

CHAPTER 113: ALCOHOLIC BEVERAGES

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§ 113.01 AUTHORITY.

This chapter is enacted pursuant to the provisions of an act of the General Assembly of the State entitled “An Act Relating to Alcoholic Liquors” and known as the State Liquor Control Act and the applicable provisions of said Act, particularly the definitions of words and phrases, the qualifications of licenses, the location and types of construction of premises and places of business and restrictions upon operations and sale contained therein, are hereby adopted and made a part of this chapter as though written herein. All rules and regulations not contained in this chapter shall be in accord with the State Liquor Control Act.

(Ord. passed 2-9-2021)

§ 113.02 LICENSE APPLICATION.

- (A) All licenses issued for the sale of alcoholic liquors shall expire June 30 following their issuance.
- (B) A liquor license may only be issued to persons who qualify under one of the following:
 - (1) The applicants are residents of the county;
 - (2) The applicants are owners of the premises for which the license is being sought; or
 - (3) The applicants are long-term leasees who provide proof of a verified lease for not less than one year of the location the license is being sought with documentation properly recorded with the County Recorder’s office.
- (C) The applicant shall identify the specific location of the dispensing and sale of liquor and/or beer by physical address and parcel number(s).
- (D) An applicant who applies for and receives a license between July 1 and January 1 shall pay a full year’s fee.
- (E) An applicant who applies for and receives a license between January 1 and July 1 shall pay one-half of a year’s license fee.
- (F) A licensee applying for an annual renewal of his or her license must apply for and receive a renewal license prior to July 1.
- (G) Licenses for the sale of alcoholic liquors are not transferable.
- (H) No refunds of any license fees shall be made under any circumstances.
- (I) These licenses only apply to unincorporated areas of the county and to municipalities that do not issue liquor licenses.
- (J) In the case of a partnership, the application and license requirements shall apply to all individuals of interest in the business enterprise.
- (K) In the event the applicant is a corporation, a certificate of “good standing” with the Secretary of State must be provided with the initial application, as well as a copy of the charter and by-laws, the identified corporate officers and board of directors, corporate minutes of approval and identification of the party or parties authorized to sign legal documents.
- (L) At the time of application, or after the effective date of this chapter, the applicant shall furnish proof of dram shop insurance by an state-licensed insurance company with the liability limits required by the state and a certificate provided with the county as an additional insured party. The term of the insurance must be concurrent with the term of the local license issued by the county. All licenses issued by the county will be revoked in the event that dram shop insurance is cancelled for any reason.
- (M) No liquor license shall be issued to any individual having a criminal record containing a conviction of a crime with a state or federal felony classification.

(N) An application for a license when applying for a transfer or creating a new license will be subject to a fee of \$500.

(O) A license to sell alcoholic liquors shall not be issued by the county to any person or persons who owe any personal taxes or real estate taxes which are delinquent, and a license shall not be issued to any person or persons when there are any personal property taxes or real estate which are delinquent on the personal property or real estate proposed to be used by the license as a tavern or place of business to sell alcoholic liquors, even though the taxes were assessed to a person or persons other than the applicant or applicants. Neither shall a license be issued to a person with active tax liens on file or otherwise delinquent in payment to the State Department of Revenue or the federal government through the Internal Revenue Service (IRS).

(Ord. passed 2-9-2021) Penalty, see § 133.99

§ 113.03 RULES AND REGULATIONS.

(A) No person under the age of 21 shall sell, serve, give or dispense alcoholic beverages to anyone.

(B) Hours of operation allowed on Monday, Tuesday, Wednesday and Thursday shall be from 6:00 a.m. to 1:00 a.m., at which time the licensee or his, her or their agent or employee shall lock all means of entrance to the premises. All patrons must be out of the tavern room, bar or place where alcoholic liquors are sold, and any premises adjoining thereto, by 1:15 a.m.

(C) Hours of operation allowed on Friday and Saturday shall be from 6:00 a.m. to 2:00 a.m., at which time the licensee or his, her or their agent or employee shall lock all means of entrance to the premises. All patrons must be out of the tavern room, bar or place where alcoholic liquors are sold, and any premises adjoining thereto, by 2:15 a.m.

(D) Hours of operation allowed on Sunday shall be from 8:00 a.m. to 1:00 a.m. All patrons must be out of the tavern room, bar or place where alcoholic liquors are sold, and any premises adjoining thereto, by 1:15 a.m.

(E) The licensee shall be responsible for the actions of his or her agents or employees in the supervision and enforcement of these provisions.

(F) The exception to closing time will be that on New Year's Eve, closing time will be 3:00 a.m., with all patrons out of the premises and the premises locked by the licensee, agent or employee by 3:15 a.m.

