## Chapter 4   ALCOHOLIC LIQUOR

ARTICLE I. - IN GENERAL

ARTICLE II. - RETAILERS

### ARTICLE I.   IN GENERAL

Sec. 4-1.   Definitions.

All definitions contained in this chapter shall be interpreted to have the same meaning as is stated in the Liquor Control Act of 1934 (235 ILCS 5/1 et seq.) and the definitions and constructions contained therein are hereby incorporated by reference.

Sec. 4-2.   Drinking on public property prohibited.

No person shall consume any alcoholic liquor on any street, alley, sidewalk or other public property or in any automobile or vehicle traveling upon or parked on the street, alley, sidewalk or other public property in the Village, except upon those occasions where an application for a permit allowing said activity has been approved by Village Board. Said permit shall be in the form of a resolution and shall specify the exact times and areas where the prohibited activity will be authorized. A copy of said permit shall further be posted in a prominent place within the authorized area.

Secs. 4-3—4-22.   Reserved.

### ARTICLE II.   RETAILERS

DIVISION 1. - GENERALLY

DIVISION 2. - LICENSE

#### DIVISION 1.   GENERALLY

Sec. 4-23.   Hours of operation.

(a)  *Sale.*

(1)  It shall be unlawful for a Class A or Class B license holder, to sell or give away alcoholic liquor, beer and wine for consumption on the premises, pursuant to the authority of a Class A license or to sell or give away alcoholic liquor, beer and wine in the original package, not for consumption on the premises, pursuant to the authority of a Class B license, between the hours of 1:00 a.m. and 5:00 a.m. on any day.

(2)  Private party. It shall not be unlawful to sell or give away alcoholic liquor, beer and wine for consumption on the premises, pursuant to the authority of a Class A license, after petition to and approval by the Village Board of Arthur, to invitees of a private party and not to members of the general public, between the hours of 1:00 a.m. and 5:00 a.m.as determined by the Village Board. This section shall supersede any conflicting sections of this chapter.

(b)  *Consumption.* It shall be unlawful for a Class A license holder, to knowingly permit or allow any person to drink alcoholic liquor, beer or wine within the property covered by the license, between the hours of 1:00 a.m. and the 5:00 a.m. on any day.

(c)  *Hours of operation; Class SER and Class C.*

(1)  *Class SER hours of operation and time of consumption.* The hours of operation and time of consumption for a Class SER license shall be listed specifically in the license and shall take precedence over any conflicting provisions of this article.

(2)  *Class C hours of operation.* It shall be unlawful for a Class C license holder, to sell or give away alcoholic liquor, beer and wine for consumption on the premises, pursuant to the authority of a Class C license, between the hours of 1:00 a.m. and 5:00 a.m. on any day.

(3)  *Class C consumption.* It shall be unlawful for a Class C license holder, to knowingly permit or allow any person to drink alcoholic liquor, beer or wine within the property covered by the license, between the hours of 1:00 a.m. and 5:00 a.m. on any day.

Secs. 4-24—4-49.   Reserved.

#### DIVISION 2.   LICENSE

Sec. 4-50.   Required.

No person shall sell alcoholic liquor at retail without a licensed issued by the local liquor control commissioner.

Sec. 4-51.   Licenses; kinds and classes.

Licenses to sell at retail alcoholic liquor within the Village shall be of the following named kinds and classes:

(1)  A Class A license, which shall allow the sale at retail on the premises described in the license of alcoholic liquors to be consumed on or off the premises described.

(2)  A Class "A(bw)" license which shall allow the sale at retail on the premises described in the license, of beer and wine and excluding alcoholic spirits, to be consumed on the premises described and allowing wine to be consumed off the premises and in addition no gaming machines shall be operated on the premises. This subsection shall be incorporated by reference within the Class "A" designation herein except where specifically changed.

(3)  A Class B license, which shall permit the sale of beer, wine and spirits only in the original package not to be consumed on the premises described.

(4)  A Class C license, which shall permit the sale of alcoholic liquors to be consumed on the premises only in a restaurant which derives more than 50 percent of its gross revenue from the sale of non-alcoholic food and beverages.

(5)  A Class C(a) license, which shall permit the sale of alcoholic liquors to be consumed on the premises only in a restaurant which derives more than 50 percent of its gross revenue from the sale of non-alcoholic food and beverages and in addition no gaming machines shall be operated on the premises. This subsection shall be incorporated by reference within the Class "C" designation herein except where specifically changed.

(6)  A Class SER (special event retailer) license shall permit licensee to purchase alcoholic liquors from an Illinois licensed distributor, and shall allow the licensee to sell and offer for sale at retail beer and wine coolers only, for use or consumption on the premises, but not for resale, in plastic containers, and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must comply with the state commission requirements. A Class SER license shall be issued by the liquor control commissioner and approved by the Village Board.

(7)  Any license which shall not be in use upon six months after application is approved thereon shall terminate and be forfeited. The liquor control commissioner, in his discretion, may allow such extensions as may be equitable in the event that non-use is due to circumstances beyond the control of the licensee.

(8)  The sale of spirits in the original package, not to be consumed on the premises described, shall not be available to the purchaser as a self-service item, and must be delivered by the sales person only from an area not accessible to the general public, unless the volume of the spirits in the package is 750 ml or greater.

Sec. 4-52.   License fees and terms; number of licenses.

(a)  The fees to be paid for an alcoholic liquor license shall be as established by resolution. Current fees for alcoholic liquor licenses are as follows:

Class A - $600.00 annually ($50.00 monthly)

Class A(bw) - $240.00 annually ($20.00 monthly)

Class B - $600.00 annually ($50.00 monthly)

Class C - $600.00 annually ($50.00 monthly)

Class C(a) - $480.00 annually ($40.00 monthly)

Class SER - $150 per event

(b)  At the time when application is made to the liquor control commissioner of the Village for a license of any class, the applicant shall pay to such commissioner the fee specified in this section. Provided, that all license fees in excess of $150.00 may be paid in two equal installments, the first installment to be paid when application is made for the license, and the second installment to be paid on or before November 1, next following the date of said application. In the event that said license shall be paid in two equal installments, an additional charge of 5% of the total license fee shall be added to the second installment.

(c)  The fees specified in this section shall be reduced in proportion to the full calendar months which shall have elapsed in the license year prior to the issuance of the license.

(d)  All licenses expire on April 30, next following the date of issuance.

(e)  No more than three licenses of Class "A" (one of which is Class "A(bw)") and no more than two licenses of Class "B" and no more than four licenses of Class "C" (two of which are Class “C(a)”) shall be permitted to be in effect at any one time.

(f)  In the event the license applied for is denied, the fee shall be returned to the applicant.

(g)  If the license is granted, then the fee shall be deposited in the general corporate fund, or such other fund as shall have been designated by the Village President and Village Board of Trustees.

(Completely Revised, Ord. No. 08-19A-2019)

FOOTNOTE(S):

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**State Law reference—** Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.; local control of alcoholic liquor, 235 ILCS 5/4-1 et seq.