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Troy, Illinois 62294

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Ordinance No. 2021 - 18

An Ordinance of the City of Troy, Illinois, Amending Title XI,
Chapter 116 Alcoholic Beverages, Sections 017, 018 and 026
(Classes of Licenses Established, Limitations on the Number
of Licenses per Class, and Term) of the Codified Ordinances

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS 2ND DAY OF AUGUST, 2021

*Published in pamphlet form by the authority of the City Council of the
City of Troy, Madison County, Illinois, this 2ND day of August, 2021.*

WHEREAS, the corporate authorities of the City of Troy adopted a Code of Ordinances and have made revisions thereto; and

WHEREAS, the corporate authorities adopted Title XI, Chapter 116 Alcoholic Beverages, Sections 017, 018, and 026; and

WHEREAS, the corporate authorities deem it to be in the best interests of the City to amend certain sections of the Codified Ordinances which establish liquor license classes, fees, limits the number of such licenses, and terms; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Troy, Madison County, Illinois as follows:

Section 1: Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.

Section 2: Amendment.

1. The Codified Ordinances of the City of Troy, Title XI, Chapter 116 Alcoholic Beverages, Sections 017, 018 and 026, Classes of Licenses Established, Limitation on the Number of Licenses per Class, and Term are hereby deleted.
2. The Codified Ordinances of the City of Troy, Title XI, Chapter 116 Alcoholic Beverages, Sections 017 and 026 are hereby replaced as follows.

§ 116.017 CLASSES OF LICENSES ESTABLISHED.

(A) There shall be ten classes of liquor licenses, as follows.

- (1) Class A, for the retail sale of package liquor only and not for consumption on the premises, and not for resale in any form. The fee for a class A license is \$400.
- (2) Class B, for the retail sale of alcoholic liquor for use or consumption on the premises, and not for resale in any form. The fee for a class B license is \$400.
- (3) Class C, for the retail sale of beer and wine only for the use and consumption on the premises, but not for resale in any form. The fee for a class C license is \$400.
- (4) Class CE, catering establishments, for premises not otherwise licensed by this code, which are leased or permitted to be used by others, when the catering establishment or the lessee will engage the services of a person holding a caterer retailer's license. A caterer shall not sell, serve or deliver to another on the premises of a catering establishment unless the caterer holds a local caterer retailer's license. Catering establishments which permit the lessees, customers or guests of lessees to provide their

own alcoholic liquor ("BYOB") shall be required to have a Class CE license. Notwithstanding anything to the contrary, no license shall be required for any person having a social function in his or her own residence, nor shall a license be required for any person who has one or two catered social functions at the person's place of business in a calendar year. Further notwithstanding anything to the contrary, nothing herein shall authorize the prosecution of individual persons who provide their own alcoholic liquor at a catering establishment for their own consumption at that function. The fee for a class CE license is \$400.

(5) Class CR, caterer retailer, for the sale and serving of alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on- or off-site, whether licensed or unlicensed. A person who holds a valid caterer retailer's license from another Illinois jurisdiction shall be known as a foreign caterer retailer; the licenses shall be limited to the specific event in the license. An applicant must also provide proof that it has dramshop liability insurance in the maximum limits. The fee for a class CR license is \$400.

(6) Class D, for the retail sale of alcoholic liquor for use or consumption on the premises, but not for resale in any form, by fraternal groups, veteran's organizations or a club, at one permanent location. The fee for a class D license is \$400.

(7) Class E, for the sale and offer for sale at retail, only on the premises specified in the license, alcoholic liquor for use or consumption on and off the premises, but not resale in any form. The fee for a class E license is \$500.

(8) Class G, for the retail sale of alcoholic liquor for use or consumption on the premises, but not for resale in any form, by businesses deriving more than 50% of their income from video gaming, at one permanent location. Every Class G licensee shall comply with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., as amended, and all rules, regulations and restrictions imposed by the state gaming board as amended. The fee for a class G license is \$400.

(9) Class SE, special event, for profit retailer's license, for the retail sale of alcoholic liquor, but not for resale in any form, for use and consumption at the location and for the specific dates for the special event in the license. This license applies to fraternal, educational, political, civic, religious and not-for-profit organizations that maintain the responsibility for serving and selling alcoholic beverages at special events. The license shall be issued for retail sales only at the location and on the specific dates designated for the special event. An applicant must also provide proof that it has dramshop liability insurance in the maximum limits. The fee for a class SE license is \$25 per special event.

(10) Class SU, special use permit license shall allow a person with a retail sales liquor license, or a retailer's on-premises consumption license issued by the city, to sell or offer for sale at retail, but not for resale in any form, alcoholic liquor. This license is limited to the premises described in the license. This license shall have a limited duration per event of one day. An *EVENT* is defined as a single theme. The maximum number of days in the license at any location is two days within any 12-month period. Thus, different locations and/or different themes require separate applications for use permit licenses. An applicant must also present proof that it has dramshop insurance in the maximum limits. The fee for a class SU license is \$25 per event.

(B) Persons who hold a valid retail sale of alcoholic liquor or retailer's on-premises consumption license as issued by the city, who wish to sell, at retail, alcoholic liquor on parking lots or sidewalks adjacent to their licensed premises, shall first obtain a special event or special use permit license, as applicable.

§ 116.018 (RESERVED).

§ 116.026 TERM.

(A) Special event, special use permit or foreign caterer retailer's licenses shall be limited in duration to the special event, special use or catering function for which they are issued.

(B) All other licenses issued pursuant to this chapter shall be for one-year periods beginning on January 1. Licenses issued for the term of November 1, 2020 to October 31, 2021 will be automatically extended to December 31, 2021.

(C) No license shall be held in existence by the mere payment of fees. Where the continuous operation of the licensee's business has lapsed for a period longer than 90 days, the license shall terminate. Also the license shall not be subject to renewal. However, if the licensee's premises have been destroyed or damaged either by fire or an act of God, and cannot be rebuilt or repaired within a 90-day period, then the Commissioner may extend the period of time for which the liquor license may be held without being in continuous operation for an additional 90 days.

Section 3: Severability. If any provisions of this Ordinance, or the application of any provisions of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision or application of such provision, is severable, unless otherwise provided by this Ordinance.

Section 4: Effective date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

Section 5: All ordinances or parts of ordinances thereof in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

Section 6: Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 2nd day of August, 2021.

Aldermen:

Dawson

Flint

Hellrung

Henderson

Italiano ABSENT

Knoll

Manley

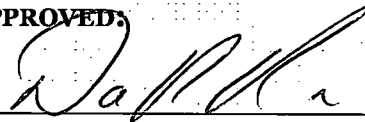
Turner ABSENT

Total:

6 Ayes

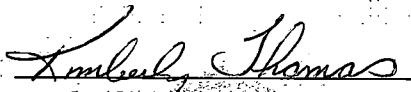
0 Nays

APPROVED:



David Nonn, Mayor,
City of Troy, Illinois

ATTEST:



Kimberly Thomas, City Clerk

