

WINNEBAGO  
COUNTY  
LIQUOR  
ORDINANCE

# WINNEBAGO COUNTY LIQUOR ORDINANCE

## Chapter 6

### **ALCOHOLIC BEVERAGES CATERER LICENSES**

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**State law reference** – Local control of liquor 235 ILCS 5/4-1 et. seq.

WHEREAS, Chapter 6 of the Winnebago County Code regulates the sale of alcoholic beverages within the unincorporated areas of Winnebago County , Illinois; and

WHEREAS, 235 ILCS 5/5-1 (O) authorizes the issuance of caterer retailer licenses for the sale, furnishing, and/or dispensing of alcoholic liquors as an incidental part of food service by caterers on premises which are not otherwise licensed for the sale of alcoholic liquor; and

WHEREAS, it is in the best interests of the citizens of Winnebago County, Illinois for the Winnebago County Code to be amending to provide for the issuance of caterer retailer licenses for the sale, furnishing, and/or dispensing of alcoholic liquor at catered events within unincorporated Winnebago County.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of County of Winnebago, Illinois that Sections 6-1, 6-6, 6-12, 6-13, 6-17, 6-43, 6-53 and 6-59 of the Winnebago County Code are hereby amended to read as follows (changes are in bold):

## ALCOHOLIC BEVERAGES

### ARTICLE 1. IN GENERAL

#### **Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Licensed premises* means the premises specified in a retail alcoholic liquor license on which the holder of the license is authorized to sell at retail alcoholic liquor.

*Licensee* means the holder of retail alcoholic liquor license issued pursuant to this chapter.

*Catered premises* means the premises upon which the licensee has contracted to cater an event as specified in the notice given to the liquor control commission as required by section 6-63.

**Cross reference** – Definitions generally, 1-2.

#### **Sec. 6-2. Adoption of state law.**

All provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) shall be hereby made part of this chapter insofar as the provisions of such law pertain to the county.

(Code 19864, 3-1; Ord. No. 94-CO-2, 3-1, 2-10-94)

#### **Sec. 6-3. Liquor control commissioner.**

The Chairman of the County Board shall be the county liquor control commissioner who shall be charged with the administration of the appropriate provisions of the state law and this chapter.

(Code 1964, 3-2)

#### **Sec. 6-4. Liquor commission.**

(a) *Appointment of members.* The Chairman of the County Board shall appoint two of its members to assist him in the exercise of his powers and the performance of the duties of this chapter and state law. Such members, together with the Chairman, shall constitute the county liquor commission.

(b) *Compensation of members.* The members of the liquor control commission shall be paid the prevailing fee or compensation received by them as members of the County Board for each day spent by them in the actual performance of their duties under the terms of this chapter and of the state law, and, in addition thereto, shall receive the sum of \$0.15 for each mile necessarily traveled by on car in the performance of such duties.

(Code 1964, 3-3)

**State law reference** – “Local liquor control commissioner” to include committee or other agency appointed by such commissioner, 235 ILCS 5/4-5.

#### **Sec. 6-5. Evasion of law.**

The free dispensing, giving away or delivering of any alcoholic liquor for the purpose of evading any provisions of this chapter or state law or any other shift or device to evade any provision of this chapter shall be held to be an unlawful selling and shall constitute grounds for revocation of a liquor license.

(Code 1964, 3-5)

#### **Sec. 6-6. Prohibited sales generally.**

(a) Except with respect to class K licenses, no licensee or employee or agent of the licensee shall sell, offer for sale, or furnish alcoholic liquor to any person except on the licensed premises. No licensee or employee or agent of the licensee shall knowingly permit the consumption of alcoholic liquor in a parked automobile on the licensed or catered premises. No licensee or employee or agent of the licensee shall knowingly permit any person to carry or otherwise transport alcoholic liquor from the licensed premises in an open or unsealed container. No class K licensee or employee or agent of the class K licensee shall knowingly permit any person other than an employee or agent of the licensee to carry or otherwise transport any alcoholic liquor from the catered premises. Except as provided in subsection (b), (c) and (d) of this section, no licensee or employee or agent of the licensee shall conduct outdoor sales of alcoholic liquor or permit outdoor consumption of alcoholic liquor on the licensed premises.

