

ORDINANCE 2020-20

AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, OF THE BARTLETT MUNICIPAL CODE TO ADD NEW SECTION 3-3-2-19: CLASS Q THERETO CREATING A NEW LIQUOR LICENSE CLASSIFICATION FOR A BREW PUB

BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: That Title 3, Chapter 3, Section 2 entitled "License Classifications, Hours, Fees, Number Issued" is amended to add new subsection 3-3-2-19: CLASS Q, as follows:

3-3-2-19: CLASS Q:

Class Q licenses which allow the licensee (1) to operate a brew pub, which may include outdoor seating areas as specified in the license and for which a special use permit under the Bartlett Zoning Ordinance has been issued by the corporate authorities in connection with a microbrewery, and in compliance with all applicable state and federal regulations and licenses authorizing the production, storage and distribution of beer; (2) to sell and offer for sale at retail, beer manufactured by the licensee for consumption on the premises specified in such license; (3) the retail sale of beer manufactured by the licensee in sealed packages for off-premises consumption; (4) to provide on-premises tastings of beer manufactured by the licensee provided with or without charge, provided no more than six (6) fluid ounces of beer may be provided without charge to any prospective purchaser per calendar day and limited to the hours of 12:00 p.m. through 11:00 p.m.; and (5) the retail sale of beer and other alcoholic liquors not manufactured by the licensee for consumption on the premises specified in the license.

A. HOURS OF OPERATION:

Sunday, Monday, Tuesday, Wednesday, and Thursday	From 8:00 a.m. until 1:00 a.m.
Friday and Saturday	From 8:00 a.m. to 2:00 a.m.

B. LICENSE FEES:

Section 3-1-1 of this title.

C. NUMBER ISSUED:

The number of Class Q beer pub liquor licenses shall be limited to one (1).

D. DEFINITIONS:

For purposes of this section "beer" shall mean a beverage obtained by the alcohol fermentation or an infusion or concoction of barley, or other grain, malt and hops in

water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

For purposes of this section "brew pub" shall mean a person, firm, partnership, corporation, limited liability company, or other legal business entity that manufactures no more than 155,000 gallons (5,000 barrels) of beer per year at a designated state licensed location (whether within the Village corporate limits or outside the Village corporate limits) to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, that stores beer at the designated state licensed location, and that is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 155,000 gallons of beer that it or its affiliated brewery manufactures per year.

For purposes of this section "brewer" shall mean a person, firm, partnership, corporation, limited liability company or other legal business entity who is engaged in the manufacture of beer.

For purposes of this section "class 1 brewer" means a person, partnership, corporation, limited liability company or other legal business entity that is the holder of a brewer license or non-resident dealer license issued by the Illinois Liquor Control Commission that manufactures up to 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year or any other alcoholic liquor. A class 1 brewer may make sales and deliveries to importing distributors or distributors and to retail licensees in accordance with paragraph 18 in subsection (a) of Section 3-12 of the Illinois Liquor Control Act. With pre-approval from the Illinois Liquor Control Commission a class 1 brewer may annually transfer up to 930,000 gallons of beer manufactured by the class 1 brewer to the premises of a class 1 brewer wholly owned or operated by that same licensee. A class 1 brewer shall not own a brew pub.

For purposes of this section "class 2 brewer" means a person, partnership, corporation, limited liability company or other legal business entity that is a holder of a class 2 brewer license or non-resident dealer license issued by the Illinois Liquor Control Commission, that manufactures up to 3,720,000 gallons of beer per year, and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year, or any other alcoholic liquor. A class 2 brewer may make sales and deliveries to importing distributors and distributors but shall not make sales or deliveries to any other licensee. A class 2 brewer may transfer beer to a brew pub wholly owned and operated by the class 2 brewer, subject to the restrictions set forth in the Illinois Liquor Control Act, as amended, including but not limited to, the transfer shall not annually exceed more than 31,000 gallons, and shall be subject to such pre-approvals as may be required from the Illinois, State Liquor Commission.

For purposes of this section, "original package" means any bottle, flask, jug, can, cask, growler, growler, barrel, keg, hogshead or other receptacle container, whatsoever,

used, corked or capped, sealed and labeled by the manufacturer of beer to contain and to convey beer.

E. INSURANCE REQUIREMENTS:

Prior to the issuance of a Class Q license, the prospective Licensee shall have in effect liquor liability insurance with limits of not less than one million dollars (\$1,000,000) combined single limit or one million dollars (\$1,000,000) per occurrence and per aggregate, and shall submit a certificate or policy of insurance as evidence of such coverage issued by an insurance company licensed by the Illinois Department of Insurance to do business in Illinois and having financial ratings in the latest edition of A.M. Best's Insurance Guide of not less than A- and VII or as otherwise acceptable to the local liquor control commissioner. The effective period of such insurance coverage shall coincide with the period for which the license is in effect, and the licensee shall maintain and keep said insurance in effect during any license renewal term. The Village of Bartlett, its elected and appointed officials, officers, employees, and its local liquor control commissioner shall be named additional insureds on said insurance policy during the effective period and shall remain so during the term of the liquor license and each license renewal term.

