

ORDINANCE NO. 1962

AN ORDINANCE AMENDING CHAPTER 6 ALCOHOLIC BEVERAGES SECTION 6-82  
OF THE SOUTH BELOIT CODE OF ORDINANCES RELATED TO  
CLASSIFICATION OF LICENSES ADDING  
“BG” BAR BOUTIQUE GAMING LIQUOR LICENSE AND REMOVING CLASS K  
LICENSES

WHEREAS, the City of South Beloit has various licenses for retail sale of alcoholic beverages in the city; and

WHEREAS, the current classification of licenses fails to establish a license classification for those businesses which desire to offer video gaming;

WHEREAS, the City wishes to create an additional liquor license classification which will provide for the licensing of smaller facilities whose primary purpose is to provide for gambling and gaming as authorized under state statute and City ordinance on the premises of a licensed liquor establishment; and

WHEREAS, these proposed smaller boutique establishments may be located and licensed in areas of the City which may not otherwise be suited for licensed establishments under the current licensed classification; and

WHEREAS, this Ordinance is not intended to deprive any currently licensed liquor establishment from maintaining their current liquor license classifications, nor from restricting those establishments from renewing their licenses pursuant to the regulations set forth under the City of South Beloit Code of Ordinances; and

WHEREAS, the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1 et. seq.) states that in every city, village or incorporated town, the city council or president and board of trustees, and in counties in respect of territory outside the limits of any such city, village or incorporated town the county board shall have the power by general ordinance or resolution to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued in their political subdivision;

WHEREAS, previously Class K liquor licenses were stricken via ordinance from Chapter 6, but in a codification were not removed from Section 6-82; and

WHEREAS, the Mayor and City Council of the City of South Beloit now find that it is in the best interest of the City and its residents add an additional classification for a boutique gaming liquor license and to remove Class K liquor licenses from Section 6-82.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH BELOIT, ILLINOIS:**

**Section One:** Section 6-82 of the South Beloit Code of Ordinances shall be modified to read as follows (added language bolded below, language to be removed shown as strike-through):

Sec. 6-82. Classification; scope; number; fees.

The liquor licenses issued by the city under this chapter shall be divided into the classes set forth in this section. Each person engaged in the retail sale of alcoholic liquor in the city shall pay the license fee prescribed in this section:

- (1) *Class A licenses.* Class A licenses shall authorize the retail sale of alcoholic liquors for consumption only on the premises specified. The annual fee for such license shall be \$1,000.00 per year.
- (2) *Class AA licenses.* A class AA license shall authorize the retail sale of alcoholic beverages for consumption only on the premises specified at tables and without bar, other than a service bar, and further, at least 50 percent of gross receipts shall be from revenue sources other than the sale of alcoholic beverages. The fee for such license shall be \$950.00 per year. It shall be the duty of a holder of a class AA license to submit semiannually to the liquor commissioner a statement reflecting the gross revenue in dollars and percentages collected by the licensee for nonalcoholic beverages and food and the gross revenue in dollars and percentages collected by the licensee for alcoholic beverages. If the liquor commissioner wishes to challenge the statements so provided, he may call the holder of such license to submit whatever proof is necessary to support the statements of the class AA license holder.
- (3) *Class B licenses.* Class B licenses shall authorize the retail sale of alcoholic liquors for consumption on or off the premises of the licensee, but such sales that are being made for consumption off the premises of the licensee shall only be made from or over the bar which the licensee uses in facilitating sales for consumption on the premises, and shall not be made from or over a separate counter or room designed for sales made in sealed original packages or containers. The fee for such license shall be \$1,100.00 per year.
- (4) *Class BB licenses.* Only the holders of both class B and class E licenses shall be eligible to apply for class BB licenses. Class BB licenses shall authorize the licensee to remain open from 6:00 a.m. to 1:00 a.m. unless they have a class G license upon payment of a license fee of \$25.00 per year.
- (5) *Class C licenses.* Class C licenses shall authorize the retail sale of alcoholic liquors for consumption on or off the premises of the licensee. Such sales that are made for consumption off the premises of the licensee

may be made over a counter in a separate room or building which is specifically designed and intended for use in the sale of alcoholic liquor in its sealed original package or container. The fee for such license shall be \$1,200.00.

