

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2013-024

AN ORDINANCE AMENDING THE VILLAGE OF VERNON HILLS CODE OF ORDINANCES CHAPTER 3 ALCOHOLIC LIQUOR CONTROL, SECTIONS 3-12, LICENSE CLASSIFICATION, SECTION 3-23 CLOSING HOURS AND 3-26 PROHIBITED CONDUCT AND CHAPTER 25 COMPREHENSIVE FEES AND PENALTIES, SECTION 25-3

THE 16th DAY OF APRIL 2013

Published in pamphlet form by the Authority of the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, this 22nd Day of April 2013

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VILLAGE OF VERNON HILLS CODE OF
ORDINANCES CHAPTER 3 ALCOHOLIC
LIQUOR CONTROL, SECTIONS 3-12,
LICENSE CLASSIFICATION, SECTION 3-
23 CLOSING HOURS AND 3-26
PROHIBITED CONDUCT AND CHAPTER
25 COMPREHENSIVE FEES AND
PENALTIES, SECTION 25-3**

WHEREAS, the Village of Vernon Hills is a home-rule municipal corporation existing under the laws of the State of Illinois, and,

WHEREAS, the Village, as a home-rule municipal corporation, has a duty to regulate the purchase, sale and serving of alcoholic beverages to the public for the protection of the public, health, safety, morals and welfare; and,

WHEREAS, the President and Board of Trustees have directed that Chapter 3 be amended to create a new license classification, being Class M, along with the accompanying fee; and,

WHEREAS, the President and Board of Trustees hereby adopt this ordinance amending the Alcoholic Liquor Control Ordinance of the Village of Vernon Hills pursuant to its duty to regulate the purchase and sale of alcoholic beverages within the Village of Vernon Hills;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I. That Chapter 3 Section 3-12 of the Village of Vernon Hills Code of Ordinances is hereby amended by addition of a new section, 3-12 (13) creating License Classification "M" to read as follows:

Class "M" License: A class "M" licenses shall authorize the retail sale of alcoholic liquors for consumption only on premise at a movie theater which is part of a regional shopping mall. Class M licenses shall be subject to the following definitions, conditions or limitations:

a. Definitions

1. **ALCOHOL WRISTBAND:** An indicia of eligibility (worn on the wrist of a movie theater patron) to be served an alcoholic beverage by a Class M (movie theater) licensee.

2. MOVIE THEATER: Any building to which the public is invited and pays consideration for the purpose of viewing motion pictures.
3. MOVIE THEATER AUDITORIUM: That portion (or those portions) of a movie theater where patrons are seated for the actual viewing of motion pictures.

b. Conditions or Limitations

1. Service of alcoholic beverages shall be limited to a designated customer bar for consumption on premise.
2. Service of alcoholic beverages may be made only to persons wearing a wristband approved by the Vernon Hills Police Department ("alcohol wristband"). The person dispensing alcohol wristbands shall have completed the certified alcohol awareness training course (Basset) as set forth in Sections 3-33 and 3-34 of this Chapter. The alcohol wristband shall be valid only for the business day, as defined in Subsection 13-c-2, on which it is obtained from the movie theater. This Subsection (b) may be waived, in writing, by the Liquor and License Commission if the Commission is of the opinion that other procedures instituted by the licensee provide acceptable substitute measures to assure that underage persons are not served. This waiver may be made only after a review of the written statement of practices that the applicant intends to institute. If there is such a waiver, the waiver may be withdrawn by the Commission at such time as the Commission makes a finding of service of alcohol to an underage person pursuant to this Chapter.
3. Alcoholic beverages may be consumed in the movie theater auditorium, but may not be delivered or served in any movie theater auditorium.
4. The containers in which alcoholic beverages are served must be of a different color, size and design than those in which nonalcoholic beverages are served.
5. Beer may be sold only in individual containers holding twenty (20) ounces or less. All other alcoholic beverages may be sold only in individual containers holding twelve (12) ounces or less. This limitation shall be absolute and shall apply irrespective of the actual alcohol content of the beverage.
6. No more than one alcoholic beverage may be delivered or served to a customer in any one trip to the bar.
7. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day; and under no circumstance shall alcoholic beverages be served beyond the time limitation in accordance with Section 3-23 or the conclusion of the last movie, whichever occurs first.

