



Incorporated in 1869

## Village of Rochester

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 16-18

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**AN ORDINANCE AMENDING THE VILLAGE CODE PROVISIONS ON ALCOHOLIC  
BEVERAGES ALLOWING R-G AND M-G LICENSE HOLDERS TO APPLY FOR AN  
OUTDOOR PERMIT**

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DAVID L. ARMSTRONG, Village President  
LYNN LANGDON, Village Clerk

MARIBETH EANDI  
HAROLD HENDRICKSON  
JOE HILL  
WAYNE LIKEN  
STACIA MUNROE  
DOUG ZOBRIST  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Rochester  
on 08-08, 2016

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

**ORDINANCE NO. 16-18**

**AN ORDINANCE AMENDING THE VILLAGE CODE PROVISIONS ON ALCOHOLIC BEVERAGES ALLOWING R-G AND M-G LICENSE HOLDERS TO APPLY FOR AN OUTDOOR PERMIT**

**WHEREAS**, the Village of Rochester, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code; and

**WHEREAS**, the Village of Rochester (hereinafter, the “Village”), is an Illinois municipal corporation; and

**WHEREAS**, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issued; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of a local license not inconsistent with the law as the public good and convenience may require; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to provide penalties for the violation of regulations and restrictions relative to the operation of the local license; and

**WHEREAS**, the Corporate Authorities believe it is in the best interest of the Village to amend its Liquor Code to allow R-G and M-G license holders to apply for an outdoor permit.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Rochester, County of Sangamon, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2.** Amendment to Village Code. Chapter 21 Article 3 Section 21-2-6 of the Village Code shall be and is hereby amended as follows:

(G) **Outdoor Permit.** The holder of a Class B, R, RS, M, R-G, M-G license may be issued an outdoor permit. An outdoor permit shall, upon issuance, entitle the holder of a license to sell alcoholic liquor as authorized by the primary classification, outside of the permanent structure of the premises under the following conditions:

- (1) The holder of an outdoor permit must conclude all sales and clear the area no later than the time specified in the liquor license.
- (2) A permanent fence made of wood or other similar material, and when erected not less than **six (6) feet** in height from the sidewalk or ground level shall be erected. The fence shall be designed in such a manner so that the vision of a person on either side of the fence is obscured when viewing through the fence. The fencing shall be positioned between the area in which alcoholic liquor can be consumed outside and any adjoining residential or commercial property.
- (3) Access into the outdoor area shall be from the permanent structure only and no access shall be permitted from the street, sidewalk, or adjoining property.
- (4) No music of any kind may be played or broadcast from the outdoor area or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner.
- (5) No sales or dispensing of alcoholic liquor may be made from the outside area or the permanent structure to any person upon any adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor area or the permanent structure.
- (6) The annual fee for an outdoor permit shall be **One Hundred Dollars (\$100.00)**.

**Section 3.** Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest

extent permitted by law.

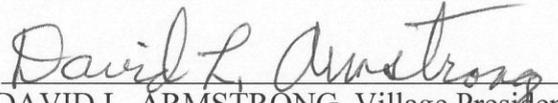
**Section 4. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this ordinance.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 8<sup>th</sup> day of August, 2016, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MARIBETH EANDI	✓			
HAROLD HENDRICKSON	✓			
JOE HILL	✓			
WAYNE LIKEN	✓			
STACIA MUNROE	✓			
DOUG ZOBRIST	✓			
DAVID ARMSTRONG	✓			
TOTAL	7			

this 8<sup>th</sup> day of August, 2016. **APPROVED** by the President of the Village of Rochester, Illinois

  
DAVID L. ARMSTRONG, Village President

Attest:

  
LYNN LANGDON, Village Clerk