

Resolution 12-1

**WHEREAS**, Section 4-1 of the Liquor Control Act, 235 ILCS 5/4-1, grants the County Board the power to determine the number, kind, and classification of liquor licenses to issue to Sangamon County businesses which are located outside the limits of Sangamon County cities, villages and incorporated towns and to establish regulations and restrictions upon its licensees' operations, not inconsistent with law, and as the public good and convenience may require; and

**WHEREAS**, Chapter 5.04 of the Sangamon County Code, entitled "Alcoholic Beverages," includes provisions setting forth the various classifications of liquor licenses and the hours each licensee may operate; and

**WHEREAS**, the number and seriousness of unlawful and disorderly practices which have occurred at or adjacent to business premises where alcohol is sold, given, or consumed after one o'clock in the morning under Sangamon County issued liquor licenses ("extended hours businesses") have increased in the past five years; and

**WHEREAS**, eliminating closing hours later than 1:00 a.m. for licensed businesses where alcohol is sold, given, or consumed would: (a) lessen the number and seriousness of disorderly and unlawful practices; (b) eliminate persons traveling in the early morning hours to reach extended hours businesses; (c) lessen incidents of driving under the influence of alcohol; (d) protect the health, comfort, tranquility and safety of extended hours businesses' neighbors; and (e) lessen the burden on, and inherent danger to, Sangamon County Deputies and other first responders called out in the early morning hours to respond to disturbances and unlawful activity stemming from extended hour businesses.

**NOW, THEREFORE, BE IT RESOLVED**, by the Members of the Board of Sangamon County, Illinois, in session this 8th day of April, 2024 that Chapter 5.04 of the Sangamon County Code be amended, effective July 1, 2024, to eliminate alcohol being sold, given, or consumed between one o'clock and seven o'clock in the morning under any Chapter 5 license issued by Sangamon County, all as shown on Ex. 1 hereto.

  
LIQUOR COMMITTEE CHAIRMAN

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

**FILED**

MAR 21 2024

  
Sangamon County Clerk

\_\_\_\_\_ DATED

## EX. 1

### **5.04.020 Definitions**

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them in this section.

"Additional Bar" means additional "bar" which is used simultaneous with any other "bar" located within the enclosed permanent structure or within a Beer Garden of a licensee.

"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.

"Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume. Nor shall the provisions of this chapter apply to flavoring extracts, concentrates, syrups or medicinal, mechanical, scientific, culinary or toilet preparations, or food products unfit for beverage purposes, but the provisions of this chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

"Applicant" means the entity or person that applies for a license.

"Bar" means any counter or other location or site within the enclosed permanent structure or beer garden of a licensee where alcoholic liquor is sold, poured, mixed, or served. It shall be a violation of this code for any licensee to simultaneously use more than one "bar" within the enclosed permanent structure or beer garden without an "Additional Bar Permit."

"BASSET" means the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program is the State of Illinois' seller/server training program. The program is an educational and training tool to sellers/servers of alcoholic beverages to serve responsibly and stay within the law. The BASSET Certification Program serves as a preventive measure to discourage over consumption and keep drunk drivers off the roads.

"Beer" means 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.

"Beer Garden" means that area immediately adjacent to the enclosed permanent structure of a Class IAA, IBB, ICC, IDD, ~~or IFF, 2AA, or 3AA~~ licensed premises that meets the following conditions:

1. A permanent fence, not less than eight feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed.
2. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010(B) of the County Code.
3. Access is not permitted to the permanent fenced-in area in which liquor is to be poured, mixed, served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.
4. No music of any kind is played or broadcasted outside which disturbs the neighborhood in any manner.
5. It shall be the responsibility of the licensee to insure that the noises emitted from the Beer Garden will not disturb the neighborhood in any way.
6. The licensee shall obtain a permit under Section 5.04.390.
7. Any violation of these conditions shall constitute a violation of this code.

"Bowling Alley" means every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling is played.

"Caterer" means a person in the business of providing food/liquor and service for social or business affairs which has obtained a license pursuant to Chapter 5.20 of the Sangamon County Code or similar local ordinance.

"Consumption sales" means the sale or offering for sale at retail of any alcoholic liquor for use and consumption on the premises where sold and not for resale. "Drive-up Window" means any opening or partition other than a door for the entrance or exit of a person, in the enclosed permanent structure of a class 1AA, or 1FF, ~~3AA~~ licensed premises through which alcoholic liquor is sold, poured, mixed, or served which meets the following conditions:

1. Alcoholic liquor shall only be sold in the unopened original package or beer jug in a suitable, sealable, container for transportation from the licensed premises for consumption off the premises.
2. Alcoholic liquor shall not be sold in individual, single serving containers.
3. Any violation of these conditions shall constitute a violation of this code.

