

CITY OF MARSHALL

ORDINANCE NO. 2012-O-5

AN ORDINANCE CONCERNING ALCOHOL BEVERAGES

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this 28
day of March, 2012.

ORDINANCE NO. 2012-O-5

AN ORDINANCE CONCERNING ALCOHOLIC BEVERAGES

BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

Section 1. That section 10-1 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 10-1. Definitions.

All words and phrases used in this chapter shall be given the same definition as in 235 ILCS 5/1-3.01 et seq., except that the word "minor" means a person under the age of 21 years.:

Club or fraternal organization 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 beverages, keep, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, or of such extent and character as may be suitable and adequate for reasonable and comfortable use and accommodation of its members and their guests; provided that such club files with the liquor commissioner at the time of its application for a license 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 or her 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 members at their annual meeting and that no member of 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 beverages to 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.

Minor means a person under the age of 21 years.

Package liquor store or establishment means a place selling alcoholic beverages in the original packages not to be consumed on the premises including places where sales are made at drive-up facilities but shall not include grocery stores or any business wherein the primary business is other than the sale of packaged liquors.

Private function means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

Restaurant means a place where food is actually served and consumed for adequate pay to the public, and having one or more public dining rooms where meals are served and wherein adequate and sanitary kitchen and dining room equipment is provided and wherein the combined dining room seating capacity is adequate to serve over 75 (for Class B license holders) or over 50 (for Class E license holders) patrons at one time as long as any such food prepared and served is done so under sanitary conditions meeting all local and State laws, rules and regulations. The sale of alcoholic liquor must be secondary to and related to the retail sale of prepared food within the restaurant. The license holder shall have on the premises a kitchen licensed and or certified by the local health department for the purposes of selling food at retail and that said kitchen must be open to guests for the preparation of and sale of food during any and all hours in which alcoholic beverages are presented for sale. The amount of food sale shall exceed the amount of alcoholic beverage sales.

Restricted Service Bar means a permanent or portable bar which contains alcoholic liquor, mixes and related paraphernalia which are used in the preparation of alcoholic drinks but does not and shall not have seats or stools or other places for a person to sit while drinking an alcoholic beverage. A restricted service bar is solely to be used for the preparation and disbursement of drinks at the food service table or other locations away from the bar.

Tavern means a place selling alcoholic beverages for consumption on and off premises and shall include such places commonly known as saloons, bars, barrooms, cocktail lounges, ale houses, road houses, pubs, and taprooms.

Section 2. That section 10-5 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 10-5. Closing hours.

- (a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the city between the hours of 12:00 midnight and 6:00 a.m. of any day; provided further that, except for the holder of a class D, E, ~~and G~~ and I license, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the city on Sundays.
- (b) It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants, clubs, hotels, and other establishments not primarily engaged in the business of selling alcoholic liquor at retail, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

- (c) It shall be lawful for duly licensed liquor dealers, and such dealers are hereby authorized, to sell at retail alcoholic liquor on the day of any national, state, county or municipal election, including primary elections, during the hours the polls are open, within the political area in which such election is held.

Section 3. That section 10-37 of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 10-37. Classification, fees.

- (a) Licenses issued under this article shall be and are hereby divided into five classes, as follows:

- (1) *Class A licenses*, which shall authorize the retail sale on the premises as well as other retail sales of such liquor. The annual license fee for such license shall be \$600.00 ~~\$500.00~~. Provided, that the number of class A licenses issued in the city shall be limited to two. On premises entertainment may be permitted.
- (2) *Class B licenses*, which shall authorize the sale at retail of alcoholic liquor in the original package therein and not for consumption on the premises where sold. The annual fee for such license shall be \$500.00 ~~\$400.00~~. Provided, that the number of class B licenses issued in the city shall be limited to one. On premises entertainment may not be permitted.
- (3) *Class C licenses*, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other such retail sales of liquor. Class C licenses shall be issued only to clubs as the term "club" is defined herein in 235 HCS 5/1-3.24. The annual fee for such license shall be \$500.00 ~~\$400.00~~. Provided, that the number of class C licenses issued in the city be limited to two three. On premises entertainment may be permitted.

A licensee under this classification shall be entitled to prepare, sell, and serve food and food items and meals to the members and their guests, provided that there exists adequate and sanitary kitchen and dining room equipment and as long as any such food prepared and served is done so under sanitary conditions meeting all local and State laws, rules and regulations. Any licensee under this classification shall be entitled to maintain a dance floor on or within the licensed premises.

- (4) *Class D licenses*, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises ~~as well as other retail sales of such liquor~~, but only in conjunction with the integral part of a food services operation of a restaurant with a seating capacity of over 75 patrons. The annual license fee shall be \$600.00 ~~\$500.00~~. On premises entertainment may be permitted.

- (5) *Class E licenses*, which shall authorize the retail sale of beer and wine only for consumption on the premises, but only in conjunction with the operation of a restaurant with a seating capacity of over 50 patrons. The annual license fee shall be ~~\$600.00~~ ~~\$500.00~~. On premises entertainment may not be permitted.
- (6) *Class F licenses*, which shall authorize the retail sale of alcoholic liquors for consumption on the premises specified, for special events only, only to a special event retailer as defined in 235 ILCS 5/1-3.17.1. The fee for such license shall be \$25.00 per special event. Each separate special event must be specifically authorized by the liquor commissioner after authorization is applied for by the license holder. Each special event application shall be filed at least 48 hours before the event is to be held, and each special event license shall specify the hours during which the license shall be valid; in no event shall any special event license be valid for more than one event in any one 24-hour period, nor shall any such license be issued for more than 12 hours' duration.
- (7) *Class G licenses*, which shall authorize the retail sale of alcoholic liquors for consumption on the premises specified, but only in conjunction with the operation of a golf course. The annual license fee shall be ~~\$600.00~~ ~~\$500.00~~.
- (8) *Class H licenses*, which shall authorize the retail sale of beer and wine only in the original package therein and not for consumption on the premises where sold. The annual fee for such license shall be ~~\$500.00~~ ~~\$400.00~~ provided, that the number of class H licenses issued by the city shall be limited to three.
- (9) *Class I licenses*, which shall authorize the retail sale of alcoholic liquors for consumption on the premises specified, but only in conjunction with the operation of a restricted service bar. The annual license fee shall be \$600.00.
- (b) If the holder of a class A, B or C license under this section qualifies for and obtains a class D license, that holder's former license shall be immediately withdrawn and the limit of licenses of that type issued by this city shall be reduced by one for each such license so withdrawn.

Section 4. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. That this Ordinance shall be published in pamphlet form and shall take effect May 14, 2012.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Beverly K. Church	X		
Terry Clatfelter	X		
John D. Ferris	X		
Warren J. Le Fever	X		
James McKittrick	X		
Cheryl A. Raisner	X		
Tim J. Sanders	X		
James White	X		

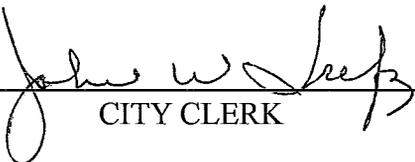
PASSED this 26th day of March, 2012.

APPROVED this 28 day of March, 2012.



 MAYOR

ATTESTED, filed in my office,
 and published in pamphlet form
 this 28 day of March, 2012.



 CITY CLERK

(SEAL)