

ORDINANCE NO. 389

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE TO AMEND ORDINANCE NO. 293
(LIQUOR CONTROL ORDINANCE)

WHEREAS, the Village Board of Trustees passed An Ordinance Relating to the Possession, Purchase, Dispensing or Consumption of Alcoholic Liquor in the Village of Bellevue, Peoria County, Illinois, Ordinance No. 293, on March 26, 1985, such Ordinance regulating all aspects of the sale of alcoholic liquor within the Village; and

WHEREAS, Section 4.1 of the Illinois Liquor Control Act (235 ILCS 5/4.1) provides that municipalities may establish such regulations and restrictions upon the operation of local licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the Village Board of Trustees has determined that the best interest of the Village will be served if certain restrictions are placed on the possession and sale of alcoholic liquors outdoors;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

Section One: Section 2.9 (b) of Ordinance No. 293 shall be deleted, and the following paragraph shall be substituted therefor:

(b) A subclass (2) license shall authorize the retail sale of alcoholic liquors in an outdoor beer garden or cafe adjacent to the licensed premises; provided, however, that the following restrictions shall apply to any such outdoor beer garden or cafe:

(1) The only entrance to the area shall be from the licensee's business premises, and there shall be no access from outside the premises directly to the area. At least one emergency exit which does not go through the premises shall be provided.

(2) Adequate measures shall be taken to prevent the removal of alcoholic liquor from the area and to constrict noise to the appropriate area. No live entertainment shall be permitted in any such area, or anywhere on the licensee's property outside the licensee's business premises.

(3) No alcoholic liquor may be sold or served in the area, but alcoholic liquors purchased by patrons within the licensee's premises may be taken into the area by patrons.

(4) The area shall be no greater than 50% of the total area of the premises open to the public (excluding banquet and party rooms and rest rooms).

Section Two: The following Section 3.2 shall be added to Ordinance No. 293, immediately after Section 3.1:

3.2: Outdoors

(a) No alcoholic liquor may be sold or served outside the building constituting the "premises" of a licensee, as that term is defined herein.

(b) It shall be unlawful for any person to carry any alcoholic liquor in an open or unsealed container outside the "premises" of a licensee, as that term is defined herein, where such alcoholic liquor was purchased.

(c) No licensee or person as proprietor, agent, servant or employee of a licensee shall

knowingly permit a patron to violate Section 3.2 (b) or continue to sell alcoholic liquor to any person knowing that such person intends to carry the alcoholic liquor from the "premises" in an open or unsealed container.

(d) For purposes of this Section 3.2, an outdoor beer garden or cafe shall be considered part of the "premises", provided that the licensee has obtained a subclass (2) license and has otherwise complied with the provisions of Section 2.9 (b).

Section Three: This Ordinance shall take effect and be in full force as of the date hereof.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 1993.

6 AYES

0 NAYS

VILLAGE OF BELLEVUE, ILLINOIS

By: /s/ LNH
Larry N. Howard, President

Attest:

/s/ CSH
Carol S. Howard, Village Clerk

593-006.L