**Sex**	**Title/Position**	**Area code/telephone #**		**% owned**

D.

Name (Last, First, Middle Initial)		Home address		City	State	Zip
Social Security #	**Date of Birth**	**Sex**	**Title/Position**	**Area code/telephone #**		**% owned**

E. Total percentage of all stock held by all persons with less than 5% interest _____

IV. Statements Required

These questions apply to the applicant and any other person listed under Section III. These questions must be answered. If the response to any question requires further explanation, the Applicant may provide an explanation, typewritten and attached to this application. The Liquor Control Commissioner has discretion to investigate all responses made on this application and to examine the Applicant or its directors, officers and agents with respect to these responses.

		Yes	No
1.	Does the Applicant have a current license issued by the Illinois State Liquor Commission?	☐	☑
2.	Has the Applicant ever been convicted of a felony under any federal or state law?	☐	☑
3.	If so, give details: _____		
4.	Has the Applicant ever been convicted of a violation of any federal or state law or local ordinance concerning the manufacture, possession or sale of alcoholic liquor or has the Applicant ever forfeited bond to appear in court to answer charges for any such violation?	☐	☑
5.	If so, give details: _____		
6.	Has the Applicant ever been convicted of a gambling offense as proscribed by any federal or state law or regulation?	☐	☑
7.	If so, give details: _____		
8.	Has the Applicant ever had a similar license issued under state or federal law or under any local ordinance revoked within ten (10) years of the date of the present application?	☐	☑
9.	If so, give details: _____		
10.	Has the Applicant had a similar license issued under state or federal law or under local ordinance suspended more than once within one (1) year of the present application?	☐	☑
11.	If so, give details: _____		
12.	Is the Applicant a Village employee, or law-enforcing official?	☐	☑
13.	Has the Applicant been issued a federal gaming device stamp or a federal wagering stamp for the current taxable year?	☐	☑
14.	Has a federal gaming device stamp been issued for the current taxable year with respect to the premises for which the license is sought?	☐	☑
15.	Do the premises for which a license is sought comprise a store or other place of business where the majority of customers are minors or school age or where the principal business transacted consists of schoolbooks, school supplied, food, lunches or drinks for such minors?	☐	☑
16.	Will the retail sale of alcohol on the premises for which a license is sought violate any provision of the Village of Long Grove Zoning Ordinance?	☐	☑
17.	Are the premises for which a license is sought located within one hundred feet of any property serving any school, hospital, home for the aged, children or indigent persons, or any military or naval station or the nearest part of any church building used for worship or education purposes?	☐	☑
18.	Is the Applicant a permanent resident of the Village of Long Grove?	☑	☐
19.	Does the Applicant beneficially own the premises for which a license is being sought, or has a lease thereon for the full period for which a license is being sought?	☐	☑
20.	Is the Applicant the beneficial owner of the business to be licensed?	☑	☐
21.	Has the manufacturer, wholesaler, distributor or importing distributor of alcoholic liquor or any person connected with or in any way representing such manufacturer, distributor, wholesaler, or importing distributor directly or indirectly paid or agreed to pay for this license, advance money or anything else of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such a person or corporation directly or indirectly interested in the ownership, conduct or operation of this place of business?	☐	☐ ☑
22.	Will the Applicant be personally, actively involved in the operation of the business to be licensed?	☑	☐
23.	Is or will the Applicant be managed by a manger or agent?	☐	☑
24.	Is the Applicant disqualified from receiving a license by reason of any matter of item contained in the laws of this State, this Ordinance, or other ordinances of the Village?	☐	☑
25.	If operating as a sole proprietorship or partnership, and the Applicant is qualified and eligible to obtain the license applied for, are you and your partner(s) currently citizens of the United States or resident aliens with legal status?	☑	☐

V. Signature and Oath

This application shall not be deemed complete unless signed and dated by an owner, an officer, a partner or an officially authorized agent of the business. **The signature must be an original, rubber stamps are not accepted.** By placing his, her or their signature(s) as provided below, the signatory(s) is (are) affirming and swearing that the statements contained in this application are true and correct to the best of the signatory's (signatories') knowledge and belief and the applicant is qualified and eligible to obtain the license applied for. Such signature shall also represent the Applicant's agreement not to violate any of the ordinances or regulations of the Village of Long Grove or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the licensed premises described herein. Further, the signer agrees to notify the Village of Long Grove within thirty (30) working days of changes in any of the above information.

Signature of applicant/authorized agent	OWNER Title/Position	1/16/11 Date

11/10

TRAVELERS
Travelers Service Center
P.O. Box 1515
Spokane, WA 99210-1515

Phone: (888) 661-3938
Fax: (877) 552-6091
Hours: 8:00 AM - 8:00 PM EST Mon. - Fri.
www.travelers.com/servicecenter/
Service.center@travelers.com

TIMMY'S SANDWICHES & ICE CREAM
INC., TIMOTHY ALMY DBA
3119 RFD
LAKE ZURICH, IL 60047

January 13, 2011

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA

Account Number: 8118G4131
Policy Number(s): 680-7318L726-10

Dear Tim Almy,

You requested a quote for liquor liability, the additional premium for this coverage is $330. The liquor liability is included in the general liability limits currently on the policy. Those limits are $1,000,000 per occurrence and $2,000,000 general aggregate. This quote s based on liquor sales of $18,000 subject to audit at the end of the policy term to get the actual sales. Because Travelers is quoting this coverage it is an indication that Timmy's Sandwiches is eligible for this coverage based on the information submitted as long as the quote is accepted within 30 days from the date of this letter.

Sincerely,

Christina Morrison

Travelers Service Center

Registration Number: 699887132071400