



## Liquor License Application

**\*YOU CANNOT SELL ALCOHOL WITHOUT VALID STATE OF ILLINOIS AND LOCAL LIQUOR LICENSES\***

The following documents are **REQUIRED** upon submitting your application:  
**PLEASE USE THIS AS A CHECKLIST WHEN ASSEMBLING YOUR APPLICATION**

| DOCUMENTS:   | INCLUDED? |
|--|-----------|
| 1. This completed application with the required information printed or typed in the spaces provided. This form <b>MUST</b> bear an <u>original signature</u> . | Y / N     |
| 2. Copy of current state liquor license.   | Y / N     |
| 3. Roster of selling/serving employees <u>AND</u> copies of BASSET certifications.*  | Y / N     |
| 4. Report on percentage of food to liquor sales. (CLASS A, A-V, J, J-V <u>ONLY</u> )   | Y / N     |
| 5. Original certificate of insurance.  | Y / N     |
| 6. Copy of current lease, if not owner-operated.   | Y / N     |
| 7. Cash, Business Check, Cashier's Check, or Money Order payable to the Village of Cary.   | Y / N     |

**\*FAILURE TO INCLUDE ALL REQUIRED ITEMS MAY RESULT IN A DELAY IN RECEIVING YOUR LICENSE\***

***Note: All Village Licenses Expire April 30<sup>th</sup> Following Issuance***

### OFFICIAL USE ONLY

**THIS SECTION TO BE COMPLETED BY VILLAGE STAFF**

|                            |   |
|----------------------------|---|
| Business Name: _____       | Submittal Date: _____                               |
| Application Year: _____    | Liquor License Fee: _____                           |
| Liquor License Type: _____ | SEE SECTION #6 OR FEE CHART<br>FOR THIS INFORMATION |

|  |   |                 |
|--|---|-----------------|
| <b>OPTIONAL<br/>ENDORSEMENTS<br/>\$250.00 EACH</b> | Sampling (A, A-V, B, J or J-V)              | \$              |
|  | Outdoor Beer/Wine Garden (A, A-V, J or J-V) | \$              |
|  | Craft Production (A or A-V)                 | \$              |
|  | Corkage (A or A-V)                          | \$              |
|  | Catering                                    | \$              |
|  | Downtown Social District (if applicable)    | \$              |
| <b>TOTAL:</b>                                      |   | <b>\$</b> _____ |

**1. APPLICANT**

NAME \_\_\_\_\_

PRIMARY ADDRESS \_\_\_\_\_

HOME PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_

WORK PHONE \_\_\_\_\_ FAX # \_\_\_\_\_

EMAIL \_\_\_\_\_

**2. STATUS OF BUSINESS**

Check the applicable box (assumed name/sole proprietorship, partnership, Illinois corporation, foreign corporation, limited liability company) which corresponds to your business' official papers filed with the Office of the Secretary of State.

***NOTE! In the case of a sole proprietorship, the business owner must reside within the jurisdiction that grants the local liquor license. In the case of a corporation, a manager must reside within the jurisdiction that grants the local liquor license.***

SOLE PROPRIETORSHIP      DATE FILED W/ COUNTY CLERK      \_\_\_\_\_

LIMITED LIABILITY CO.      DATE FORMED      \_\_\_\_\_

PARTNERSHIP      DATE OF INFORMATION      \_\_\_\_\_

ILLINOIS CORPORATION      DATE OF INCORPORATION      \_\_\_\_\_

FOREIGN CORPORATION      STATE OF INCORPORATION      \_\_\_\_\_  
DATE QUALIFIED TO DO BUSINESS IN IL      \_\_\_\_\_

**3. OWNERSHIP INFORMATION**

Provide the owner/officer/partner information in accordance with the business status described under Question 2 (Status of Business). This information must be submitted for all owners/officers/partners. The same information must be submitted for shareholders with interests equal to or exceeding 5%. The following information must be provided for each individual applicant, sole proprietor, partner, corporate officer, or director (whether or not they own any stock), shareholder owning in the aggregate stock equal to or more than 5%, (including officers, directors, and shareholders with stock equal to or more than 5% for all corporate shareholders), and/or managers or agents conducting the business. Indicate the total percentage of stock of the corporation, if any, which is held by persons who hold less than 5% interest. All not-for-profit organizations and associations must provide the requested information for all corporate officers, directors, and managers. If additional space is needed, provide information on a separate sheet(s) in the same format as this application requires.

