

Request For Board Action

REFERRED TO BOARD May 16, 2016

AGENDA ITEM NO: 2

ORIGINATING DEPARTMENT: Administration

SUBJECTS:

Consideration of an Ordinance Amending §4-2B-14 of the Municipal Code of Antioch
Establishing Procedures for the creation of liquor licenses – Ordinance No. 16-05-13

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Attorney Long drafted a memo which was discussed at the April 13, 2016 Committee of the Whole meeting relating to video gaming. The memo addressed local distributions of video gaming funds, local authority over licensing, the adoption of a formal process for petitioners requesting a liquor license and a program to audit 60/40 restaurant licenses.

Based on discussions at the Committee of the Whole meeting, and feedback from the Village Board, the attorney has drafted the proposed ordinance in order to address these issues. The first reading of this ordinance was approved at the May 2, 2016 Village Board meeting.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Ordinance

RECOMMENDED MOTION:

Move to approve an Ordinance Amending §4-2B-14 of the Municipal Code of Antioch
Establishing Procedures for the creation of liquor licenses.

ORDINANCE 16 - _____

**AN ORDINANCE AMENDING §4-2B-14 OF THE MUNICIPAL CODE OF ANTIOCH
ESTABLISHING PROCEDURES FOR THE CREATION OF LIQUOR LICENSES**

WHEREAS, the Village Board holds the power to create liquor licenses under the Antioch Liquor Code and the Illinois Liquor Control Act, and

WHEREAS, it is the policy of the Village Board to maintain the strictest possible control over the number of liquor licenses that are created for the protection of the health and well-being of the community, and

WHEREAS, the State's actions in allowing video gaming to be installed in establishments with pouring liquor licenses has resulted in an unanticipated growth of applications to the Village Board to create licenses, and

WHEREAS, the Village Board has, until the present, not established formal rules for applicants to follow in seeking the creation of liquor licenses, and

WHEREAS, the growth of applications has made it abundantly clear that a process needs to be set in place whereby the Village Board can reasonably know what the applicant wants, what the applicant intends to deliver and whether creating a license is in the best interests of the community, and

WHEREAS, the expansion of applications has resulted in demands for staff time and the time of the elected officials in reviewing and considering such applications, making it appropriate to charge a fee for such an application,

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: Section 4-2B-14 of the Antioch Municipal Code is hereby amended in its entirety, and it shall hereafter read as follows (additions underlined, deletions in ~~strikeout~~):

4-2B-14: NUMBER OF LICENSES / LICENSE CREATION PROCESS:

A. EXISTING LICENSES

- 1.** The village clerk, serving as the administrative assistant to the liquor commissioner, shall maintain a current list of all authorized licenses, and shall report to the village board promptly at any time there is any change in the number of such licenses, irrespective of the reason for the change.

- B. 2.** In the event any license(s) shall be revoked by final administrative action of the liquor commissioner, and any appeals to the Illinois liquor commission or the courts of this state

shall have been exhausted, such license(s) shall be automatically void and the village clerk shall decrease the number of authorized licenses by the number of such revoked license(s).

~~G-3~~ In the event any license(s) shall be allowed to lapse through nonrenewal, relinquishment or otherwise, such license(s) shall be automatically void and the village clerk shall decrease the number of authorized licenses by the number of such revoked license(s).

B. LICENSE CREATION.

1. The Village Board has the sole power to create licenses upon such terms and conditions as it deems fit, pursuant to law.
2. A person or corporation seeking to have a license created shall submit a sworn petition on a form to be supplied by the Village Clerk.
3. An applicant shall be required to submit not less than 12 copies of the following documents:
 - a. A lease, deed, or other document demonstrating that the applicant has, or will have, the right to establish the proposed business in a properly zoned location;
 - b. A site drawing showing the exterior of the proposed location, together with parking and all necessary site improvements to meet applicable exterior codes, such as ADA and the Illinois Accessibility Code;
 - c. A drawing of the interior of the proposed location, at a minimum in planar view, but preferably accompanied by concept drawings showing the interior and a general idea of the layout, decoration, seating, bathrooms, kitchen (if applicable) and the like;
 - d. For restaurants, a proposed menu showing not only representative food choices, but reasonably anticipated price points;
 - e. An application fee of \$500.00, which shall be non-refundable, but which shall be applied toward the initial license fees in the event a license should be created by the Village Board and the applicant awarded the license by the local Liquor Commissioner.
4. Notwithstanding the foregoing, the creation of Class G special event licenses shall be allowed by a simplified process consisting of a letter request by the applicant. No fee shall be charged to any applicant seeking the creation of a Class G license, although other fees set forth in this Code may apply to such licenses.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,
ON THIS ____ DAY OF _____, 2016.

ATTEST:

LAWRENCE M. HANSON, MAYOR

LORI K. FOLBRICK, VILLAGE CLERK