"Golf Course" means an outdoor area designed for the play or practice of the game of golf.

"Hotel/Motel" means 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 or more rooms are used for the sleeping accommodations and dining room 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.

"Illinois Liquor Control Act" means an act passed by the fifty-eighth Illinois General Assembly entitled "An Act Relating to Alcoholic Liquors," approved January 31, 1934 as amended.

"Illinois Liquor Control Commission" and "State commission" mean the commission created by Article III Section 1 of the Illinois Liquor Control Act.

~~"Illinois State Fair" means the annual event at Springfield for the exhibition and promotion of the activities of Illinois in the fields of agriculture, industry, labor and education held by the Department of Agriculture of the State of Illinois pursuant to the State Fair Act (20 ILCS 210/1 et seq.).~~

"Importing distributor" means any person who imports or causes to be imported into this state, any alcoholic liquors for sale or resale within the County.

"Internet" means a global network connecting computers and networks of computers through a communication protocol.

"Internet website" means a site location on the internet.

"Licensed premises" means the premises described in the application for the license or in the license as the place where the business to be covered by the license is to be or is carried on, including all parking areas set aside by the licensee for the parking of vehicles for the convenience of the patrons of such premises.

"Manufacturer" means every brewer, fermenter, distiller, rectifier, winemaker, blender, processor or person who fills or refills an original package and any other person engaged in brewing, fermenting, distilling or rectifying alcoholic liquor as defined in this section.

~~"Nightclub" means an establishment or building, or part of an establishment or building, as the case may be, wherein there is presented entertainment, the serving of food and liquor, and having a floor show and/or providing music and space for dancing.~~

"Original package" means 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 an alcoholic liquor to contain and to convey any alcoholic liquor.

"Outdoor Recreational Center" means an outdoor area designed for, or wholly devoted to, recreational activities and operated by a for-profit business, and located on land owned or leased by the business.

"Owner," "proprietor," "manager" or "agent" includes all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on.

"Ownership" or "owners" means holding legal or beneficial title.

"Package sales" means the sale or offering for sale at retail of alcoholic liquor, in the original package, and not to be consumed or in fact consumed in whole or in part on the premises where sold.

"Patio" means that area immediately adjacent to the enclosed permanent structure of a Class IAA licensed premises that meets the following conditions:

1. Revenue generated from the establishment must be at least sixty percent of food sales.
2. A barrier not less than thirty-six inches shall enclose the patio area.
3. Access is not permitted to the patio area in which liquor is to be served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit.
4. No music of any kind is played or broadcasted outside which disturbs the neighborhood in any manner.
5. No live music of any kind is permitted within the patio area.
6. It shall be the responsibility of the licensee to ensure that the noises emitted from the patio area will not disturb the neighborhood in any way.
7. The licensee shall obtain a permit under Section 5.04.390.
8. Any violation of these conditions shall constitute a violation of this Code.

"Person" for the purpose of this chapter, means an individual, partnership or corporation.

"Private Club" means 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, that the affairs and management of such club 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 of its board of directors or other governing body out of the general revenue of the club; and provided further, that such club files with the Local Liquor Control Commission at the time of its application for a license under this chapter two copies of a list of names, and residences of its members, and similarly files within ten days of the election of any additional member his name and address.

"Restaurant" means any public place having regular menus, which is kept, used, maintained, advertised and held out to the public as a place where meals are served and sold and where meals are actually and regularly served and sold, such place being provided with adequate and separate 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 establishment where the sale of alcoholic liquor is not the principal business" means any establishment holding a license for the sale of alcoholic liquor wherein more than fifty percent of its gross sales or revenues for any calendar month in the preceding twelve months are for items or services other than alcoholic liquors.

"Retailer" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

"Sale" means any transfer, exchange, or barter in any manner or by any means whatsoever for consideration, and included and means all sales made by a person, whether principal, proprietor, agent, servant, or employee.

"Sell at Retail" and "Sale at Retail" refer to and mean sales for use or consumption and not for resale in any form.

"Service/Filling Station" means any business, whether incorporated or otherwise, which derives at least part of its income from the sale of gasoline or other automotive products by dispensing its products directly or indirectly into a vehicle, and includes, but is not limited to, such businesses commonly referred to as mini-marts, self-service stations, filling stations, service stations, garages, and/or restaurants or other businesses that meet the aforementioned definition.

"Spirits" means any beverage which contains alcohols 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.