**BEFORE COMPLETING THIS SECTION, CHECK SECTION NO. 9 – ELIGIBILITY.**

For each owner/officer/partner/5% shareholder, provide full name, home address, city, state, zip code, title/position, and percentage of ownership. If there are a number of shareholders owning less than 5%, indicate the aggregate total of ownership under D. If property is owned by Land Trust, Trustee must file affidavit disclosing names and addresses of all beneficial owners and percentage of interest. Attach additional sheets if necessary.

**A.** NAME (LAST, FIRST, MI) \_\_\_\_\_  
HOME ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_  
TITLE/POSITION \_\_\_\_\_ % OWNERSHIP \_\_\_\_\_

**B.** NAME (LAST, FIRST, MI) \_\_\_\_\_  
HOME ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_  
TITLE/POSITION \_\_\_\_\_ % OWNERSHIP \_\_\_\_\_

**C.** NAME (LAST, FIRST, MI) \_\_\_\_\_  
HOME ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_  
TITLE/POSITION \_\_\_\_\_ % OWNERSHIP \_\_\_\_\_

**D.** TOTAL PERCENTAGE OF ALL STOCK BY ALL PERSONS WITH LESS THAN 5% INTEREST: \_\_\_\_\_ %

**E.** Will this business be conducted by a Manager or Agent?  YES  NO

If yes, Manager or Agent must provide the following information:

NAME (LAST, FIRST, MI) \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PLACE OF BIRTH \_\_\_\_\_ U.S. CITIZEN?  YES  NO

IF NO & NATURALIZED CITIZEN:

WHEN & WHERE? \_\_\_\_\_

**4. BUSINESS PREMISE INFORMATION**

**A. NAME / DOING BUSINESS AS (D/B/A)**

Enter the name of the business which will be selling or serving alcoholic beverages at the licensed premises.

**NOTE! THIS IS THE NAME THAT WILL BE PRINTED ON THE LICENSE AND MUST MATCH THE NAME ON YOUR STATE LIQUOR LICENSE**

NAME / DOING BUSINESS AS (D/B/A) \_\_\_\_\_

**B. TELEPHONE / E-MAIL**

Enter in the area code/telephone number/extension at the business premise location.

TELEPHONE # (INCLUDE AREA CODE) \_\_\_\_\_ EXT. \_\_\_\_\_

EMAIL \_\_\_\_\_

**C. ADDRESS**

Enter the address, city, state, and zip code of the business premises.

**THIS ADDRESS INFORMATION MUST MATCH THE ADDRESS ON YOUR STATE LIQUOR LICENSE.**

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

**D. BUSINESS TYPE**

Check one box which best describes the type of business. If the selections listed are inappropriate, describe the business under "other".

|  |   |  |
|--|---|--|
| <input type="checkbox"/> DRUG STORE / PHARMACY   | <input type="checkbox"/> LIQUOR STORE     | <input type="checkbox"/> SMALL GROCERY |
| <input type="checkbox"/> RESTAURANT              | <input type="checkbox"/> DEPARTMENT STORE | <input type="checkbox"/> GAS STATION   |
| <input type="checkbox"/> CONVENIENCE             | <input type="checkbox"/> BAR/TAVERN       | <input type="checkbox"/> OTHER _____   |
| <input type="checkbox"/> SUPERMARKET             | <input type="checkbox"/> SPECIAL EVENT    |  |
| <input type="checkbox"/> CONVENIENCE STORE / GAS |   |  |

**E. OWN/LEASED PREMISES**

Does applicant own premises for which license is sought?  YES  NO

If NO, your lease must cover the full term of the license. If you lease, provide the landlord's name, telephone number, street address, city, state, and zip code.

