

**Ordinance No. 11 - 05- 01**

**Ordinance to Amend the Sherrard Municipal Code**  
**Liquor Sales**

*Whereas*, Section 4-1 of the Liquor Control Act authorizes the Village to issue and regulate liquor licenses within the Village limits and to further provide by ordinance or resolution such regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require, including the determination of "the number, kind and classification of licenses, for sale at retail of alcoholic liquor ... and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued in their political subdivision." 235 ILCS 5/4-1.

*Whereas*, Section 6-14 of the Liquor Control Act further authorizes the Village, by general ordinance or resolution, to permit Sunday liquor sales within the Village. 235 ILCS 5/6-14.

*Whereas*, Title 2, Chapter 1 of the Municipal Code of Sherrard (hereinafter referred to as the "Village Code"), currently provides for the regulation of liquor sales within the Village, including application and requirements of a licensee, classification of licenses, and license fees permitted within the Village's jurisdiction.

*Whereas*, there has been a request made to the Village Board by Fyre Lake Ventures, LLC for a liquor license to allow liquor sales for consumption on premises only and to allow such consumption within their outdoor enclosed patio area.

*Whereas*, the Village Board feels that a new classification to accommodate this request is in the best interests of the Village as it will generate additional sales tax revenues for the Village and will promote further economic development in the Village's TIF District.

*Whereas*, the Village Code provisions relating to license applications and permitted licensees need to be amended to accommodate the application and residency requirements for a limited liability company.

*Therefore, be it ordained* by the President and Board of Trustees of the Village of Sherrard, in Mercer County, Illinois, that:

**Section 1:** Title 2, Chapter 1, Sections 2 through 7 and Section 11.3 of the Village Code are hereby amended to read as follows:

**Chapter 1. LIQUOR REGULATIONS**

**SECTION 2. DEFINITIONS.** For the purpose of this Chapter:

**BEER.** A beverage obtained by 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, containing more than one-half of one percent (.5%) of alcohol by weight.

**LICENSEE.** Any person, firm, partnership, club, association, corporation or limited liability company (LLC) who receives a license under this Chapter by original application thereof.

**LIQUOR.** Includes any and all distilled and rectified spirits, alcohol, brandy, whiskey, rum, gin or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, containing more than one-half of one percent (.5%) of alcohol by weight.

**ORIGINAL PACKAGE.** Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to carry or convey any alcoholic liquor. (Ord. 68-2, 5-6-68; and 1976 Code).

**SELL AT RETAIL OR SALE AT RETAIL.** Has reference to and means sales to a consumer or to any person other than resale.

**WINE.** Includes wine, both still and sparkling, and fruit juice containing more than three and eight-tenths percent (3.8%).

**CLUB.** A corporation organized under the laws of this State, and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, which conforms to the definition of a club.

**COUNTRY CLUB.** A recreational area with buildings or structures that includes banquet facilities, restaurants, or snack bars operated in conjunction with the country club, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, for example, golf, tennis and the like.

**GOLF COURSE** A recreational area with or without clubhouse facilities primarily for the use of members and their guests or the general public as the case may be, engaging in a form of recreation or game commonly known as golf.

**SECTION 3. LICENSE REQUIRED.** No person, firm, partnership, club, association, corporation or LLC shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of any liquor, wine or beer, as herein defined, within the corporate limits of the Village unless he first shall have obtained a license therefore as hereinafter provided from the President and the Village Board of Trustees. (Ord. 68-2, 5-6-88).

**SECTION 4. APPLICATION FOR LICENSE.** Before any retail license hereunder shall be issued an application for such license under oath shall be filed with the President of the Village Board, which application shall show the following:

- 4.1 The name and residence of the applicant. (Ord. 68-1, 5-6-68).
- 4.2 His place of birth and, if a naturalized citizen, the time and place of naturalization. (Ord. 68-, 5-6-68: amd. 1976 Code).
- 4.3 That he has never been convicted of a felony.
- 4.4 The location where the applicant proposes to sell at retail any liquor, wine or beer as herein defined.
- 4.5 That the proposed location is not within one hundred feet (100') of any church, school, hospital, home for the aged or indigent person, or for veterans, their wives or children, or any military or naval station.
- 4.6 That he will not violate any of the laws of the State of Illinois or of the United States, or any provision of the Village Code.
- 4.7 That the application is of good moral character.

- 4.8 A statement that the applicant is not a manufacturer, bottler, jobber or wholesaler of liquors, wine or beer, and the further statement that no manufacturer, bottler, jobber or wholesaler of liquor, wine or beer, nor any agent thereof, nor any person other than the applicant himself, directly or indirectly, supplied, furnished, gave or paid or lent money for any furnishings, fixtures, or equipment on the premises or place of business or license of the applicant; that no manufacturer, bottler, jobber or wholesaler of liquor, wine or beer or any agent thereof, or any person other than the applicant himself is directly or indirectly interested in the ownership.
- 4.9 A statement that the applicant agrees to permit any police officer or other official of the Village free and unrestricted access to the licensed premises for the purpose of inspecting same.
- 4.10 That he will abide by and obey the rules and regulations of the Village governing health and sanitation.
- 4.11 That he has all the qualifications necessary to receive a retail liquor license from the State Department pursuant to the requirements of state law.

