

COUNTY OF UNION,
ILLINOIS

ORDINANCE AMENDING THE LIQUOR CONTROL ORDINANCE

WHEREAS, the Illinois Liquor Control Act, 235 ILCS 5/1-1 *et seq.*, authorizes a county to regulate the sale of alcoholic liquor within its territory outside the corporate limits of any city, village or incorporated town; and

WHEREAS, the Board of Commissioners of the County of Union, Illinois has previously adopted regulating the sale of alcoholic liquor within its territory outside the corporate limits of any city, village or incorporated town ; and

WHEREAS, the Board of Commissioners of the County of Union, Illinois finds that the health, safety and welfare of the People of the County of Union, Illinois will be protected and temperance in consumption of alcoholic liquors will be fostered and promoted by amending the Liquor Control Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Union, Illinois as follows:

SECTION 1: The Union County Code of Ordinances is hereby amended by changing Section 2 of Article 1 of Chapter 21 as follows:

21-1-2 **DEFINITIONS.** For purposes of this Chapter, the following terms shall be given these definitions:

- (A) **“Act”** means the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., as amended, and any regulations promulgated thereunder.
- (B) **“Alcohol”** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- (C) **“Alcoholic Liquor”** includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. (See 235 ILCS Sec. 5/1-3.05)
- (D) **“Beer”** means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water,

and includes, among other things, beer, ale, stout, lager beer, porter and the like. (See 235 ILCS Sec. 5/1-3.04)

- (E) “Brewer” means a person who is engaged in the manufacture of beer.
- (F) “Caterer Retailer” means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. (See 235 ILCS Sec. 5/1-3.34)
- (G) “Close” means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.
- (H) “Club” means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Liquor Control Commissioner at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional members, their name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. (See 235 ILCS Sec. 5/1-3.24)
- (I) “Code” means the Code of Ordinances of the County of Union, Illinois.
- (J) “County” means the County of Union, Illinois.
- (K) “County Board” means the Board of County Commissioners of the County of Union, Illinois.
- (L) “County Clerk” means the County Clerk of the County of Union, Illinois.
- (M) “Event Center” means any building kept, used, maintained, advertised, and held out to the public as a place available to be rented by members of the public for the hosting of private functions, and where such private functions are actually held, and where such private functions are prearranged and under sponsorship of a particular person or organization, and where such space being provided with adequate equipment and

- capacity, and having employed therein a sufficient number and kind of employees, for the hosting of such private functions.
- (N) **“Licensee”** means a person to whom a license is issued under this Chapter and any officer, associate, member, representative, agent or employee of such person.
- (O) **“Minor”** means any person not yet **eighteen (18) years** of age.
- (P) **“Package Store”** means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.
- (Q) **“Person”** means any natural person, firm, partnership, association or corporation.
- (R) **“Premises”** means the place of business, room, shop, or area including all rooms and facilities appurtenant thereto wherein alcoholic liquor is offered for sale in any form.
- (S) **“Private Function”** means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.
- (T) **“Resident”** means an individual whose principal abode and/or primary domicile is located within the County.
- (U) **“Restaurant”** means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, and obtaining at least **fifty-one percent (51%)** of its annual gross revenue from the sale of food. (See **235 ILCS Sec. 5/1-3.23**)
- (V) **“Retailer”** means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form. (See **235 ILCS Sec. 5/1-3.17**)
- (W) **“Sale”** means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. (See **235 ILCS Sec. 1-3.21**)
- (X) **“Sell at Retail”** or **“Sale at Retail”** means sales for use or consumption and not for resale in any form. (See **235 ILCS Sec. 5/1-3.18**)
- (Y) **“Sheriff”** means the Sheriff of the County of Union, Illinois.
- (Z) **“Spirits”** means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (See **235 ILCS Sec. 5/1-3.02**)
- (AA) **“State”** means the State of Illinois.

- (BB) **“State’s Attorney”** means the State’s Attorney of the County of Union, Illinois.
- (CC) **“To Sell”** means to keep or expose for sale and to keep with intent to sell. (See **235 ILCS Sec. 5/1-3.22**)
- (DD) **“Treasurer”** means the Treasurer of the County of Union, Illinois.
- (EE) **“Wine”** means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of Alcohol or Spirits. (See **235 ILCS Sec. 5/1-3.03**)
- (FF) **“Wine Manufacturer”** means a person who is engaged in the manufacture of wine.

SECTION 2: The Union County Code of Ordinances is hereby amended by changing Section 6 of Article 3 of Chapter 21 as follows:

21-3-6 CLASSIFICATION AND NUMBER OF LICENSES. The Liquor Control Commissioner shall have the power to issue retail liquor licenses for selling at retail of alcoholic liquor. Such licenses shall be issued in the following classifications and none other:

(A) **Class “A” – Tavern.** A Class “A” license shall authorize the retail sale on the premises of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. There shall be **two (2)** Class “A” licenses.

(B) **Class “B” – Package Store.** A Class “B” license shall authorize the retail sale of alcoholic liquor in the original sealed package, but not for consumption on the premises. There shall be **one (1)** Class “B” license.

(C) **Class “C” – Club.** A Class “C” license shall authorize the retail sale of alcoholic liquor on the premises of any club for consumption on the premises as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. There shall be **one (1)** Class “C” license.

(D) **Class “D” – Restaurant.** A Class “D” license shall authorize the retail sale of alcoholic liquor on the premises of any restaurant for consumption on the premises. There shall be **five (5)** Class “D” licenses.