**IMPORTANT: Attach a copy of the lease agreement for the full period for which the license is issued.**

LANDLORD NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

**5. STATE LICENSE INFORMATION / LIQUOR LICENSE HISTORY**

Please enter the State liquor license number, the date it was issued and the date it expires. Alcoholic beverages may not be sold or offered for sale prior to the date that the State liquor license is issued.

**NEW APPLICANTS:** 1. In addition to the license fee, there is also a one-time non-refundable Liquor License Application Fee in the amount of \$350.00. This fee shall be paid at the time the license application is submitted to the Liquor Commission for consideration.

**NOTE!** *New applicants must contact the Cary Police Department to schedule a background and fingerprint check at 847-639-2341.*

2. A copy of your State Liquor License must be provided to the Village within one (1) week of you receiving said license.

**CURRENT STATE**

**LICENSE HOLDERS:** Attach a copy of your current State Liquor License to this application.

STATE LICENSE NO. \_\_\_\_\_

DATE ISSUED \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

**6. LIQUOR LICENSE TYPES AND ENDORSEMENTS**

See Section 7 for detailed information regarding Endorsements.

| License Type | License Fee | OPTIONAL ADDITIONAL ENDORSEMENTS |                            |                  |          |          |                          |
|--------------|-------------|----------------------------------|----------------------------|------------------|----------|----------|--------------------------|
|              |             | Sampling                         | Outdoor Beer / Wine Garden | Craft Production | Corkage  | Catering | Downtown Social District |
| A            | \$2,000.00  | \$250.00                         | \$250.00                   | \$250.00         | \$250.00 | \$250.00 | \$250.00                 |
| A-V          | \$4,500.00  | \$250.00                         | \$250.00                   | \$250.00         | \$250.00 | \$250.00 | \$250.00                 |
| B            | \$1,750.00  | \$250.00                         |                            |                  |          |          |                          |
| F            | \$1.00      |                                  |                            |                  |          |          |                          |
| G            | \$500.00    |                                  |                            |                  |          |          |                          |
| H            | \$1,000.00  |                                  |                            |                  |          |          |                          |
| J            | \$2,000.00  | \$250.00                         | \$250.00                   |                  |          |          | \$250.00                 |
| J-V          | \$4,500.00  | \$250.00                         | \$250.00                   |                  |          |          | \$250.00                 |
| K            | \$100.00    |                                  |                            |                  |          |          |                          |

**Liquor License Type You Are Applying For** \_\_\_\_\_ *If Type A, A-V, B, J or J-V, please indicate below with an 'X' if you are also applying for the following endorsements:*

| Endorsement                | LICENSE TYPE             |                          |                          |                          |                          |
|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|                            | A                        | A-V                      | B                        | J                        | J-V                      |
| Sampling                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Outdoor Beer / Wine Garden | <input type="checkbox"/> | <input type="checkbox"/> | N/A                      | <input type="checkbox"/> | <input type="checkbox"/> |
| Craft Production           | <input type="checkbox"/> | <input type="checkbox"/> | N/A                      | N/A                      | N/A                      |
| Corkage                    | <input type="checkbox"/> | <input type="checkbox"/> | N/A                      | N/A                      | N/A                      |
| Catering                   | <input type="checkbox"/> | <input type="checkbox"/> | N/A                      | N/A                      | N/A                      |
| Downtown Social District   | <input type="checkbox"/> | <input type="checkbox"/> | N/A                      | <input type="checkbox"/> | <input type="checkbox"/> |

## 7. ENDORSEMENTS – SPECIFICATIONS AND REGULATIONS

**A. Sampling Endorsement:** An endorsement allowing the holder of any Class A, A-V, B, J or J-V license to serve wine, beer, or distilled spirits without charge, in small and limited amounts, for sampling purposes only and in conjunction with sales and promotional efforts on the licensed premises. The annual fee for such endorsement is identified in Section 6 of this application. The following regulations shall apply to a sampling endorsement:

- 1) The quantity of any tasting/sampling that is provided on any licensed premises shall not exceed for distilled spirits one-half ( $\frac{1}{2}$ ) ounce, for wine two (2) ounces and for beer six (6) ounces.
- 2) No samples shall be provided to any person who is under the age of twenty-one (21).
- 3) No sample provided at the licensed premises shall be removed from the licensed premises.
- 4) At the time of annual renewal of any liquor license, any licensee who intends to conduct sampling/tasting events shall submit a list to the Liquor Commissioner identifying the date of any proposed sampling and the hours of any proposed sampling. The Liquor Commissioner shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the license year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude sampling or tasting on any date not included on the attached list.
- 5) The sale of wine, beer, or spirits offered at the sampling event for consumption off the premises is permitted provided alcoholic beverages are not delivered in any container other than its original sealed and unopened package.

**B. Outdoor Beer/Wine Garden Endorsement:** An endorsement allowing the holder of any Class A, A-V, J or J-V to hold two (2) beer/wine gardens a year on the licensed premises. The annual fee for such endorsement is identified in Section 6 of this application. The following regulations shall apply to this outdoor beer/wine garden endorsement:

- 1) Each liquor license holder may hold up to two (2) outside beer/wine gardens within a twelve-month period;
- 2) Beer/wine gardens can only be allowed upon written permission of the Liquor Commissioner;
- 3) Beer/wine gardens must be held on the private property to which the liquor license is assigned;
- 4) The liquor license holder must prove to the Liquor Commissioner, to his or her satisfaction, that all parking, refuse, noise, safety and security needs for the beer/wine gardens will be met by the license holder; and
- 5) The hours of operation shall not extend beyond the hours allowed under the licensee's liquor license.

**C. Craft Production Endorsement:** An endorsement allowing the holder of any Class A or A-V liquor license to brew, vinify, and/or distill beer, wine, and/or spirits on-site for both sale and consumption on the premises by means of adequate and sanitary equipment designed and maintained to facilitate the production process, in accordance with State and/or Federal regulations. The sale and on-site sampling of alcohol produced on the licensed premises for carry-out or distribution shall be allowed with all other package sales prohibited. Licensee must at all times hold all valid, applicable State licenses and approvals to authorize its operations as a craft distiller, brewery, and wine-making production, sales, and sampling(s) and abide by the terms and conditions of said licenses and approvals. The annual fee for such endorsement is identified in Section 6 of this application.

- D. Corkage Endorsement:** An endorsement allowing patrons of a Class A or A-V licensed establishment to bring the patron's own unopened bottle of wine for on premises consumption consistent with the regulations for a Class H license. The annual fee for such endorsement is identified in Section 6 of this application.
- E. Catering Endorsement:** An endorsement allowing for the off-premise sale and consumption of alcoholic liquor provided in the course of the licensee's business. The annual fee for such endorsement is identified in Section 6 of this application.
- F. Downtown Social District Consumption:** An endorsement allowing for the sale of beer, wine or mixed drinks sold by licensed establishments located in the Downtown Social District for consumption off-premise but immediately adjacent to their premise within an established and defined Downtown Social District consumption area. As a condition of this endorsement, the licensed establishment must include the Village of Cary as an additional insured for their general liability and Dram Shop/liquor sales liability insurance policies. Additionally, requesting establishments must complete an executed Hold Harmless Agreement.

## **8. OUTDOOR SEATING**

The Village of Cary has adopted regulations pertaining to the use and placement of outdoor seating areas. Section 14.3.5 (see attached) of the Village Code of Ordinances provides the requirements for how outdoor seating areas may be utilized. A copy of this code section is attached for reference. The regulations are divided into two sections regarding outdoor seating areas which are located: 1) on private property, or 2) on public property. Liquor license holders who wish to provide outdoor seating on private property must comply with the requirements of Section 14.3.5.2.

Existing outdoor dining areas located on private property are permitted to continue to operate as previously approved and no longer require additional approval in the form of a separate license as part of the annual liquor license renewal.

