Item #5:
Ordinance Amending Village Code: Retail Pharmacy Liquor License

VILLAGE OF LONG GROVE
ORDINANCE NO. 2010-O-___

AN ORDINANCE AMENDING THE LONG GROVE
VILLAGE CODE REGARDING LIQUOR LICENSES

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: 2

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: 1

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

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) Class M Retail Pharmacy Store:

1. **Classification: Class M 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 M 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 pharmaceutical and groceries are available for purchase in the licensed premises.**

2. **Number: 1**

3. **Fee: $2,100.00.**

~~(M)~~ **(N)** 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 14th day of December, 2010.

AYES: (6) Acuna, Barry, Marshall, Schmitt, Wachs, Weber

NAYS: (0) None

ABSENT: (0) None

APPROVED this 14th day of December, 2010.

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Village President

ATTEST:

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Village Clerk