In case of a partnership, corporation or LLC, the information required from the applicant shall be furnished as to each partner, the principal officers of the corporation, or the members (member-managed) or managers (manager-managed) of the LLC.

The making of any false statement in the aforesaid application or the violation by the applicant of any agreements or stipulations by him entered into in said application shall be sufficient ground for the revocation of any license granted thereunder and shall further be deemed a violation of this Chapter and subject the person so offending to the penalties herein provided for.

SECTION 5. INVESTIGATION; APPROVAL OF LICENSE. All applications for retailer's licenses shall be filed with the President, and the President or Police Department shall investigate all the statements contained in each application. If upon investigation the President shall be satisfied that the matters and things therein contained are true and that the applicant is of good moral character and entitled to a license, and that the said applicant has complied with all the requirements of this Chapter, the President shall seek and obtain the approval of a majority of the Trustees of the Village, noting in regular or special meeting the locations upon which the license is proposed to be exercised. Upon receipt of the required license fee in accordance with the provisions herein, the President shall issue a license.

SECTION 6. REQUIREMENTS OF LICENSEES.

- 6.1 Every person, firm, partnership, club, association, corporation or LLC licensed in accordance with the provisions of this Chapter shall immediately post and keep posted while in force, in a conspicuous place on the premises, the license certificate so issued. Whenever such license shall be lost or destroyed, a duplicate in lieu thereof, shall be issued by the President of the Village, upon application made thereafter by the licensee who shall also make a verified statement of such loss or destruction.
- 6.2 No license issued hereunder shall be transferable licensee to any other person, firm, partnership, club, association, corporation or LLC.
- 6.3 All licensees under this Chapter shall be residents of the Village of Sherrard, County of Mercer or any contiguous area, and should any licensee cease to be a resident of any such area, his license shall thereupon be revoked by the President of the Village. If the licensee is a partnership, then at least one-half (Y.) of the partners or a majority thereof, whichever is fewer shall be residents of the Village. If the licensee is a corporation, at least one of the principal officers shall be a resident of the Village. If the licensee is an LLC, at least one of the members (member-managed) or managers

(manager-managed) shall be a resident of the Village. The President shall revoke the license at any time if the license requirements herein are not complied with.

- 6.4 All licenses issued under this Chapter shall specify the premises upon which the sale of liquor is licensed and the same shall be prominently stated in the license certificate, required in this Chapter to be posted on said premises.
- 6.5 The official licensing year shall begin on the date of issuance for one (1) year and end 365 days later of the next succeeding calendar year. All licenses shall expire after 365 days, but the license fees hereinafter provided for shall be reduced in proportion to the number of full calendar months which have expired in the official license year. The full license fee shall be charged for any license issued at any time during the first month of such license year.
- 6.6 All current licensees and employees must complete BASSET training within 60 days following the adoption of this Ordinance. Recipients of new licenses and any new employees of current licensees must complete BASSET training within 30 days of the receipt of the license or date of employment. A copy of each BASSET certificate must be filed with the Village Clerk.

SECTION 7. CLASSIFICATION:TERMS AND FEES. Liquor licenses shall be classified with the respective rights and privileges set forth as follows:

- 7.1 TYPE A. Type A classification shall authorize grocery stores, convenience stores, and all other licensees to sell at retail beer and wine in the original package on the premises of the licensee. No single cans, open packages, nor beer/wine containers shall be sold, consumed or allowed on the premises.
  - A. Requirements of Type A License.
    1. It shall be unlawful for any person, firm, partnership, club, association, corporation or LLC holding a Type A license in the Village to sell, permit to be sold or give away any alcoholic liquor between the hours of 9:00 o'clock p.m. and 7:00 o'clock a.m. Monday through Sunday. All licensees must abide with normal standard clock hours and are not allowed one (1) additional selling hour when Daylight Savings Time ends in the fall.
    2. A Type A licensee shall be exempt from the Section 10 Sanitary Requirements.
  - B. Class A License Terms and Fees.
    1. No more than two (2) Type A liquor licenses shall be in force at one time (amd. 7-5-88).
    2. The license fee for a Type A liquor license shall be Five Hundred Dollars (\$500.00) annually, payable in two (2) equal installments, one (1) installment on May 1 and the second installment due and payable on November 1 of each year.
- 7.2 TYPE B. Type B classification shall authorize the sale at retail, on the premises of the licensee specified in the license, of alcoholic liquor for consumption on the premises as well as other sales at retail of alcoholic liquor.
  - A. Requirements of Type B License.
    1. It shall be unlawful for any person, firm, partnership, club, association, corporation or LLC holding a Type B license in the Village to sell, permit to be sold or give away any alcoholic liquor between the hours of 1:00 o'clock a.m.

and 6:00 o'clock a.m. Monday through Friday, between the hours of 2:00 o'clock a.m. and 6:00 o'clock a.m. on Saturday, or between the hours of 2:00 o'clock a.m. and 12:00 o'clock noon on Sunday, *except* as follows:

When New Year's Eve falls on a Monday through Saturday, sales shall be permitted between the hours of 6:00 o'clock a.m. until 4:00a.m. the following morning.