(b) Class A licenses and class C licensees may sell alcoholic liquor for outdoor consumption on the licensed premises provided:

(1) The area in which the outdoor sale and/or consumption of alcoholic liquor takes place is contiguous to the building on the licensed premises in which the licensee primarily conducts the retail sale of alcoholic liquor; and

(2) The outdoor sale and consumption area is enclosed by means of a fence; and

(3) Ingress to and egress from the outdoor sale and consumption area is only accessible from and into the building on the licensed premises in which the licensee primarily conducts the retail sale of alcoholic liquor.

(c) Class A licensees and class C licensees may also sell alcoholic liquor for outdoor consumption on the licensed premises provided:

(1) The area in which the outdoor sale and consumption of alcoholic liquor takes place is enclosed by means of a fence with ingress limited to persons who have attained the age of 21 years or older; and

(2) The outdoor sale and/or consumption is in conjunction with an outdoor event held on the licensed premises by the licensee; and

(3) The licensed premises consists of at least 20 acres; and

(4) The outdoor sale and/or consumption is limited to the period from May 1 through October 31 of each year; and

(5) If the sale of alcoholic liquor for outdoor consumption is to be from a location other than the building in which the licensee primarily conducts the retail sale of alcoholic liquor, an additional bar license as provided in section 6-53(7) must be obtained.

(d) A class B licensee may sell alcoholic liquor for outdoor consumption on the licensed premises, provided the outdoor sale and/or consumption of alcoholic liquor takes place on the licensed premises and not within 100 feet of a residential area or a public road.

(e) A class K licensee may furnish and/or dispense outdoors alcoholic liquor for outdoor consumption on the catered premises.

(Code 1964, 3-6; Ord. No. 90-CO-37, 3-6, 6-28-90; Ord. No. 99-CO-52, 8-12-99; Ord. No. 2010-CO-38, 4-22-10)

**Sec. 6-7. Inspection of licensed premises.**

It shall be a violation of this chapter for a licensee or an employee or agent of the licensee to at any time refuse to allow a county liquor control commissioner or any law enforcement officer to enter the licensed premises for the purpose of examining the premises to determine whether any of the provisions of this chapter are being violated.

(Ord. No. 90-CO-37, 3-9.1, 6-28-90)

**Sec. 6-8. Sanitation of licensed premises.**

(a) *Generally.* All premises used for the retail sale of alcoholic liquor or the storage of such liquor for sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with all applicable county ordinances and state statutes including, but not limited, to the health codes, zoning codes and building codes.

(b) *Hot and cold running water.* All sinks and particularly those at the bars and counters used for cleaning and sterilizing glasses, dishes, receptacles and utensils shall be provided with running hot and cold water.

(c) *Sterilization and cleaning of utensils.* All glasses, utensils and other appliances used in the preparation, service and sale of alcoholic liquor shall be properly cleaned and sterilized with steam or warm water and chemicals approved by the state after use, and no utensils shall under any circumstances be used a second time unless it shall have been, after previous use thereof, so cleaned and sterilized. In so cleaning glasses and utensils, the use of water which has been made unsanitary by previous use is prohibited.

(d) *Coils; faucets; other appurtenances.* All coils, faucets and other appurtenances used in dispensing alcoholic liquors shall be of such material as will not chip, corrode, or be injurious or deleterious to health. All connections shall be made with block tin pipe.

(e) *Ventilation; toilets.* All premises licensed under this chapter shall be properly ventilated and supplied with separate and sufficient toilet arrangements for each sex; such toilets to be of water closed combination type and located inside the licensed premises.

(Code 1964, 3-10; Ord. No. 94-CO-2, 3-10, 2-10-94)

**Sec. 6-9. Sale; use; possession of drugs and drug paraphernalia.**

(a) No licensee or employee of any premises licensed under this chapter shall, on the premises or elsewhere, sell, use, possess or deliver with or without consideration any cocaine, heroin, cannabis, or any other substance whose possession, sale, use or delivery is controlled by 410 ILCS620/1 et seq. The work "premises" shall include any parking area belonging to the licensed premises as well as anywhere in the building where the sale of alcohol occurs.

(b) No licensee or employee of any premises licensed under this chapter shall on the licensed premises sell, keep for sale, offer for sale or deliver for any commercial consideration any drug paraphernalia whose sale or delivery is prohibited by the Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq.

(c) No licensee or employee of any premises licensed under this section shall possess on his person or on the licensed premises in those areas controlled solely by the licensed premises in those areas controlled solely by the licensee and not generally open to the public any drug paraphernalia whose sale or delivery is prohibited by the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq.

