

VILLAGE OF GREENVIEW, ILLINOIS
ORDINANCE NO. 546

ORDINANCE AMENDING ORDINANCE NO #147, #300, #458,
#486, #498 #506 and 545 REGULATING THE SALE, PURCHASE
AND CONSUPTION OF ALCOHOLIC BEVERAGES IN
THE VILLAGE OF GREENVIEW, ILLINOIS, THE
LICENSING AND REGULATION FOR RETAIL SALE
THEREOF IN SAID VILLAGE: AND PROVIDING
PENALTY FOR VIOLATION THEREOF

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF GREENVIEW
THIS ____ DAY OF _____, 2020.

Published in pamphlet form by authority of the
Village Board of Trustees of the Village of Greenview
Menard County, Illinois, this ____ day of _____, 2020

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WHEREAS, the Village of Greenview, Menard County, Illinois, has the power and jurisdiction to regulate the sale, use and consumption of alcoholic beverages inside the corporate limits of the Village of Greenview; and

WHEREAS, the Village Board of Trustees of the Village of Greenview, State of Illinois, has previously enacted certain ordinances and resolutions regulating the sale, use and consumption of alcoholic beverages; and

WHEREAS, the Board of Trustees of the Village of Greenview find that such ordinances and resolutions heretofore adopted should be amended.

ARTICLE III CLASSIFICATION OF AND USE OF OUTDOOR BEER GARDENS

SECTION 27 Beer Gardens:

A. Purpose: The purpose of this section is to promote the safety, health and general welfare by creating certain conditions and restrictions on, and to otherwise provide for the regulation of, beer gardens in the village.

B. Definition: A "beer garden" is defined as an open air, roofed, or unroofed area adjacent to or accessory to a class A intoxicating liquor and/or fermented malt beverage licensed premises, where beer and other alcoholic beverages are served and

consumed.

C. License Required; Fee: No person shall hereafter keep, maintain, conduct or operate any "beer garden" as defined in subsection B of this section without first obtaining a liquor license and payment of the fee for such license

D. Investigation of Applicant; Approval or Denial Of License: All applications for beer garden licenses shall be referred to the zoning administrator for investigation. The zoning administrator shall be provided a building plan, review it and subsequently furnish the board of trustees with a recommendation in writing as to whether the license should be granted. Upon approval by the village board, and confirmation of payment of the liquor license fee, the village clerk shall issue the license authorizing a beer garden license to the applicant. The board of trustees shall have discretion to refuse the granting of any license or transfer thereof if, in its judgment and sole discretion, the granting or transfer of such license shall be against the public interests, either because of the unsuitability of the location, undesirability or unreliability of the applicant or applicant's manager or because of the failure of the applicant or applicant's manager to observe the provisions of the village ordinances in the prior conduct of business.

E. Conditions of License: No beer garden shall be permitted, maintained, or operated except in conformity with the following:

1. There shall be constructed and maintained at least a six foot (6') high fence on all sides of the beer garden area. The fence shall contain such fire exit(s) as directed by the zoning administrator and the village board. The gate(s) or exit(s) of the fence shall be the same height as that required of the beer garden fence, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public

sidewalks.

2. If the beer garden encompasses a stage, the stage shall not be taller than two feet (2') and the fence at the stage must be six feet (6') high surrounding the stage. The stage must have steps that conform to all national, state, and local codes, as well as railings approved by the zoning administrator. The exits and the beer garden shall have adequate lighting and shall conform to all safety regulations that apply. The beer garden shall be accessible only from the main building to which it is attached and shall not be accessible from the outside.

3. All electrical and plumbing work shall comply with national, state and local codes.

4. The ground shall be of a fire-resistant material and shall not be subject to mud or other slippery conditions in the event of rain.

5. The operation of the beer garden shall be restricted to the hours applicable to a class A liquor license per Section 11 of this ordinance.

6. The beer garden shall have a maximum capacity of one person for each ten (10) net square feet of the floor area of the beer garden. The capacity of the beer garden shall be posted in the beer garden.

7. Any noise emanating from the beer garden shall not violate the ordinances of the village or any other regulations pertaining to noise and disturbances. Noise from the beer garden shall not interfere with neighbors' enjoyment of their property

F. Suspension Or Revocation Of License; Penalties: Any violations of this section, including disturbances of the peace, may result in the suspension or revocation of the owner's or operator's license(s) and, in addition, shall result in a fine of not less than

one hundred dollars (\$100.00) for a first offense and not less than seven hundred fifty dollars (\$750.00) for each subsequent offense. Each day during which a violation continues beyond the specified time for correction shall constitute a separate punishable offense.

G. Live Entertainment: Any live entertainment provided in the beer garden shall be over by 10:00pm. The beer garden may remain open for sale and consumption of alcohol per the hours stated in section 11 of this ordinance. Should a liquor license holder whose beer garden has been approved by the board of trustees wish to have live entertainment at times exceeding what is listed herein they may seek authorization from the village board of trustees for such live entertainment.

NOW THEREFORE BE IT ORDAINED, by the Village Board of Trustees, of the Village of Greenview and State of Illinois, as follows:

BE IT further ordained by the Village Board of Greenview, Menard County, Illinois that this Ordinance No _____ amending #147, #300, #458, #486, #498 #506 and _____ inclusively shall be in full force and effect upon passage, approval and publication

according to law. Upon passage the Village of Greenview Clerk is directed to mail a copy of this Ordinance to each individual currently holding a liquor license issued by the Village of Greenview, Menard County, Illinois.

<u>VOTE</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Joseph Wohler	_____	_____	_____
Raymond Van Cleve Jr.	_____	_____	_____
Roy Lee	_____	_____	_____
Sarah Heavner	_____	_____	_____
Norman Hofmann	_____	_____	_____
Patrick Feagans	_____	_____	_____

APPROVED this _____ day of _____, 2020.

 President, Village Board of Trustees
 Village of Greenview, Menard County, Illinois

ATTEST:

 Village Clerk

STATE OF ILLINOIS)
 : SS
COUNTY OF MENARD)

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Greenview (Village), and as such official I am the keeper of the official journal of proceeding, books, records, minutes and files of the Village and of the Village Trustees (Trustees) thereof.

I, do further certify that the foregoing is a full, true and complete copy of an ordinance entitled:

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as adopted by said meeting.

I do further certify that the deliberations of the Trustees on adoption of said Ordinance were taken openly; that the vote on the adoption of said Ordinance was taken openly; that said meeting has held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended and the Illinois Municipal Code as said Act and said Code and with all of the procedural rules of the Trustees in the adoption of said Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Greenview this ____ day of _____, 2020.

(SEAL)

Village Clerk