

ORDINANCE NO. 2023-02

**AN ORDINANCE PERTAINING TO THE REGULATION OF
THE RETAIL SALE OF ALCOHOLIC LIQUOR**

FOR THE VILLAGE OF WILLIAMSFIELD, ILLINOIS

WHEREAS, the Village of Williamsfield, Knox County, Illinois, (“Village”) is a non-home rule unit of government; and

WHEREAS, the Village is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require;

WHEREAS, the corporate authorities of the Village have determined that it is advisable, necessary and in the best interest of the Village to regulate, consistent with the Illinois Liquor Control Act, the sale at retail of alcoholic liquor within the Village;

WHEREAS, the Village has previously enacted Ordinance Numbers 1986-1, 1992-4, 93-4, 1994-02, 1996-1, 1998-2, 2000-1, 2005-5, 2008-4, 2011-08, 2014-04, and 2016-02 pertaining to the regulation of the retail sale of alcoholic liquor within the Village.

WHEREAS, the Village desires to Amend and Restate the currently effective Ordinances pertaining to the regulation of the retail sale of alcoholic liquor within the Village.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Ordinance Numbers 1986-1, 1992-4, 1993-4, 1994-02, 1996-1, 1998-2, 2000-1, 2005-5, 2008-4, 2011-08, 2014-04, and 2016-02 pertaining to the regulation of the retail sale of alcoholic liquor within the Village are hereby Amended and Restated as follows:

1. DEFINITIONS.

- (A) All words and phrases used herein are to be taken and construed as the same words are taken and construed in “the Liquor Control Act,” of 1934, ILCS Ch. 235, Act 5, §§ 1-1- et seq., as amended.

2. LOCAL LIQUOR CONTROL COMMISSIONER.

- (A) The Mayor shall be the Local Liquor Control Commissioner and shall be charged with the administration of the appropriate provisions of this subchapter and such other ordinances or resolutions of the Village relating to alcoholic liquor as may be enacted. He or she may appoint a person or persons to assist him or her in the exercise of the powers and the performance of the duties herein provided for the Local Liquor Control Commissioner.

- (B) The Local Liquor Control Commissioner, with the approval of a majority of the Village Council, may adopt local rules and regulations for hearings to determine whether any license should be suspended, terminated or revoked.
- (C) The Local Liquor Control Commissioner shall have all of the powers as provided by the laws of the state of Illinois, including closing an establishment for nonpayment of the liquor license fee.

3. LICENSE REQUIRED.

- (A) No person shall sell at retail or have in his or her possession and offer for sale at retail alcoholic liquor within the corporate limits of the Village without having first obtained a license to do so as provided by this section. No license shall be issued without the approval of the Local Liquor Control Commissioner who, by the virtue of his or her office, is the Mayor of the Village of Williamsfield.

4. FILING OF APPLICATION.

- (A) All licenses issued hereunder shall be issued by the Mayor and attested by the Village Clerk under the corporate seal, and no license shall be issued until the application therefor shall have been approved by the Local Liquor Control Commissioner. All applications for licenses shall remain on file in the office of the Clerk to be listed in a record to be kept for this purpose.

5. § LICENSE APPLICATION.

- (A) Applications for a license or renewal of a license shall be made to the Mayor on application blanks furnished by the Village Clerk. Such applications shall contain sufficient information to enable the Mayor to determine the eligibility of the applicant for such license. Each application for a license or renewal thereof shall be accompanied by a bond in the penal sum of \$2,000 payable to the Village with good and sufficient surety acceptable to the Village, conditioned on the applicant's faithful compliance with the laws of the state of Illinois and the provisions of this subchapter, as amended. Each application for renewal of a license issued under this subchapter shall be filed with the Village Clerk by the first of April of each year. Each application for a license shall be accompanied by payment of the annual fee or semiannual installment if permitted by this subchapter.

6. RESTRICTIONS ON LICENSES.

- (A) No liquor license shall be issued to any person or for any location if the issuance is prohibited by the statutes of the state or by the ordinances of the Village.

7. CLASSIFICATIONS. The number, kind and classification of licenses shall be as follows:

- (A) Class "A" licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises, as well as other retail sales of such liquor. The annual fee for such Class "A" licenses shall be \$1,200, payable annually in advance on the first day of May in each year in which such license is effective.

