

RESOLUTION NO. 9-1

WHEREAS, the Liquor Committee of the Sangamon County Board has reviewed certain Sections of the Sangamon County Code;

WHEREAS, after review of the above-said Sections, the Liquor Committee has determined that it would be in the best interests of Sangamon County to add said Sections to the Sangamon County Liquor Code to be consistent with State laws;

WHEREAS, after review of the above-said Sections, the Liquor Committee has determined that it would be in the best interests of Sangamon County to add said Sections to the Sangamon County Liquor Code and current applications of the Code in Sangamon County;

NOW, THEREFORE BE IT RESOLVED by the members of the Sangamon County Board in session this 18th day of October, 2017 that certain Sections of the Sangamon County Code be added as specified in "Exhibit A" attached hereto and made of part hereof.

Respectfully submitted,

Liquor Committee



LISA HILLS, CHAIRMAN

CATHY SCAIFE, VICE CHAIRMAN

ABE FORSYTH



TOM FRAASE



LINDA FILGENZI



CRAIG HILL



BRAD MILLER



VERA SMALL

SAM SNELL



MIKE SULLIVAN



JOEL TJELMELAND

FILED

OCT 25 2017



Don Hays
Sangamon County Clerk

EXHIBIT A

5.04.020 – Definitions

"Patio" means that area immediately adjacent to the enclosed permanent structure of a Class 1AA licensed premises that meets the following conditions:

1. Revenue generated from the establishment must be at least sixty (60) percent of food sales.
2. A barrier not less than thirty-six (36) inches shall enclose the patio area.
3. Access is not permitted to the patio area in which liquor is to be served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit.
4. No music of any kind is played or broadcasted outside which disturbs the neighborhood in any manner.
5. No live music of any kind is permitted within the patio area.
6. It shall be the responsibility of the licensee to insure that the noises emitted from the patio area will not disturb the neighborhood in any way.
7. The licensee shall obtain a permit under Section 5.04.390.
8. Any violation of these conditions shall constitute a violation of this code.

5.04.390 - Sales and consumption outside of the enclosed premises—Permits.

G. Patio Permit.

In application and payment of an investigation and application fee as set forth in Section 5.04.080, the holder of a Class 1AA license may be issued a Patio Permit.

A Patio Permit shall, upon issuance, entitle the holder of a Class 1AA license to sell alcoholic liquor as authorized by his primary classification, outside of the permanent structure of his premises under the following conditions:

- a. The holder of a Patio Permit must conclude all sales and clear the Patio no later than the time for the conclusion of sales of alcoholic liquor specified by the license holder's Sangamon County Liquor License.
- b. A permanent fence, not less than thirty-six (36) inches in height, made of wood, brick, chain privacy fence or any other similar materials.
- c. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010(B) of the County Code.
- d. Access is not permitted to the permanent fenced in the area in which liquor is to be served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.
- e. No music of any kind is broadcast outside which disturbs the neighborhood in any manner.
- f. It shall be the responsibility of the licensee to insure that the noises emitted from the Patio will not disturb the neighborhood in any way.

- g. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor patio; or permanent structure.
- h. The permit for the Patio shall be displayed in accordance with Section 5.04.340 and shall be subject to suspension or revocation by the Commission.
- i. The Commissioner shall have the right to modify or waive any requirement and approve the issuance of a permit at his discretion upon a showing of unique circumstances by the applicant.
- j. The annual fee for a Patio Permit shall be one hundred dollars (\$100.00).
- k. A Patio Permit shall maintain the following distances: (a) schools - one hundred feet from the property line of the school to the property line of the tavern or liquor store; (b) churches - one hundred feet from the church building to the tavern or liquor store building; and (c) residences - one hundred feet from the tavern or liquor store property line to the residential structure or institutional care facility.