ORDINANCE NUMBER: 2019-05

AN ORDINANCE AMENDING CHAPTER 10, ALCOHOLIC BEVERAGES, ARTICLE II, RETAIL LICENSES, SECTION 10-35, CLASSIFICATION; SCOPE; FEES TO INCLUDE A CATERER LICENSE

WHEREAS, the Village of Cherry Valley, Illinois ("Village") has adopted a Village Code of Ordinances ("Code"); and

WHEREAS, Chapter 10, Alcoholic Beverages, Article II, Retail Licenses, Section 10-35, Classification; Scope; Fees, Subsection (a) of the Code governs liquor license classifications; and

WHEREAS, the Village wishes to amend Section 10-35, Classification; Scope; Fees, Subsection (a) to add (13) CR License to include a liquor license classification for restaurants that wish to cater alcohol at catering events in the Village of Cherry Valley; and

WHEREAS, the existing Chapter 10 does not have an existing caterer license classification; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to enact such amendment.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Cherry Valley, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.

2. That Chapter 10, Article II, Section 10-35, Subsection (a) of the Code of Ordinances is hereby amended to establish a new caterer license, Section 10-35(a) shall be amended to add the following language as shown here in bold:

   (13) CR License:

   a. A class CR (caterer) license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal either on-site or off-site. A class CR license shall only be issued to the applicant who can demonstrate that they are operating a bona fide ("valid") catering business or restaurant within Winnebago and Boone Counties. A class CR license shall not be used for on-site service of alcoholic liquors for consumption unless the person or entity also holds a valid local liquor license.

   b. A caterer means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service, holds a valid caterer retailer license issued by the state liquor control commission, and who holds a valid class 3 food establishment permit issued by the county health department.
c. The holder of a class CR license may not exceed the time and hours established in this chapter, whether operating on-site or off-site.

d. Sufficient proof of dram shop (liquor liability) insurance for off-site operations must be provided to the Village with the application.

e. When the holder of a CR license is serving liquor off-site, such service and consumption shall occur only during the meal, unless the event is a prearranged private function for a specific social or business occasion, by invitation only, not advertised or open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private function.

f. The liquor commissioner may promulgate such rules and regulations as he deems advisable to carry out the intent of this subsection, including limiting the number of catering events that may be held at an unlicensed location.

g. Proof of compliance with all liquor license application requirements must be provided to the Village with the application in order to obtain a Class CR License.

h. The holder of both a valid local liquor license and a CR license is authorized to serve only the alcoholic liquors approved under their local liquor license at an off-site location.

i. An application for a class CR license shall be filed on the prescribed form with the Village.

j. The CR license fee shall be $200.00 annually and will not be prorated.

3. All other provisions of Chapter 10 of the Code of Ordinances shall remain in effect as previously enacted except that those ordinances or parts thereof in conflict are hereby repealed.

4. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.
PASSED UPON MOTION BY:      NANCY BELT
SECONDED BY:               DAVID SCHROEDER

BY ROLL CALL VOTE THIS 1ST DAY OF APRIL, 2019.

AS FOLLOWS:

VOTING “AYE”:         STEPHEN APPELL, NANCY BELT, JEFF FUSTIN,
                      SALLY HOLLEMBEAK, JEFF O’HARA, DAVID SCHROEDER

VOTING “NAY”:         NONE

ABSENT, ABSTAIN, OTHER: NONE

ATTEST:               APPROVED: APRIL 1, 2019

KATHY TRIMBLE, VILLAGE CLERK

JIM E. CLAEYSSEN, VILLAGE PRESIDENT