



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

**ORDINANCE
NUMBER 16-26**

**AN ORDINANCE AMENDING ORDINANCE 16-02 AMENDING THE NUMBER AND
TYPE OF LIQUOR LICENSES PERMITTED IN THE VILLAGE**

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

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

ORDINANCE NO. 16-26

AN ORDINANCE AMENDING ORDINANCE 16-02 AMENDING THE NUMBER AND TYPE OF LIQUOR LICENSES PERMITTED IN THE VILLAGE

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, the Video Gaming Act gives municipalities the authority to wholly prohibit video gaming within their communities; and

WHEREAS, the Village passed Ordinance 15-09 on November 9, 2015, which determined the limit of liquor licenses that permit video gaming allowed in the Village; and,

WHEREAS, on October 4, 2016, Public House 29, Inc. filed a Gaming Addendum with the Village requesting that it be granted an R-G license in place of its R license; and

WHEREAS, the Corporate Authorities believe it is in the best interest of the Village to amend its Liquor Code to allow for Public House 29, Inc. to receive an R-G license in place of its R license.

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 2 Section 21-2-6 of the Village Code shall be amended as follows:

(C) **Class "R" License: Restaurants.** There is hereby created a Class "R" liquor license, which shall authorize retail sale of alcoholic liquor only by restaurants for consumption on the premises where sold or for consumption off the premises only in the original package where the sale of alcoholic liquor is incidental to the sale of other merchandise at retail and in no event more than forty percent (40%) of the gross revenues of the retailer. The annual fee shall be Six Hundred Dollars (\$600.00). There shall be a limit of two (2) licenses.

(G) **Class R-G License: Restaurants with Gaming.** There is hereby created a Class "R-G" liquor license, which shall authorize retail sale of alcoholic liquor only by restaurants for consumption on the premises where sold or for consumption off the premises only in the original package where the sale of alcoholic liquor is incidental to the sale of other merchandise at retail and in no event more than 40% of the gross revenues of the retailer. The annual fee shall be Eight Hundred Dollars (\$800.00). There shall be a limit of three (3) licenses.

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

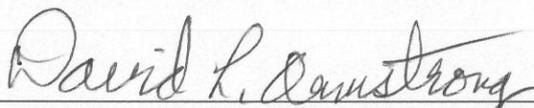
rights, actions, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this ordinance.

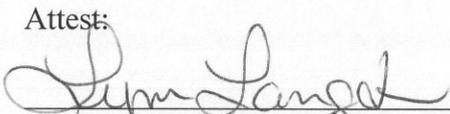
Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 11 day of October, 2016, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MARIBETH EANDI	X			
HAROLD HENDRICKSON	X			
JOE HILL	X			
WAYNE LIKEN			X	
STACIA MUNROE	X			
DOUG ZOBRIST	X			
DAVID ARMSTRONG	X			
TOTAL	6	0	1	

APPROVED by the President of the Village of Rochester, Illinois this 11 day of October, 2016.


 DAVID L. ARMSTRONG, Village President

Attest:

 LYNN LANGDON, Village Clerk