- (6) *Class D license.* Class D licenses shall authorize the retail sale of alcoholic liquors in the original and unbroken packages on the premises specified in the license for consumption only off the premises of the licensee. A Class "D" license holder may allow for alcoholic liquor taste testing and consumption within the area of the licensed premises used for display of package alcoholic liquor. No display, taste testing, or consumption related hereto may occur outside the area within the licensed premises used for display of package alcoholic liquor. The annual fee for such license shall be \$1,000.00 per year.
- (7) *Class E licenses.* Class E licenses shall authorize the licensee to sell and serve within the confines of the licensed premises meals, sandwiches and coffee or other prepared foods, which foods are prepared in a kitchen upon the premises of the licensee and served by a waitress and which shall then be consumed by the purchaser within or upon such premises. The fee for such license shall be \$100.00 per year.
- (8) *Class EV licenses.* Class EV licenses shall authorize the sale of alcoholic beverages for consumption at one-day events held at any location in the city. Any person requesting a class EV license must provide a written request to the city at least 30 days prior to the event that complies with the requirements of all other liquor license applicants, and must also provide, prior to the issuance of the license, proof of insurance coverage for the event, including dram shop insurance with the city listed as a named insured. Prior to the issuance of a class EV license, the applicant must make suitable arrangements with the chief of police for security at the event, and the applicant shall be responsible for all costs incurred by the city for city police officers for security at the events. The applicant may have private security at the event, but any private security at the event shall operate under the direction of city police officers. All alcoholic beverages sold pursuant to this license shall be sold and consumed in a cordoned-off area that is clearly separate from the rest of the event, and no person under the legal drinking age is to be allowed into the area unless accompanied by a parent or guardian. This separate area is to be inspected and approved by the chief of police or his designate prior to the event. The sale and consumption of alcoholic beverages under this license shall be limited to the hours from 10:00 a.m. to 11:00 p.m. The city may set other limitations on licenses issued under this section after a public hearing with at least five days' notice of the hearing to the applicant and any other interested party. The chief of police or any city police officer may, at his discretion,

immediately revoke any EV license upon personally viewing a violation of this section or any other violation of this chapter relating to the sale of alcoholic beverages or a violation of any other conditions set by the city council. There shall be no limit to the number of licenses issued under this section. Each license shall be eligible for automatic renewal for up to four days by prior request duly noted in the initial application. The fee for such license shall be \$50.00 per day and shall be nonrefundable. Any and/or all costs relating to incidents occurring under this permit shall be the responsibility of the permit holder.

- (9) *Class F licenses.* Class F licenses shall authorize the licensee to sell and serve within the confines of the licensed premises prepared food. As used in this subsection, the term "prepared food" expressly excludes the service of sandwiches or other items prepared on or off the premises, and is expressly limited to foods served from containers or machines, which food, when served, shall be consumed by the purchaser within or upon such premises. The fee for such license shall be \$25.00 per year.
- (10) *Class G licenses.* Class G licenses shall authorize the licensee to remain open as provided in section 6-3 upon payment of a license fee of \$450.00 per year.
- (11) *Class "BG" (Bar-Boutique Gaming) Licenses.* Class "BG" shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises of businesses whose estimated net revenue from the sale of food, alcohol, and/or general merchandise is less than 51% per year.

The annual fee for such license shall be one thousand five hundred dollars (\$1,500.00). The maximum number of Class "BG" licenses issued by the City shall be four (4) at any given time.

The holder of such BG license shall authorize the holder to facilitate any gambling and/or gaming on the licensed premises which is lawful and fully in compliance with all rules, regulations, statutes of the State of Illinois and the City of South Beloit.

A Class "BG" License and the holder thereof, shall be subject to the following limitations:

1. The licensed premises shall not exceed 1,500 square feet.
2. Live music, DJ, karaoke, and/or juke boxes are prohibited on the licensed premises. Notwithstanding the foregoing, a music system, operated solely by the licensee, shall be permitted so long

as such system is operated at such levels so as to not be heard outside of the licensed premises.