- (B) Class "B" licenses, which shall authorize the retail sale of beer and wine not for consumption on the premises where sold, in convenience stores which are defined as follows: "Any retail establishment offering the sale of food products, household items, commercial products associated with minor auto servicing, and other goods commonly associated with the same, including the retail dispensing of vehicular fuels". The annual fee for such Class "B" licenses shall be \$1,200, payable annually in advance on the first day of May in each year in which such license is effective.
- (C) Temporary license.
- (1) Purpose. Temporary Licenses shall authorize the retail sale of alcoholic liquor for consumption at a specified location in Williamsfield.
 - (2) Regulations. All alcoholic liquor shall be sold and consumed in a designated building or within one area surrounded by a double fence and one opening if the location is out of doors.
 - (3) Term of license. A temporary license may be issued for a period not to exceed one calendar day and shall be subject to the provisions of this subchapter regarding time of sale, unless the Liquor Control Commissioner further restricts the time of sale. No applicant shall receive more than two temporary licenses in any calendar year.
 - (4) Application.
 - (a) Application shall be made with the Mayor at least seven (7) days prior to the date of intended sale or distribution of alcoholic beverages and shall be made in accordance with the provisions of this subchapter.
 - (b) In addition to the usual requirements, the applicant shall include the following information:
 - a. The location for which the license is sought;
 - b. A copy of the written, signed lease or rental agreement or other written authority for the use of the location if the applicant is not the owner of said location;
 - c. A statement setting forth the purpose for the issuance of said license;
 - d. A statement setting forth the applicant's arrangements for crowd control;
 - e. Certificate of insurance showing evidence of dram shop and liability insurance coverage;
 - f. A request for specific times and dates for the term of said license.
 - (5) Fees. The fee for a temporary license shall be \$50 and shall be paid in full at the time the license is issued.
- (D) No more than four (4) licenses shall be issued and be in full force and effect at any time. The number of Class "A" licenses shall not exceed Three (3) The number of Class "B" licenses shall not exceed One (1). The number of temporary licenses shall not exceed one per day.

8. LOCATIONS.

- (A) General restrictions on location. No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, and no license shall be issued hereafter authorizing the sale of alcoholic liquor in any building located in a block where over 50% of the property, according to street frontage of the block (or the blocks of both streets if a corner lot), and a like amount of property in the block opposite such location (or in the blocks opposite if a corner lot) is, at the time of filing the application for such permits, used for residential purposes, or used in part for residential purposes and the rest is vacant property.

9. TIME OF SALE.

- (A) Class "A" License - Except as provided in division (B) of this section for package sales, no alcoholic liquor shall be sold, delivered, transferred, distributed or given away upon or about any licensed premises by anyone except during the following period of time on the following days:
- (1) Monday through Thursday of each week between the hours of 6:00 a.m. and 2:00 a.m.
 - (2) Friday through Saturday of each week between the hours of 6:00 a.m. and 2:00 a.m.
 - (3) On Sunday of each week between the hours of 12:00 p.m. and 8:00 p.m.
- (B) Class "B" License - No alcoholic liquor "package" sales or retail sales of liquor, beer and wine for consumption off the premises shall be sold, delivered, transferred, distributed or given away upon or about any license premises by anyone except:
- (1) Monday through Thursday of each week between the hours of 6:00 a.m. and 12:00 a.m. midnight.
 - (2) Friday through Saturday of each week between the hours of 6:00 a.m. and 2:00 a.m. the following day.
 - (3) On Sunday of each week between the hours of 12:00 p.m. noon and 12:00 a.m. midnight.
- (C) Upon request by a holder of a liquor license, the Board of Trustees may annually authorize up to two (2) special events to each liquor license holder, during which closing hours may be extended as the Board of Trustees deems appropriate.

10. HOURS.

- (A) General closing hours.
- (1) No person shall consume, nor a licensee or any agent or employee of any licensee permit the consumption of alcoholic liquor $\frac{1}{4}$ hour following the time specified in Section 9 of this subchapter at the time when the sale, distribution, transfer, gift or consumption of alcoholic liquor must terminate.