When New Year's Eve falls on a Sunday, sales shall be permitted between the hours of 12:00 o'clock noon until 4:00a.m. the following Monday morning.

All licensees must abide with normal standard clock hours and are not allowed one (1) additional selling hour when Daylight Savings Time ends in the fall.

2. All licensees must close and all sales must cease at the time specified. All patrons must be out of the business premises of any tavern covered by these licenses within fifteen (15) minutes after closing time.

B. Class B License Terms and Fees.

1. No more than two (2) Type B liquor licenses shall be in force at one time.
2. The license fee for a Type B liquor license under this Chapter shall be Seven Hundred and Twenty-Five Dollars (\$725.00) annually, payable in two (2) equal installments, of \$362.50, with the first installment due on May 1 and the second installment due and payable on November 1 of each year.

- 7.3 TYPE C. Type C classification shall permit the retail sale of alcoholic liquor for consumption only on the club's premises where sold, to be issued to a regularly organized club. No Type C license shall be issued until the President of the Village is satisfied that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor.

A. Requirements of Type C License.

1. It shall be unlawful for any person, firm, partnership, club, association, corporation or LLC holding a Type C license in the Village to sell, permit to be sold or give away any alcoholic liquor between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m. Monday through Friday, between the hours of 2:00 o'clock a.m. and 6:00 o'clock a.m. on Saturday, or between the hours of 2:00 o'clock a.m. and 12:00 o'clock noon on Sunday, *except* as follows:

When New Year's Eve falls on a Monday through Saturday, sales shall be permitted between the hours of 6:00 o'clock a.m. until 4:00a.m. the following morning.

When New Year's Eve falls on a Sunday, sales shall be permitted between the hours of 12:00 o'clock noon until 4:00a.m. the following Monday morning.

All licensees must abide with normal standard clock hours and are not allowed one (1) additional selling hour when Daylight Savings Time ends in the fall.

The sale of any alcoholic beverages from motorized vending carts shall cease within 30 minutes of sunset Monday through Sunday.

- (manager-managed) shall be a resident of the Village. The President shall revoke the
2. All licensees must close and all sales must cease at the time specified. All patrons must be out of the business premises of any tavern covered by these licenses within fifteen (15) minutes after closing time.
  3. If the licensee is a country club, and intends to conduct any annual activities in the upcoming year which activities will be held off the premises, then at the time of application and each annual renewal of any Type C liquor license, such country club shall submit a list to the Village President with a complete description identifying the dates and the hours for these special events. This shall include, but is not necessarily limited to, golf cart sales of beer or wine on a golf course. The President shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the application or annual renewal. Amendments to the list during the course of the licensed year can only be approved by the Village President, at the President's absolute discretion.

**B. Class C License Terms and Fees**

1. No more than one (1) Type C liquor licenses shall be in force at one time.
2. The license fee for a Type C liquor license under this Chapter shall be One Thousand Dollars (\$1,000.00) annually, payable in two (2) equal installments of \$500.00, with the first installment due on May 1 and the second installment due and payable on November 1 of each year.

**SECTION 11. CERTAIN ACTS, PRACTICES PROHIBITED.**

- 11.3 When accompanied by a parent or legal guardian, minors are allowed in any licensed premises until 7:00 p.m. Monday through Sunday where the principal business is the sale of alcoholic liquor. The minors may enter for a time reasonably necessary to purchase items, but must exit the licensed facility immediately upon completing the purchase. Minors may also remain in the licensed facility for a period of 2 hours if accompanied by a parent or legal guardian for the purpose of dining in the licensed facility. After 7:00 p.m. no minors shall be permitted in any licensed premises where the principal place of business is the sale of alcoholic liquor. Parents or guardians or other adult persons who shall bring or accompany any minor on such premises after 7:00 p.m. shall be deemed guilty of violation of this provision.

**Section 2:** This Ordinance shall take effect and be in full force from and after its passage, publication, and approval, as required by law.

*(Nothing further contained on this page.)*

Passed, approved, and adopted BY THE President and Board of Trustees of the Village of Sherrard on the 16<sup>th</sup> day of May, 2011.

<b>Trustee</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Trustee Creger		X		
Trustee Henry	X			
Trustee Hoexter	X			
Trustee Rath	X			
Trustee Sanguist	X			
Trustee Wyant	X			

//SGD//

**Terry L. Ayers, Village President**

**Attest:**

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**Theresa A. Johnson, Village Clerk**

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