

**ORDINANCE AMENDING UNION COUNTY LIQUOR CONTROL ORDINANCE
#2001-02 FOR THE ESTABLISHMENT OF A SPECIAL USE AND SPECIAL EVENT
PERMIT LICENSES**

THIS IS AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING UNION COUNTY LIQUOR CONTROL ORDINANCE #2001-02 FOR THE PURPOSE OF ESTABLISHING SPECIAL USE PERMIT AND SPECIAL EVENT LICENSES AND FEES FOR THE SALE OF ALCOHOL AT SPECIAL EVENTS.

WHEREAS, the Union County Board of Commissioners (Board) has found it necessary to create the establishment a new liquor license for the sale of alcohol at special events held within Union County;

WHEREAS, the Board believes that is beneficial to the citizens of Union County to promote and assist in the creation of tourism to Union County whenever possible and feasible due to the additional revenue created from tourism related activities;

WHEREAS, the current Liquor Control Ordinance for Union County does not contain a provision allowing for the issuance of a Special Use Permit License;

WHEREAS, the current Liquor Control Ordinance for Union County does not contain a provision allowing for the issuance of a Special Event License;

WHEREAS, the Illinois Liquor Control Commission allows for the issuance of "Special Use Permit Liquor Licenses" for up to 15 days to holders of Illinois Retail Liquor Licenses;

WHEREAS, the Illinois Liquor Control Commission allows for the issuance of a "Special Event License" for specific and designated dates;

WHEREAS, the issuance of such Special Use Permit and Special Event Liquor Licenses are in the best interest of the citizens of Union County; and

WHEREAS, the Board deems it in the best interests of Union County and its citizens to amend Union County Liquor Control Ordinance #2001-02.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED AS FOLLOWS:

1. That a Class D license shall be added for the express purpose of allowing for the special use and sale of alcohol to be offered upon request to a holder of a Class A, B, or C retail license in Union County.

2. "Special Use Permit License" shall be defined as a license for use by a retailer for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event. (See 235 ILCS 5/1-3.35)
3. A Special Use Permit License shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified at 235 ILCS 5/5-1(q) and in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form to any other entity, as follows:
 - a. A special use permit license may be granted for the following time periods: one (1) to three (3) days, or for four (4) to a maximum of fifteen (15) days per location in any twelve (12) month period.
 - b. The applicant for a Special Use Permit License must be the same named individual or authorized agent holding a valid Illinois and Union County Liquor License.
 - c. The applicant shall complete an application on forms designated by the County Liquor Commissioner for a special use permit under this provision at least thirty (30) days prior to the first date of the event to the Union County Liquor Commissioner at the address stated below. No late applications shall be accepted for consideration. The applicant for a special use permit license must also submit with the completed application satisfactory proof that the applicant has or will obtain dram shop liability insurance to the maximum limits for premises covering the dates and time indicated in the application.
 - d. The applicant as a condition of the issuance of a special use permit hereunder must subsequently obtain approval for the State of Illinois Liquor Control Commission.
 - e. The County's filing fee for a special use permit license for a one (1) to three (3) day event shall be \$50.00. The County's filing fee for a special use permit license for a four (4) to fifteen (15) day event shall be \$100.00. The non-refundable filing fee shall be submitted with the completed application. Application filing fees will not be refunded in the event the application is rejected or denied for any reason. However, the Liquor Control Commissioner shall have discretion as to whether a subsequent application by the same applicant for the same event shall require an additional filing fee.
 - f. Each Illinois licensed retailer offering liquor for sale shall be required to obtain a special use permit license.
 - g. The Liquor Commissioner shall furnish an application form for completion by each applicant for a special use permit license.
 - h. All applicants requesting a Special Use Permit will be required to submit a copy of their completed Application for a State of Illinois Special Use Permit Liquor License, and pay all corresponding fees required by the Illinois Liquor Commission's rules and regulations, and other applicable federal or state statutes or regulations.

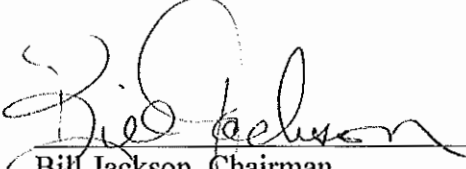
- i. All applications must be in writing and submitted to the Union County Liquor Commissioner, Union County Courthouse, 309 W. Market St., Jonesboro, Illinois 62952.
 - j. The Liquor Commissioner's decision as to the issuance or non-issuance of a special use permit hereunder shall be made in writing within 10 working days following submission of a completed application for a special use permit. Incomplete or unsupported applications will be rejected upon receipt.
 - k. Any application submitted hereunder shall be accompanied by a written acknowledgment signed before a public notary by the owners of the premises where the event is to be held which indicates that they are aware of the proposed event and have consented to the use of their property for the event. An acknowledgment from a lessee of property shall not be sufficient to meet the requirement of this provision.
4. That a Class E license shall be added for the express purpose of allowing the sale of alcohol purchased from an Illinois licensed distributor at special events held on specific dates and for special events in Union County.
5. "Special Event License" shall be defined as a license that allows the licensee to purchase alcoholic liquors from an Illinois Licensed distributor for resale for the purposes of consumption at a particular location and on specific dates designated for the special event outlined in the licensed. (See 235 ILCS 5/5-1(e))
6. A "special event" is defined as an event conducted by an educational, fraternal, political, civic, religious, or non-profit organization. (See 235 ILCS 5/1-3.30)
7. The requirements for a "Special Event License" are as follows:
 - a. The Special Event licensee must be a not-for-profit organization.
 - b. The Special Event licensee must purchase alcoholic liquors from an Illinois licensed distributor unless the amount purchased is less than \$500 in which case the alcoholic liquor may be purchased from a licensed alcoholic retailer.
 - c. The Special Event License will only allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license.
 - d. Each applicant must furnish (a) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax, (b) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (c) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax

Act, in which event the Union County Liquor Commissioner shall set forth on the special event retailer's license a statement to that effect.

- e. Each applicant shall also include with the application proof satisfactory to the Illinois State Liquor Commission that the applicant will provide dram shop liability insurance in the maximum limits and in addition, the applicant must be able to show to the State Commission that it has obtained approval from the Union County Liquor Commissioner.
- f. All applications must be in writing and submitted to the Union County Liquor Commissioner, Union County Courthouse, 309 W. Market St., Jonesboro, Illinois 62952.
- g. The Liquor Commissioner's decision as to the issuance or non-issuance of a special event permit hereunder shall be made in writing within 10 working days following submission of a completed application for a special event permit. Incomplete or unsupported applications will be rejected upon receipt.
- h. Any application submitted hereunder shall be accompanied by a written acknowledgment signed before a public notary by the owners of the premises where the event is to be held which indicates that they are aware of the proposed event and have consented to the use of their property for the event. An acknowledgment from a lessee of property shall not be sufficient to meet the requirement of this provision.
- i. The Special Event License will be granted in accordance with the provisions listed in paragraphs 3(a), 3(c), and 3(e) above.

APPROVED AND ADOPTED:

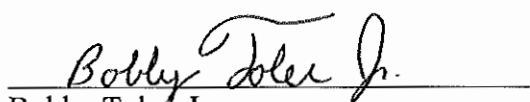
Date: November 17, 2008


Bill Jackson, Chairman


John Garner, Commissioner


Randy Landdin, Commissioner

Attest:


Bobby Toler, Jr.
Union County Clerk