

CHAPTER 3

ALCOHOLIC BEVERAGES

3-1. Definitions. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below.

(a) Alcoholic liquor: Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.

(b) Beer: Any 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.

(c) Retail sale: The sale for use or consumption and not for resale.

(d) Restaurant: 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.

(e) BASSET: Beverage Alcohol Sales and Servers Education Training.

(f) BASSET certificate: a certificate, card, or other written evidence issued by a person or entity that is licensed, certified, or otherwise duly authorized by the State of Illinois Liquor Control Commission to offer a BASSET program and to issue such certificates, cards, or other written evidence of successful completion of a BASSET program, as required by 235 ILCS 5/3-12(11.1) and 6-27 and Title 77 of the Illinois Administrative Code, Chapter XVI, Section 3500.

(Ordinance No. 20-C-4, amended August 17, 2020)

3-2. License required. It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

3-3. Application; bond. Applications for such licenses shall be made to the local liquor commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and accompanied by the appropriate license fee as provided for in Section 3-7 of this chapter and by a bond in the penal sum of \$2,000, payable to the City of Arcola, Illinois, with good and sufficient surety to be approved by the local liquor commissioner, and conditioned that the applicant will strictly comply with all the laws of the State of Illinois and all ordinances of the City of Arcola regulating the sale of alcoholic liquors, and further conditioned upon the payment of all fines assessed upon conviction of the violation of any such ordinances of the City of Arcola regulating the sale of alcoholic liquors, and shall contain the following statements and information:

(1) The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.

(2) The citizenship of the applicant, his place of birth, and in the case of a naturalized citizen, the time and place of his naturalization.

(3) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(4) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.

(5) The amount of goods, wares and merchandise on hand at the time application is made.

(6) The location and description of the premises or place of business which is to be operated under such license.

(7) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

(8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of this city.

(9) Whether a previous license by any state or subdivision thereof, or be the federal government has been revoked, and the reason therefor.

(10) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the city in the conduct of his place of business.

3-4. Restriction on licenses. No such license shall be issued to:

(1) A person who is not a resident of Douglas County, Illinois.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

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(4) A person who has been convicted of a felony under any Federal or State law, unless the City determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the City's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill-fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license under this chapter has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the City.

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5 percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City.

(11) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

(12) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

(13) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

(14) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.

(15) Any law enforcing public official, and Mayor or member of the City Council and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(16) Any person, firm or corporation not eligible for a state retailer's liquor license.

(17) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts as required by the Illinois Liquor Control Act of 1934, as amended.

3-5. Term of license; termination for nonuse. Each license issued hereunder shall terminate on the 30th day of April following the issuance thereof provided that a license shall terminate on the 1st day of November for any licensee who does not pay the balance of his annual fee on or before November 1. A license shall also terminate automatically for nonuse if the license is not used for a period of 60 consecutive days. Determination for nonuse shall be effective on the next day following the end of the aforesaid period, and the licensee shall forthwith surrender his license to the Mayor, and upon doing so shall be entitled to a prorata refund of the unused portion of the fee heretofore paid by the licensee.

3-6. Powers of Local Liquor Control Commissioner. The local liquor control commissioner shall have the following powers, functions, and duties with respect to licenses issued by the City:

(a) To grant and/or suspend for not more than 30 days or revoke for cause the local liquor license issued to a licensee within the City of Arcola;

(b) To enter or authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the state law, city ordinances or rules or regulations adopted by the local liquor control commissioner for the Illinois Liquor Control Commission have been or are being violated and at such time to examine said premises of said licensee in connection therewith;

(c) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated the City's ordinances or the state law by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(d) To receive a complaint from any citizen within the City of Arcola that any of the provisions of the City's ordinances, or state law, or any rules or regulations adopted pursuant to state law, have been or are being violated and to act upon such complaint in the manner provided for in this Chapter;

(e) To receive local license fees and pay the same forthwith to the City Treasurer;

(f) To notify the Secretary of State of any convictions for a violation of Section 6-20 of the Illinois Liquor Control Act of 1934, as amended, or of Section 3-20 of this Chapter;

(g) To examine or cause to be examined under oath any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided for in this Chapter and to examine or cause to be examined the books and records of any applicant or licensee;

(h) To hear testimony and take proof for his information in the performance of his duties and for such purpose to issue subpoenas which shall be effective in any part of the State of Illinois; and

(i) For the purpose of obtaining any of the information desired by the local liquor control commissioner under this Section, he may authorize his agent to act on his behalf.

