
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, SECTION 6-2, 6-3, AND 6-4
OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO CREATION OF LIQUOR
LICENSE CLASSIFICATIONS AND RELATED PROVISIONS OF THE MUNICIPAL
CODE.**

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ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, SECTION 6-2, 6-3, AND 6-4 OF THE ROCHELLE MUNICIPAL CODE PERTAINING TO CREATION OF LIQUOR LICENSE CLASSIFICATIONS AND RELATED PROVISIONS OF THE MUNICIPAL CODE.

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City of Rochelle (“City”) desires to amend its Alcoholic Beverages Ordinance and related Municipal Code to establish additional License Classifications and related definitions; and

WHEREAS, the City has determined that it would like to create a Class Resort license classification which will encompass hotels; and

WHEREAS, the City has determined that it would like to create a Class P-3 classification which will encompass grocery stores and consumption on premises; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that the establishment of the two above mentioned additional liquor License Classifications and amendments to the related provisions of the Municipal Code is in the best interest of the City and its residents.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Chapter 6, Article I, Section 6-2 “Definitions” is hereby amended by adding the following underlined language, in alphabetically order:

Sec. 6-2. - Definitions.

Resort means an establishment designed to attract and accommodate tourists and visitors to resort area or the community, with lodging facilities with at least 25 motel rooms located on the premises, and the primary business of the establishment is not the sale of alcoholic beverages.

SECTION THREE: That Chapter 6, Article I, Section 6-3 “License Classifications” is hereby amended by adding the following underlined language and deleting the language, as follows:

Sec. 6-3. - License classifications.

It is unlawful to sell, distribute or give away alcoholic liquor, beer or wine to the general public without first having obtained a license from the city. It is also unlawful to allow the consumption of alcoholic liquor, beer or wine at an unlicensed business when the business is open to the general public. The license classifications are as follows:

- (1) *Class B licenses.* Class B licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other packaged retail sale of such liquor. The annual license fee for the year commencing June 1 of each year.
- (2) *Class P licenses.* Class P licenses shall authorize package retail sales as follows:
 - a. *Class P-1 licenses.* Class P-1 licenses shall authorize the retail sale of packaged beer and wine but not for consumption on the premises where sold. The annual license fee for the year commencing ~~June~~ January 1 of each year. The holder of a class P-1 license may arrange for beer and wine taste testing and consumption within the area of the licensed premises used for display of package beer and wine. The numbers and size of such samples distributed shall not exceed the maximums set forth in 235 ILCS 5/6-31, as amended from time to time.
 - b. *Class P-2 licenses.* Class P-2 licenses shall authorize the retail sale of packaged alcoholic liquor but not for consumption on the premises where sold. The annual license fee for the year commencing ~~June~~ January 1 of each year. The holder of a class P-2 license may arrange for alcoholic liquor taste testing and consumption within the area of the licensed premises used for display of package alcoholic liquor. The numbers and size of such samples distributed shall not exceed the maximums set forth in 235 ILCS 5/6-31, as amended from time to time.
- (3) *Class C licenses.* Class C licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on or off the premises by duly authorized clubs as defined in section 6-2. The annual license fee for the year commencing June 1 of each year.
- (4) *Class R licenses.* Class R licenses shall authorize retail sales as follows:
 - a. *Class R-1 licenses.* Class R-1 licenses shall authorize the retail sale of beer and wine by restaurants for consumption on the premises in connection with the sale of meals.

No bar is permitted on the premises. The annual license fee for the year commencing June 1 of each year.