3. Licensee shall not be permitted to have a patio or beer garden of any kind.
4. No alcohol related signs which are visible from the outside of the licensed premises shall be permitted on the licensed premises.
5. No games, other than the Video Gaming Terminals as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.*, and the equipment and games provided by and regulated under the rules of the Illinois State Lottery, shall be permitted on the licensed premises, including, but not limited to, pool tables, dartboards, and shuffle board.

(12) *Class H licenses.* Class H licenses shall authorize the licensee to conduct dancing on his licensed premises. The license fee for such license shall be \$50.00 per year.

(13) *Class I licenses.* Class I licenses shall authorize the retail sale of alcoholic liquors for consumption only on the motel premises of the licensee. The license fee for such license shall be \$1,600.00 per year.

(14) *Class J licenses.* Class J licenses shall authorize the licensee to hold floor shows or any other type of live entertainment on his licensed premises. The license fee for such license shall be \$1,000.00 per year. The license year shall begin as of July 1 of each year.

~~(15) *Class K licenses.* Class K licenses authorizing the retail sale of alcoholic liquors in stores selling groceries and household supplies are hereby eliminated.~~

**Section Two:** Except as amended in this Ordinance, all other provisions and terms of City 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.

**Section Three:** This Ordinance shall be immediately in full force and effect after passage, approval, and publication as required by law.

PASSED UPON MOTION BY \_\_\_\_\_ Schoonover \_\_\_\_\_

SECONDED BY \_\_\_\_\_ Chambers \_\_\_\_\_

BY ROLL CALL VOTE THIS 2nd DAY OF September, 2013

AS FOLLOWS:

VOTING "AYE": Chambers, Barber, Schoonover, Mayor Duffy  
\_\_\_\_\_

VOTING "NAY": \_\_\_\_\_  
\_\_\_\_\_

ABSENT, ABSTAIN, OTHER LaMendola  
\_\_\_\_\_

APPROVED \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
MAYOR



**ORDINANCE NO. 2014-07**

**AN ORDINANCE AMENDING CHAPTER 5.12 (LIQUOR CONTROL) OF THE  
CITY OF OLNEY MUNICIPAL CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLNEY, ILLINOIS**, as follows:

**Section 1.** Section 5.12.060 (Classification of Licenses) of the City of Olney Municipal Code is hereby amended by amending Sub-Paragraphs A(1), A(3), A(5), and A(8) and adding Section A(9) thereto to read as follows:

1. Class A (Tavern License). Class A liquor licenses shall authorize the sale of alcoholic liquor at retail on the premises specified for consumption on or off the premises. This license shall be issued only to businesses that primarily sell by the drink for consumption on the premises with fifty percent (50%) or more of the revenue coming from the sale of alcoholic liquor for consumption on the premises. Supermarkets, grocery stores, and other retail establishments not fully qualifying for the sale of alcoholic liquor on the premises of the establishment do not qualify for a Class A liquor license.

3. Class C (Restaurant License). Class C liquor licenses shall authorize the sale of alcoholic liquor only at retail on the premises specified for consumption on the premises only if such sale is secondary to and related to the retail sale of prepared food within a restaurant. The licensee shall make no package sales. Upon application for a license, the applicant shall submit the following information for the most recently available three (3) consecutive months: (a) ST-1 Sales and Use Tax Returns filed with the Illinois Department of Revenue, and (b) invoices from the applicant's food vendors. The amount of food purchases shall be more than fifty percent (50%) of the total purchases during any three-month period. Restaurants shall be subject to an audit ordered by the liquor control commissioner for the purpose of verifying compliance. A restaurant with a Class C license may have a bar as defined in this Chapter.

5. Class E (Restaurant License - Beer and Wine Only). Class E liquor licenses shall authorize the sale of beer and wine only at retail on the premises specified for consumption on the premises only if such sale is secondary to and related to the retail sale of prepared food within a restaurant. The licensee shall make no package sales. Upon application for a license, the applicant shall submit the following information for the most recently available three (3) consecutive months: (a) ST-1 Sales and Use Tax Returns filed with the Illinois Department of Revenue, and (b) invoices from the applicant's food vendors. The amount of food purchases shall be more than fifty percent (50%) of the total purchases during any three-month period. Restaurants shall be subject to an audit ordered by the liquor control commissioner for the purpose of verifying compliance. A restaurant with a Class E license may only have a service bar as defined in this Chapter.