(E) **Class “E” – Wine-Manufacturer.** A Class “E” license shall authorize wine-tasting and the sale of alcoholic liquor for consumption on the premises of any wine-manufacturer, as well as other retail sales of such liquor in the original sealed package which shall be consumed on or off the premises. There shall be **twenty (20)** Class “E” licenses.

(F) **Class “F” – Event Center.** A Class “F” license shall authorize the retail sale of alcoholic liquor as a part of private functions on the premises of any event center for consumption on the premises. There shall be **one (1)** Class “F” license.

(G) **Class “G” – Caterer Retailer.** A Class “G” license shall authorize the serving of alcoholic liquors by a caterer retailer as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. There shall be **one (1)** Class “G” license.

(H) **Class “H” – Limited Retail Wine.** A Class “H” license shall authorize the sale of wine in the original sealed package, but not for consumption on the premises, and in conjunction with the display and sale of other non-alcoholic gift items, and where the sale of non-alcoholic gift items constitutes a substantial portion of the licensee’s business. There shall be **one (1)** Class “H” license.

(I) **Class “I” – Special Use.** A Class “I” license shall authorize the holder of a Class “A”, “B”, “C”, “D”, “E”, “F” or “G” license to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to a designated site for a specific event, and to sell or offer for sale at retail, only in the premises specified in the request, the transferred alcoholic liquor for use or consumption, but not for resale in any form.

(J) **Class “J” – Special Events.** A Class “J” license shall authorize an educational, fraternal, political, civic, or religious organization, organized as a not-for-profit organization under the laws of this State, to sell or offer wine and beer as part of an event conducted by the organization.

(K) **Class “K” – Brewer.** A Class “K” license shall authorize beer-tasting and the sale of alcoholic liquor for consumption on the premises of any brewer, as well as other retail sales of such liquor in the original sealed package which shall be consumed on or off the premises. There shall be **three (3)** Class “K” licenses.

SECTION 3: The Union County Code of Ordinances is hereby amended by changing Section 7 of Article 3 of Chapter 21 as follows:

21-3-7 FEES. The fee for licenses shall be as follows:

(A)	Class A – Tavern	\$900.00
(B)	Class B – Package Store	\$900.00
(C)	Class C – Club	\$900.00

(D)	Class D – Restaurant	\$500.00
(E)	Class E – Wine-Manufacturer	\$500.00
(F)	Class F –Event Center	\$500.00
(G)	Class G – Caterer Retailer	\$500.00
(H)	Class H – Limited Retail Wine	\$300.00
(I)	Class I – Special Use	\$25.00
(J)	Class J – Special Events	\$25.00
(K)	Class K – Brewer	\$900.00

The fee for a Class “J” license may be waived at the discretion of the Liquor Control Commissioner.

In the event an initial application for a Class “A”, “B”, “C”, “D”, “E”, “F”, or “G”, H or “K” license is for a period of less than the full license year, the annual fee set forth above shall be reduced in proportion to the full calendar months which have elapsed in the license period prior to the issuance of the license.

SECTION 4: The Union County Code of Ordinances is hereby amended by changing Section 8 of Article 3 of Chapter 21 as follows:

21-3-8 TERM OF LICENSE.

(A) A Class “A”, “B”, “C”, “D”, “E”, “F”, “G”, or “H or “K”” license shall be valid for the period beginning **January 1** of any year and ending on **December 31** of the same year.

(B) A Class “I” license may be granted for the following time periods: **one (1) day** or less; **two (2)** or more days to a maximum of **fifteen (15) days** per location in any **twelve (12) month** period.

(C) A Class “J” license shall be valid for a period not to exceed **forty-eight (48) hours** as determined by the Liquor Control Commissioner.

(D) Any license issued by the County Clerk prior to the adoption of this Chapter shall be valid through **twelve o’clock (12:00) A.M. Midnight on December 31, 2009**; provided, however, a licensee holding any such license shall be subject to all other provisions of this Chapter. (See 235 ILCS 5/4-1)

SECTION 5: The Union County Code of Ordinances is hereby amended by changing Section 16 of Article 3 of Chapter 21 as follows:

21-3-16 DECALS. The County Clerk shall provide each holder of a Class “A”, “B”, “C”, “D”, “E”, “F”, “G”, or “H” or “K” license with a fluorescent decal showing the year and class of the license. The licensee shall display the decal on or near the front door or window of the licensed premises so that the decal is visible to the Sheriff’s patrol.

SECTION 6: The Union County Code of Ordinances is hereby amended by changing Section 15 of Article 4 of Chapter 21 as follows:

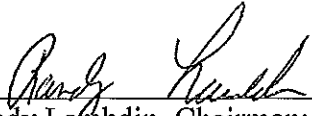
21-4-15 PERSONS SELLING LIQUOR.

(A) It shall be unlawful for any person under the age of **twenty-one (21) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises which holds a Class A, B, C, E, F, G, or “H”, “I”, “J” or “K” license.

(B) It shall be unlawful for any person under the age of **twenty-one (21) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises which holds a Class D license; provided, however, a person who has attained the age of **eighteen (18) years** may sell at retail and serve alcoholic liquor as part of the service of a meal in such licensed retail premises. (Ord. No. 2009-13; 08-17-09)

SECTION 7: This ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED at a special meeting of the Board of Commissioners of the County of Union, Illinois this 30th day of November, 2012.


Randy Lambdin, Chairman:

Aye Nay Abstain
voting ✓

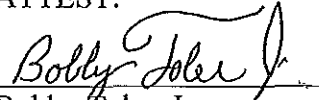

Don Denny, County Commissioner:

voting ✓


Dale Russell, County Commissioner:

voting ✓

ATTEST:


Bobby Toler, Jr.
Union County Clerk