- b. *Class R-2 licenses.* Class R-2 licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises by restaurants with no bar. Further, the class R-2 license shall provide for the retail sale of packaged alcoholic liquor providing that said retail sales of such liquor shall not exceed ten percent of the total sales of all alcoholic beverages. The annual license fee for the year commencing June 1 of each year.
 - c. *Class R-3 licenses.* Class R-3 licenses shall authorize the retail sale of alcoholic liquor by restaurants, with a bar, for consumption on the premises. Further, the class R-3 license shall provide for the retail sale of packaged alcoholic liquor providing that said retail sales of such liquor shall not exceed ten percent of the total sales of all alcoholic beverages. The annual license fee for the year commencing June 1 of each year.
 - d. *Class R-4 licenses.* Class R-4 licenses shall authorize the retail sale of alcoholic liquor by restaurants, with a bar, for consumption on the premises and on public golf course property commonly known as Fairways Golf Course. Further, the class R-4 license shall provide for and allow the retail sale of packaged alcoholic liquor for consumption on public golf course property commonly known as Fairways Golf Course. Only alcoholic liquor purchased or obtained from the holder of a valid R-4 license may be possessed or consumed on public golf course property. The holder of a class R-4 license shall be exempt from the provisions of section 6-7 (possession or consumption in public) and article III (outdoor liquor sales) of this chapter. The annual license fee shall be due June 1 of each year.
- (5) *Class S licenses.* Class S licenses shall authorize the retail sale of packaged beer and wine only, not for consumption on the premises where sold, for businesses known as fueling/gas stations/convenience stores. The annual license fee for the year commencing June 1 of each year.
- (6) *Class E temporary licenses.* Class E temporary licenses shall authorize the retail sale of alcoholic liquor on a one-day basis, renewable upon approval of the local liquor commissioner, and not to exceed four days per event. An applicant for such temporary license, or renewal, shall comply with all state and city ordinances. Fees for said licenses shall be \$25.00 per day for not-for-profit organizations and/or other groups. Applicants shall supply the city with a certificate of liquor liability for said event and shall add the city as certificate holder. Applicants shall also supply the city, as required, proof of the not-for-profit status of the applicant's organization. Hours for the daily or temporary license shall be set by the local liquor commissioner or city council. Requests for such license shall be made to the local liquor commissioner. Final approval can be made by the mayor as local liquor commissioner or city council.
- (7) *Class M licenses.* Class M licenses shall refer to microbreweries, distilleries and the manufacturing of wine.
- a. *Class M-1 license: Microbrewery.* A class M-1 license shall authorize the manufacture of beer products on the licensed premises and the sale at retail of

alcoholic liquor, including the manufactured beer products, for consumption on the licensed premises. A class M-1 license shall entitle the licensee, a microbrewery, to permit consumption of wine brought onto the premises by a patron 21 years of age or older for personal consumption or for personal consumption of other patrons who are 21 years of age or older. The consumption of wine is restricted to the licensed premises. No more than one 750-milliliter bottle of wine per patron (unopened) shall be permitted to be brought into the premises. A class M-1 license shall authorize the retail sale for off premises consumption of the manufactured beer products only in packaged form. Class M-1 licensees may, during authorized hours of business, offer samples of the beer permitted to be produced and sold pursuant to this classification. Class M-1 licensees shall not provide more than three free samples, each of which shall not exceed 0.25 fluid ounce, to any person in a day. Class M-1 licensees may sell samples, but the volume of any sample sold shall not exceed one fluid ounce and the total volume of all samples sold to a person in a day shall not exceed 2.5 fluid ounces. Class M-1 licensees shall not provide and/or sell more than 2.5 fluid ounces of samples to any person in a day. Class M-1 licensees offering samples, as specified herein, shall provide at least limited food service such as cheese, crackers, snack food or other similar deli-style items to customers who are sampling craft beer. Nothing in the issuance of a class M-1 license pursuant to this section shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of beer products. Class M-1 licensees must have at least one BASSET certified site manager on premises whenever offering tasting samples of beer. The annual license fee for the year commencing on June 1 of each year.

- b. *Class M-2 license: Distillery.* A class M-2 license shall authorize the on-site production and storage of alcoholic liquor, specifically including spirits. Nothing in the issuance of a class M-2 license pursuant to this section shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture, production and/or sale of alcoholic liquor or spirits, as well as alcoholic liquor or spirits related products. Sale by the bottle for off premises consumption or by the glass for consumption in an accessory tasting room or retail outlet is permitted. A tasting room or retail outlet allows patrons to taste samples of products manufactured on-site, and to purchase products by the glass or bottle for either on-site or off premises consumption, and to purchase related sales items. Class M-2 licensees shall not provide more than three free samples, each of which shall not exceed 0.25 fluid ounce, to any person in a day. Class M-2 licensees may sell samples, but the volume of any sample sold shall not exceed one fluid ounce and the total volume of all samples sold to a person in a day shall not exceed 2.5 fluid ounces. Class M-2 licensees shall not provide and/or sell more than 2.5 fluid ounces of samples to any person in a day. Sales of alcohol manufactured outside the site are prohibited. A class M-2 license shall entitle the licensee, a distillery, to permit consumption of wine brought onto the premises by a patron 21 years of age or older for personal consumption or for personal consumption of other patrons who are 21 years of age or older. The consumption of wine is restricted to the licensed premises. No more than one 750-milliliter bottle of wine per patron (unopened) shall be permitted to be brought into the premises. Class M-2 licensees

must have at least one BASSET certified site manager on premises whenever offering tasting samples of alcoholic liquor, including spirits. Every class M-2 licensee must have a valid distiller license from the state. Sales of food and nonalcoholic beverages are permitted. The annual license fee for the year commencing June 1 of each year.