(d) A violation of subsection (a) of this section by a licensee shall result in the revocation of the license, and all fees paid thereon shall be forfeited. A violation of subsection (a) of this section by an employee of a licensee or violation of subsection (b) of this section or subsection (c) of this section by a licensee or employee will result in a suspension or revocation of such license. In the case of revocation, all fees paid for the license shall be forfeited.  
(Code 1964, 3-10.1)

**Sec. 6-11. Sales to habitual drunkards.**

No licensee shall sell, give or deliver alcoholic liquor to any person now to him to be a habitual drunkard. (Code 1964, 3-12)

**Sec. 6-12. Regulations concerning minors.**

(a) No person under 18 years of age shall be employed on a licensed premises while the premises is open for business, except as provided in subsections (b) and (c) of this section.

(b) It shall not be a violation of this chapter for person under 18 years of age to be employed on a licensed premises during open business hours if the licensee is or operated a restaurant, club, hotel, or bowling alley, as defined in



the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), or a grocery store or other retail establishment which is not used exclusively or primarily for the sale and/or consumption of alcoholic liquor, and the employment does not directly involve the sale, dispensing, or delivery of alcoholic liquor.

(c) It shall not be a violation of this chapter for a person under 18 years of age to be employed on a licensed premises during open business hours if the employment is for the purpose of providing entertainment on the licensed premises, and the person under 18 years of age is part of an act in which his parent, parents, or guardian appears.

(d) It shall be a violation of this chapter for any person under 21 years of age to enter upon any licensed premises unless such person is accompanied by his parent or legally appointed guardian, or such person is in the exercise of his legitimate business, trade, or employment. This subsection does not apply to restaurants, clubs, or hotels, or to those portions of bowling alleys, grocery stores, drugstores, or other retail establishments which are not used exclusively or primarily for the sale and/or consumption of alcoholic beverages.

(e) It shall be a violation for any person under the age of 21 years to purchase or otherwise obtain or consume alcoholic liquor on licensed premises or catered premises.

(f) No licensee operating under a class K license shall employ a person under 18 years of age to perform services on a catered premises in the course of and during a catered event.

(Code 1964, 3-13; Ord. No. 90-CO-37, 3-13, 6-28-90; Ord. No. 94-CO-2, 3-13, 2-10-94; Ord. No. 2010-CO-38, 4-22-10)

**State law reference** – Authority to regulate presence of persons under 21 on premises, 235 ILCS 5/4-1.

### **Sec. 6-13. Business hours.**

(a) Except as provided in subsections (b), (c), (d) and (e) of this section, no alcoholic liquor shall be sold, offered for sale, furnished, carried out of, or consumed by anyone, including the owner and employees thereof, on any premises licensed under this chapter from 2:00 a.m. Sunday until the hour of 6:00 a.m. Monday, or from 2:00 a.m. on other days during the week until 6:00 a.m. the following day.

(b) If December 31 falls on any day during the week, except Sunday, the closing hours shall be extended from 2:00 a.m. until 3:00 a.m. If December 31

falls on a Sunday, it shall be lawful for alcoholic liquor to be sold and consumed on licensed premises specified in a class A, B, or C license specified in a class D license, between the hours of 6:00 p.m. Sunday and 3 a.m. Monday.

(c) A holder of a class A or C license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages, on Sundays, between the hours of 10:30 a.m. and 12:00 midnight, if the licensee also holds a Sunday license as described in section 6-53.

(d) A holder of a class B license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages, on Sundays between the hours of 8:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license.

(e) A holder of a class D license may sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages, not for consumption on the premises, on Sundays, between the hours of 11:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license.

(f) A holder of a class K license may furnish and/or dispense, on a catered premises, alcoholic liquor for consumption on the catered premises at any time and on any day of the week, except between the hours of 2:00 a.m. and 6:00 a.m. Tuesday through Sunday and 12:01 a.m. and 6:00 a.m. on Mondays.

(g) The hours of opening and closing as described in the section shall be applicable to either Central Standard Time or Central Daylight Savings Time, whichever is in effect in the county at the time in question.