F. BASSET CERTIFICATION:

A Class Q liquor license shall at all times cause the sale, offer for sale, and the serving of beer and alcoholic liquor pursuant to said Class Q license for both on-premises consumption and package sales of beer manufactured by the licensee in a sealed package for off-premises consumption, to be performed exclusively by persons who have received beverage alcohol sellers and servers training ("BASSET") certification from an entity that has obtained a BASSET training license from the Illinois Liquor Commission.

G. SUBMITTAL OF LICENSEE APPLICATION:

The Class Q license application shall be submitted in accordance with Section 3-3-4 of this chapter and shall also include the following:

1. A copy of a completed and signed application for either (a) a state of Illinois specialty retailer's liquor license for a brew pub; or (b) copies of a state of Illinois brew pub license issued or to be issued in connection with the same applicant's class 2 brewer's license, together with copies of all other brewer, brew pub licenses, applications, and brew pub license applications filed with or issued by other municipalities or counties (up to 3 total); and (c) copies of all other state and federal licenses for the manufacture, storage and distribution of beer.
2. Copies of certificates of insurance evidencing the types of insurance coverage, and the amounts of insurance coverage in place with not less than the minimum amounts required in subsection E of this section and meeting the additional insured requirements set forth in said subsection E.

3. Payment of the application fee as required pursuant to Section 3-1-1 of this title or written agreement approved by the corporate authorities to waive said license fee.
4. Upon review of submittals set forth in subsections G.1. through G.3. of this subsection, and a preliminary determination by the local liquor control commissioner that the conditions of this subsection have been satisfied, the local liquor control commissioner will issue an unsigned Class Q liquor license or letter directed to the Illinois Liquor Control Commissioner stating his or her intent to issue the Class Q liquor license to the applicant to procure a state brew pub license (special retailer or in connection with its Class 2 brewer's license).

H. LIMITATIONS ON BREW PUB LICENSES:

1. A brew pub license shall allow the licensee to only (i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license; (ii) make sales of beer manufactured on the premises or, with the approval of the Illinois Liquor Control Commission, beer manufactured on another brew pub licensed premises (even if located outside of the corporate limits of the Village) that is wholly owned and operated by the same licensee, to importing distributors, distributors and to non-licensees for use and consumption; (iii) store the beer on the premises; (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons of beer per year, so long as sales are only made in person; (v) sell and offer for sale at retail for use and consumption on premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor; and (vi) with the prior approval of the Illinois Liquor Control Commission, annually transfer no more than 155,000 gallons of beer manufactured on the premises to a licensed brew pub wholly owned by the licensee.
2. A brew pub licensee shall not under any circumstances sell or offer for sale beer manufactured by the brew pub licensee to retail licensees.
3. A person or entity that holds a state issued class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer (i) does not, under any circumstances, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than three (3) brew pub licenses in the State; (iii) does not manufacture more than 3,720,000 gallons of beer per year, including beer manufactured at the brew pub licensed hereunder; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor.
4. Notwithstanding any other provision of this section, a state licensed brewer, a class 2 brewer, or non-resident dealer, that before July 1, 2015 manufactured less than 3,720,000 gallons of beer per year and held a state issued brew pub license before July 1, 2015, may (i) continue to qualify for and hold that state issued brew pub license for the licensed premises lying outside of the corporate limits of the Village;

and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that state beer pub license, and a brew pub license issued under this section, if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a state issued class 1 brewer license and is not a member of, or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor.

SECTION TWO: That Section 3-1-1 entitled "License Required, Fees, Special Regulations" of Title 3 of Chapter 1 of the Bartlett Municipal Code is hereby amended by adding "Class Q" under the heading "Liquor Sales" and inserting across from "Class Q": "\$1,500.00 per year".

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon passage and approval.

ROLL CALL VOTE:

AYES: Trustees Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke

NAYS: None


ABSENT: None

PASSED: March 3, 2020

APPROVED: March 3, 2020



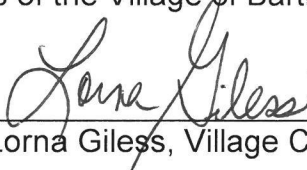
Kevin Wallace, Village President

ATTEST:


Lorna Gilles, Village Clerk

CERTIFICATION

I, Lorna Giles, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2020-20 enacted on March 3, 2020, approved on March 3, 2020 as the same appears from the official records of the Village of Bartlett.



Lorna Giles, Village Clerk