3-7. Classification; fees. Such licenses shall be divided into the following classes:

Class “A”, which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form. The annual fee for such license shall be \$1,000.

Class “B”, which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold and not for resale in any form, by a restaurant or a restaurant with a bar separate from the restaurant but in the same building. The annual fee for such license shall be \$1,000. (Ordinance No. 14-C-1, amended February 03, 2014)

Class “C”, which shall only permit the retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be \$600.

Class “D”, which shall permit an establishment with the primary purpose and which is primarily engaged in the production on the premises or other premises owned by the license holder and wholesale distribution of beer, ale, cider, other malt beverages, or wine, to sell at retail any beer, ale, cider, other malt beverage, or wine by the drink or by the package for consumption on the premises, or in original package form for consumption off the premises where sold, subject to the following requirements:

- (1) The floor area that is open to the public for said retail sale of beer, ale, cider, other malt beverage or wine shall not exceed the total floor area on the premises used for the production and storage for wholesale of beer, ale, other malt beverage or wine made on the premises and consistent with 235 ILCS 5/6-22, a micro-brewery licensed under this section may fill or refill original packages with product it has itself manufactured for sale for consumption off the premises. The annual fee for such a license shall be \$1,000.00. (Ordinance No. 20-C-4, amended August 17, 2020)

“Patio Permit” which shall permit the retail sale of alcoholic liquor for consumption in a “patio” as hereinafter defined and in accordance with the terms and conditions hereinafter set forth. The annual fee for such permit shall be \$150.

“Patio” as used in this Chapter shall have the following meaning: an open, unroofed area where beer and other alcoholic beverages are served or consumed.

An application for a patio permit shall be made to the city clerk and may be granted upon approval by the city council provided that the applicant currently holds a Class A, Class B or Class D liquor license from the City of Arcola.

(Ordinance 13-C-2, amended February 19, 2013)

No patio shall be permitted, maintained, or operated except with a patio permit and in conformity with the following regulations:

(1) No patio shall be permitted within 100 feet of land zoned for residential purposes.

(2) The permit shall be posted conspicuously in the patio at all times that it shall be in use.

(3) The patio area shall be particularly described and adjacent to, and operated as a part of, premises which are currently covered by a Class A or Class B liquor license issued by the City.

(4) Patios shall be no greater in area than one-half the other floor space of the licensed premises.

(5) Patios shall be limited to one person for each ten square feet and the maximum capacity shall be separately posted.

(6) At any part of the patio not blocked by a building, there shall be maintained or constructed a hedge or fence not less than four feet high surrounding the patio area. The fence shall contain the required fire exit or exits. Each gate or exit shall be not less than four feet high, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks. The patio fence shall comply with all city ordinances regarding vision clearance and required distances from corners.

(7) All electrical wiring shall comply with national, state and city electrical codes.

(8) All combustible rubbish shall be stored in non-combustible covered containers.

(9) Entrance to the patio shall be through the licensed premises.

(10) The noise emanating from any patio shall not violate any of the other ordinances of this municipal code pertaining to noise. The permit for a patio shall terminate at the same time that the liquor license for the licensed premises terminates.

(11) Deleted in its entirety.

(Ordinance 20-C-4, amended August 17, 2020)

“**Caterer’s Permit**”, which shall permit the sale of alcoholic liquor by a caterer or current holder of a Class A, B, or D liquor license provided for in this chapter, in connection with the sale of prepared food, for service at private parties, weddings or other similar private events which are not open to the general public, at a location other than the premises leased, owned or otherwise operated by the licensee. For the purpose of the application of the regulations of this chapter, the location of the catered event shall be deemed the licensed premises. In addition to compliance with other requirements for licensed premises in this Chapter, a Caterer’s permit shall meet and operate in compliance with the following requirements:

(1) The Caterer’s permit licenses shall be a bona fide caterer or current holder of a Class A, B, or D liquor license provided for in this chapter.

(2) Consumption of alcoholic liquor shall only be permitted on the premises where the food is catered.

