

Chapter 310

ALCOHOLIC BEVERAGES

Section 310-1 Definitions

Unless the context otherwise requires, the following terms as used in this ordinance shall be construed according to the definitions given below.

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

Alcohol - "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.

Spirits - "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.

Wine - "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, as above defined.

Beer - "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.

Club - A corporation organized under the laws of this State, 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 Chairman of the County Board at the time of its application for a license under this resolution two copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his 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 any 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 the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

Hotel - every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Restaurant - any public place kept, used, maintained, advertised, and held out

to the public as a place where meals are served, without sleeping accommodations, such place 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.

Retail sale - The sale or use or consumption, and not for resale.

Packaged sales - The sale of any alcoholic liquor that is not intended for resale.

Section 310-2 License Required

It shall be unlawful to sell or offer for sale at retail in the unincorporated area of the County of Carroll any alcoholic liquor without having a retail liquor license or a temporary liquor permit, or in violation of the terms of such license or permit.

Section 310-3 Application for License

1. Applications for such licenses or temporary permits shall be made to the chairman of the County Board in writing signed by the applicant, if an individual is applying, or signed by a duly authorized agent if a club or corporation is applying. All applications shall be verified by oath or affidavit and shall contain the following information and statements:
 - (a) The name, age, and address of the applicant in the case of an individual; in the case of co-partnership, the persons entitled to share in the profit thereof, and in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;
 - (b) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;
 - (c) The character of business of the applicant; and in case of a corporation, the object for which it was formed;

- (d) The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;
- (e) The amount of goods, ware, and merchandise on hand at the time application is made;
- (f) The location and description of the premises or place of business which is to be operated under such license; [in the case of an application for a caterer retailer's license, the applicant shall identify a specific location to constitute a home base for purposes of enforcing compliance with this ordinance]
- (g) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;
- (h) 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 ordinance, laws of this State or the resolutions of the County Board.
- (i) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof;
- (j) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States or any resolution of the County Board in the conduct in his place of business.
- (k) For all first-time applicants, an Illinois and FBI criminal history background check. Background checks shall be done via the Illinois State Police Bureau of Identification Fee Application Fingerprint Card at the applicant's expense. All fingerprint transactions must be submitted electronically to the Illinois State Police Bureau of Identification through a licensed live scan fingerprint vendor. A list of licensed vendors may be located on the Illinois Department of Financial and Professional Regulation website or by requesting a copy from the

Carroll County Clerk. The applicant shall request the results of the background check to be given to the Carroll County Sheriff's office.

(l) A training certificate from a State Certified Beverage Alcohol Sellers and Servers Training Program (BASSET) showing the applicant has been certified.

2. All first-time applications shall be submitted to the County Board Chairman who shall ensure the application is complete before presenting the application to the County Board at the next regularly scheduled County Board meeting for a majority vote. All renewal applications shall be submitted to the County Board Chairman who shall have the sole authority to renew or deny the application.

Section 310-4 Eligibility

No retail liquor license or temporary liquor permit shall be issued to the following:

- (a) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee.
- (b) A person who had been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this ordinance, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- (c) 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 to be issued.
- (d) Any law enforcing public official, any county officer, any mayor, alderman, or member of a city council or commission any president of a Village Board of Trustees, any member of a Village Board of Trustees, or any president or member of a County Board; and no such official shall be interested in any way, either directly or indirectly, in the

manufacture, sale or distribution of alcoholic liquor.

(e) Any person, association, or corporation not eligible for a State retail liquor dealer's license.

Section 310-5 Term and Proration of Fee

Retail liquor licenses shall terminate on the 30th day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

Section 310-6 Classification and Fees

Such licenses shall, and are hereby divided into two classes, to wit;

(a) Class A Licenses, which shall authorize the retail sale (beer, wine and spirits) on the premises as well as other retail sales of such liquor. The annual fee for such license shall be the sum of \$1,000.00 (one thousand dollars).

(b) Class B Licenses, which shall authorize the retail sale (beer and wine) on the premises specified, of alcoholic liquor for consumption on the premises, provided that the alcoholic content of such alcoholic liquor shall not exceed more than fourteen percent (14%) of alcoholic by volume. The annual fee for such license shall be the sum of \$500.00 (five hundred dollars).

