

Chapter 13

LIQUOR

Sec. 1. DEFINITIONS

Unless otherwise required by the contents, the following terms as used in this chapter shall be construed according to the definitions in this section:

Alcoholic liquor: Any alcohol, spirits, wine, and beer, or any other substance, whether liquid or solid, patented or otherwise, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being.

Sale, sells, or offers for sale: Any transfer, exchange, or barter in any manner or by any means.

Sale at retail: Any sale for use and consumption and not for resale.

Original Package: Any bottle, flask, jug, can, cask, barrel, keg, or other receptacle sealed and labeled by the manufacturer.

Sec. 2. CLASSIFICATION

The President, with the approval of the Board of Trustees, may issue six types of licenses which shall authorize sales in the Village of Gridley as follows:

Class A License: General Tavern License

- a. Sale of beer by the drink for consumption on the premises.
- b. Sale of beer in original container for consumption on the premises.
- c. Sale of beer in the unbroken original container for consumption off the premises.
- d. Sale of alcoholic liquor, other than beer, in the unbroken original container for consumption off the premises.
- e. Sale of alcoholic liquor, other than beer, by the drink for consumption on the premises.

Class B License: Package Store License, Beer, Wine and other Alcoholic Beverages

- a. Sale of beer in the unbroken original container for consumption off the premises.
- b. Sale of wine in the unbroken original container for consumption off the premises.
- c. Sale of alcoholic liquor other than wine or beer in the unbroken original container for consumption off the premises.

Class C License: Beer and Wine Only - Package Store

- a. Sale of beer in the unbroken original container for consumption off the premises.
- b. Sale of wine in the unbroken original container for consumption off the premises.

Class D License: Sale of Beer and Wine for Consumption On and Off the Premises

- a. Sale of beer by the drink for consumption on the premises.
- b. Sale of wine by the drink for consumption on the premises.
- c. Sale of beer in the unbroken original container for consumption off the premises.
- d. Sale of wine in the unbroken original container for consumption off the premises.

Class E License: Secondary Premises Sale of Beer and Wine (*amend. 11/5/18*)

- a. Sale of beer and wine by the drink for consumption on the site specified for no more than two days in conjunction with a special event by a unit of local government or an educational, fraternal, political, civic, religious or other nonprofit or not-for-profit organization.
- b. Only holders of a Class A or Class D License may be issued a Class E License. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued.
- c. Application for a Class E license shall be made on a form provided by the Village Clerk and shall provide the following information:
 - 1. The name of the applicant.
 - 2. A description of the location at which the license will be utilized.
 - 3. The date(s) on which the license will be utilized and the requested hours of sale;
 - 4. A description of the activity or event in connection with which the license will be utilized.
 - 5. An estimate of the number of persons expected in attendance.
 - 6. A description of the proposed procedures for handling the sale of beer and wine, identification check, traffic control, vehicular parking, pedestrian control, site and vicinity clean-up.
- d. The license holder must submit proof of adequate Dram Shop Insurance covering the premises licensed under the Class E license prior to being issued such license.
- e. License Fee - \$25.00

- f. A copy of the appropriate and corresponding state liquor license shall be provided to the Village Clerk prior to the special event.
- g. The Liquor Commissioner shall approve or disapprove the application not less than fourteen (14) days after delivery of the application to Village Clerk.