(G) No nudity, partial nudity or lewd behavior will be allowed in an establishment that has a liquor license.

(H) No commercial activity conducted within the jurisdiction of the county shall advertise the activity of "bring your own beer" or other alcoholic beverages for consumption on-site where an admission fee is charged by the owner of the property or sponsor of the event.

(Ord. passed 2-9-2021) Penalty, see § 133.99

§ 113.04 CLASSES OF LICENSES.

(A) *Class 1: Tavern or restaurant license.*

(1) For the sale of all alcoholic liquor at retail for consumption on-premises or to sell any alcoholic liquor at retail in an original container for consumption off-premises.

(2) This license provides for a "combination" license whereby taverns have the option to sell all liquor, beer and wine for consumption on-site, as well as package sales.

(B) *Class 2: On-premises.* For sale at retail of all alcoholic liquor for consumption on the premises where sold.

(C) *Class 3: Package sales only.* Retail sales of all alcoholic liquor, not for consumption on the premises where sold, and only in original packages or containers.

(D) *Class 4: Club license.* For sale at retail of all alcoholic liquor, for consumption on the premises where sold by a club.

(1) A **CLUB** is defined as a corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object, other than the sale 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 with a membership of not less than 100 members, provided that its affairs and management are conducted by a board of directors or other officers chosen by its members, and no member or any officer, employee or agent of the club is paid, directly or indirectly, or receives, in the form of a salary or other compensation, any profits from the sale of alcoholic liquors to the members of the club, or guests of a member of the club accompanied by a member, beyond the amount of the salary of an employee fixed by the members of the club or by the Board of Directors or by its officers out of the general revenue of the club.

(2) Sales of alcoholic liquors by a club to persons who are not members of the club, unless accompanied by a member as the guest of said member, shall be grounds for revocation of any liquor licenses issued to said club.

(E) *Class 5: Temporary license for non-profit or fundraising events* Not-for-profit organizations that are registered with the Secretary of State and are conducting fundraising as authorized by state statute qualify for the acquisition of a Class 5 license. Registration documentation as a not-for-profit organization shall be provided upon application.

(F) *Class 6: Special event* A license for short-term use that does not extend past a term of two consecutive days. A special event license shall not be issued for more than two events per month held at the same address and parcel number location.

(Ord. passed 2-9-2021) Penalty, see §133.99

§ 113.05 LICENSE FEES.

The fees for licenses for a full year shall be as follows:

(A) Class 1 license (combination license): \$1,000;

(B) Class 2 license (all liquor for consumption on-premises): \$700;

(C) Class 3 license (package sales only for off-premises): \$500;

(D) Class 4 license (club): \$1.20 per members of such club as shown by membership lists as of June 1 of each year for which license is required;

(E) Class 5 license for not for profit: No charge for not-for-profit organizations that are registered with the Secretary of State and are conducting fundraising as authorized by state statute. Registration documentation as a not-for-profit organization shall be provided upon application; and

(F) Class 6 license: \$250.

(Ord. passed 2-9-2021)

§ 113.06 NUMBER OF LICENSES AUTHORIZED TO BE ISSUED.

<i>License Class</i>	<i>Number of Issued Licenses</i>
Class 1	6
Class 2	6
Class 3	4
Class 4	5
Class 5	3
Class 6	3

(Ord. passed 2-9-2021)

§ 113.07 APPEALS PROCESS.

(A) Within 14 days of a violation, the County Liquor Commissioner shall make a decision on proper sanctions according to penalties listed herein. Notice of that decision shall be sent to the licensee within 14 days of said decision.

(B) A licensee may appeal any decision of the County Liquor Commissioner by delivering a letter to the Liquor Commissioner within 14 days of the notice of sanction, indicating his, her or their intent to appeal.

(C) It shall be the Liquor Commissioner's responsibility to set an appeal date within 30 days of the notice of appeal. The hearing shall take place before the Liquor Commission whereby all evidence may be presented to the Liquor Commission by the licensee or his, her or their representative, in request that the sanction be overturned or amended.

(D) If the decision by the Liquor Commissioner is upheld by the Liquor Committee, the licensee may appeal to the Circuit Court through the County Circuit Clerk's office.

(Ord. passed 2-9-2021)

§ 113.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter, makes false statements or otherwise violates any of the provisions of this chapter in obtaining a license shall, for a first offense, be fined not less than \$200, nor more than \$500, and be subject to discretionary suspension of his, her or his, her or their liquor license.

(B) For a second or subsequent offense, violators may be fined not less than \$200, nor more than \$1,000, or by imprisonment in the county jail of not more than six months or by both such fine and imprisonment. In addition, violators shall have their license revoked by the County Liquor Commissioner.

(Ord. passed 2-9-2021)