

## CHAPTER 3

### LIQUOR

#### SECTION:

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**3-3-1: DEFINITIONS:** All definitions contained in this Ordinance shall be interpreted to have the same meaning as is stated in 235 ILCS 5/et seq., Liquor Control Act of 1934 as thereafter amended, and the definitions and constructions contained therein are hereby incorporated by reference.

**3-3-2: LICENSES; KINDS AND CLASSES:** Licenses to sell at retail alcoholic liquor within the Village shall be of the following named kinds and classes:

- (A) 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.
- (B) A Class "B" license shall permit the sale of beer, wine and alcoholic spirits only in the original package not to be consumed on the premises described. The terms "beer", "wine" and "alcoholic spirits" shall be defined as having that meaning attributed to them by 235 ILCS 5/1, Sections 3.03, 3.04 and 3.02, respectfully.
- (C) A Class "C" license shall permit the sale of alcoholic liquors to be consumed on the premises only in a restaurant which derives more than fifty percent (50%) of its gross revenue from the sale of non-alcoholic food and beverages. The term "alcoholic liquors" shall be defined as having that meaning attributed to them by the 1989 Illinois Revised Statutes Chapter 43, Section 95.05.
- (D) 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 Board of Trustees.

- (E) Any license which shall not be in use upon six (6) months after application is approved thereon, shall terminate and be forfeited. The Liquor Control Commissioner, in his discretion, may allow such extensions as maybe equitable in the event that non-use is due to circumstances beyond the control of the licensee.
- (F) The sale of alcoholic 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.

**3-3-3: LICENSE FEES:**

- (A) The fee for a Class "A" license shall be - \$500.00.
- (B) The fee for a Class "B" license shall be - \$350.00.
- (C) The fee for a Class "C" license shall be - \$500.00.
- (D) The fee for a Class "SER" license shall be - \$25.00.

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 one hundred dollars (\$100.00) may be paid in two (2) 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 (2) equal installments, a charge of twenty-five dollars (\$25.00) shall be added to the first installment.

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.

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

No more than two (2) licenses of Class "A" and no more than two (2) license of Class "B" and one (1) license of Class "C" shall be permitted to be in effect at any one time.

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

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 President and Board of Trustees.

**3-3-4: APPLICANT RESIDENCY REQUIREMENTS:** No license of any kind for the sale at retail of alcoholic liquors within the corporate limits of the Village shall be issued by the Local Liquor Control Commissioner of the Village to:

- (A) A person who not been a bona fide resident of the Village continuously for one (1) year immediately preceding the date of the application for license.
- (B) To any co-partnership all of the members of which have not been bona fide residents of the Village for at least three hundred sixty-five (365) days immediately preceding the date of the application for license.
- (C) To any corporation who does not have continually during the term of its license a manager designated and on file with the Village Clerk of the Village of Arthur, Illinois. Said manager shall be required to be a bona fide resident of the Village of Arthur, Illinois, and may not maintain a secondary residence.

**3-3-5: HOURS OF OPERATION:**

- (A) Sale: 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 on one o'clock (1:00) A.M. and five o'clock (5:00) A.M. on any day, and additionally on Sunday between one o'clock (1:00) A.M. and

twelve o'clock (12:00) P.M. and between eleven o'clock (11:00) P.M. and one o'clock (1:00) A.M. of the immediately following Monday.

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 Sunday hours as determined by the Village Board. This section shall supersede any conflicting Sections of Title 3, Chapter 3.

It shall not be unlawful for a 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" or "C" license, between the hours of twelve o'clock (12:00) P.M. and five o'clock (5:00) P.M. on Sunday, during the established Arthur Cheese Festival. This amendment shall temporarily supersede Section B hereof.

- (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 one o'clock (1:00) A.M. and the five o'clock (5:00) A.M. on any day, and additionally on Sunday between one o'clock (1:00) A.M. and twelve o'clock (12:00) P.M. and between eleven o'clock (11:00) P.M. and one o'clock (1:00) A.M. of the immediately following Monday.
- (C) 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 Ordinance.
- (D) 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 one o'clock (1:00) A.M. and five o'clock (5:00) A.M. on any day, and additionally on Sunday between one o'clock (1:00) A.M. and eleven o'clock (11:00) A.M..

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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 one o'clock (1:00) A.M. and five o'clock (5:00) A.M. on any day, and additionally on Sunday between one o'clock (1:00) A.M. and eleven o'clock (11:00) A.M..

**3-3-6: 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 the Board of Trustees. 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.