(Code 1964, 3-14; Ord. No. 90-CO-37, 3-14, 6-28-90; Ord. No. 2010-CO-39, 4-22-10)

**State law reference** – Authority of county to fix hours of sale, 235 ILCS 5/6-14.

#### **Sec. 6-14. Duty of licensee to employ a security officer.**

On the licensed premises where dancing is permitted or where, in the judgment of the liquor control commission, it is necessary for the purpose of keeping order, or where in the judgment of the commission the parking or departing of automobiles is obstructing or endangering traffic, it shall be the duty of the licensee, upon the request of the commission, to engage a security officer at the expense of the licensee during such hours as it may be deemed

necessary by the commission.  
(Code 1964, 3-15)

**Sec. 6-15. Bringing in liquor to be consumed on premises.**

It shall be unlawful to consume on the licensed premises alcoholic liquors other than those furnished by the licensee. The bringing in of liquor by patrons for personal consumption on the licensed premises is hereby prohibited.

(Code 1964, 3-16)

**Sec. 6-16. Illegal activities on or about licensed premises.**

It shall be a violation of this chapter for any licensee or employee or agent of the licensee to engage in any activity or conduct, or to allow any other person to engage in any activity or conduct, in, on, or about the licensed premises, which is prohibited by any ordinance of the county, law of the state, or law of the United States.

**Sec. 6-17. Nudity and semi-nudity.**

It shall be a violation of this chapter for any licensee or employee or agent of the licensee to allow or otherwise participate in any kind of agreement or arrangement which allows or requires any person to appear before or amidst the public in attendance at the licensed or catered premises, in the nude or in any kind of apparel which as worn or by virtue of its design, fit, or material, makes visible any portion of such person's:

- (1) Genitalia;
- (2) Pubic hair or pubic hair region;
- (3) Anus and/or anal crevice; or
- (4) If such person is a female, her breast at or below, and including the areola.

(Ord. No. 94-CO-2, 3-18.1, 2-10-94; Ord. No. 2010-CO-38, 4-22-10)

**Secs. 6-18 – 6-40. Reserved.**

## ARTICLE 11. RETAIL LICENSES\*

### Sec. 6-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

*Canceled license* means one that has been voluntarily surrendered by the licensee.

*Lapsed license* means a complete application for renewal of the license shall not have been filed on or prior to the expiration date of such license.

Revoked license means one that has been made inoperative pursuant to law. (Code 1964, 3-19)

**Cross reference** – Definitions generally, 1-2.

### Sec. 6-42. Required.

It shall be unlawful for any person to manufacture bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes in the county in the territory outside the limits of any city or incorporated town or village without having first obtained a retailer's license to do so issued by the county liquor control commissioner in keeping with the provisions of this chapter and the state liquor control act.

(Code 1964, 3-20)

**State law reference** – Liquor Control Act, 235 ILCS 5/1-1 et seq.

### Sec. 6-43. Applications – Requirements.

(a) *In writing; form; contents.* All initial applications, renewal applications, and location transfer applications for licenses from the county liquor control commission shall be made in writing with the county clerk, and shall be made under oath and on forms of application furnished by the county clerk. The applications shall contain the information requests and statements as set out in state law for state licenses.

(b) *Scale drawing.* Each application shall be accompanied by an accurate scale drawing of the site of the premises proposed to be licensed, and of the surrounding area for a distance of at least 200 feet from the boundaries of the site, showing the locations of streets and property lines. This subsection shall not, however, apply to a renewal of any existing liquor license in the same location, but shall only apply to initial applications and to renewals or transfers

of existing licenses to different or new locations. This subsection shall also not apply to an application for a catered (class K) license.

**\*Cross reference** – Businesses, ch. 22.

**State law reference** – Control of counties over retail licenses generally, 235 ILCS 5/4-1.

(c) *Documentation of ownership or lease of premises.* Each application shall be accompanied by documentation establishing that the applicant either owns the proposed licensed premises or possesses a bona fide leasehold interest in the proposed licensed premises covering the time period for which the license is being requested. This subsection shall not apply to an application for a catered (class K) license.

(d) *List of employees; contents.* All applications shall be accompanied by a written list, verified by the applicant, stating the name, address, age, length of residence in the county, and position held of all persons to be employed by the applicant in connection with the retail sale and/or dispensing of alcoholic liquor on the licensed and/or catered premises. Holders of liquor licenses issued under this article shall also, within ten days after employment commences, report to the county liquor control commission, in writing, the name, address, age, length of residence in the county, and position held of all persons who become employed by the licensee subsequent to the filing of the employee list referred to in the immediately preceding sentence.

(e) *Proof of Dram Shop Insurance.* All applications shall be accompanied by documentation evidencing the applicant has contracted for liquor liability insurance in an amount at least equal to that required by the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.).