Sec. 2.1 SPECIAL EVENT LICENSE

- a. Class F License authorizing the sale of beer and wine by the drink for consumption on the site specified for no more than two days in conjunction with a special event by a unit of local government or an educational, fraternal, political, civic, religious or other nonprofit or not-for-profit organization.
- b. No unit of local government, nor an educational, fraternal, political, civic, religious, nonprofit or not-for-profit organization shall be issued more than three (3) Class F licenses in any twelve-month period.
- c. Application for a Class F license shall be made on a form provided by the Village Clerk and shall provide the following information:
 - 1. The name of the unit of local government or educational, fraternal, political, civic, religious or other nonprofit or not-for-profit organization seeking the license.
 - 2. The names and signatures of two responsible current members of the organization, group or entity.
 - 3. A description of the location at which the license will be utilized.
 - 4. The date(s) on which the license will be utilized and the requested hours of sale;
 - 5. A description of the activity or event in connection with which the license will be utilized.
 - 6. An estimate of the number of persons expected in attendance.
 - 7. A description of the proposed procedures for handling the sale of beer and wine, identification check, traffic control, vehicular parking, pedestrian control, site and vicinity clean-up.
- d. The applicant shall pay a \$25.00 non-refundable license fee at the time of filing the license application.
- e. The Liquor Commissioner shall approve or disapprove the application not less than fourteen (14) days after delivery of the application to Village Clerk.
- f. After approval by the Liquor Commissioner of the license application and submission of proof of Dram Shop insurance, the Village Clerk shall issue a Class F License to a unit of local government or an educational,

fraternal, political, civic, religious or other nonprofit or not-for-profit organization.

- g. A copy of the appropriate and corresponding state liquor license shall be provided to the Village Clerk prior to the special event.”

Sec. 3. LICENSES, FEES, NUMBER

There may be issued, in the discretion of the President and the Board of Trustees after due consideration and hearing on the application thereof, as many licenses as they feel is appropriate to the size of Village and the demand therefore which said licenses shall be issued for the period of one year or portion thereof remaining prior to the 1st day of July of each year for the following fees payable semi-annually:

Class A License - \$380.00
Class B License - \$180.00
Class C License - \$120.00
Class D License - \$240.00
Class E License - \$ 25.00
Class F License - \$ 25.00

The first installment shall be paid with the application provided for in section 4. In the event licenses are issued for less than one year, the license fee shall be pro-rated on the basis of three months remaining until the first of July. The fee shall be returned to the applicant if his application is denied and deposited in the general corporate fund if approved.

Sec. 4. APPLICATION FOR LICENSE

All applications for licenses shall be made to the President of the Village, in writing, signed and duly verified by the applicant and containing the following:

- a. Name, age and address of applicant.
- b. Citizenship of applicant with date of naturalization, if any.
- c. Present occupation.
- d. Location and description of premises where the licensed operation is to be carried on, together with a statement of ownership of the same and, if not owned by applicant, consent of the owner to use the same for the purposes intended, and a showing of a lease for the term of the license.
- e. A statement that the applicant has never been convicted of a felony under any state or federal law and that the applicant has not been convicted of any crime involving morality and decency.
- f. A statement as to any previous license involving alcoholic liquor issued by any licensing authority giving the details as to; when application was made; if refused, why; if granted, when; and why surrendered; and any other information which would be relevant to a determination of the character of the applicant and his fitness to be a licensee.
- g. A statement that the applicant understands all the provisions of this ordinance and the state laws in relation to the sale of liquor at retail and that he will abide and be governed thereby.

Any person or organization desiring to serve alcoholic beverages at any function on any public grounds in the Village of Gridley may apply to the Liquor Commissioner for permission to do so. The granting of said permission shall be completely within the discretion of the Liquor Commissioner and any permission shall be subject to any restrictions that said Liquor Commissioner may put on said permission. Any person or organization serving liquor in a public place with permission from the Liquor Commissioner shall not be deemed to be guilty of a violation of Section 1 or this ordinance.

Sec. 5. RESTRICTIONS ON LICENSES

No license shall be issued to any person who:

- a. Is not either a resident of the Village of Gridley or owns real estate in the Village of Gridley.
- b. Is not of good moral character and reputation in the community in which he resides.
- c. Is not a citizen of the United States.
- d. Has been convicted of a felony under any federal or state law or who has been convicted of any crime opposed to decency or morality.
- e. Is a person whose license to sell liquor has been revoked for cause by any licensing authority.
- f. Is a co-partner, unless all members meet with the qualifications of this ordinance.
- g. Is a person who employs in his business any person not qualified to receive a license in his own right.
- h. Is, upon renewal, not qualified as required for an original license.
- i. Is a law enforcing official, town official, or person not qualified under the laws of the State of Illinois to receive a license.