"Tavern" means an establishment or building or part of an establishment or building, as the case may be, wherein alcoholic liquors are sold.

"To Sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

"Video Gaming Terminal" shall have the meaning assigned thereto under the Video Gaming Act (230 ILCS 40/1 et seq.).

"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.

(Res. 13 Exh. A (part), November 14, 2006; Res. 17 (part), May 10, 2005; Res. 20 (part), July 13, 2004).

(Res. No. 3, 4-18-2013; Res. No. 8, Exh. A, 3-8-2016; Res. No. 9, Exh. A, 2-7-2017; Res. No. 9, Exh. A, 11-14-2017)

**5.04.040 Limitation Upon Number Of Licenses Issued**

The Local Liquor Control Commission is authorized to set limitations and to vary the limitations established in this chapter on the number of licenses to sell alcoholic liquor at retail to be issued for each classification of license. This restriction upon the number of licenses shall not limit the right to the renewal of any existing license nor to the issuance of a license to the purchaser of an established licensed business as an ongoing concern; but as licenses are revoked, expire without renewal, or for any other reason cease to exist, then the total number of licenses of each such classification shall be reduced until the total of each such classification shall not exceed the number authorized by the Local Liquor Control Commission.

There shall be issued in the county no more than:

| Classification | Type   | Total license limit |
|----------------|--|---------------------|
| 1AA            | Tavern   | 72                  |
| 1BB            | Private Club                                       | 17                  |
| 1PC            | Private Club Public Access                         | 17                  |
| 1CC            | Fifteen-day License <u>State Fair Grounds Only</u> | No Limit            |
| 1DD            | One-day License                                    | No Limit            |
| 1E             | Service/Filling Station                            | 8                   |
| 1FF            | Package Liquor                                     | 10                  |
| 1GG            | Golf Course  | 4                   |
| 1K             | Caterer  | No Limit            |
| 1RR            | Outdoor Recreational Center                        | 3                   |
| 1WW            | Beer and Wine Only                                 | 8                   |
| <del>2AA</del> | <del>Bowling Alleys</del>                          | <del>2</del>        |
| <del>3AA</del> | <del>Nightclub</del>                               | <del>4</del>        |
| 1IS            | Internet Sales                                     | No Limit            |

(Res. 14, February 13, 2008; Res. 9, January 10, 2006; Res. 15, August 9, 2005; Res. 17 (part), May 10, 2005; Res. 10, November 9, 2004; Res. 20 (part), July 13, 2004).

(Res. No. 7, 7-8-2014; Res. No. 8, 7-8-2014)

#### **5.04.050 License; Classifications Designated; Fee Amounts**

1. Licenses to sell alcoholic liquors at retail shall be of the following classifications:
  1. IAA—Tavern License. A Tavern License shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.200.
  2. 1BB—Private Club License. A Private Club License shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.200. In addition to any other requirement prescribed in this chapter, a Private Club License shall only be issued to a regularly organized Private Club which shall serve alcoholic liquors to members and members' guests only.
  3. IPC—Private Club License—Public Access. A Private Club Public Access License shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.200. In addition to any other requirement prescribed in this chapter, a Private Club Public Access License shall only be issued to a regularly organized Private Club which shall serve alcoholic liquors to members and members' guests only. A Private Club-Public Access License shall also entitle the licensee to schedule and promote to the general public for the purpose of recruitment and charitable promotion. Non-members shall be allowed upon the premises for the purpose of promotion and recruitment.
  4. 1CC—Fifteen-Day License. A Fifteen-Day License shall entitle the licensee to sell alcoholic beverages during the State Fair on the fairground for a period not to exceed fifteen days. Such a license shall not be issued to any person holding a Tavern ~~Nightclub, Bowling Alley Tavern~~, or Private Club License; nor shall such licensee be issued any other license for sixty days after the expiration of the fifteen-day license.
  5. 1DD—One-Day License. A One-Day License shall entitle the licensee to sell alcoholic beverages for a period not to exceed one day. Such a license shall not be issued to any person holding a Tavern ~~Nightclub, Bowling Alley Tavern~~, or Private Club License; nor shall such licensee be issued any other license for sixty days after the expiration of the One-Day License.
  6. 1E—Service/Filling Station.
    1. A Service/Filling Station License shall entitle the licensee to sell only beer and wine in the original package. Such licensee shall maintain with the Zoning Department of Sangamon County a current and accurate list of all persons acting as managers.
    2. Licensees in this category shall not allow consumption of beer on the premises nor will they allow the display of beer on islands, curbs, or in storefronts other than inside the enclosed structure of the principal housing of that business.
    3. Businesses operating under this category shall not allow beer to be delivered, dropped off, picked up or in any other way allow the dispensing of said item directly or indirectly to persons maintaining their presence in or on a motor vehicle.
  7. 1FF—Package Liquor Only License. A Package Liquor Only License shall entitle the licensee to sell all alcoholic liquor, in the original package only, or jug beer in a suitable, sealable container for transportation from the licensed premises, for consumption off the premises, but shall not authorize consumption on the licensed premises.
  8. ~~2AA—Bowling Alley License~~. ~~A Bowling Alley License shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.210. In addition to any other requirement prescribed in this chapter, a Bowling Alley Tavern License shall be issued only to applicants operating a bowling establishment. Whenever organized bowling leagues are not in operation, the licensee shall observe closing hours provided for Tavern Licensees.~~
  9. ~~3AA—Nightclub License~~. ~~A Nightclub License shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.210. In addition to any other requirement prescribed in this chapter, the holder of a Nightclub License shall provide food service and, not less than six nights a week, musical entertainment and dancing space for patrons.~~
- ~~8.10.~~ 1RR—Outdoor Recreational Center License. An Outdoor Recreational Center License shall entitle the licensee to sell beer and wine only during the hours prescribed in Section 5.04.200.
- ~~9.11.~~ 1GG—Golf Course. A Golf Course License shall entitle the licensee to sell all alcoholic liquor only during the hours prescribed in Section 5.04.200.

