

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 847

AN ORDINANCE AMENDING CHAPTER 34, LIQUOR, OF THE MUNICIPAL CODE OF THE
CITY OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY AMENDMENT OF SECTIONS 34.09 B
AND 34.30

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 7th
DAY OF June, 1999.

PRESENTED: June 7, 1999

PASSED: June 7, 1999

APPROVED: June 7, 1999

RECORDED: June 7, 1999

PUBLISHED: June 7, 1999


In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X 

City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: June 7, 1999.

ORDINANCE NO. 847

AN ORDINANCE AMENDING CHAPTER 34, LIQUOR, OF THE MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY AMENDMENT OF SECTIONS 34.09 B AND 34.30

WHEREAS, The Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that it is in the best interest of the City of LeRoy and its residents that certain amendments be made to the City Liquor Code,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, Illinois in lawful meeting assembled, as follows:

Section 1. Section 34.09 B. 1. of Chapter 34, Liquor, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby repealed.

Section 2. New section 34.09 B. 1. of Chapter 34, Liquor, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follow:

1. Class A Licenses - shall authorize the retail sale of alcoholic liquor on the specified premises for consumption on or off the specified premises as follows (amended Ord. No. _____, _____, 1999):

a. Retail sale of alcoholic liquor on premises specified for consumption on or off the specified premises, not including the right to have Sunday sales-Class "A" License. The annual fee for such license shall be One Thousand Dollars (\$1,000.00).

b. Retail sale of alcoholic liquor on the premises specified for consumption on or off the specified premises, including the right to have Sunday sales-Class "A-S" License. The annual fee for such license shall be One Thousand, Five Hundred Dollars (\$1,500.00).

Section 3. Section 34.09 B. 4. of Chapter 34, Liquor, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby repealed, effective May 1, 2000.

Section 4. New section 34.09 B.4. of Chapter 34, Liquor, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), which shall become effective May 1, 2000, is hereby adopted in words and figures as follow:

4. Class D Licenses

a. Class D Licenses shall authorize the retail sale of alcoholic liquor for consumption on the specified premises only.

b. In order to meet the requirements for a Class D License, the holder thereof must be able to prove, on any Sunday during the fiscal year, May 1 through April 30 of the succeeding year, as well as in any given calendar month, that sales of food in the licensed establishment (holding a Class D License) account for at least sixty-five percent (65%) of the gross retail sales of such establishment and the sale of alcoholic liquor for consumption on the premises did not exceed thirty-five percent (35%) of the gross retail sales for said establishment during the designated time period (any Sunday, and any given calendar month).

c. The annual fee for such license shall be One Thousand Dollars (\$1,000.00).

d. The City shall have the right, by one of its employees, or by an independent auditor, to audit the license holder's records showing daily sales for any given preceding Sunday for as many as one

Sunday in each calendar month, during any twelve month period, and also to audit the books and records of any Class D license holder for any designated calendar month (designated by the City) in any city fiscal year up to as many as two months in each fiscal year. The City shall give notice or cause notice to be given to the license holder not less than two weeks in advance of the date on which the audit is intended to be conducted. The audit shall be for a Sunday or month preceding the date the notice is given. Each Class D license holder is hereby required to keep his, her, their, or its books and records in sufficient detail to enable an accountant, certified public accountant, or other appropriate auditor to be able to determine that the gross sales for the given time period (a Sunday, or a one calendar month period) meet the sixty-five percent (65%) minimum gross retail sales of food requirement in order to hold a Class D Liquor License. Failure to keep all appropriate financial records in such manner shall be presumed prima facie to establish that the license holder failed to meet the required 65% minimum test. This presumption shall be a rebuttable presumption.

e. Notwithstanding any other provision of this Chapter 34, nor any other provision in any other City ordinance, the holder of a Class D License may sell alcoholic liquor within the terms of said license between the hours of 12:00 p.m. and 9:00 p.m. on Sundays. Class D Liquor License holders, in addition to the foregoing, may sell alcoholic liquor from 12:00 p.m. on December 31 until 1:00 a.m. on January 1.

Section 5. Section 34.30 Closing Hours, of Chapter 34, Liquor, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby repealed.

Section 6. New section 34.30 Closing Hours, of Chapter 34, Liquor, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City between the hours of 1:00 a.m. and 7:00 a.m. on any day. Further, for all holders of liquor licenses, except Class "C/I-S" and "C/II-S" licenses, Class "A-S" licenses, and Class D licenses it shall be unlawful to offer for sale at retail any alcoholic liquor in the City between the hours of 1:00 a.m. Sunday and 7:00 a.m. on Monday following. As to Class "A-S" license holders, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City not only between the hours of 1:00 a.m. and 7:00 a.m. on any day, but also between the hours of 1:00 a.m. Sunday and 12:00 p.m. on the same Sunday and 9:00 p.m. Sunday and 7:00 a.m. on Monday following. As to Class "C/I-S" and "C/II-S" license holders, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City, not only between the hours of 1:00 a.m. and 7:00 a.m. on any day, but also between the hours of 1:00 a.m. Sunday and 9:00 a.m. on the same Sunday, and 6:00 p.m. Sunday and 7:00 a.m. on Monday following. 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 in which the sale of liquor is prohibited. In the case of restaurants, 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, unless such restaurant is the holder of a Class "D" license, in which case the hours for sales of liquor on Sunday shall be as set forth in connection with the designation for Class "D" license privileges under Section 34.09 B, or unless such restaurant is the holder of a Class "A-S" license, in which case the hours for sales of liquor on Sundays shall be as set forth in this Section 34.30.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

Ryan Miles

, seconded by Dawn Thompson

_____, by roll call vote on the 7th day of June, 1999, as follows:

Aldermen elected 6 Aldermen present 5

VOTING AYE:

Steve Dean, Dick Oliver, Dave McClelland, Dawn Thompson, Ryan Miles
(full names)

VOTING NAY:
None

(full names)

ABSENT:

Ron Litherland
(full names)

ABSTAIN:

(full names)

OTHER:

(full names)

and deposited and filed in the office of the acting City Clerk in said municipality on the 7th day of June, 1999.

X Sue Marcum
Sue Marcum, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 7th day of June, 1999.

X Robert Rice
Robert Rice, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X Sue Marcum
Sue Marcum, City Clerk, City of LeRoy,
McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on June 7, 1999, the Corporate Authorities of such municipality passed and approved Ordinance No. 847, entitled:

AN ORDINANCE AMENDING CHAPTER 34, LIQUOR, OF THE MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY AMENDMENT OF SECTIONS 34.09 B AND 34.30,

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 847, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on June 7, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 7th day of June, 1999.

(SEAL)



Sue Marcum
Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 34, LIQUOR, OF THE MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (AS AMENDED), BY AMENDMENT OF SECTIONS 34.09 B AND 34.30.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 7th day of June, 1999, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 7th day of June, 1999.

X *Sue Marcum*
City Clerk

