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City Clerk
116 E. Market Street
Troy, Illinois 62294



Ordinance No. 2023 - 72

An Ordinance of the City of Troy, Illinois,
Amending Title XI: Business Regulations,
Chapter 116: Alcoholic Beverages of the Codified Ordinances

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS
THIS EIGHTEENTH DAY OF DECEMBER, 2023

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: Business Regulations, Chapter 116: Alcoholic Beverages, Section 017 Classes of Licenses Established; 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 pertain to video gaming; and

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

Section 1: The above recitals are incorporated herein and made a part hereof.

Section 2: Title XI Business Regulations, Chapter 116 Alcoholic Beverages, Section 017 Classes of Licenses Established is hereby amended 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. **Video gaming is not permitted.** 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. **Video gaming is permitted,** provided that the licensed premise derives less than 50% of their income from video gaming. 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. **Video gaming is permitted,** provided that the licensed premise derives less than 50% of their income from video gaming. 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. **Video gaming is permitted**, provided that the licensed premise derives less than 50% of their income from video gaming. 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. **Video gaming is permitted**, provided that the licensed premise derives less than 50% of their income from video gaming. 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. There shall be a limit of five Class G licenses issued. *Exception:* any Class G license issued and outstanding as of January 1, 2024 shall be permitted to continue to sell at retail any alcoholic liquor. However, if the continuous operations of the licensee's business lapses for more than 30 days for any reason, the license shall terminate and not be subject to renewal unless a Class G license is available and the licensee is a qualified applicant. 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 \$750.
- (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.

Section 3: If any provisions of this ordinance, or the application of any provisions of this ordinance, is held invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

Section 4: All ordinances or parts of ordinances thereof in conflict with this ordinance are hereby repealed to the extent of any such conflict.

Section 5: Effective date. This ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

PASSED by the City Council of the City of Troy, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this eighteenth day of December, 2023.

Aldermen:

Dawson AYE

Italiano AYE

8 Ayes

Flint AYE

Knoll AYE

0 Nays

Hellrung AYE

Manley AYE

0 Abstains

Henderson AYE

Turner AYE

APPROVED:



David Nonn,
Mayor

ATTEST:



Kimberly Thomas,
City Clerk