8. The lobby bar and the lounge area associated with the bar may comprise no more than twenty percent (20%) of the floor area outside of the auditoriums.
9. The lobby bar shall be subject to the requirements of subsection "Prohibited Conduct" of this chapter. If the licensee creates a separate and discreet lounge area as part of its bar and liquor service, such lounge area shall also be subject to subsection "Prohibited Conduct" of this Chapter.
10. An employee of the licensee who has completed a certified alcohol awareness training course (BASSET) in accordance with Sections 3-33 and 3-34 shall be designated to monitor compliance with alcohol laws and be on duty on the premises whenever there is service of alcoholic beverages. If under 21, an employee who is 21 or older and who has completed the BASSET program must be on premise at all times.
11. The Class M licensee shall be responsible if any alcohol is consumed by any minor at any location within or on the movie theater premises whether the alcohol was purchased at the movie theater or not.
12. It is intended that the service of alcoholic beverages is mainly an adjunct to the principle operation of a movie theater and shall not be advertised or otherwise held out to be a drinking establishment.
13. Not more than (1) one Class "M" licenses shall be issued at any one time in the Village.

c. Prohibited Conduct

In addition to the items listed above, the liquor licensee is prohibited from engaging in the following conduct or acts:

1. Service to any person of an unlimited number of alcoholic beverage drinks during any set period of time for a fixed price. The Liquor and License Commission may permit, in writing, a food service licensee to serve alcoholic beverages, at a fixed ticket price, for private functions where the general public is not invited.
2. Service of alcoholic beverage drinks to any person or group of persons during any period of the business day at prices less than those charged to the general public during the rest of that business day, except at private functions, upon written permission of the Liquor and License Commission. For purposes of this subsection, "business day" shall mean that single business period from the time of opening to the closing of the theater establishment even if that time period encompasses parts of two (2) calendar days.
3. Increasing the volume of spirits content in a drink on a given day without increasing proportionately the price otherwise charged for such a drink during the calendar week.
4. Encouraging or permitting any game or contest which involves drinking or the awarding of drinks as prizes.

5. Delivery of alcoholic beverages to any person in such quantity as to result in the person becoming intoxicated.
6. It shall be unlawful for any holder of a liquor license to allow any person under the age of twenty one (21) years to:
 - (a). Be seated at a bar; or
 - (b). Remain in or be seated in the lounge. This subsection shall not apply to seating at tables in the lounge when the establishment's full food menu is available in that lounge and the minor is accompanied by a parent/guardian.

SECTION II. That Chapter 3 Section 3-23 Closing Hours is hereby amended by the addition of subsection (c) to read as follows:

(c) The provisions of subsection (b) of this section shall not apply to Class "M" licensees. Any movie theater with a Class M license may be kept open during hours when alcohol service is prohibited, but no alcoholic beverages may be possessed, delivered or consumed by any persons including employees or remain on tables or a bar during such hours.

SECTION III. That Chapter 3 Section 3-26 Prohibited Conduct is hereby amended by addition of subsection (g) to read as follows:

(g) The provisions of subsection (b) of this section shall not apply to Class "M" licensees exhibiting films having been classified with a rating of not greater than "R" by the Motion Picture Association of America (MPAA) or similar commercial film industry organization, or which would otherwise meet such ratings standards based on its content.

SECTION IV. That Chapter 25 Comprehensive Fees and Penalties, Section 25-3 is hereby amended by addition of the following fees for a Class "M" Liquor License to read as follows:

Class "M" Liquor License fees shall be \$300.00 for new license application fee and \$2,000 for the annual license fee.

SECTION V. 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. If any part of this ordinance is found to be invalid in any one or more of its several applications that are severable, the valid applications shall remain in effect.

SECTION VI. 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, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION VII. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

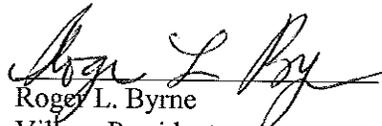
SECTION VIII. PUBLICATION. This ordinance shall be published in pamphlet for in the manner provided by law.

SECTION IX. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2013-024.

AYES: 6 – Schultz, Schwartz, Koch, Williams, Marquardt, Byrne

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Hebda

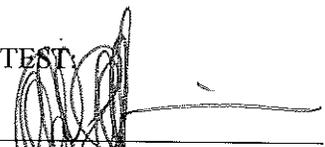

Roger L. Byrne
Village President

PASSED: 4/16/2013

APPROVED: 4/16/2013

PUBLISHED IN PAMPHLET FORM: 4/22/2013

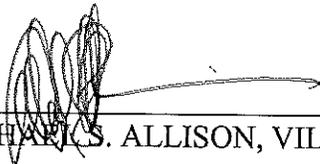
ATTEST:


Michael S. Allison
Village Clerk

AFFIDAVIT OF SERVICE

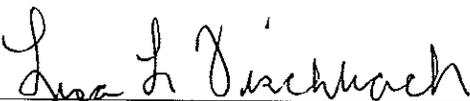
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, MICHAEL S. ALLISON, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2013-024, AN ORDINANCE AMENDING THE VILLAGE OF VERNON HILLS CODE OF ORDINANCES CHAPTER 3 ALCOHOLIC LIQUOR CONTROL, SECTIONS 3-12, LICENSE CLASSIFICATION, SECTION 3-23 CLOSING HOURS AND 3-26 PROHIBITED CONDUCT AND CHAPTER 25 COMPREHENSIVE FEES AND PENALTIES, SECTION 25-3 TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM APRIL 22, 2013 TO MAY 2, 2013.



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 22nd DAY OF APRIL
2013.



Notary Public