Any new outdoor seating areas will require review and approval by the Village prior to their installation to ensure compliance with code requirements. For license holders who wish to provide outdoor seating on public property (i.e. public sidewalks within downtown) the establishment must meet the requirements of both Section 14.3.5.2 and 14.3.5.3. Specifically, outdoor seating areas on private property shall comply with the additional following code requirements:

- A.** Submittal of an application to the Community Development Department which includes a site plan showing the location of the outdoor seating area, plans and cut sheets of any furniture and appurtenances, provisions for refuse disposal, and any other information as required by the Department.
- B.** The applicant shall furnish the Village with evidence of general liability insurance and dram shop insurance where applicable. Coverages shall name the Village as an additional insured, protecting the Village against any liability resulting from the use. A minimum of two million dollars (\$2,000,000.00) for general liability and five hundred thousand dollars (\$500,000.00) for dram shop coverage shall be provided.
- C.** In no instance shall the operation of the outdoor seating area reduce the open space of the public sidewalk to less than four (4) feet clear of obstructions. The usability of the public sidewalk shall be designed and maintained in accordance with the Illinois Accessibility Code.

- D. All maintenance and upkeep of the public right of way with the operation of the outdoor seating area shall be the responsibility of the operator. The operator shall be responsible for any damage to public property and shall restore the public sidewalk to its original condition when the operation of the outdoor seating area ceases.

Contact the Community Development Department should you have any questions pertaining to the use and operation of your outdoor seating areas.

## 9. ELIGIBILITY QUESTIONS

Are you delinquent in the payment of any Illinois business taxes (sales, withholding, etc.)?

Yes  No If Yes, explain: \_\_\_\_\_

Are you delinquent under the "cash beer" law?

Yes  No If Yes, explain: \_\_\_\_\_

Are you delinquent under the "30-day credit law"?

Yes  No If Yes, explain: \_\_\_\_\_

Have you ever applied for and been denied a liquor license?

Yes  No If Yes, explain: \_\_\_\_\_

Has any liquor license previously issued to applicant by State, Federal or Local Authorities been revoked?

Yes  No If Yes, explain: \_\_\_\_\_

Have you or applicant ever been convicted of any crime under the Criminal Code of Illinois or Under the Federal State Prohibition or Liquor Act?

Yes  No If Yes, state offense: \_\_\_\_\_

Have you ever been convicted of a gambling offense as defined under section 5/6-2 of the act which includes offenses enumerated in 720 ILCS 5/28-1(a)1-11, "gambling;" 720 ILCS 5/28-1.1(a)-(d) "syndicated gambling;" and 720 ILCS 5/28-3 "keeping a gambling place"?

Yes  No If Yes, explain: \_\_\_\_\_

Do you possess a current federal wagering stamp? (Issued by the United States Internal Revenue Service to tax wagering activity)

Yes  No If Yes, explain: \_\_\_\_\_

Are you, or any other person with a direct interest in your place of business, a public official or law enforcement official, Mayor, Trustee, Member of the Village Commission or Member of a County Board, in the same jurisdiction as the license?

Yes  No If Yes, explain: \_\_\_\_\_

If operating as a sole proprietorship or a partnership, are you or your partner(s) currently not citizens of the United States or resident aliens with legal status?

Yes  No If Yes, explain: \_\_\_\_\_

Are you or any other person having a direct interest in your place of business more than 30 days delinquent complying with a child support payment order? (5 ILCS 100/10-65(c))

Yes  No If Yes, explain: \_\_\_\_\_

**10. CERTIFICATE OF INSURANCE**

Applicants must attach the original of your Certificate of Insurance upon submittal. The Certificate of Insurance must show that you have liquor liability insurance and must include the following:

- A. The applicant named as the insured.
- B. The address of the location where the liquor is being consumed.
- C. The dates of coverage, coverage through the end of the license term and coverage limits as outlined in Village Ordinance.

**11. BASSET CERTIFICATION AND EMPLOYEE ROSTER**

As of July 1, 2018, all on premise servers and sellers are required to have the required Beverage Alcohol Sellers and Servers Education and Training (BASSET) per the State of Illinois.

**Important:** Provide a roster of employees that serve or sell alcoholic liquor and copies of their BASSET certifications. (See attached Village of Cary Code 5.08.075 and 5.08.077.)