10. 12.1WW—Beer and Wine Only. A Beer And Wine Only License shall entitle the licensee to sell beer and wine only during the hours prescribed in Section 5.04.200.

11. 13.1K—Caterer. A Caterer License shall entitle the licensee to sell all alcoholic liquors for consumption on the premises for which a caterer permit has been issued. The licensee shall sell alcoholic liquor only during the hours prescribed in Section 5.04.200. Such a license shall not be issued to any person holding a Tavern ~~Nightclub, Bowling Alley~~ or Private Club License. The Caterer Permit shall be posted in a conspicuous place on the premises where the event will be held.

12. 14.1IS—Internet Sales. An Internet Sales License shall entitle the license holder to sell beer and wine only, in the original package, during the hours prescribed in Section 5.04.200(B) of this chapter through an internet website and shall not authorize consumption on the licensed premises, nor shall it authorize direct to the public sale of packaged beer and wine upon the licensed premises.

(Res. 17(part), May 10, 2005; Res. 20(part), July 13, 2004).

(Res. No. 8, Exh. A, 3-8-2016; Res. No. 7, Exh. A, 5-8-2018)



**5.04.080 License Fees**

1. The license fee required for a license authorized by this chapter shall be in the amount and for the period as shall now or hereafter may be prescribed. If application is received after the commencement of an annual or semi-annual period, the license fee in such case shall be reduced in proportion to the expired months. Class 1AA and ~~3AA~~ license fees may be paid half at the annual period and half at the semi-annual period. There shall be no refunds; except in the case of a fire or an act of God where the business is no longer operable, refund will be prorated.
2. Change of Location. Any license issued under this chapter shall be for a single and particular location. On application being filed with the Zoning Department for a change of location, and on payment of an investigation or application fee in the amount as shall now or may be required by this chapter, the Liquor Control Commissioner may allow the location authorized by the particular license to be changed. In case the applicant has not personally operated his business at the particular location for at least sixty days prior to the application for change of location, such application shall be rejected. The application procedure for change of location shall be similar to that required of an original applicant as specified by the Liquor Control Commissioner. After investigation, the change of location may be approved or rejected, as in the case of original license applications, and if approved the authorized change of location shall be shown by endorsement on the face of the existing license. Nothing contained in this chapter shall be construed to permit any licensee to change the location of his business to, or operate his business, or a portion thereof, as a subtenant or otherwise at a site or place of business which under these sections would be prohibited or denied to said original applicant.
3. Change of Name. Any license issued under this chapter shall be for the licensee or businesses named in the original application. On application being filed with the Zoning Department for a change of name, and on payment of the application fee set forth in this section, the Local Liquor Commissioner may allow the name authorized by the particular license to be changed.
4. The following fee shall accompany application authorized by this chapter:

| <b>CLASS</b> | <b>LIQUOR LICENSE TYPE</b> | <b>AMOUNT</b> |
|--------------|----------------------------|---------------|
| 1AA          | Tavern                     | \$700.00      |
| 1BB          | Private Club               | \$400.00      |
| 1PC          | Private Club Public Access | \$700.00      |
| 1E           | Service/Filling Station    | \$700.00      |
| 1FF          | Package Liquor Only        | \$850.00      |
| 2AA          | Bowling Alley              | \$1,100.00    |
| 3AA          | Night Club                 | \$1,300.00    |
| 1RR          | Outdoor Recreation Center  | \$350.00      |
| 1WW          | Beer & Wine Only           | \$600.00      |

|     |                |          |
|-----|----------------|----------|
| 1GG | Golf Course    | \$800.00 |
| 1K  | Caterer's      | \$550.00 |
| 1IS | Internet Sales | \$600.00 |

