

VILLAGE OF DAKOTA

STEPHENSON COUNTY, ILLINOIS

ORDINANCE NO. 04032023

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES
OF THE VILLAGE OF DAKOTA
REGARDING LIQUOR LICENSES**

**AMENDS TITLE 3, CHAPTER 1 – LIQUOR CONTROL REGULATIONS
SECTIONS 3-1-3 AND 3-1-4
ADDING SUPPLEMENTAL OUTDOOR SALES**

ADOPTED BY THE

VILLAGE BOARD

OF THE

VILLAGE OF DAKOTA, ILLINOIS

THIS 3rd DAY OF April, 2023

Published in pamphlet form by authority of the

Village Board of the Village of Dakota,

Stephenson County, Illinois, this

3rd day of April, 2023.

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WHEREAS, the Village of Dakota, Illinois (“Village”) has Codified Ordinances of the Village (the “Code”); and

WHEREAS, the Code currently regulates Alcoholic Liquor Sales pursuant to Chapter 806 of the Codified Ordinances; and

WHEREAS, the Village currently authorizes the sale of alcoholic liquor within an enclosed structure; and

WHEREAS, the Village Board recognizes an increased trend of outdoor dining and entertainment, particularly following the COVID-19 pandemic and associated restrictions on indoor activities; and

WHEREAS, the Village Board believes that allowing outdoor sales of alcoholic liquor by local establishments would further the goals of economic development by allowing licensees to more fully serve customers and provide more diverse dining and entertainment opportunities.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF DAKOTA, ILLINOIS AS FOLLOWS:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. Section 3-1-3 of the Codified Ordinances is hereby amended by adding a subparagraph (d) thereto, as follows (additions shown as underlines and deletions as strikethroughs): :

3-1-3 CLASSIFICATION OF LICENSES

...

(d) Supplemental License for Outdoor Sales

Holders in good standing of a Class A License issued pursuant to this Chapter 1 of Title 3 of the Village Code (herein referred to as the "Primary License") may be eligible for a Supplemental License authorizing outdoor sales of alcoholic liquors according to the provisions of in this Section, pursuant to approval by the Commission and payment of the requisite fee as from time to time established.

(i) General Provisions.

(A) Application for any Supplemental License shall be made to the Village Clerk, on forms provided for such purpose, and may be made at any time. The grant of a Supplemental License shall be at the discretion of the Liquor Commission, pursuant to the same procedures applicable to the issuance of a Primary License. A Supplemental License shall renew with, and according to the same process as, the Primary License.

(B) The award of any Supplemental License shall be indicated by an endorsement on the face of the Primary License.

(C) The award of any Supplemental License shall not affect the types of alcoholic liquor allowed to be sold at retail by any licensee pursuant to the Primary License.

(D) If a Supplemental License is awarded by the Liquor Commission under this subsection, the licensed premises of the licensee shall be deemed expanded to include the area in which outdoor sales have been approved while such area is in fact in use. The grant of a Supplemental License under this Section shall be deemed an express approval of the expansion of the Licensed Premises by the Liquor Commission as contemplated by 3-1-1 (c) of the Village Code

(ii) Outdoor Sales Requirements.

In addition to the standard requirements for issuance and maintenance of a license hereunder, a licensee under a supplemental outdoor sales license shall further be required to comply at all times with the following provisions:

(A) The area in which outdoor sales or service are to occur must be contiguous to, and accessible from, the building which is the licensed premises for purposes of the Primary License. Said building shall be referred to herein as the "primary structure".

(B) Access to the area in which outdoor sales or service occur shall either be

(1) Exclusively by means of passing through the primary structure; or

(2) Through an access point which is within an unobstructed line of sight from the area in which outdoor sales of alcoholic liquor are occurring

(C) The area in which outdoor sales or service are to occur must be delineated by a clear and unambiguous physical barrier in a form approved by the Liquor Commission. If said barrier is to be of a temporary or semi-permanent nature, the barrier shall be in place and intact at all times when outdoor sales are occurring.

(D) No outdoor sales or service of alcoholic liquor shall be allowed after 10:00 p.m. on any Sunday through Thursday, inclusive, or after 11:00 p.m. on any Friday or Saturday.

(E) No outdoor sales of packaged goods shall be allowed.

(F) Temporary structures such as freestanding tents or sunshades may be utilized in connection with outdoor sales or service, but no such temporary structure shall be allowed to be erected for more than twenty one (21) days in any ninety (90) day period.

(iii) Any violations of the requirements set forth in this section with respect to a Supplemental License shall be deemed a violation of the Primary License for all purposes of this chapter.

(iv) Nothing contained herein, nor any approval granted by the Liquor Commission pursuant to this section shall be deemed to relieve any person of its obligation to comply with all relevant zoning and building codes applicable to a location or structure.

Section 3. Section 3-1-4(b) of the Codified Ordinances is hereby amended as follows (additions shown as underlines and deletions as strikethroughs):

3-1-4 FEES FOR LICENSES.

...

(b) The Annual License Fee to be paid by the Applicant or Licensee to the Village as provided above ~~in the following amounts~~ shall be as follows:

(1) Class A License in the amount of One Thousand Dollars (\$1,000.00);

(2) Class B License in the amount of One Thousand Dollars (\$1,000.00);

(3) Supplemental Outdoor Sales License in the amount of One Hundred Fifty Dollars (\$150.00);

~~(3)~~(4) Class T-1 License in the amount of Fifty Dollars (\$50.00); and

~~(4)~~(5) Class T-2 License in the amount of Twenty-Five Dollars (\$25.00);

Section 4. In all other respects, and except as expressly indicated above, the remaining text of any Chapter or Section referenced herein shall remain unchanged.

Section 5. This Ordinance shall be effective upon its passage by the Village Board, its approval by the Village President, and its publication as provided by law.

Section 6. This ordinance is expressly adopted pursuant to the Regulatory Authority granted to the Village of Dakota by the Illinois Municipal Code, the Illinois Liquor Control Act, and other applicable statutes.

Section 7. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

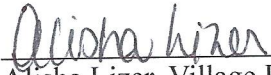
Section 8. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this Village Board hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE VILLAGE BOARD OF THE VILLAGE OF DAKOTA, ILLINOIS this 3rd day of April, 2023.


Jennifer Knox, Village Clerk

YEAS:	<u>6</u>
NAYS:	<u>0</u>
ABSTAIN:	<u>0</u>
PRESENT:	<u>6</u>

APPROVED by the President of the Village of Dakota this 3rd day of April, 2023.


Alisha Lizer, Village President

Date Published: 4/3/2023
Date Effective: 4/3/2023

Approved as to form:


Village Legal Counsel