

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2020-O-22

AN ORDINANCE AMENDING CHAPTER 110, THE LIQUOR
CONTROL ORDINANCE TO ADD A CLASS "B" LICENSE

Adopted by the
Board of Trustees of the Village of Tolono, Illinois
This 15th day of September, 2020

Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Tolono, Champaign County, Illinois this 15th day of September, 2020.

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

Ordinance No. 2020-O-22

September 15, 2020

WHEREAS, The Village of Tolono is charged with the health safety and welfare of its citizens which extends to public safety and the regulation of alcohol; and

WHEREAS, The Village Board of Trustees previously adopted an Ordinance creating classes and fees for liquor licenses; and

WHEREAS, The Board of Trustees has further determined it necessary and appropriate to amend the Revised Code of Ordinances as it relates to said classes of licenses and fees to add a Class "B" license.

NOW THEREFORE, BE IT ORDAINED by the President and Village Board of Trustees of the Village of Tolono, Illinois as follows:

Section 1. Incorporation Clause.

The President and Village Board of Trustees of the Village of Tolono hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This Ordinance is to amend Chapter 110, Section 110.040 and 110.040, "Classes of License" and "License fees", in entirety, of the Revised Code of Ordinances of the Village of Tolono to additionally add a Class "B" license.

Section 3. Amendment.

Chapter 110, Section 110.040 and 110.041 of the Revised Code of Ordinances of the Village of Tolono is hereby amended to now read, in entirety, as follows:

110.040 CLASSES OF LICENSES

Licenses as required by this Article shall be divided into the following classes:

(A) **Class "A" Licenses (Regular Retailers).** Class "A" licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on or off the premises; sales by the drink and package liquor sales permitted. The maximum number of Class "A" licenses to be issued shall not

exceed **four (4)**. A maximum number of gaming machines allowed by the laws of the State of Illinois (230 ILCS 40 Video Gaming Act.) are authorized.

(1) **Class “A1” License.** Class A1 licenses are for retailers with either no food service or a current Champaign County Health Department type 3 2 food license. Minimum age for occupancy is 21 at all times.

(2) **Class “A2” License.** Class A2 licenses are for retailers with a current Champaign County Health Department type 1 or 2 food license. Minimum age for occupancy is 21 and older after 8pm local time. At times when food service is not being provided, the minimum age is 21 or older.

(B) **Class “B” Licenses (Bar & Grill).** Class “B” licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises; sales by the drink are permitted but sales of package liquor are not permitted. The maximum number of Class “B” licenses to be issued shall not exceed **One (1)**. Class B licenses are for retailers with a current Champaign County Health Department type 1 or 2 food license. Minimum age for occupancy is 21 and older after 8pm local time. At times when food service is not being provided, the minimum age is 21 or older. A maximum number of gaming machines allowed by the laws of the State of Illinois (230 ILCS 40 Video Gaming Act.) are authorized.

(C) **Class “C” Licenses (Club License).** Class “C” license shall be issued only to clubs and shall permit the licensee to sell any and all alcoholic liquor by the drink and not in package, for consumption on the premises where it is sold, to members thereof in good standing and guests accompanied by such members. There shall be a limit of **one (1) license** issued. A maximum number of gaming machines allowed by the laws of the State of Illinois (230 ILCS 40 Video Gaming Act.) are authorized.

(D) **Class “CA” Licenses (Caterer License).** Class “CA” licenses shall authorize the sale of alcoholic liquor by a caterer in connection with the sale of prepared food, for service at private parties, weddings or other similar private events which are not open to the general public, at a location other than the premises leased, owned or otherwise operated by the licensee. There shall be a limit of **one (1) license** issued.

(1) Class “CA” license shall also require the Caterer to derive not more than 40% of its sales from the sale of alcohol and must provide proof of compliance through verification by a Certified Public Accountant (CPA) provided each year at least 10 days prior to the expiration of the license. The CPA shall provide a letter that certifies the percentage of alcohol sales to total sales sold.