5.

| <b>CLASS</b> | <b>TEMPORARY LICENSES</b> | <b>AMOUNT</b> |
|--------------|---------------------------|---------------|
| 1CC          | 15 Day License            | \$150.00      |
| 1DD          | 1 Day License             | \$50.00       |
|              | Late Payment (1st)        | \$25.00       |
|              | Late Payment (2nd +)      | \$50.00       |

6.

|  | <b>PERMITS</b>                                  | <b>AMOUNT</b> |
|--|---|---------------|
|  | Gaming  | \$1,000.00    |
|  | State Fair                                      | \$150.00      |
|  | Beer Garden                                     | \$100.00      |
|  | Drive Up  | \$100.00      |
|  | Package Liquor                                  | \$100.00      |
|  | Additional Bar                                  | \$100.00      |
|  | Patio   | \$100.00      |
|  | Special Event (per day) 15 days prior to event  | \$75.00       |
|  | Off-Site Sales (per day) 15 days prior to event | \$75.00       |

|  |   |          |
|--|---|----------|
|  | Special Event/Off-Site Sales Late Fee (1st)   | \$50.00  |
|  | Special Event/Off-Site Sales Late Fee (2nd +) | \$100.00 |

7.

|           | <b>OTHER FEES</b>                        | <b>AMOUNT</b> |
|-----------|--|---------------|
|           | Application for License                  | \$50.00       |
|           | License Renewal                          | \$30.00       |
|           | Change of Location                       | \$35.00       |
|           | Change of Name of Licensed Premises      | \$35.00       |
| Temporary | Background Investigation (per applicant) | \$25.00       |
| Permanent | Background Investigation (per applicant) | \$80.00       |
|           | Permanent License Late Fee               | \$25.00       |
|           | Duplicate License or Permit              | \$30.00       |
|           | Hotel/Motel Investigation Fee            | \$10.00       |

8.

(Res. 20(part), July 13, 2004).

(Res. No. 8, Exh. A, 3-8-2016)

HISTORY

Amended by Res. Res 15-1 on 10/16/2019

#### **5.04.200 Hours Of Sale**

A. No person licensed to sell alcoholic liquors under this chapter as a Class 1AA licensee, a Class 1BB licensee, a Class 1PC licensee, Class 1FF licensee or a Class 1GG licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of one a.m. and seven a.m. Monday through Sunday.

~~B. No such person licensed to sell alcoholic liquors under this chapter as a Class 3AA licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of three a.m. and seven a.m. Monday through Sunday.~~

~~C. No such person licensed to sell alcoholic liquors under this chapter as a Class 2AA licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of two a.m. and seven a.m. Monday through Sunday.~~

~~B. D.~~ Persons licensed to sell beer/wine under this chapter as a Class 1E licensee and a Class 1WW licensee shall not permit such beer/wine to be sold between the hours of one a.m. and seven a.m. Monday through Sunday.

~~C. E.~~ No person licensed to sell beer/wine under this chapter as a Class 1RR licensee shall permit beer to be sold, given or consumed on the licensed premises except between the hours of eleven a.m. and eleven p.m. Monday through Sunday.

~~D. F.~~ No person licensed to sell alcoholic liquor as a Class 1K licensee shall permit alcoholic liquor to be sold, given or consumed except between the hours of twelve p.m. and ending not later than one a.m. on the following calendar date.

~~E. G.~~ No person licensed to sell alcoholic liquors under this chapter as a Class 1DD licensee and a Class 1CC licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of twelve a.m. and seven a.m. Monday through Sunday.

~~On January 1st of each year no person licensed to sell alcoholic liquors under this chapter shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of three a.m. and seven a.m. of any day.~~

(Res. 17(part), May 10, 2005; Res. 20(part), July 13, 2004).