- (2) No person other than a licensee or an employee of a licensee shall remain upon any licensed premises for any period of time longer than ¼ hour following the time specified in Section 9 of this subchapter as the time when the sale, distribution, transfer or consumption of alcoholic liquor must terminate.
 - (3) During the time no alcoholic liquor may be sold, distributed, transferred or consumed, the bar must remain closed and a conspicuous sign, pedestal, curtain or identification marked "closed" must be placed on the bar or adjacent to the bar.
- (B) Exception. Licensees holding a Class "B" license may remain open after the time designated in subsection (2) above but only for the purpose of selling food or nonalcoholic beverages or other item sold at retail by the licensee in the normal course of business. The area of the bar or the area where liquor is primarily dispensed shall be secure from the sale, distribution, transfer or consumption of alcoholic liquor.

11. PERSONS OF NONAGE.

- (A) No person under the age of 21 years shall be permitted to be and remain within and loiter about any licensed premises other than for the purpose of purchasing and consuming food and nonalcoholic beverages, or for the purpose of purchasing other items sold at retail in the normal course of business by the licensee, unless such person is an employee.
- (B) Persons under the age of 21 years may not sit at the bar or primary place where alcoholic liquor is dispensed.
- (C) No person under the age of 21 years shall purchase, attempt to purchase, possess or consume any beer or wine or other alcoholic beverage upon either licensed premises or other premises controlled by the licensee during the license period.

12. INSPECTION OF PREMISES.

- (A) The premises used by each licensee hereunder and any adjacent premises occupied or controlled by the licensee or his or her agent for the purpose of the sale and/or consumption of alcoholic beverages shall conform in all respects to the applicable building and fire codes of the Village heretofore or hereafter adopted. The Mayor or Village Administrator, or their delegates, may enter and inspect the premises of each licensee hereunder, including any adjacent premises occupied or controlled by the licensee or his or her agent to determine compliance with such building or fire code.
- (B) The Mayor, Chief of Police and all members of the police force may enter and inspect the premises of each licensee hereunder or any adjacent premises occupied or controlled by the licensee or his or her agent at any time and they may take possession of and remove any intoxicating liquors found upon the premises in violation of any provision of this subchapter.
- (C) All licenses now in force or hereafter issued under this subchapter shall be subject to the reservation of the authority to enter and inspect and refusal by the licensee or his or her agent to permit such action shall constitute sufficient grounds for the

immediate suspension or revocation of the licensee by the Liquor Control Commissioner.

13. TERM OF LICENSE.

- (A) Every license issued hereunder shall be valid from the date of issue to the first day of May next succeeding the date of issue.
- (B) Whenever any owner, partner or member of an original firm which is a licensee under this subchapter ceases to carry on business or ceases to be a partner or member, the license issued under this subchapter shall be surrendered to the Local Liquor Control Commissioner for revocation and cancellation. The Local Liquor Control Commissioner shall have the right to assign and issue such license.
- (C) If a license is not used by a licensee within a period of 60 days from the date of its issuance, the license is subject to revocation in the discretion of the Local Liquor Control Commissioner; provided further that if the use of a license lapses for a period of 60 days, the license is subject to revocation in the discretion of the Local Liquor Control Commissioner.
- (D) The unused portion of the license shall be forfeited to the Village when such license is revoked or canceled as provided in this division.
- (E) Proration of first year of license fee. Notwithstanding anything to the contrary in this chapter, each license under this chapter shall be accompanied by the payment of an annual fee unless payable semi-annually as provided herein, pro-rated on a monthly basis on the date of filing the application to May 1 next succeeding the filing of the application. Thereafter, the official licensing year shall begin on May 1 of each year and expire on April 30 of the next succeeding calendar year. If the license is issued on any date in a particular month, that month shall be calculated as a full calendar month for the purpose of the proration provided herein and the full license fee shall be charged for any license issued at any time during the first month of such license year. No license shall be issued for any term less than the balance of the unexpired license year.

14. DEFAULT.

- (A) Whenever any licensee does not pay when due any license fee, tax, assessment, utility account or any other indebtedness due the Village on any account or for any purpose, the license issued under this subchapter may be revoked or suspended by the Liquor Control Commissioner as otherwise provided herein.

15. BYOB REGULATIONS. The regulations in this section apply to so-called BYOB (Bring Your Own Bottle) and which are applicable to certain classes of businesses within the Village.