(E) **Class “OC” Licenses (Outdoor Cafe).** Class OC outdoor cafe license shall permit the retail sale of alcoholic liquor by any person holding a Class A, B, C, or R license.

(1) During the times when alcoholic liquor may be served under the Class OC license, the licensee shall:

(a) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the service premises of the licensee.

(b) Provide table service in the outdoor cafe area during the hours when alcoholic liquor is permitted to be served.

(c) The outdoor cafe area shall be subject to all provisions of this chapter as though the outdoor cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.

(2) The space must meet the following requirements:

(a) Access to the space must be limited to and from the licensed premises only. Emergency exits must be provided as approved by the fire marshal. Emergency exit(s) must have an audible emergency alarm when opened to provide security.

(b) The perimeter of the space shall be enclosed by a permanently constructed fence that is 4 feet tall.

(c) The space shall be restricted to being on private property.

(F) Class "P" Licenses (Package Liquor). Class "P" licenses shall authorize the retail sale on the premises specified of alcoholic liquor not to be consumed on the premises. Sales of open bottles, cans or containers are not permitted and said bottles, cans or containers are not to be opened on the premises. There shall be a limit of **three (3) licenses** issued.

(G) Class "R" RESTAURANT/BAR. Class "R" license shall authorize a restaurant to serve alcoholic liquor, beer, wine and pre-packaged drinks as an incidental or accessory part of a food service that serves prepared meals which excludes the serving of snacks as a primary meal, either on or, in the event of catering, off-site, subject to time restrictions in Section 21 of this Ordinance. There shall be a limit of **two (2) licenses** issued.

(1) Class "R" license shall also require the Restaurant/Bar to derive not more than 40% of its sales from the sale of alcohol and must provide proof of compliance through verification by a Certified Public Accountant (CPA) provided each year at least 10 days prior to the expiration of the license. The CPA shall provide a letter that certifies the percentage of alcohol sales to total sales sold.

(H) Class "T" Licenses (Temporary License). Class "T" license shall permit the retail sale of alcoholic liquor by service, charitable or other not for pecuniary profit organizations, at a picnic, outing, festival or other such similar special occasion for consumption on the premises or within an area specified and designated within such license. A Class "T" license shall be for no more than **three (3) days**. A Class "T" license shall not in any manner be regarded to relieve the holder of the license from complying with any other requirement of law. There shall be a limit of **one (1) concurrent license** issued.

110.041 LICENSE FEES

The annual fee for any license issued pursuant to this article shall be paid in advance and submitted with the application for any such license. When a new license is issued at some time other than May 1, the annual fee for any such license shall be proportional reduced by the number of full calendar months that have elapsed prior to the issuance of any such license since the previous May 1. No such annual license fee or part thereof shall be refunded after the issuance of any such license. License fees may be paid semi-annually by May 1 and Nov 1 for an additional fee of 5% of the license fee.

Class A1	\$1000.00 annual fee
Class A2	\$1000.00 annual fee
Class B	\$1000.00 annual fee
Class C	\$500.00 annual fee
Class CA	\$50.00 annual fee
Class OC	\$100.00 annual fee
Class R	\$700.00 annual fee
Class P	\$550.00 annual fee
Class T	\$50.00/day annual fee
Gambling Machines	Annual fee per machine is maximum allowable by State of Illinois Video Gaming Act (230 ILCS 40)

Section 4. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 5. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee Vicki Buffo

With a second by Trustee Ryan Perry, roll call vote:

Vicki Buffo Yes


Jared Robbins Yes

Ryan Perry Yes

Terrence Stuber Yes

Jared Ping Yes

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF TOLONO,
COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 15TH DAY OF SEPTEMBER, 2020.


Robert Murphy, President


Brandy Dalton, Village Clerk

(SEAL)

Recorded in the Municipal Records: September 15, 2020
Published in pamphlet form: September 15, 2020