(f) *Fee.* A nonrefundable application fee of \$1000.00 shall be paid to the county clerk at the time of filing an initial application or location transfer application.

(g) *Payment of license fees in advance.* All license fees shall be paid in full in advance and shall accompany the application for such license. If an application is for any reason denied by the county liquor control commission, the license fee shall be refunded to the applicant.

(h) *Depositing of fees.* The county clerk shall turn over all application fees and license fees to the county treasurer to be deposited in the county's general fund.

(Code 1964, 3-21; Ord. No. 90-CO-37, 3-21, 6-28-90; Ord. No. 94-CO-2, 3-21, 2-10-94; Ord. No. 2001-CO-4, 2-22-01; Ord. No. 2010-CO-38, 4-22-10)

**State law reference** – State licenses, 235 ILCS 5/5-1 et seq.

**Sec. 6-44. Same – Referral; examination of applicant.**

All applications for licenses shall be referred to the county liquor control commission. Such commission is empowered to grant licenses subject to the provisions set forth in the state law and this chapter. It shall be the duty of the commission to check the applicant's record with the Rockford Police Department and the county sheriff, and the state's attorney of the county. In addition, the commission shall require the fingerprinting of each applicant and the submission of such fingerprints to the Federal Bureau of Investigation in Washington, D.C. for report. If any applicant for a liquor license shall not have resided in the county for at least ten years immediately prior to his application, the commission shall have the duty to inquire of the police department, county sheriff and state's attorney in the county wherein the applicant has resided during the ten years immediately prior to the date of his application.

(Code 1964, 3-22)

**Sec. 6-45. Same – Agreement by applicant.**

Each applicant for a license required by section 6-42 shall agree in his application to comply with all restrictions and regulations imposed by the laws of the state and this chapter and other ordinances or resolutions of the county in force at the time of making such application or that may thereafter be passed relating to the sale at retail of alcoholic liquors.

(Code 1964, 3-26; Ord. No. 94-CO-2, 3-26, 2-10-94)

**Sec. 6-46. Persons ineligible for a license.**

No license shall be granted to any person who has been convicted of the violation of any state or federal law, or city or county ordinance or resolution, pertaining to the sale of intoxicating liquor; nor shall a license be granted to any person who has been convicted of any offense involving morality or gambling. No license shall be granted to any person who is not a resident of the county. It shall be unlawful for a licensee to employ a person to operate or be in charge of a licensed premises unless the employee can and does meet the

qualifications of a licensee under state law and this article.  
(Code 1964, 3-23; Ord. No. 90-CO-37, 3-23, 6-28-90)

**Sec. 6-47. Rights of licensee when township prohibits sale of liquor.**

If a township in the county shall by vote of the people prohibit the sale at retail of alcoholic liquor, no such licenses issued and operating within such territory shall be transferable to other townships, but shall be deemed belonging to such territory and shall remain inoperative until the people by popular vote reestablish the sale of alcoholic liquor in such territory, at which time such licensee shall have priority right to renewal, provided that all provisions of the law and this chapter have been complied with.

(Code 1964, 3-24)

**State law reference** – Local referendum, 235 ILCS 5/9-1.

**Sec. 6-48. Duration and Expiration Date: contents; return upon expiration or revocation.**

(a) All licenses issued by the commission shall be annual licenses and shall expire on April 30 following their issuance and shall state thereon the name of the licensee and the address and description of the premises for which the license is granted, together with the date of its issuance and expiration. It shall be the duty of the county commission to see that all licenses are returned to the files of the commission upon expiration or revocation.

(b) Each license shall contain the following clause: “Subject to revocation and under such restrictions and regulations as provided by Illinois Liquor Control Act and regulations of the county board regulating and sale at retail of alcoholic liquor, and laws and resolutions amendatory thereto.”

(Code 1964, 3-27)

**Sec. 6-49. Execution; renewals to be identical with originals.**

All licenses shall be signed by the county liquor control commissioner, and every renewal shall be in all respects identical with the original or first license.

