

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 22-25

**AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE TO CREATE A NEW
CLASSIFICATION OF LICENSE FOR EXTRATERRITORIAL ESTABLISHMENTS
SUBJECT TO A VILLAGE ANNEXATION AGREEMENT**

DAVE KIMSEY, Village President
DAN HOLDEN, Village Clerk

KRISTEN CHIARO
MEREDITH FERGUSON
JOHN FLETCHER
BRETT GERGER
TIM NICE
CARL TRY
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham
on June 28, 2022

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

ORDINANCE NO. 22 - 25

AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE TO CREATE A NEW CLASSIFICATION OF LICENSE FOR EXTRATERRITORIAL ESTABLISHMENTS SUBJECT TO A VILLAGE ANNEXATION AGREEMENT

WHEREAS, the Village of Chatham (hereinafter “Village”) is an Illinois Municipal Corporation existing and operating under the Illinois Municipal Code and the laws of the State of Illinois; 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, 65 ILCS 5/11-1.5-2.1 provides that property that is subject of an annexation agreement is subject to the ordinances, control, and jurisdiction of the annexing municipality in all respects the same as property that lies within the annexing municipality’s corporate limits; and

WHEREAS, Sangamon County has taken the position that the Village is the proper licensing agency for any establishment serving alcohol that is subject to an annexation agreement for the Village, even if said establishment is not within the corporate boundaries or contiguous to the Village; and

WHEREAS, currently, the Village Code only allows for licensing establishments located

within the corporate boundaries of the Village; and

WHEREAS, the Corporate Authorities of the Village believe it is in the best interest of the Village to amend the Village Liquor Code as set forth herein to create an extraterritorial liquor license for establishments located outside of the corporate boundaries of the Village but subject to an Annexation Agreement with the Village.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, 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. Section 111.17 of the Village Code shall be amended as follows (added; deleted):

(Q) (1) A Class ETG "Extraterritorial Tavern Gaming" license shall be issued to a tavern and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. To be eligible for an "ETG" license, the establishment must meet the following requirements:

1. Be located on property that is not located within the corporate limits of the Village.
2. Be subject to a pre-annexation or annexation agreement with the Village that has a minimum of ten (10) years remaining on the term of the agreement, and
3. Have been previously granted a liquor license from the County prior to entering or renewing its pre-annexation or annexation agreement with the Village.

The annual fee for such license shall have a fixed component and variable component. The fixed fee shall be one thousand dollars (\$1,000.00) and shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. The variable component shall equal the municipal share of the VGT Tax Distribution for the preceding calendar year as reported by the Illinois Gaming Board. This shall be payable in two installments with 50% paid on December 31 of each year and 50% paid on June 30 of each year. The variable component shall be waived by the Village if the Village (as opposed to the County) receives the municipality share of the VGT Tax Distribution from the State of Illinois, whether it be directly or through an agreement with the County.

(2) Holders of a Class "ETG" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the

Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The Village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the "ETG" license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(3) To be eligible for a "ETG" license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic liquor must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class "ETG" license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming. Upon application for renewal of a Class "ETG" liquor license, licensees shall submit information on actual receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation.

Section 3. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

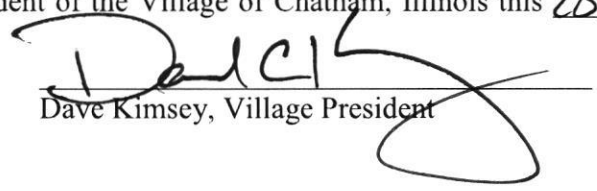
Section 4. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of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

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

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
MEREDITH FERGUSON	✓			
JOHN FLETCHER	✓			
BRETT GERGER	✓			
TIM NICE	✓			
CARL TRY	✓			
DAVE KIMSEY				

TOTAL	6	0	-	-

APPROVED by the President of the Village of Chatham, Illinois this 28 day of June, 2022.


Dave Kimsey, Village President

Attest:

Dan Holden, Village Clerk