(Res. No. 14, Exh. A, 6-9-2009)

#### **5.04.210 Hours Public Denied Access To Premises**

~~A. No person shall remain or be permitted to remain on any premises licensed under a Class 3AA license after three thirty a.m. of any day. The doors of the licensed premises shall be locked promptly at three thirty a.m. of any day.~~

~~A.B. No person shall remain or be permitted to remain on any premises licensed under a Class 1AA, 1BB, 1PC, 1FF and 1GG license after one thirty a.m. of any day except January 1st of each year or be admitted thereto before seven a.m. of any day. The doors of the licensed premises shall be locked promptly at one thirty a.m. every day except January 1st of each year.~~

~~C. No person shall remain or be permitted to remain on any premises licensed under a Class 2AA license after two thirty a.m. of any day except January 1st of each year or be admitted thereto before seven a.m. of any day.~~

~~B.D.~~ The doors of a licensed premises shall remain locked during the balance of the time the business of selling of alcoholic liquors is not permitted to be transacted upon such premises, provided, however; any licensed premises that is also a Hotel/Motel dining room, or Restaurant or Club as defined in this chapter and so certified by the County Board Chairman in the manner provided in Section 5.04.230 of this chapter, may remain open to the public during the aforesaid hours that sale of alcoholic liquor is prohibited, for the purpose of serving food and nonalcoholic beverages, but only on condition that during the closed hours, the Hotel/Motel dining room, Restaurant or Club complies with the following requirements:

1. All alcoholic beverages must be either removed from view or placed behind doors or slides, or screens or counters or shades, or other apparatus clearly indicating that such beverages are not presently offered for sale;
2. No wine list or liquor list shall be displayed or placed on any table or counter;
3. A sign shall be displayed prominently and reading: "CLOSED HOURS, NO ALCOHOLIC LIQUORS SOLD OR SERVED";
4. No alcoholic liquors shall be sold, donated, bartered, exchanged, served or consumed there during closing hours.

~~E. On New Year's Day of each year, that is, January 1st, no person shall remain or be permitted to remain on any premises licensed for the sale of alcoholic liquors after three thirty a.m. The doors shall be locked promptly at three thirty a.m. of each New Year's Day, and shall remain locked during the balance of the time the business of selling alcoholic liquors is not permitted to be transacted upon such premises.~~

~~C.F.~~ Any licensed premises certified by the Local Liquor Control Commissioner in the manner provided in Section 5.04.220 of this chapter, to be a retail establishment where the sale of an alcoholic liquor is not the principal business may remain open to the public during the aforesaid hours that sale of alcoholic beverages is prohibited for the purpose of conducting its lawful business other than the sale of alcoholic liquor, but only on condition that during the closed hours the retail establishment complies with the following requirements:

1. All alcoholic beverages in the licensed premises must be within the designated locations or enclosures defined in Section 5.04.220 of this chapter and either removed from view, or placed behind doors, or slides, or screens, or counters, or shades, or other apparatus, clearly indicating that such beverages are not presently offered for sale;
2. No wine list or liquor list shall be displayed or placed on any table or counter;
3. A sign shall be displayed prominently reading: "CLOSED HOURS, NO ALCOHOLIC LIQUORS SOLD OR SERVED";
4. No alcoholic liquors shall be sold, donated, bartered, exchanged, served or consumed therein during the closed hours.

~~D.G.~~ Nothing contained in this section shall be construed as granting any licensee the privilege to sell alcoholic during the aforesaid closing hours; and any licensee not certified by the Local Liquor Control Commissioner to be, in fact, a Hotel/Motel dining room, Restaurant, Club or retail establishment where the sale of alcoholic liquor is not the principal business must keep its doors locked and the public barred therefrom during the closed hours.

~~E.H.~~ Nothing contained in this section shall be construed as requiring any adult clerk in a licensed premises where the sale of alcoholic liquors is not the principal business to be limited in duties solely relating to the sale of alcoholic liquor.

~~F.I.~~ Nothing herein contained shall be construed as permitting any employee under the age of twenty-one to draw, pour, or mix any alcoholic liquor on the licensed premises or make sales of any alcoholic liquor as an employee or gratuitously.

(Res. 20(part), July 13, 2004).

(Res. No. 14, Exh. A, 6-9-2009; Res. No. 15, Exh. A, 2-13-2013)

#### **5.04.320 Service Of Food**

~~Food for human consumption shall be sold or be offered and available for sale on any Class 3AA licensed premises.~~

~~(Res. 20(part), July 13, 2004).~~

**5.04.390 Sales And Consumption Outside Of The Enclosed Premises; Permits**

No licensee shall serve, pour, mix, or make available for consumption any alcoholic liquors to any person outside of his enclosed structure without the proper license or permit issued by the Sangamon County Liquor Commission. Any violation of the requirements set forth in this section shall constitute a violation of the code.