(Code 1964, 3-28)

**Sec. 6-50. Control of number of licenses issued.**

The county liquor control commission may set from time to time, as public welfare seems to warrant, a limit to the total licenses to be issued in the county for any locality, neighborhood, or part of the county. The county liquor control commission may in like manner decrease the number of licenses to be issued

within its jurisdiction at the termination of the annual license year.  
(Code 1964, 3-29)

**Sec. 6-51. Effect of issuing new licenses.**

Nothing by reason of the issuance of a new license, either in connection with the transfer of a business to a new location or to a new owner at an old location, shall entitle any other applicant to a license for other premises.  
(Code 1964, 3-30)

**Sec. 6-52. One license for each bar; exception.**

Only one bar shall be operated under one license, except, however, that any licensee holding a class A, B or C license may obtain an additional bar license authorizing the use of each additional permanent bar installation within the licensed premises, as provided in section 6-53.  
(Code 1964, 3-31)

**Sec. 6-53. Classes and number of licenses; amount of fees.**

The classification of retail alcoholic liquor licenses authorized to be issued under this article and the license fee for each shall be as follows:

(1) *Class A.* A class A license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises and also alcoholic liquor in original and unbroken packages; provided, however, that the sale of alcoholic liquor in original and unbroken packages, except for beer and wine, shall be made from a location behind or immediately adjacent to the regular service bar. The annual fee for a class A License shall be \$1,680.00 and shall be paid to the county clerk. The county clerk shall promptly turn all licensed fees over to the county treasurer. If the holder of a class A license shall elect to sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages, except for beer and wine, from a location which is not behind or immediately adjacent to the regular service bar, such retail sales shall be restricted to the room wherein the regular service bar is located. The annual fee for such a license shall be \$1,860.00 and shall be paid to the county clerk. The county liquor control commission shall not issue more than 45 class A licenses during any license period.

(2) *Class B.* A class B license shall authorize the holder thereof to sell at retail, on the license premises, alcoholic liquor for consumption on the premises and also alcoholic liquor in original and unbroken packages. A class B license shall only be issued to clubs, as defined in 235 ILCS 5/1-3.24, which



have been chartered and continuously in active operation for a period of at least ten years prior to the date of application for such license. The annual fee for a class B license shall be \$1,320.00 and shall be paid to the county clerk. The county clerk shall promptly turn all license fees over to the county treasurer. The county liquor control commission shall not issue more than five class B licenses during any license period.

(3) *Class C.* A class C license shall authorize the holder thereof to sell at retail, on the licensed premises, beer and wine for consumption on the premises and also beer and wine in original and unbroken packages. The annual fee for a class C license shall be \$600.00 and shall be paid to the county clerk. The county clerk shall promptly turn all license fees over to the county treasurer. The county liquor control commission shall not issue more than ten class C licenses during any license period.

(4) *Class D.* A class D license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages. A class D licensee shall not allow alcoholic liquor to be consumed on the licensed premises. The annual fee for a class D license shall be \$1,680.00 and shall be paid to the county clerk. The county clerk shall promptly turn all license fees over to the county treasurer. The county liquor control commission shall not issue more than 20 class D licenses during any license period.

(5) *Class R.* A class R license shall authorize the holder thereof to sell at retail alcoholic liquor in original and unbroken packages from a refrigerator located in a hotel or motel room on the licensed premises of a class A licensee; provided, however, that the refrigerator shall be locked at all times and the contents thereof may be purchased and removed only by the lessee of the room with a key provided for that purpose by the lessor. The annual fee for a class R license shall be \$1,200.00 and shall be paid to the county clerk. The county clerk shall promptly turn all license fees over to the county treasurer.

(6) *Sunday.* A Sunday license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor on Sundays during the hours specified in section 6-13. The annual fee for a Sunday license shall be \$300.00 and shall be paid to the county clerk. The county clerk shall promptly turn all license fees over to the county treasurer.

(7) *Additional bar.* An additional bar license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises at each additional bar which may be maintained

on a licensed premises, as provided for in section 6-52. The annual fee for an addition bar license shall be \$120.00 for each addition bar and shall be paid to the county clerk. The county clerk shall promptly turn all license fees over to the county treasurer.

(8) *Class K.* A class K license shall authorize the holder thereof to furnish and/or dispense, on a catered premises and in conformance with the provisions of section 6-63, alcoholic liquor for consumption on the premises. A class K license shall only be issued to a person of entity who holds a Risk 3 food permit issued by the Winnebago County Health Department. The annual fee for a class K license shall be \$250.00 and shall be paid to the county clerk. Additionally, a \$60.00 fee per catered event shall be paid at the time notice of each catered event is given pursuant to section 6-63 (c). The county clerk shall promptly turn all license fees over to the county treasurer. The county liquor control commission shall not issue more than 25 class K licenses during any license period.