- c. *Class M-3 license: Manufacture of wine.* A class M-3 license shall authorize the manufacturing and sale of wine and wine products on the licensed premises, as well as the sale of retail alcoholic liquor, including the manufactured wine products, for consumption on the licensed premises. A class M-3 license shall entitle the licensee, a manufacturer of wine, to permit consumption of wine brought onto the premises by a patron 21 years of age or older for personal consumption or for personal consumption of other patrons who are 21 years of age or older. The consumption of wine is restricted to the licensed premises. No more than one 750-milliliter bottle of wine per patron (unopened) shall be permitted to be brought into the premises. No more than 50,000 gallons of wine per year can be produced. Class M-3 licensees may sell wine they manufacture to wholesalers, licensed retailers and directly to consumers for off premises consumption. Class M-3 licensees may also purchase bulk wine for blending purposes from licensed out of state wine sellers. Wine must be manufactured and labeled in accordance with federal wine regulations from TTB (formally BATF). Class M-3 licensees must obtain a wine producers permit from TTB, all federal permits as required, and an Ogle County health department license when applicable. Further, class M-3 licensees shall be permitted to offer samples of wine products that are manufactured and sold under this license, from the licensed premises to consumers. M-3 licensees shall not provide more than three free samples, each of which shall not exceed one fluid ounce, to any person in a day. However, no person under the age of 21 shall be allowed on the premises during samplings, unless a parent or guardian is present. Nothing in the issuance of a class M-3 license, pursuant to this section, shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of wine or wine products. Class M-3 licensees must have at least one BASSET certified site manager on premises whenever offering tasting samples of wine. The annual license fee for the year commencing on June 1 of each year.

- (8) *Class T licenses.* A Class T license shall authorize the following for licensed truck stop establishments:

- a. A "licensed truck stop establishment" means a licensed truck stop establishment as defined by Illinois Video Gaming Act (ILCS ch. 230, Act 40, § 5). Alcoholic liquor sold at licensed truck stop establishments must be sold in the original package as defined in 235 Illinois Compiled Statutes 5/1-3.06, and such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. No alcoholic liquor, except in the original package, shall be sold upon any premises licensed as a licensed truck stop establishment. There shall be no consumption whatsoever of alcoholic liquor on the premises of a licensed truck stop establishment.

- (9) *Class U licenses.* Class U licenses shall authorize a licensee of an arts and entertainment studio to permit consumption of beer and wine only, brought onto the premises of an arts

and entertainment studio by a patron 21 years of age or older for personal consumption or for personal consumption of other patrons who are 21 years of age or older. The consumption of beer and wine is restricted to licensed premises. Such consumption shall be limited to members of a group assembled on the premises for the purpose of attending arts and crafts classes offered by an arts and entertainment studio.

No more than one 750-milliliter bottle of wine per patron or no more than 36 ounces of beer per patron (unopened) shall be permitted to be brought into the premises. The sale of beer, wine, spirits, and all other types of alcohol to patrons of the licensed premises shall be prohibited. No package sales are permitted. No holder of a class U license shall allow service or consumption of any alcoholic liquor on the premises between the hours of 12:00 midnight and 10:00 a.m. on any day.

- (10) Resort. A resort license shall be a license for the sale of alcoholic liquor by a resort, as defined in section 6-2. A resort license shall entitle the licensee to sell alcoholic liquor for consumption on or off the premises in the original package during the hours as specified in section 6-4. The holder of the Class Resort license shall also be allowed to sell alcoholic beverages in the original container to persons who are of the age of 21 years or older who have registered renting a room in the hotel or motel for the purpose of consuming such alcoholic beverages within the hotel or motel room. Further, it is the responsibility of the hotel or motel operator to obtain a written statement from the person who is renting the room that no persons under the age of 21 will consume any alcoholic beverages within the room. Said sales may be made indirectly by the placement of alcoholic beverages within rooms to be occupied by persons over the age of 21 years, with directions that the consumption of such beverage will be charged to the person renting that particular room.

SECTION FOUR: That Chapter 6, Article I, Section 6-4 “Hours of sale” is hereby amended by adding the following underlined language and deleting language, as follows:

Sec. 6-4. - Hours of sale.