8. Class W (Winemaker's Retail License). Class W liquor licenses shall authorize the package sales of wine only at public events and consumption on the premises for wine-tasting events only (limited to twelve wine-tasting events per calendar year), but not for the retail sale of alcoholic liquor for consumption on the premises of the public events. This license shall be issued only to a winery that is engaged in the manufacture of wine in Richland County, Illinois, and has valid state and county liquor licenses. All Class W liquor licenses shall be approved by a majority vote of the City Council. During the term of a Class W liquor license, the Local Liquor Commissioner may approve the use of the Class W liquor license at specific public events or wine-tasting events for the specific dates, times and locations at which the sale of alcoholic liquor is not otherwise prohibited. A certificate of insurance showing evidence of insurance coverage required by Section 5.12.120 shall be filed in the office of the City Clerk for (a) the specific location and date for each public event at which packaged wine is sold or (b) blanket coverage for all public events in the City of Olney.

9. **Class V (Video Gaming Establishment License)** - Class V liquor licenses shall authorize the sale of alcoholic liquor at retail on the premises specified for consumption on the premises only if such sale is secondary to the business of video gaming. This license shall be issued only to businesses that operate primarily for the purpose of video gaming with a majority of the revenue coming from video gaming receipts.

**Section 2.** Section 5.12.070 (Restriction on number of licenses authorized) of the City of the City of Olney Municipal Code is hereby amended to read as follows:

**Section 5.12.070 Restriction on number of licenses authorized.**

The total number of liquor licenses to be issued by the City shall be, unless otherwise changed by action of the City Council: five (5) Class A licenses, three (3) Class B licenses, four (4) Class C licenses, six (6) Class D licenses, One (1) Class E licenses, zero (0) Class G licenses, and **two (2) Class V licenses**. If any licensee then or thereafter holding a liquor license under the provisions of this chapter fails to renew his or her license, as by law provided, or the same is surrendered, cancelled, revoked or otherwise terminated, such license of any class shall not be reissued for at least sixty (60) days to allow the City Council to review the class and number of licenses outstanding and to provide for such amendment as may be deemed necessary at that time.

**Section 3.** Section 5.12.090 (License fees established) of the City of Olney Municipal Code is hereby amended to read as follows:

**Section 5.12.090 License fees established.**

The annual fee for licenses shall be as follows:

- A. Class A liquor licenses shall be one thousand seven hundred dollars (\$1,700.00).
- B. Class B liquor licenses shall be one thousand one hundred dollars (\$1,100.00).
- C. Class C liquor licenses shall be one thousand seven hundred dollars (\$1,700.00).
- D. Class D liquor licenses shall be seven hundred dollars (\$700.00).
- E. Class E liquor licenses shall be eight hundred dollars (\$800.00).



F. Class G liquor licenses shall be five hundred dollars (\$500.00), except there shall be no fee for a Class G liquor license issued to a Class A liquor licensee.

G. Class W liquor licenses shall be fifty dollars (\$50.00) for each date on which the sale of packaged wine occurs at a public event under the license or two hundred fifty dollars (\$250.00) annually.

H. Class V liquor licenses shall be two thousand eight hundred dollars (\$2,800.00).

**Section 4.** This Ordinance is hereby ordered to be printed and published in pamphlet form by authority of the City Council of the City of Olney, Illinois.

**Section 5.** This Ordinance shall take effect and be in full force ten (10) days from and after its passage, approval, and publication as provided by law.

**PASSED** by the City Council of the City of Olney, Richland County, Illinois, this 24th day of March, 2014.

AYES 4

NAYS 1

ABSENT 0

\_\_\_\_\_  
Ray W. Vaughn, Mayor

ATTEST:

\_\_\_\_\_  
Kelsie J. Sterchi, City Clerk