Sec. 6. RESTRICTIONS ON PREMISES

Each license shall designate the premises on which it is to be operated, and any changes of location shall be made only with the written permission of the Village President; and provided further, that no license shall issue for any premise which is:

- a. not owned by or under lease to the applicant for the period of the license.
- b. within 100 feet of any church, school, or hospital.
- c. unsafe, unsanitary, or in the state of disrepair, such as to endanger the public.
- d. not in conformity with the standards of the state liquor law.

Sec. 7. RESTRICTIONS ON HOURS OF OPERATION

It shall be unlawful to sell or offer for sale, or keep open for business, or to admit any person, other than a licensee or his regular employee, to the place of operation, during the following times:

- a. from 1:00 a.m. on Sunday to 11:00 a.m. on Sunday, and provided further, that in a Class A or Class D establishment no sales shall be made after 12:45 a.m. on Sunday morning, and that the premises must be closed and

- all the public removed by 1:00 a.m. However, the Village President may extend such hours for special occasions upon written request therefore.
- b. from midnight on a weekday until 6 o'clock a.m. on the next morning following and provided further that no sales shall be made after 12:45 a.m. Sunday morning in a Class A and Class D licensed establishment and that the premises must be closed and all public removed by 1:00 a.m. pm Sunday. Sunday hours permitted are from 11:00 a.m. to 10:00 p.m. However, the Village President may extend such hours for special occasions upon written request therefore.
 - c. on election days, whether national, state, county, or municipal, including primaries, during the hours that the polls are open in the area involved.
 - d. Class B and C establishments which sell only packaged goods for consumption off the premises may be open on Sunday afternoon and evening from the hours between 12:00 noon and 10:00 p.m.

Sec. 8. LICENSE NON-TRANSFERABLE

- a. A license is a personal privilege, good only for the term thereof or until sooner revoked and shall not constitute property subject to transfer in any form. Such licenses shall cease upon death of the licensee, provided that the executor or administrator of the estate of the decedent licensee and a trustee of any insolvent or bankrupt licensee when such estate consists in part of alcoholic liquor, may continue the business with the sale of alcoholic liquor under the order of the appropriate court and may exercise the privileges of the decedent or insolvent or bankrupt licensee until the expiration of the license or a period of six months after the date of death, insolvency or bankruptcy, whichever occurs first.
- b. A licensee may, prior to the expiration of the license, make application for a renewal thereof but said application for renewal shall be governed by and be processed as if it was an original application.

Sec. 9. RECORDS TO BE KEPT

The President and the Board of Trustees of the Village shall keep a record of all licenses issued by the Board and revoked with their approval.

Sec. 10. VIOLATIONS BY OTHERS THAN LICENSEES

It shall be unlawful for any person to consume or have in his or her possession in other than the original package with the seal unbroken, any alcoholic liquor in any public park or on any public right-of-way, street or sidewalk or in any public place other than a liquor establishment appropriately licensed and in such cases only during the hours during which the sale of alcoholic liquor is permitted.

Sec. 11. VIEW FROM THE STREET

Wherever any alcoholic liquor, including beer, for consumption upon the premises is licensed, such premises shall conform to all the rules and regulations embodied in the law of the State of Illinois commonly known as "An act relating to alcoholic liquor."

Sec. 12. REPEAL OF PREVIOUS ORDINANCES

All previous ordinances relating to the sale of alcoholic beverages or all previous ordinances in conflict with this ordinance are hereby repealed.

Sec. 13. PENALTIES

Any person violating any provision of this ordinance shall be fined upon conviction thereof not less than \$50.00 and not more than \$500.00 for each offense, and in the event of a continuing violation, a separate offense shall be considered to have been committed on each day during or on which a violation occurs or continues.