- (a) No person licensed to sell alcoholic liquor under this chapter shall permit his establishment to be open for the serving, sale or giving away of such liquors except during the following periods of time on the following days:
- (1) On the days of Monday through Thursday from 6:00 a.m. to 1:00 a.m. of the following day.
 - (2) On the days of Friday and Saturday from 6:00 a.m. to 2:00 a.m. of the following day.
 - (3) On Sundays from 6:00 a.m. to 11:00 p.m.
 - (4) Class E temporary licenses shall be valid from 12:00 noon for the day they are issued until 10:00 p.m. that day unless otherwise authorized by the local liquor commissioner or city council.
- (b) The following rules shall apply during certain holiday periods:
- (1) All establishments having a liquor license shall be closed from 7:00 p.m. on Christmas Eve and shall be closed from 7:00 p.m. on Christmas Eve and shall be closed through

Christmas Day and evening. Regular hours shall resume on the day following Christmas Day.

- (2) All establishments having a liquor license shall be permitted to remain open for the sale of liquor until 2:00 a.m. on every January 1 (New Year's Day). Regular hours shall then resume on January 1 (New Year's Day), following the 2:00 a.m. closing.
- (c) No patron shall remain or be permitted to remain in the bar area of any premises licensed for the sale of alcoholic liquor regardless of license classification during the time that the business of selling alcoholic liquors is not permitted to be transacted on such premises, and the door shall be locked promptly at the time of closing and shall remain locked during this closing period. In the case of any C, R-1, R-2, ~~or R-3~~, or Resort license, each as defined in section 6-2, meals may be served to patrons and the doors need not be locked during the hours that liquor is not permitted to be served, but all bar areas must be closed to the public, and no wine or liquor lists shall be displayed or placed on any table or counter, and alcoholic liquor shall not be consumed or served on the premises during such hours.
- (d) The time referred to hereunder shall be either central standard time or central daylight saving time, whichever is in effect in the city. On those days that a time change occurs, the closing time shall be 2:00 a.m. daylight saving time or 1:00 a.m. central standard time.

SECTION FIVE: That Chapter 6, Article III, Section 26-44 "Schedule of license, permit or registration fees" is hereby amended by adding the following underlined language and deleting language, as follows:

Sec. 26-44. - Schedule of license, permit or registration fees.

- (a) All businesses, trades and occupations set forth in this section are required to obtain a license, permit or registration certificate prior to operation in the city.
- (b) The amount and the period covered required by this section shall be as follows:

Classification	Amount	Period
Alcoholic beverages:		
Initial fee (all licenses)	\$500.00	One time (covers all fingerprinting for initial application)
Class B	\$1,000.00	Annual
Class P-1	\$550.00	Annual
Class P-2	\$650.00	Annual
Class C	\$1,200.00	Annual

Class R-1	\$700.00	Annual
Class R-2	\$900.00	Annual
Class R-3	\$1,200.00	Annual
Class S	\$550.00	Annual
Class E	\$25.00	Per day
Class M-1	\$1,800.00	Annual
Class M-2	\$1,800.00	Annual
Class M-3	\$1,800.00	Annual
<u>Class Resort</u>	<u>\$700.00</u>	<u>Annual</u>
Class T	\$2,500.00	Annual
Class U	\$200.00	Annual
Fingerprinting	\$50.00	For each person fingerprinted after initial application
Peddlers/itinerant merchants	\$25.00	Five days
Industrial peddlers	\$100.00	Three months
Solicitors and canvassers	\$25.00	Five days
Peddler/solicitors badge	\$15.00	Week
Industrial peddlers' badge	\$15.00	Three months
Fingerprints	\$50.00	Annual
Street performers	\$10.00	Annual

Taxicabs and limousines	\$50.00 plus \$5.00 per driver	Annual
All other businesses	None	Initial registration (see section 26-33 for inspection/ re-inspection fees)

SECTION SIX: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION SEVEN: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION EIGHT: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION NINE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 23rd day of May, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 23rd day of May, 2022.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois,
DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____,
“AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, SECTION 6-2, 6-3, AND 6-4 OF
THE ROCHELLE MUNICIPAL CODE PERTAINING TO CREATION OF LIQUOR LICENSE
CLASSIFICATIONS AND RELATED PROVISIONS OF THE MUNICIPAL CODE” which was
adopted by the Mayor and City Council of the City of Rochelle on May 23, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this 23rd day of May, 2022.

CITY CLERK