(3) Gross revenues from the sale of alcoholic liquor at any event catered by a Caterer’s permit licensee shall not exceed forty (40) percent of the total gross revenues generated from the sale of alcohol and food at that event. The Caterer’s permit licensee shall submit an affidavit on a quarterly basis, on a form provided by the Liquor Commissioner, certifying compliance with this requirement.

(4) A Caterer’s permit license shall only be issued to an individual or entity that affirms to the City that it will be preparing the food to be sold at the private party or event. The Caterer’s permit licensee shall not contract with or partner with a separate person or entity to prepare the food to be sold at the private party or event.

(Ordinance No. 20-C-4, amended August 17, 2020)

(5) The requirements for special events as set forth in 3-27 of this Chapter shall also be complied with where applicable.

(6) No event catered by a Caterer’s permit licensee shall exceed three (3) days in length, nor shall alcoholic liquor be served at such an event for more than eight (8) consecutive hours.

The fee for a caterer’s permit shall be fifty dollars (\$50.00) per event to be paid to the City prior to the event; however, any applicant for a caterer’s permit who is the current holder of a Class A, B, or D liquor license provided for in this chapter may elect to pay an annual fee of one hundred dollars (\$100.00) if the applicant would prefer to only pay a caterer’s permit licensing fee once in a year. Even if an applicant pays an annual caterer’s permit fee, the applicant must still apply for a caterer’s permit for each event with an application which includes the date and location of the catered event as well as any other information requested in the application.

(Ordinance No. 13-C-2, amended February 19, 2013)

Class “H”, which shall permit the licensee to sell alcoholic liquor at a hotel by the drink for consumption on the premises incidental to banquets, receptions, or the viewing of motion pictures or live theatrical or stage performances. Alcoholic liquor shall only be sold, served, or consumed in the area or areas where the banquet, reception, viewing of a motion picture, or live theatrical or stage performance is taking place inside of the hotel. The licensee shall not be permitted to operate a bar or lounge area at which alcoholic liquors may be purchased. Such license shall be issued to hotels only. The annual fee for such a license shall be \$250.00.

(Ordinance 16-C-5, amended November 07, 2016)

Special Pour Permit, which shall permit the holder of a Class “C” licensee to sell alcoholic liquor for consumption on the premises incidental to a convenience store with video gaming. The gaming area where alcohol shall be consumed shall be separate from the sale floor of the convenience store with limited access to only patrons twenty-one (21) years or older. The annual fee for such a license shall be \$400.00 in addition of the cost of the Class “C” license

(Ordinance 24-C-1, amended April 01, 2024)

3-8. Number of Licenses. The combined total number of Class “A” and Class “B” licenses issued and in force at any one time in any year shall not exceed seven (7). At the time an applicant applies for a license, the applicant shall indicate whether the applicant is seeking a Class A or Class B license and upon receiving said license, the license holder shall comply with all of the requirements of a Class A or Class B license, depending on which was applied for. The holder of a Class A or Class B license shall not change its classification from a Class A to a Class B license or a Class B license to a Class A license without first providing a new application to the City and receiving approval from the City for the Change.

(Ordinance No. 20-C-4, amended August 17, 2020)

The total number of Class “C” licenses issued and in force at any one time in any year shall not exceed six (6).

The total number of Class “D” licenses issued and in force at any one time in any year shall not exceed one (1).

The total number of patio permits in force at any one time in any year shall not exceed five.

The total number of Caterer’s permit licenses issued and in force at any one time shall not exceed three (3).

(Ordinance No. 12-C-5, amended October 01, 2012)

The total number of Class “H” licenses issued and in force at any one time shall not exceed two (2).

(Ordinance No. 16-C-5, amended November 07, 2016)

The total number of special pour permits issued and in force at any one time shall not exceed one (1).

(Ordinance No. 24-C-1, amended April 01, 2024)

3-9. Payment and disposition of fees. The annual fee shall be paid in two equal installments, in advance, on or before May 1 and November 1 of each year. All such fees shall be paid to the City Clerk, at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Council by proper action.

3-10. Record. The City Clerk shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license the City Clerk shall immediately give written notice thereof to the Chief of Police.

3-11. Transfer of license. A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or interstate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than 6 months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

3-12. Change of location. Except as permitted for a Caterer's permit, a license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when the Mayor issues a written permit to make such change. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

(Ordinance No. 12-C-5, amended October 01, 2012)

3-13. Renewal of license. Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued.