**12. PERCENTAGE OF ALCOHOL SALES TO FOOD/ON PREMISE CONSUMPTION**

**Important:** For holders of Liquor License Class A, A-V, J, and J-V only: Provide a report that indicates the percentage of alcoholic liquor sales (in dollars and cents) as compared to food sold at the premise. (See attached Village Code 5.08.078.)

**13. HOURS OF OPERATION**

List the daily hours open for business. According to Chapter 5, Section 5.08.200 of the Cary Municipal Code, it is unlawful to keep open or permit to be open any place where alcoholic liquor is sold for consumption on or off the premises between the hours of one (1:00) a.m. and six (6:00) a.m. of any Monday, Tuesday, Wednesday, Thursday, and Friday, or between the hours of two a.m. and six a.m. on any Saturday or Sunday. Notwithstanding the foregoing provisions, the closing hours on holidays shall conform to the holiday closing hours established by McHenry County for drams shops (Ord. 86-5-2; Ord. 85-9-11).

| MONDAY |    |    |    | TUESDAY |    |    |    | WEDNESDAY |    |    |    |
|--------|----|----|----|---------|----|----|----|-----------|----|----|----|
|        | AM |    | AM |         | AM |    | AM |           | AM |    | AM |
|        | PM | to | PM |         | PM | to | PM |           | PM | to | PM |

| THURSDAY |    |    |    | FRIDAY |    |    |    | SATURDAY |    |    |    |
|----------|----|----|----|--------|----|----|----|----------|----|----|----|
|          | AM |    | AM |        | AM |    | AM |          | AM |    | AM |
|          | PM | to | PM |        | PM | to | PM |          | PM | to | PM |

| SUNDAY |    |    |    |
|--------|----|----|----|
|        | AM |    | AM |
|        | PM | to | PM |

**14. NOTARIZED SIGNATURE / TITLE / DATE**

**Sign and date the application form and provide your title with the organization. The application must be signed by an owner, an officer, a partner or an officially authorized agent of the business. The signature must be an original. Rubber stamps not accepted.**

I, the undersigned applicant or authorized agent thereof, swear or affirm that: the matters stated in the foregoing application are true and correct; they are made upon my personal knowledge and information; they are made for the purpose of requesting the Village of Cary to issue the license herein applied for; the applicant is qualified and eligible to obtain the license applied for; and the applicant will not violate any of the laws of the Village of Cary, United States of America or The State of Illinois, in particular, the Illinois and Local Liquor Control Act, rules and regulations, and the civil rights sections thereof.

Further, I agree to notify this commission within 30 working days of changes in any of the above information. (Note: If the person signing this application is not listed In Section 3, they must provide the Village of Cary with their personal information as indicated in Section 3 even if they do not own 5% or more of the business.

|   |                  |      |
|---|------------------|------|
| SIGNATURE OF APPLICANT<br>OR AUTHORIZED AGENT | TITLE / POSITION | DATE |
|---|------------------|------|

**Subscribed and Sworn to Before Me**

**This** \_\_\_\_\_ **day of** \_\_\_\_\_ **A.D., 20** \_\_\_\_\_

\_\_\_\_\_  
**Notary Public**



## Liquor License Code of Ordinances

### 5.08 – Alcoholic Liquor Sales

#### ***5.08.075. Beverage alcohol sellers and servers education and training (BASSET).***

The licensee and any employee that service alcoholic beverages to patrons for consumption on the business premise are required to enroll in and successfully complete a Beverage Alcohol Sellers and Servers Education and Training (BASSET) course that has been approved by the Illinois Liquor Control Commission. Such certification must be completed within sixty (60) days of employment with the licensee.

#### ***Sec. 5.08.077. Roster of personnel selling or serving alcoholic beverages.***

Upon submission of a license renewal, or any time thereafter upon any personnel changes, a complete and current roster of employees that serve alcoholic liquor to patrons on premise must be submitted to the Village of Cary.