(Code 1964, 3-32; Ord. No. 90-CO-37, 3-32, 6-28-90; Ord. No. 92-CO-17, 2, 4-23-92; Ord. No. 2001-CO-4, 2-22-01; Ord. No. 2010-CO-38, 4-22-10)

#### **Sec. 6-54. Proration of fees.**

The license fee, where application is made and the retail license is granted during the first six months of each license year, shall be the entire fee required by this article for the annual license year. Where application is made and license granted during the last six months of any license year, the license fee shall be one-half of the entire fee required for the annual license year. Where application is made and the retail license granted during the last three months of any license year, the license fee shall be one-fourth of the entire fee required for the annual license year, provided that the benefit granted in this section shall not be allowed to any person who has been a licensee for the annual license year or part thereof preceding the application for a license.

(Code 1964, 3-34)

#### **Sec. 6-55. Privilege granted by license; nature as property; not subject to attachment, garnishment or execution; transferability; refund of fee.**

(a) A license shall be purely a personal privilege good for not to exceed one year after issuance unless sooner revoked as provided in this article, 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.

(b) Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, which such estate consists in part of alcoholic liquor, under the order of the appropriate court, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but no longer than six months after the death, bankruptcy or insolvency of such licensee.

(c) A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operation under such license in accordance with the provisions of this section.

(d) Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose; and provided further, that the renewal privilege provided in this section shall not be construed as a vested right which shall in any case prevent the county liquor control commission from decreasing the number of licenses to be issued within its jurisdiction.  
(Code 1964, 3-35)

**State law reference** – Similar provisions, 235 ILCS 5/6-1.

#### **Sec. 6-56. Display.**

It shall be the duty of any person conducting a licensed business under this chapter to keep his license posted at all times in a prominent and conspicuous place on the premises used for such business.

(Code 1964, 3-36)

**State law reference** – Similar provisions, 235 ILCS 5/6-24.

#### **Sec. 6-57. Regulations governing licenses in territory annexed by municipality.**

If a section or any part thereof within the county in which there is situated a duly licensed premises for the sale of alcoholic liquor under this chapter is annexed to a municipality, village or city within the county, the licensee of such annexed part shall be required to return, hand over and surrender to the county liquor control commission his license for revocation and cancellation. The county liquor control commission shall have the right to assign and issue

the revoked and canceled liquor license, subject, however, to the licensee of such annexed part, having the privilege of moving and transferring his license to a new and proper location in the county, provided that such licensee of the annexed part does not engage in the liquor business nor make application for a liquor license to any municipality, village or city within the county in the premises formerly occupied for the sale of alcoholic liquor under any license granted under the authority of this article.

(Code 1964, 3-37)

**Sec. 6-58. Operation of business under assumed names; change in ownership.**

Every licensee under this article who does, conducts or transacts business under an assumed name shall be required to comply with the terms and provisions of the Assumed Business Name Act. 806 ILCS 405/1 et seq. If one or more members of a firm or partnership withdraw from such business, the business may be continued by the remaining persons or partners under the same liquor license for the remainder of the period for which the license was issued to the licensee. The change in ownership, however, shall be reported immediately to the county liquor control commission, and the change shall be shown immediately on the original license application then in effect filed in the office of the county clerk. The failure by any licensee under this article to comply with the provisions of any part of this section shall be considered and deemed cause for the revocation and cancellation of the liquor license issued under this article by the county liquor control commission.

(Code 1964, 3-39)

**Sec. 6-59. Sales in places other than shown in application for license, change of location.**

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon authority granted by the county liquor control commission, provided that written application for such change is made by the licensee. No change of location shall be permitted unless the proposed new location in the written application is a proper one for the retail sale of alcoholic liquor under the laws of the state and this chapter. This section shall not apply to the sale, furnishing, and/or dispensing of alcoholic liquor by a class K licensee.

(Code 1964, 3-40; Ord. No. 2010-CO-38, 4-22-10)

### **Sec. 6-60. Suspension and revocation**

(a) If any licensee or agent or employee of the licensee shall violate any of the provisions of this chapter, or any law of the state, relating to liquor control, or shall make any false statement in obtaining a license, such license may be revoked by the county liquor control commission, with all fees paid thereon forfeited.

(b) In lieu of revocation, the county liquor control commission is further empowered to suspend the local liquor license of any licensee for a period of not to exceed 30 days, and/or to fine the licensee an amount not to exceed \$1000.00 for the first violation within a 12-month period, \$1,500.00 for a second violation within a 12-month period, and \$2,500.00 for a third or subsequent violation within a 12-month period, in any instance when the commission finds that the license or the agents or employees of the licensee have violated any of the provisions of this chapter or law of the state relating to liquor control.

