

ORDINANCE NUMBER: 2025-13

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE AMENDING TITLE II,
CHAPTER 2 OF THE VILLAGE OF POPLAR GROVE CODE OF ORDINANCES
REGARDING LIQUOR CONTROL**

WHEREAS, the Village of Poplar Grove, Illinois (“Village”) has adopted a Village Code of Ordinances (“Code”); and

WHEREAS, Title II of the Code governs Business and License Regulations; and

WHEREAS, Chapter 2 governs Liquor Control; and

WHEREAS, the Village desires to amend Sections in Chapter 2 as set forth herein; and

WHEREAS, the Village has determined such amendments are in the best interest of the Village and its citizens.

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

1. The above recitals are incorporated herein and made a part hereof.
2. That the following sections of Title II, Chapter 2, of the Village Code of Ordinances are amended to read as follows (deletions shown as strikethroughs and new language as bold and underlined):
3. That Section 2-2-2 of the Village Code of Ordinances entitled “License Required” shall be amended to read as follows:

“The Liquor Control Commissioner, with the advice and consent of the village board of trustees, shall grant, within the limits of the village, licenses to such persons as can qualify and desire same, to sell alcoholic liquors in accordance with this chapter. **New liquor licenses issued partway through the license year (July 1-June 30) shall pay a prorated portion of the license fee set forth in Section 2-2-4 below based upon the number of months remaining in the license period.**

If, during the license period a change in ownership of the business where the liquor license is being used or if there is a stock sale whereby new parties are added to or replace the holders of a liquor license issued under this Section, the license holder, if new owners are added to the ownership, or the new owners if the ownership holding the license changes completely, shall notify the Village Clerk within thirty (30) days of the change in ownership. The Village Clerk may assess a \$100 administrative fee to the license holder to offset the cost of investigating and updating the records associated with the change in the license.

Notwithstanding the foregoing, a class E license may be issued by the Village Clerk (or his/her authorized designee) and the Liquor Control Commissioner (or his/her authorized designee), to the applicant prior to formal approval by the Village Board provided that: 1) the applicant has complied with all applicable provisions of the Title II, Chapter 2 of the Village Code of Ordinances for the issuance of a liquor license, including, but not limited to, payment of all fees, proof of BASSET training and proof of insurance, and 2) the Liquor Control Commissioner (or his/her authorized designee), approves of the issuance of said class E license. The issuance of said class E liquor license shall be formally approved/ratified by the Village Board at the next available Village Board meeting.”

4. That Section 2-2-3-1 of the Village Code of Ordinances entitled “Delivery of alcoholic liquors to a home by a retailer of third-party facilitator” shall be deleted in its entirety.

~~2-2-3-1 Delivery of alcoholic liquors to a home by a retailer or third-party facilitator.~~

- ~~1. Home delivery of alcoholic liquors by a retailer or a retailer via a mobile application order shall be permitted under the following conditions:
 - ~~1. The alcoholic liquors are delivered by the retailer’s employee.~~
 - ~~2. The retailer or its employee who delivers the alcoholic liquors verifies that the individual accepting the delivery is at least 21 years of age.~~
 - ~~3. If the retailer or its employee intends to serve the alcoholic liquors to the consumer, the retailer or its employee providing the service has completed the responsible alcohol service training (235 ILCS 5/6-27.1).~~~~
- ~~2. All businesses permitting home delivery of alcoholic liquors via a mobile application order shall apply for a Class K liquor license. To be eligible for a Class K license, the licensee must also have a Class A license.~~
- ~~3. Any business utilizing home delivery of alcoholic liquors must provide the alcohol in a sealed container, that is tamper proof or tamper evident, which must contain the following information:
 - ~~i. The cocktail or mixed drink ingredients, type and name of the alcohol;~~
 - ~~ii. The name, license number and address of the retail licensee that filled the original container and sold the product;~~
 - ~~iii. The volume of the cocktail or mixed drink in the sealed container; and~~
 - ~~iv. The sealed container was filled less than 7 days before the date of the sale.~~~~
- ~~4. The employee transferring the cocktail or mixed drink shall hold a valid server certificate by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer and be 21 years of age or older.~~
- ~~5. The container of a mixed drink or cocktail shall be transported in the passenger area of a vehicle.~~
- ~~6. The fee for such license shall be \$50.~~
- ~~7. The holder of such Class K license shall authorize the holder to facilitate the delivery of alcoholic liquors to a home which is lawful and fully in compliance with all rules, regulations, statutes of the state and the city.~~

5. That Section 2-2-4 of the Village Code of Ordinances entitled “License Classifications, Fees, Number Issued” shall be amended to read as follows:

“A. Classes. Licenses to sell alcoholic beverages shall be and are hereby divided into the following classes:

Class A. A class A license shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as retail sale of alcoholic liquor in packages or bottles not for consumption on the premises, each day of the week except Sunday. **A class A license shall be issued only to premises which are larger than 1501 square feet in size.** ~~A class A license holder shall have a fully operational kitchen, including but not limited to, the following equipment: hood exhaust system and ANSEL system, on premises where alcoholic liquor is consumed on premises.~~ Such license may also permit such sales in packages or bottles on the premises, immediately adjacent to those licensed premises where alcoholic liquor is consumed, when such premises are operated under the same name, same ownership, and within the same common building, each day of the week except Sundays. The fee for a Class A license shall be \$900.00 per year.

Class I. Any person or entity having a valid state and local liquor license (issued by the municipality other than the Village of Poplar Grove) in connection with the operation of a restaurant, club, package liquor store, or tavern may obtain a Class I license by paying an annual fee of ~~\$350.00~~ **\$250.00**. Such license shall authorize the licensee to operate catering services on public or private property as authorized by the Liquor Commissioner. A Class I license may not be used more than five days in any year, with a year being defined as July 1 through June 30. If a Class I licensee wishes to use said license for more than five nonconsecutive days per year, the licensee can purchase additional days at a cost of \$100.00 per day. An applicant ~~of~~ **for** a Class I license shall apply for said license through the Village Clerk at least 30 days prior to the first date of use. Failure to apply within said timeframe shall result in an automatic denial of the applicant’s application. Any application denied for failure to file timely may be re-filed without prejudice in accordance with the rules of a Class I license.

Class K ~~license~~. A Class K license shall authorize the home delivery of retail sales of alcoholic liquor sold by a retailer or a retailer via a mobile application order.

“Delivery of alcoholic liquors to a home by a retailer.

1. **Home delivery of alcoholic liquors by a retailer or a retailer via a mobile application order shall be permitted under the following conditions:**
 - i. **The retailer shall comply with all the requirements of 235 ILCS 5/6-28.8 regarding the delivery and carry out of mixed drinks which are incorporated into the Village of Poplar Grove Code of Ordinances.**
 - ii. **The alcoholic liquors are delivered by the retailer’s employee in a tamper-proof or tamper-evident sealed container. A sealed container does not include a container with a lid with sipping holes**

- or openings for straws or a container made of plastic, paper, or polystyrene foam.
- iii. The retailer or its employee who delivers the alcoholic liquors verifies that the individual accepting the delivery is at least 21 years of age.
 - iv. If the employee delivering the alcoholic liquor is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of the alcoholic liquor and return the product to the license holder.
 - v. If the retailer or its employee intends to serve the alcoholic liquors to the consumer, the retailer or its employee providing the service has completed the responsible alcohol service serve training (235 ILCS 5/6-27.1).
- 2. All businesses permitting home delivery of alcoholic liquors shall apply for a Class K liquor license. To be eligible for a Class K license, the licensee must also have a Class A license.
 - 3. Any business utilizing home delivery of alcoholic liquors must provide the alcohol in a sealed container that is tamper-proof or tamper-evident, which must contain the following:
 - i. The cocktail or mixed drink ingredients, type and name of the alcohol;
 - ii. The name, license number and address of the retail licensee that filled the original container and sold the product;
 - iii. The volume of the cocktail or mixed drink in the sealed container; and
 - iv. The sealed container was filled less than 7 days before the date of the sale.
 - v. A manufacturer's original container, if used, must be filled and labeled by the manufacturer and secured by the manufacturer's original unbroken seal.
 - 4. The employee transferring the cocktail or mixed drink shall hold a valid server certificate by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer and be 21 years of age or older.
 - 5. The container of a mixed drink or cocktail shall be transported in a sealed container in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area.
 - 6. Delivery by third party services is prohibited.
 - 7. The fee for a Class K license shall be \$50.
 - 8. The holder of such Class K license shall authorize the holder to facilitate the delivery of alcoholic liquors to a home which is lawful and fully in compliance with all rules, regulations, statutes of the state and the village.

B. The total number of licenses per class to issue hereunder is as follows:

Class A – 79

Class B – 5

Class BB-2

Class C – 4

Class D – No limit

Class E – No limit

Class F – 1

Class G – 2

Class H – No limit

Class I – No limit

Class J – No limit

Class K- 9”

9. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

10. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2025

AS FOLLOWS:

VOTING “AYE”: _____

VOTING “NAY”: _____

ABSENT, ABSTAIN, OTHER

APPROVED _____, 2025

ATTEST:

CLERK

PRESIDENT