- (A) It shall be expressly permissible for restaurants in the village to allow patrons to bring in their own alcoholic beverages and for the restaurant to provide glassware or other vessels to those patrons, provided they have a village-issued BYOB permit for the same. Businesses may also provide storage lockers for customers to keep their alcoholic beverages on premises, but each such individual locker shall be keyed or coded individually so that no one other than the customer assigned

that locker shall have access to it; provided, however, that the business may maintain a master key or combination for the purposes of clearing out the lockers in the event of disuse by a customer or other legitimate business reasons.

- (B) To qualify for a BYOB permit, a restaurant shall be required to have a current license from the Knox County Health Department. Further, the qualifying business must not be in arrears in any fees owed to the village, and no person owning more than 5% of the business shall have been convicted of a felony or a misdemeanor involving dishonesty, such as fraud or theft.
- (C) The owner of a qualifying business may apply for a permit by providing a sworn statement on a form provided by the Village Clerk, submitting to a background check and paying the annual fee.
- (D) No business shall allow any person to consume alcohol on the premises unless it holds a valid current BYOB permit or a valid current liquor license.
- (E) No person under 21 may consume alcohol on the premises of any business.
- (F) Patrons must be served food and cannot simply sit and drink alcoholic beverages at the restaurant or tobacco dealer.
- (G) Alcoholic consumption on the BYOB premises shall be subject to the same hours of operation for Class "A" liquor license establishments provided in Section 9(A) of this Ordinance.
- (H) Gambling of any kind is prohibited in the premises.
- (I) Public intoxication is not permitted by this section and business owners and managers shall promptly eject persons who have become intoxicated, and, if necessary to call the police promptly for assistance.
- (J) No employee or owner of the business may consume alcohol on the premises or be intoxicated while working at the premises.
- (K) No alcoholic beverages may be poured or consumed by any adult in a booth or table where a minor is seated, unless the minor is accompanied by a parent or legal guardian, and is properly supervised.
- (L) The business shall be permitted to charge a fee for providing glassware or opening bottles, sometimes known as "corkage". However, the owner and employees of the business shall not be permitted to pour any alcoholic beverage. The business shall further be permitted to charge locker fees if lockers are provided for customers.
- (M) The BYOB permit is not considered a pouring license, and a business which qualifies for a BYOB permit is not considered a liquor licensee or otherwise qualified to hold a terminal operator's license as that term is defined within the Illinois Video Gaming Act, ILCS Ch. 230, Act 4, §§ 1 et seq., unless that restaurant also holds a valid and current local and state issued liquor license.
- (N) The annual fee of \$250.00 applies to all businesses holding BYOB permits. This fee is in addition to all other license fees applicable to the businesses.
- (O) Any proven violation of the provisions of this section shall be considered grounds to revoke this grant of permission by the Village President upon not less than three days' written notice. In the event of such revocation the affected business may appeal to the Village Board whose majority decision shall stand as the final administrative act of the village.

16. CONDUCT IN OR UPON LICENSED PREMISES.

- (A) Prohibited conduct. The following kinds of conduct on premises in the Village licensed to sell alcoholic liquor are prohibited:
- (1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
 - (3) The actual or simulated displaying of the breast, pubic hair, anus, vulva or genitals;
 - (4) The displaying of films or pictures depicting acts, a live performance of which is prohibited by subsections (1), (2) or (3) of this section.
 - (5) The permitting by licensee, his or her agent or employee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus;
 - (6) The allowance by a licensee, his or her agent or employee of any persons to perform, present, participate or direct in or upon the licensed premises any play or dance or other performance which acts are prohibited by subsections (1), (2) or (3) of this section.
- (B) Tumultuous conduct. No person shall disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or her or under his or her control and licensed to sell alcoholic liquor. All liquor licenses shall aid Village police to quell the aforesaid activities by reporting said conduct as soon as possible and shall cooperate with Village police in the investigation and prosecution of violators of this section.
- (C) Sanitary Conditions. All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises for the storage and sale of food for human consumption.
- (D) Acts of agents or employees; liability of license. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Village code or any of the provisions of the Liquor Control Act by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done or omitted by the licensee.

17. EFFECTIVE DATE. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

18. All Ordinances or parts of Ordinances in conflict herewith are hereby expressly repealed.

PASSED THIS 6th day of February, 20 23.


AYES: 5

NAYS: _____

ABSTENTIONS: _____

ABSENT: 1

APPROVED THIS 6th day of February, 20 23.



MATT TONKIN
Mayor

ATTEST:

Tol. Courson
Clerk