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**THE VILLAGE OF SHERMAN**

SANGAMON COUNTY, ILLINOIS

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ORDINANCE NUMBER 2017-11

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**AN ORDINANCE AMENDING THE VILLAGE OF SHERMAN'S LIQUOR CODE TO  
PROVIDE FOR AN OUTDOOR CAFÉ PERMIT**

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TREVOR J. CLATFELTER President

PAM GRAY  
BRET HAHN  
BRIAN LONG  
KIM ROCKFORD  
JAY TIMM  
Village Trustees

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on 7/12, 2017

Sorling Northrup – One North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE VILLAGE OF SHERMAN'S LIQUOR CODE TO PROVIDE FOR AN OUTDOOR CAFÉ PERMIT**

**WHEREAS**, the Village of Sherman, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code and further is operating as a home-rule municipality pursuant to and with all powers under Article VII, Section 6, of the Constitution of the State of Illinois; and

**WHEREAS**, the Village of Sherman (hereinafter, the "Village"), an Illinois municipal corporation; and

**WHEREAS**, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issues; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of an operations under local licenses not inconsistent with the law as the public good and convenience may require; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to provide penalties for the violation of regulations and restrictions relative to the operation of the local license; and

**WHEREAS**, the Corporate Authorities of the Village of Sherman adopted on or around June 18, 2012, the attached comprehensive liquor regulations for the Village; and

**WHEREAS**, the since the adoption of the comprehensive liquor regulations in 2012, the Village Board has adopted amendments and modifications; and

**WHEREAS**, the Village Board desires to amend the Code to provide for the ability of licensees to serve alcohol outside their premises by creating an outdoor café permit.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Sherman, County of Sangamon, as follows:

**Section 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2. Amendment of Village of Sherman Liquor Code.** The Village Board of the Village of Sherman hereby amends Chapter 2 of Title IV of the Village Code as follows (added; deleted):

**SECTION 4-2-5B Outdoor café permit.**

(a) On application and payment of an investigation and processing fee as set forth in Section 4-2-8, the holder of a Class A, A-1, or C license may be issued an outdoor café permit.

(b) An outdoor café permit shall, upon issuance, entitle the holder of Class A, A-1, or C licenses to sell alcoholic liquor as authorized by the holder's primary classification, outside of the permanent structure of the premises under the following conditions:

(1) The holder of an outdoor café permit must conclude all sales and clear the café area no later than 1:00 a.m.

(2) Access into the outdoor café shall be from the permanent structure only and no access shall be permitted from the street, sidewalk, or adjoining property. Emergency exits as required by city ordinances must be provided.

(3) No music of any kind may be played or broadcast from the outdoor café or within the permanent structure which is of

such a volume so as to disturb the neighborhood in any manner. Music shall not be played or broadcast after 10:00 p.m.

(4) 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 café or permanent structure.

(5) The permit for the outdoor café shall be displayed in accordance with Section 4-2-12 of the Code and shall be subject to suspension or revocation by the commission.

(6) The foregoing requirements shall be prospectively applicable in all instances upon the passage of this section in ordinance form. 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.

(7) The annual fee for an outdoor café permit shall be \$50.

**Section 3. Severability.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4. 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 Sherman prior to the effective date of this ordinance.

**Section 5. Effectiveness.** This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law and the penalty provisions therein shall be effective and commence 10 days after this Ordinance

is printed in book or pamphlet form and published by the authority of the corporate authorities.

**SO ORDAINED** this 11th day of July, 2017 at Sherman, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG	✓			
ROCKFORD	✓			
SCHULTZ	✓			
TIMM	✓			
CLATFELTER				
TOTAL	6	0	0	0

**VILLAGE OF SHERMAN**

  
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Trevor J. Clatfelter, President

Attest:

  
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Michael P. Moos, Acting Village Clerk