(c) Class C Licenses, which shall authorize the retail sale on the premises, specifically of packaged sales (beer, wine and spirits), but there shall not be any consumption on the premises. The annual fee for such licenses shall be the sum of \$750.00 (seven hundred fifty dollars).

(d) Class D Licenses, which shall be known as a caterer retailer's license, and which shall authorize the retail sale of alcoholic liquors (beer, wine and spirits) for consumption either at home base or off site, provided the licensee owns the off site premises and the retail sale of alcoholic liquors is done as an incidental part of food service. Prepared meals and alcoholic liquors shall be sold at a package price agreed upon

under contract. The annual fee for such license shall be the sum of \$1,500.00 (fifteen hundred dollars).

(e) Class E Licenses, which shall authorize the retail sale related to a Winery or Micro Brewery of alcoholic liquor for packaged sales (including non-wholesale internet sales) or consumption on the premises, provided that the alcoholic content of such alcoholic liquor shall not exceed more than twenty percent (20%) of alcoholic by volume. This would include Alcoholic liquors of beer, wine and port. This does not include the sales of pure spirits. The annual fee for such license shall be the sum of \$750.00 (Seven hundred fifty dollars).

(f) Class F Licenses, which shall authorize the retail sale related to a Craft Distillery of alcoholic liquor for packaged sales (including non-wholesale internet sales) or consumption on the premises. This includes all forms of spirits crafted by the license holder's business. The annual fee for such license shall be the sum of \$750.00 (Seven hundred fifty dollars).

(g) Class G Licenses, which shall be known as an Event/Mobile Bar retailer's License, shall authorize the retail sale of alcohol (beer, wine and spirits) for consumption at a specified location for one day (24 hour). Licensee must have a valid city or county liquor license within the state of Illinois, which includes being licensed with the State of Illinois. Class G will be equivalent to a Class A license except for the location requirement and all other requirements of the County Liquor Ordinance shall be followed. The fee for such license shall be the sum of \$40.00 (forty dollars).

(h). Class H Licenses, which shall authorize the retail sale (beer and wine) on the premises specified, of alcoholic liquor for consumption on the premises, provided that the alcoholic content of such alcoholic liquor shall not exceed more than fourteen percent (14%) of alcohol by volume. Class H will allow the licenses holder to sale as retail packaged liquor, not to exceed 14% of alcohol by volume that is labeled specifically with the license holders business name on the State approved label (i.e. local wine produced and labeled with local business name directly on the approved label often used for fundraisers). The annual fee for such license shall be the sum of

\$750.00 (seven hundred fifty dollars).

Section 310-6.1 Temporary Liquor Permit

- (a) The local Liquor Control Commissioner shall receive for consideration a request for a temporary permit for the sale of beer, wine and wine cooler beverages only to be consumed on the controlled premises named or described in the permit from which minors shall be excluded. Said permit shall be granted only after a majority vote of the County Board approves the adoption of a favorable recommendation from the Local Liquor Commissioner.
- (b) The permit shall be valid only during the dates and times endorsed thereon which shall not exceed three days and shall not include hours after 12:00 midnight and before 1:00 p.m. In the event of inclement weather or other emergency, the Commissioner is authorized to reissue the permit for substitute dates occurring within a reasonable time.
- (c) The permit shall be issued only to a bona fide civic or charitable organization which shall not be organized for profit and which shall have been in existence for at least three years prior to the effective date of the permit.
- (d) The applicant for the permit shall show the Commissioner satisfactory proof of dram shop insurance in such an amount as the Commissioner may in his discretion require.
- (e) There shall be a non-refundable permit fee of \$50.00 plus \$25.00 per day covered by the permit that shall be payable at the time this permit is issued. Only one such permit shall be issued to the same applicant in any twelve-month period.
- (f) The application and permit shall be on forms prescribed by the Commissioner which shall include a hold harmless provision.