3-14. Peddling. It shall be unlawful to peddle alcoholic liquor in the city.

3-15. 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 used for the storage or sale of food for human consumption.

3-16. Employees. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

3-17. Location restrictions. 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, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter. No person shall hereafter engage in the business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.

3-18. Stores selling school supplies, lunches, etc. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

3-19. Closing hours. It shall be unlawful to sell or offer for sale, at retail, or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 1:00 a.m. and 6:00 a.m. of any Tuesday, Wednesday, Thursday, Friday or Saturday, and between the hours of 1:00 a.m. and 12:00 noon on Sunday and between the hours of 10:00 p.m. on Sunday and 6:00 a.m. on the following Monday.

It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in case of restaurants and grocery stores such establishments may be kept open for business during such hours, but no alcoholic liquor may be sold to, or consumed by, the public during such hours.

A licensee who has a Class "D" license shall only be issued to sell or serve any alcoholic liquor between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 8:00 p.m. on Sunday.

(Ordinance 10-C-8, amended October 18, 2010)

3-20. Minors; sale to, possession, consumption. No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic

liquor to any person under the age of 21 years. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

It shall be unlawful for any person under the age of 21 years to present or offer to any licensee, his agent, or employee, any written, printed, or photostatic evidence of age and identity attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or to have in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

In every tavern or other place in the city where alcoholic liquor is sold there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the City Clerk and which shall read substantially as follows:

Warning to Persons Under 21

You are subject to a fine up to \$500 under the Municipal Code of the City of Arcola if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

It shall be unlawful for any liquor licensee, or his or her agent or employee to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided, that this paragraph shall not apply to any minor who is accompanied by his or her parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

In addition to all other fines and penalties, the Mayor may suspend or revoke the retail liquor dealer's license for any violation of the above paragraph.

It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this section.

(Ordinance No. 18-C-6, amended 07-16-18)

It shall be unlawful for any person under the age of 21 years to have any alcoholic beverage in his possession on any street or highway.

It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward if invitee is under the age of 21, in a manner that constitutes the violation of this section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence.

It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor except in the performance of a religious ceremony or service.

It shall be unlawful for any person under twenty-one (21) years of age to tend any bar or to draw, pour, or mix any alcoholic liquor in any licensed retail premises except as specifically stated herein. It shall be unlawful, for any licensee to permit or to employ any person under the age of twenty-one (21) years of age to serve alcoholic liquor except as otherwise specifically stated herein.

Notwithstanding the foregoing, individuals employed by a licensee with a Class B license or at an event with a valid caterer's permit who are at least eighteen (18) years of age and under twenty-one (21) years of age may draw, pour, or mix alcoholic liquor and deliver opened alcoholic beverages in the containers designated for consumption by the patron and receive the money for the alcoholic liquors from the consumer. Individuals between the ages of 18 and 21 may not "tend bar", shall not deliver alcoholic beverages across the bar, and shall not sell packaged alcoholic beverages; said individuals between the ages of 18 and 21 may only draw, pour, mix, or deliver alcoholic beverages in conjunction with a specific food order which the 18 – 21 year old is specifically fulfilling. Individuals between the ages of 18 and 21 who draw, pour, mix, or deliver alcoholic beverages must stop drawing, pouring, mixing, or delivering alcoholic beverages by 9:00 p.m. Monday thru Thursday, and by 10:00 p.m. Friday through Sunday. Individuals between the ages of 18 and 21 may only draw, pour, mix, or deliver alcoholic beverages under the supervision of the manager or owner of the premises, who must be on the premises and said manager or owner shall be responsible for compliance with this Section and shall be subject to any applicable prosecutions for violation of the Code and/or regulations or statutes of the State of Illinois.

No permitted or employed individuals under the age of eighteen (18) shall serve or deliver alcoholic beverages.

It shall be unlawful for any person under the age of 21 years to have any alcoholic beverage in his possession on any street or highway.

It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward if invitee is under the age of 21, in a manner that constitutes the violation of this section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence.

It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor except in the performance of a religious ceremony or service.

(1) Regardless of their age, all servers must successfully complete a State of Illinois Liquor Control Commission licensed or certified BASSET training program within thirty (30) days after the server begins serving alcohol for any licensee.