(Code 1964, 3-41; Ord. No. 94-CO-2, 3-41, 2-10-94; Ord. No. 2005-CO-30, 3-10-05)

### **Sec. 6-61. Appeals from orders of county liquor control commission.**

An appeal from any order of the county liquor control commission to the state liquor control commission shall be limited to a review of the official record of the proceedings of the county liquor control commission.

(Ord. No. 90-CO-37, 3-42, 6-28-90)

**State Law reference** – Similar provisions, 235 ILCS 5/7-9.

### **Sec. 6-62. Special event licenses.**

(a) Notwithstanding any other provisions of this chapter to the contrary, the county liquor control commission may, in the commissioner's discretion, grant special event liquor licenses for the sale and consumption of beer and/or wine at special events as provided in this section.

(b) Special event liquor licenses may only be issued to educational, fraternal, political, civic, religious, or non-profit organizations.

(c) An organization desiring to obtain a special event liquor license shall submit a written request therefore to the county liquor control commissioner. The request shall contain the following information:

- (1) The name of the organization applying for the license;

- (2) The date(s) and time(s) of the event;
- (3) The purpose for the event;
- (4) The location of the event, including a drawing of the site of the premises proposed to be licensed, and of the surrounding area for a distance of at least 200 feet from the boundaries of the site, showing the locations of streets and property lines:
- (5) Whether the sale and consumption of the beer and/or wine will take place indoors or outdoors;
- (6) A description of the activities which will take place during the event;
- (7) The anticipated number of persons who will attend the event;
- (8) A safety plan for the event, including crowd control, traffic control and parking, and provisions for the prevention of underage drinking;
- (9) The name(s), address(es), and telephone number(s) of the person(s) responsible for organizing and running the event; and
- (10) Official documentation from the organization showing authority to apply for the special event liquor license on behalf of the organization.

(d) The county liquor control commissioner may impose security, restroom facility, and such other health and safety requirements, and location limitations, on the licensee as may be appropriate upon reviewing the information contained in the written request.

(e) Organizations may apply for one-day, two-day, or three-day special event liquor licenses. No organization, however, shall be issued a combination of one-day, two-day, or three-day liquor licenses which exceeds a total of four calendar days during any calendar year.

(f) A special event liquor license permits the licensee to sell beer and/or wine only for consumption at the location and on the dates and during the times specified in the license. In no event shall a special event liquor license permit the sale and/or consumption of beer and/or wine to begin before 8:00 a.m. nor continue past 12:00 midnight on any calendar day.

(g) The fee for a special event liquor license shall be \$60.00, and shall be remitted with the written request for the license.

(h) Upon acceptance of a special event liquor license the recipient specifically acknowledges the special privilege of obtaining this type of license and consents to all requirements imposed by the county liquor control commissioner. The recipient of a special event liquor license issued by the county liquor control commissioner specifically waives any and all claims or rights that it may obtain in being granted the license, and specifically authorizes the county liquor control commissioner or his delegate the absolute discretion to revoke the license at any time for any reason whatsoever.

(i) A special event retailer's liquor license must also be obtained from the State of Illinois Liquor Control Commission, which requires approval of the local liquor control commissioner in advance.

(Ord. No. 2004-CO-104, 10-14-04)

**Sec. 6-63. Caterer Licenses.**

(a) A Class K (caterer) license shall allow the holder to serve alcoholic liquors for consumption on premises located within unincorporated Winnebago County as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal. The prepared meals and alcoholic liquors must be sold at a package price agreed upon under contract.

(b) The service and consumption of alcoholic liquor under a class K license may occur only during the service of the meal, unless the catered event is a prearranged private function for a specific social or business occasion, by invitation only, not advertised or open to the general public, where the guests in attendance are served in a room or rooms or outdoor area designated and used exclusively for the private function.

(c) The holder of a class K license shall give the county liquor control commission written notice of each catered event at least seven (7) days prior to the start of the event. The written notice shall contain the following information:

- (1) the date(s) of the event;
- (2) the location of the event;
- (3) the time the catering services will begin;
- (4) the time the catering services will conclude; and
- (5) the number of people anticipated to attend the event while catering services are occurring.

(Ord. No. 2010-CO-38, 4-22-10)