A. Beer Garden Permit.

~~In~~ Upon application and payment of an investigation and application fee as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, 1WW, ~~2AA, 3AA,~~ and or 1GG license may be issued a Beer Garden Permit.

A Beer Garden Permit shall, upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, ~~2AA,~~ 1WW, 3AA, and or 1GG licensee to sell alcoholic liquor as authorized by his primary classification, outside of the permanent structure of ~~his~~ premises under the following conditions:

1. The holder of a Beer Garden Permit must conclude all sales and clear the Beer Garden no later than the time for the conclusion of sales of alcoholic liquor specified by the license holder's Sangamon County Liquor License.
2. A permanent fence, not less than eight feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed.
3. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010(B) of the County Code.
4. Access is not permitted to the permanent fenced-in area in which liquor is to be poured, mixed, served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.
5. No music of any kind is played or broadcast outside which disturbs the neighborhood in any manner. No music of any kind is played or broadcast outside after nine p.m. until close Sunday through Thursday and after ten-thirty p.m. until close Friday and Saturday.
6. It shall be the responsibility of the licensee to insure that the noises emitted from the Beer Garden will not disturb the neighborhood in any way.
7. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor cafe; or permanent structure.
8. The permit for the Beer Garden shall be displayed in accordance with Section 5.04.340 and shall be subject to suspension or revocation by the Commission.
9. The Commissioner shall have the right to modify or waive any requirement and approve the issuance of a permit at his discretion upon a showing of unique circumstances by the applicant.
10. The sales or dispensing of alcoholic liquor from the Beer Garden shall be made from one bar. The licensee must obtain an Additional Bar Permit for each additional bar at which alcohol is sold or dispensed within the Beer Garden.

B. Drive-Up Window.

1. ~~In~~ Upon application and payment of an investigation and application fee, as set forth in Section 5.04.080 the holder of a Class 1AA, or 1FF and ~~3AA~~ license may be issued a Drive-Up Window Permit.
2. A Drive-up Window Permit shall, upon issuance, entitle the holder of a Class 1AA or 1FF and ~~3AA~~ license to sell alcoholic liquor as authorized by his primary classification by using a drive up window.
3. The Drive-up Window Permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the Commissioner.

C. Package Liquor Permit.

1. ~~In~~ Upon application of payment of an investigation and application fee, as set forth in Section 5.04.080, the holder of a license may be issued a Package Liquor Permit.
2. A Package Liquor Permit shall, upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, or 1GG, ~~2AA, 3AA~~ license to make package sales as defined in Section 5.04.020. Package liquor must be sold in the original package and may not be consumed in whole or in part on the premises where sold.



3. The Package Liquor Permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the Commissioner.

D. Additional Bar Permit.

1. The holder of a 1AA, 1BB, 1PC, 1GG, ~~2AA, 3AA~~ or 1WW license shall be allowed to sell or dispense liquor from only one bar located within the permanent structure of his premises or only one bar located within his Beer Garden.
2. On application and payment of an investigation fee, as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, 1GG, ~~2AA, 3AA~~ or 1WW license may be issued an Additional Bar Permit.
3. An Additional Bar Permit, shall upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, 1GG, ~~2AA, 3AA~~ or 1WW license to sell or dispense alcoholic liquor as authorized by his primary classification at an additional bar located within the permanent structure of his premises or at an additional bar located within his Beer Garden.
4. The Additional Bar Permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the Commissioner.

E. Special Event Permit.

1. Upon application and payment of an investigation and application fee, as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, ~~3AA~~, or 1WW license may be issued a Special Event Permit.
2. A Special Event Permit, shall upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, ~~3AA~~, and or 1WW license to sell alcoholic liquor as authorized by his premises on the property where the licensee's permanent structure is located under the following conditions:
  1. A temporary fence or other similar structure made of wood, roping or other similar material, must be erected to enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed. The enclosed area must be at least twenty feet from any intersection. The fencing shall be designed to separate the licensee patrons from the general public.
  2. Access into the outside area shall be from the permanent structure only and no access shall be permitted from the sidewalk or adjoining property. Emergency exits must be provided.
  3. No music of any kind may be played or broadcast from the outside area or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner. Music shall not be played or broadcast after ten thirty p.m.
  4. Outdoor portable sanitary facilities must be provided by the licensee, as required.
  5. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley. Alcoholic liquor served in open containers may not be removed from the outside area or permanent structure. All beverages must be in non-breakable containers.
  6. Proof of dram shop insurance coverage on the outside area must be submitted with the completed application.
  7. Adequate security must be provided by the licensee.
  8. Outside area activities may not begin prior to one p.m. and will cease at ten thirty p.m., unless otherwise noted on the permit.
  9. A Special Event Permit may be issued for a maximum of three consecutive days. Not more than six permits may be issued to a licensee during a calendar year.
  10. Issuance of an Outside Sales Permit to a licensee shall be treated separately from the licensee's primary license and shall be subject to suspension or revocation by the Commissioner for just cause.
  11. An application for a Special Event Permit must be received by the Zoning Department no less than fifteen days prior to the date of the special event.
3. A Special Event Off-site Permit, shall upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, ~~3AA~~, and or 1WW license to sell alcoholic liquor as authorized by his premises at an off-site location under the following conditions:

1. No music of any kind may be played or broadcast from an outside area or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner.
2. Alcoholic liquor served in open containers may not be removed from the off-site area or permanent structure. All beverages must be in non-breakable containers.
3. Proof of dram shop insurance coverage on the outside area must be submitted with the completed application.
4. Adequate security must be provided by the licensee.
5. An Off-site Sales Permit may be issued for a maximum of three consecutive days. Not more than six permits may be issued to a licensee during a calendar year.
6. Issuance of an Outside Sales Permit to a licensee shall be treated separately from the licensee's primary license and shall be subject to suspension or revocation by the Commissioner for just cause.
7. An application for an Off-site Sales Permit must be received by the Zoning Department no less than fifteen days prior to the date of the special event.

F. State Fair Permit.

- ~~1. Upon application of payment of an investigation and application fee, as set forth in Section 5.04.080, the holder of a license may be issued an Illinois State Fair Permit.~~
- ~~2. A State Fair Permit shall entitle the licensee to sell all alcoholic liquors during the hours of one a.m. and three a.m. on the days that the Illinois State Fair at Springfield is being conducted by the Illinois Department of Agriculture.~~
- ~~3. In addition to any other requirements prescribed in this chapter, a State Fair Permit shall be issued only to applicants possessing a Tavern License during the period in which the Illinois State Fair is being conducted by the Department of Agriculture.~~
- ~~4. Issuance of this permit to a licensee shall be subject to suspension or revocation by the Commissioner for just cause.~~

F.G. Patio Permit. In application and payment of an investigation and application fee as set forth in Section 5.04.080, the holder of a Class 1AA license may be issued a Patio Permit.

A Patio Permit shall, upon issuance, entitle the holder of a Class 1AA license to sell alcoholic liquor as authorized by his primary classification, outside of the permanent structure of his premises under the following conditions:

5. The holder of a Patio Permit must conclude all sales and clear the Patio no later than the time for the conclusion of sales of alcoholic liquor specified by the license holder's Sangamon County Liquor License.
6. A permanent fence, not less than thirty-six inches in height, made of wood, brick, chain privacy fence or any other similar materials.
7. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010(B) of the County Code.
8. Access is not permitted to the permanent fenced-in area in which liquor is to be served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.
9. No music of any kind is broadcast outside which disturbs the neighborhood in any manner.
10. It shall be the responsibility of the licensee to ensure that the noises emitted from the Patio will not disturb the neighborhood in any way.
11. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor patio; or permanent structure.
12. The permit for the Patio shall be displayed in accordance with Section 5.04.340 and shall be subject to suspension or revocation by the Commission.

13. The Commissioner shall have the right to modify or waive any requirement and approve the issuance of a permit at his discretion upon a showing of unique circumstances by the applicant.
14. A Patio Permit shall maintain the following distances:
  1. Schools—one hundred feet from the property line of the school to the property line of the tavern or liquor store;
  2. Churches—one hundred feet from the church building to the tavern or liquor store building; and
  3. Residences—one hundred feet from the tavern or liquor store property line to the residential structure or institutional care facility.

(Res. 13 Exh. A (part), November 14, 2006; Res. 20 (part), July 13, 2004).

(Res. No. 10, Exh. A, 1-12-2010; Res. No. 9, Exh. A, 11-14-2017; Res. No. 7, Exh. A, 5-8-2018)

#### **5.04.405 BASSET Requirements**

1. ~~For licenses on or after June 30, 2017 and a~~ All original or renewal applications for class 1AA, ~~2AA, 3AA,~~ 1BB, 1PC, 1E, 1FF, 1RR, 1WW and 1K liquor licenses shall be accompanied with proof of completion of a State certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all

persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, pursuant to that license.

2. After June 30, 2017, any new owner, manager, employee, or agent requiring BASSET training, shall within ninety days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall, until completion of the BASSET program, work under the supervision of a person who has completed BASSET training.

(Res. No. 9, Exh. A, 2-7-2017)