(2) Each server must maintain their BASSET certificate in good standing at all

times he/she is engaged in selling, serving, offering to sell, or offering for service alcoholic liquor in open containers at retail and/or checking identifications for entry into the licensee's premises and/or service by the licensee at which the server is employed or otherwise works.

(3) A BASSET certificate is the property of the server and the server shall be entitled to take his or her BASSET certificate with him or her should he or she change employment with one (1) licensee to another licensee.

(4) A server shall not sell, assign, or otherwise transfer his or her BASSET Certificate to any other person.

(5) Each server must produce his or her BASSET certificate upon request of any law enforcement officer, the Arcola liquor control commissioner, or a representative of the State of Illinois Liquor Control Commission.

(6) Each licensee shall assure that its servers have valid BASSET certificates, Obtain and retain a copy of each server's BASSET certificate on the licensee's premises or at such location where it sells or serves alcoholic liquor in open containers at retail; and make available for inspection copies of all server's BASSET certificates upon request of any law enforcement officer, the Arcola liquor control commissioner, or a representative of the State of Illinois Liquor Control Commission.

(Ordinance 20-C-4, amended August 17, 2020)

3-21. Sale to intoxicated persons; habitual drunkards. It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or insane, feebleminded or distracted person.

3-22. Gambling. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor; however, this provision shall not apply to any device for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., so long as such device is conducted in compliance with all the requirements of said Act and all rules and regulations of the Illinois Gaming Board.

Total gross revenues from video gaming for any licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor and video gaming in any calendar year.

Any licensee shall file with the Local Commissioner on or before May 1 or November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor, and video gaming.

Upon the request of the Local Commissioner, any licensee shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor, video gaming from such period of time as may be designated by the Local Commissioner.

The fact that 50% of the combined gross revenues is derived from video gaming alone shall be prima facie evidence that the licensed premises is not an establishment whose primary purpose is to sell alcoholic liquor or food.

(Ordinance No. 16-C-3, amended August 01, 2016)

3-23. Revocation or Suspension of Local License; Fines; Notice; Hearing; Appeal. The local liquor control commissioner may revoke or suspend any license issued by the City if he determines that the licensee has violated any of the provisions of this chapter or any of the provisions of the Illinois Liquor Control Act of 1934, as amended, or any applicable rule or regulation established by the local liquor control commissioner or the Illinois State Control Commission which is not inconsistent with law. In addition to the suspension, the local liquor control commissioner may levy a fine on the licensee for such violation provided that the fine shall not exceed \$1,000 for the first violation within a 12 month period, \$1,500 for a second violation within a 12 month period, and \$2,500 for a third or subsequent violation within a 12 month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid to the City treasury. However, no such license shall be revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a three day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the city, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The local liquor control commissioner shall within five days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five days upon the licensee.

Any order or action of the local liquor control commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may, within 20 days after notice of such order or action, be appealed by any resident of the City of Arcola or any person interested to the Illinois Liquor Control Commission. In any case where a licensee appeals to the Illinois Liquor Control Commission from an order or action of the local liquor control commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the Illinois Liquor Control Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the

licensed business until the denial of the application, or, if the rehearing is granted, until the decision on rehearing.

In any case in which a licensee appeals to the Illinois Liquor Control Commission a suspension or revocation by a local liquor control commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding 12 month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the local liquor control commissioner's action has been issued by the Illinois Liquor Control Commission and shall cease all activity otherwise authorized by the license.

3-24. Alcoholic liquor prohibited in city parks. It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor in any city park, except in designated areas, at designated times, and under those conditions designated in writing by the Mayor of the City of Arcola, in his capacity as local liquor control commissioner, to facilitate special events and occasions, and by a resolution approved by a majority vote of the City Council of the City of Arcola at a regularly scheduled meeting of the City Council of the City of Arcola.
(Ordinance No. 13-C-6, amended August 05, 2013)

3-25. Sale or delivery of alcoholic beverages permitted in Municipal Building. Alcoholic liquor may be sold or delivered in the Arcola Municipal Building, 114 North Locust Street, in the City of Arcola, Illinois, provided that the City of Arcola shall obtain and keep in full force and effect dram shop liability in maximum insurance coverage limits so as to save harmless the City of Arcola from all financial loss, damage or harm, and further provided that any group which rents the Arcola Municipal Building from the City shall also be required to provide proof of dram shop and/or host liability insurance in coverage limits satisfactory to the City so as to save harmless the City from all financial loss, damage or harm in any way related to the sale or delivery of alcoholic beverages by any group or organization while renting the Arcola Municipal Building. The City Council may from time to time promulgate regulations related to the sale or delivery of alcoholic beverages in the Arcola Municipal Building.

