

RESOLUTION NO. 10-1

**WHEREAS**, the Sangamon County Liquor Code currently allows for the holder of a beer garden permit to play music in its beer garden until 10:30 p.m. on any day of the week;

**WHEREAS**, Sangamon County liquor licenses are present in various locations throughout the County and may be found adjacent to and in close physical proximity to residential land use;

**WHEREAS**, music played or broadcast in a beer garden has a high likelihood that it will disturb the neighborhood;

**WHEREAS**, the Sangamon County Liquor Committee has received complaints in the past that beer garden music has disturbed the use and enjoyment of various residential neighborhoods;

**NOW, THEREFORE BE IT RESOLVED** by the members of the Sangamon County Board in session this 12<sup>th</sup> day of January, 2010, that the Sangamon County Alcoholic Beverages Ordinance Section 5.04.390(A) be amended as provided in Exhibit "A" attached hereto and made of part hereof.

Respectfully submitted,

Sangamon County Liquor Committee



Tom Fraase  
Sangamon County Liquor Committee Chairman

**FILED**

DEC 29 2009

*Joe Aiello*  
Sangamon County Clerk

EXHIBIT "A"

A. Beer Garden Permit.

1. In application and payment of an investigation and application fee as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, 1WW, 2AA, 3AA, and 1GG license may be issued a Beer Garden Permit.

2. A Beer Garden Permit shall, upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, 2AA, 1WW, 3AA, and 1GG license to sell alcoholic liquor as authorized by his primary classification, outside of the permanent structure of his premises under the following conditions:

a. The holder of a Beer Garden Permit must conclude all sales and clear the Beer Garden no later than *the time for the conclusion of sales of alcoholic liquor specified by the license holder's Sangamon County liquor license.*

b. A permanent fence, not less than eight feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed.

c. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010 B of the County Code.

d. Access is not permitted to the permanent fenced in area in which liquor is to be poured, mixed, served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.

e. No music of any kind is played or broadcast outside which disturbs the neighborhood in any manner. *No music of any kind is played or broadcast outside after 9:00 P.M. until close Sunday through Thursday and after 10:30 P.M. until close Friday and Saturday.*

f. It shall be the responsibility of the licensee to insure that the noises emitted from the beer garden will not disturb the neighborhood in any way.

g. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor cafe or permanent structure.

h. The permit for the beer garden shall be displayed in accordance with Section 5.04.340 and shall be subject to suspension or revocation by the Commission.

i. The Commissioner shall have the right to modify or waive any requirement and approve the issuance of a permit at his discretion upon a showing of unique circumstances by the applicant.

j. The annual fee for a Beer Garden Permit shall be One Hundred Dollars (\$100.00).

k. The sales or dispensing of alcoholic liquor from the beer garden shall be made from one bar. The licensee must obtain an Additional Bar Permit for each additional bar at which alcohol is sold or dispensed within the beer garden.