

ORDINANCE NO. 2024-01  
VILLAGE OF FLANAGAN

AN ORDINANCE AMENDING CLASSIFICATION OF LIQUOR LICENSES

WHEREAS, the President and Board of Trustees desires to make amendments to Village of Flanagan Liquor Control Regulations;

WHEREFORE, BE IT ORDAINED that the Liquor Control Regulations is amended as follows:

**Bold:** added text

~~Strikethrough:~~ deleted text

Normal text remains unchanged

§1.02

(12) **“Beer garden” shall be defined as an open, unroofed or partially roofed area where beer and other alcoholic beverages are served or consumed by the general public.**

§1.05

Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the village shall pay an annual license fee. The licenses shall be divided in ~~six (6)~~ **four (4)** classes, and the license fees shall be as follows:

**(4) Class “E” Beer Garden Supplemental License.**

**Class "E" Beer Garden Supplemental. A Class "E" License shall only be issued for open space as defined in §1.02 (12)**

**(a) The annual supplemental license fee for a Class “E” license, for the sale of alcoholic liquor in a beer garden, as defined in § 1.02, and to be sold and consumed on the premises by the public shall be an additional sum of \$150.**

**(b) It shall be unlawful for a licensee holding a Class “E” beer garden license to hold supplemental beer garden license without also holding a valid Class “A”, “B” or “D” liquor license.**

**(c) Application for a supplemental beer garden license shall be made in the same manner by an applicant who either currently holds a Class “A”, “B” or “D” liquor license or has made a contemporaneous application for a Class “A”, “B” or “D” license.**

**(d) No limit is placed under this section upon the number of Class E licenses.**

**§ 1.22 SELLING LIQUOR WITHOUT LICENSE PROHIBITED.**

A person, club, firm, or corporation not having a license shall not sell or offer for sale any alcoholic liquor for consumption on the premises where sold or permit the same to be consumed on the

premises where sold. No club, firm, or corporation hereafter keep, maintain, conduct or operate any beer garden without first obtaining a license therefor.

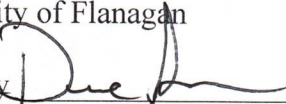
**§ 1.27-1 CONDITIONS FOR OPERATING BEER GARDEN.**

No beer garden shall be permitted, maintained or operated except in conformity with the following regulations:

- (A) The beer garden area shall be particularly described and adjacent to, and operated as part of, premises licensed to sell beer or alcoholic beverages for consumption on the premises.
- (B) Beer gardens shall be no greater in area than one and one-half the other floor space of the licensed premises.
- (C) Beer gardens shall be limited to one person for each ten square feet and shall have separately posted the maximum capacity.
- (D) At any part of the beer garden not blocked by a building, there shall be maintained or constructed a ~~hedge or~~ solid fence in compliance with Village Ordinance Establishing Regulation of Fences and not less than six feet high surrounding the beer garden area. The fence shall contain the required fire exit or exits. Each gate or exit shall be not less than six feet high, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks. The beer garden fence shall comply with all city ordinances regarding vision clearance and required distances from corners.
- (E) All electrical wiring shall comply with the national, state and city electrical codes. And, said electrical wiring, supply and other utilities shall be enclosed by robust enclosure.
- (F) All combustible rubbish shall be stored in noncombustible covered containers.
- (G) The noise emanating from any beer garden shall not violate any regulations of the Municipal Code or ordinances pertaining to noise.
- (H) The licensee or his agent shall be responsible for preventing violations of the section.
- (I) No license shall be granted that violates any other provisions of the liquor code including but not limited to location restrictions, days of restricted sales, and other standards of operation.
- (J) No person holding a Class "E" liquor license shall permit any patron to carry liquor from the premises of the beer garden onto any street, roadway, boulevard, avenue, parking lot or sidewalk in the city or onto any grounds under the control of a public school district within the city.

Passed and approved this January 16, 2024.

City of Flanagan

By   
Village President

ATTEST

By   
Village Clerk