3-26. Alcoholic liquor in public places.

(a) Definition. As used in this section, the following term has the following meaning:

Alcoholic liquor. Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes or intended for beverage purposes.

(b) Consumption. No person shall consume any alcoholic liquor while in or upon public streets, alleys, sidewalks, parking lots, or other public ways.

(c) Open container. No person shall be in possession of any glass, can or open container containing alcoholic liquor on any thoroughfare, street, sidewalk, alley, or any other public way.

- (d) License not to permit removal of open container. No person, firm or corporation licensed to sell alcoholic liquor, or his employees or agents, shall permit any person to remove from such premises, any alcoholic liquor in any open container.
- (e) Open container in motor vehicles. No person shall have in his or her possession an open container containing alcoholic liquor within or on a motor vehicle, including motorcycles, while parked or standing on a public street or public lot in the City, or while such vehicle is in motion.
- (f) Sign required. All premises licensed for the sale of alcoholic liquor shall post a notice at each exit stating that ‘NO BEER, LIQUOR OR WINE MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING.’
- (g) Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$10 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3-27. Special Event Retailer’s License.

- (a) Words and Phrases Defined. Unless the context otherwise requires, words and phrases are used in this section in the sense given them as follows:

Special Event Retailer means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retailer’s license.

Special Event means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization.

- (b) Local and State License Required. A special event retailer must obtain a special event retailer’s license from the City and from the Illinois Liquor Control Commission to sell beer and wine at any special event. The license fee for the special event retailer’s license issued

by the City shall be set by the Arcola City Council. The duration of any special event retailer’s license issued by the City shall not exceed a total of 15 days per location in any 12 month period.

An applicant for a special event retailer’s license must furnish with the application the following information: (A) A resale number issued under Section 2c of the Retailer’s Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailer’s Occupation Tax Act, or a statement that the applicant is not registered under Section 2a of the Retailer’s Occupation Tax Act and does not hold a resale number under Section 2c of the Retailer’s Occupation Tax Act, (B) A current valid exemption identification number issued under Section 1g of the Retailer’s Occupation Tax Act and a certification to the local liquor

control commissioner that the purchase of alcoholic liquors will be a tax-exempt purchase, or a statement that the applicant does not hold an exemption number under Section 1g of the Retailer's Occupation Tax Act, (C) Proof satisfactory to the local liquor control commissioner that the applicant will provide dram shop liability insurance in the maximum limits, and (D) The specific days and location of the special event for which the license is being obtained.

3-28. Special Use Permit License; Approval by Local Liquor Control Commissioner.

(a) Words and Phrases Defined. Unless the context otherwise requires, words and phrases are used in this section in the sense given them as follows:

Special Use Permit License means a license issued by the Illinois State Liquor Control Commission for use by a retailer to allow for the transfer of alcoholic beverages from an existing licensed retail premises located within the City of Arcola to a designated site for specific event.

(b) Approval by Local Liquor Control Commissioner. The local liquor control commissioner shall give his approval to a local liquor licensee who is seeking a special use permit license from the Illinois Liquor Control Commission before the licensee applies to the Illinois Liquor Control Commission for such license. The local liquor licensee shall prominently display the special use permit license issued by the Illinois Liquor Control Commission at the site of the special event for which the license is issued.”

(Ordinance No. 05-C-3 amended June 20, 2005)

3-29. Entertainment Regulations. It shall be unlawful for any liquor licensee or person acting as agent, servant or employee of such licensee to provide, suffer, or permit any act, conduct, or entertainment on the licensed premises in such a manner as to expose to public view:

- (a) Male or female genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;
- (b) Any portion of the female breast at or below the areola thereof;
- (c) Any device, film, costume, or covering which gives the appearance of or simulates the above listed body parts.

(Ordinance 09-C-1, amended 04-06-09)

3-30. View from Street. In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior

of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions, shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Mayor shall have the right to require the filing with him or plans, drawings and photographs showing the clearance view as above required.

(Ordinance 09-C-1, amended 04-06-09)