#### ***Sec. 5.08.078. - Percentage of alcohol sales to food/on premise consumption.***

At least annually and in a manner prescribed by the Liquor Commissioner, each licensed premise that offers alcoholic liquor for sale for consumption on premise must submit a report supported by an affidavit that indicates the percentage of alcoholic liquor sales (in dollars and cents) as compared to food sold at the premise.

### 14.3.5– Outdoor Seating

#### ***14.3.5.1 – General provisions***

The purpose of this section is to permit and encourage outdoor seating at food and drink establishments and restaurants in the Village. This section seeks to provide guidelines and requirements that result in the safe use of sidewalks and rights-of-way, while maintaining a visually attractive atmosphere and streetscape. Permits for outdoor seating areas granted under this section may be revoked by the Village Administrator at any time provided a three (3) day notice is given to the operator.

#### ***14.3.5.2 – Outdoor Seating on Private Property***

Outdoor seating areas at restaurants shall be permitted on the same zoning lot as and in conjunction with an established restaurant subject to the following requirements:

- 1) All chairs and furnishings shall be constructed in such a manner that they can be easily removed during winter months or as otherwise required by the Village. No chairs or furnishings shall be stored outside the restaurant.
- 2) Colors of materials of outdoor furniture and appurtenances shall be harmonious with the principal and adjacent structures and shall be designed to withstand a minimum wind pressure of not less than 30 pounds per square inch. No plastic seating or fencing will be allowed.
- 3) All outdoor seating areas shall comply with all requirements as set forth by the McHenry County Health Department.
- 4) The sale and consumption of alcoholic beverages in the outdoor seating area shall comply with the liquor license held by the establishment.

### **14.3.5– Outdoor Seating (cont'd)**

- 5) The outdoor seating area shall not be detrimental to the health, safety, morals, or general welfare of the patrons or those within view or hearing distance within the establishment.
- 6) Outdoor seating areas shall be exempt from applicable parking requirements and shall not consume any required or existing parking spaces unless approved by the Village. In the event the outdoor seating area creates an overflow parking problem onto adjacent public streets, the operator shall make provisions for off-site parking on nearby nonresidential properties. In no event shall the outdoor dining area operate earlier than 6:00 AM or later than 11:00 PM. Any other type of outdoor activity associated with the restaurant, including but not limited to volleyball or basketball, shall not be permitted after 10:00 pm if located on an adjacent lot to a residentially zoned property.
- 7) Adequate facilities for refuse disposal shall be provided as required by the Village.
- 8) Advertising or promotional features in a permitted outdoor seating area shall be limited to umbrellas or canopies and shall be limited to no more than 25 percent of the surface area of the umbrella or canopy.
- 9) Amplified music or other noises shall be limited in volume in the outdoor seating area so as not to create a nuisance for adjoining property.
- 10) Illumination shall be such that lighting levels shall not exceed .5 footcandles at the property line and shall be shielded from surrounding properties.

#### **14.3.5.3 – Outdoor Seating on Public Property**

Outdoor seating areas shall be permitted on public property, subject to the following requirements:

- 11) All regulations set forth in section 3.4.2 shall apply.
- 12) An application for the outdoor seating area shall be submitted to the Community Development Department which includes a site plan showing the location of the seating area, plans and cut sheets of any furniture and appurtenances, provisions for refuse disposal, and any other information as may be required by the Department.
- 13) The applicant shall furnish the Village with evidence of general liability insurance and dram shop insurance where applicable. Coverages shall name the Village as an additional insured, protecting the Village against any liability resulting from the uses permitted in this chapter. Minimum coverage for general liability and dramshop insurance shall be as set forth in Appendix A of this code.
- 14) In no instance shall the operation of the outdoor seating area reduce the open space of the public sidewalk to less than four (4) feet clear of all obstructions. The usability of the public sidewalk shall be designed and maintained in accordance with the Illinois Accessibility Code.
- 15) All maintenance and upkeep of the public right of way associated with the operation of the outdoor seating area shall be the responsibility of the operator. The operator shall be responsible for any damage to public property and shall restore the public sidewalk to its original condition when the operation of the outdoor seating area ceases.