Sec. 310-6.2 Temporary Event Liquor License

Subject to the terms, conditions, and requirements of this chapter, except where noted, the following temporary event license may be issued to private or public organizations under the following terms and conditions:

- (a) The local Liquor Control Commissioner shall receive for consideration an application for a temporary event license for the sale of alcoholic beverages by the drink only and not for the sale of packaged alcoholic beverages. The alcohol shall only be consumed on the controlled premises named or described in the license application. Minors (under 21 years old) may enter the controlled premises with an adult, but must be clearly designated as a minor. All applications for a temporary event license shall meet the requirements of Section 310-3.
- (b) The temporary event license shall be valid only during the dates and times endorsed thereon which shall not exceed three (3) days and shall not include hours after 12:00 midnight and before 1:00 p.m. In the event of inclement weather or other emergency, the Commissioner is authorized to reissue the permit for substitute dates occurring within a reasonable time. Only five (5) temporary event licenses shall be granted per person or corporation per any twelve-month period.
- (c) The applicant for the temporary event license shall show the Commissioner satisfactory proof of dram shop insurance in such an amount as the Commissioner may in his discretion require.
- (d) The applicant shall employ sufficient help to maintain said premises in a good and clean condition, shall adequately police the area, and shall furnish such persons as are required to maintain order.
- (e) The temporary event license fee shall be one hundred dollars (\$100.00) per event and non-refundable.
- (f) All first-time temporary event licenses for a specific location shall be granted only after a majority vote of the County Board approves the

adoption of a favorable recommendation from the Local Liquor Commissioner. Subsequent permit applications by the same individual and location will only need the Liquor Control Commissioner's approval.

Section 310-7 Disposition of Fees

All such fees shall be paid to the County 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, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the County Board, by proper action.

Section 310-8 Consumption on Premises

It shall be unlawful for anyone not having a Class A, B or D License or a Temporary Liquor Permit to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

Section 310-9 List of Licensees

The Chairman of the County Board shall keep or cause to be kept a complete record of all such licenses and permits issued by him; and shall furnish the Clerk, Treasurer, and Sheriff each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Chairman of the County Board shall give written notice of such action to each of these officers within forty-eight (48) hours of such an action.

Section 310-10 Transfer of License

(a) A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this resolution 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 not descend by the laws of testate or intestate devolution, but it shall cease upon the

death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and that trustees 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 order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

(b) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and, provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Chairman of the County Board from decreasing the number of licenses to be issued within his jurisdiction.

Section 310-11 Change of Location

A retail liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license, except as permitted for a caterer retailer's license. Such location may be changed only upon the written permit to make such change issued by the Chairman of the County Board. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the resolution of the County.

Section 310-12 Peddling

It shall be unlawful to peddle alcoholic liquor in the County of Carroll.

Section 310-13 Sanitary Conditions

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and 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.

Section 310-14 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 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.

Section 310-15 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 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 sale of alcoholic liquor 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 resolution. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.

Section 310-16 Hours

Except as provided in Section 31-6.1, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the county between the hours of 1:00 a.m. and 6:00 a.m.. The following is the one exception: That on January 1st of each year it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the county between the hours of 2:00 a.m. and 6:00 a.m.

Section 310-17 Prohibited Acts

The following acts are prohibited on any premises licensed or permitted to sell or offer to sell alcoholic liquor:

- (a) The performance of acts, or simulated acts, or sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is obscene under the Criminal Code of 1961.
- (b) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

(c) The actual or simulated displaying of the pubic hair, anus or genitals.

(d) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitalia or anus.

(e) The displaying of films or pictures depicting acts as to which a live performance would be prohibited by the above.

Section 310-18 Revocation

The Chairman of the County Board may revoke any retail liquor dealer's license or temporary license for any violation of any provision of this ordinance, or for any violation of any State law pertaining to the sale of alcoholic liquor.

Section 310-19 Penalties

Any person, firm, or corporation violating any provision of this ordinance shall be guilty of a Class B Misdemeanor.

Section 310-20 Number of Licenses

There shall not be in force at any one time in Carroll County more than ten (10) Class A Licenses, and no more than five (5) licenses of any other class of License.

Section 310-21 Alcohol Sellers and Servers Education Required

(a) Sellers and Servers of alcoholic beverages must complete a course of instruction approved by the Illinois Liquor Commission on the effects of alcohol and drug abuse and which teaches how to identify and/or intervene so as to reduce the incidence of alcohol misuse amongst patrons.

(b) All liquor licenses sought on or after May 16, 2019 whether original or renewal shall be accompanied by proof of completion of a State Certified Beverage Alcohol Sellers and Servers Training Program (BASSET) training

certification.

- (c) For each establishment holding a liquor license, at minimum of two (2) employees or all employees, whichever is less, must be "BASSET" certified. Employees may be given up to ninety (90) days to complete the "BASSET" certification.
- (d) A licensee shall provide documentation when requested showing that BASSET information was provided to all employees serving alcohol.

Adopted June 20, 2019