

**ORDINANCE NO. 15-11-08**

**AN ORDINANCE AMENDING THE MAHOMET VILLAGE CODE, AS AMENDED, BY  
MODIFYING THE EXISTING CHAPTER 110 ENTITLED  
"ALCOHOL REGULATIONS" AS HEREINAFTER CITED**

Adopted by the  
President and Board of Trustees  
Of  
The Village of Mahomet  
Champaign County, Illinois

This 24th day of November, 2015

(Published in pamphlet form by authority of the President and Board of Trustees  
this 30 day of November 2015.)

**WHEREAS**, the Village of Mahomet, Illinois, desires to update its "Village Liquor Code" to control and regulate the retail sale of alcoholic liquor and related matters in the Village of Mahomet; and

**WHEREAS**, The President And the Board of Trustees of the Village of Mahomet, Champaign County, Illinois have determined that it is necessary to update the Village Code of Ordinances for the Village of Mahomet, Illinois ("Village Code"); and

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of Mahomet, Champaign County, Illinois, as follows:

**Section 1 – Chapter 110 of the Village Code shall be amended as follows:**

Section 110.017 of Chapter 110 entitled "Alcohol Regulations," of Title XI entitled "Business Regulations" of the Village of Mahomet Code is hereby amended in its entirety, so that 110.017 shall hereafter be and read as follows:

**§ 110.017 FEES AND NUMBER OF LICENSES.**

The number of licenses authorized and the annual fee for the license classifications set forth in § 110.023 below are as follows:

<b>Classification</b>	<b>Annual Fee</b>	<b>Number of Licenses Authorized</b>
Class A (General Retail License)	\$4,000	One (1)
Class C (Club License)	\$1,500	One (1)

Class CA (Caterer's License)	\$1,000/\$300	Unlimited
Class GC (Golf Course License)	\$3,000	One (1)
Class H (Hotel License)	\$2,000	Unlimited
Class M (Manufacturer Service License)	\$2,000	One (1)
Class OC (Outdoor Café License)	\$150	Unlimited
Class P (Package Liquor License)	\$2,000	Six (6)
Class PR (Package Sales Rider)	\$1,000	Unlimited
Class R-1 (Restaurant License)	\$1,500	One (1)
Class R-2 (Restaurant License)	\$2,500	Unlimited
Class T-1 (Special Event Permit)	\$50/day	Unlimited
Class T-2 (Special Event Permit)	\$100/day	Unlimited
Class Y (Conditional BYOB)	\$250	One (1)

**Section 2 – Chapter 110 of the Village Code shall be amended as follows:**

Section 110.023 of Chapter 110 entitled "Alcohol Regulations," of Title XI entitled "Business Regulations" of the Village of Mahomet Code is hereby amended in its entirety, so that 110.023 shall hereafter be and read as follows:

**§ 110.023 CLASSIFICATION.**

Any license issued pursuant to this chapter shall be classified as follows and subject to these terms, conditions, restrictions and fees.

(A.) *Class A - General Retail License.*

- 1) A Class A license shall authorize the sale at retail of any alcoholic liquor by the drink for consumption on the licensed premises where sold or in original package form for consumption off the licensed premises where sold and not for resale in any form.
- 2) No Class A license shall be issued to any premise located within the village on Main Street between Division Street and Lombard Street; on Lincoln Street between Franklin Street and Dunbar Street; on Elm Street between Franklin Street and Dunbar Street; or on Jefferson Street between Franklin Street and Union Street.
- 3) Total gross revenues from the sale of alcoholic liquor a Class A licensee shall not exceed 75% of the total gross revenues from the combined sale of food and alcoholic liquor in any calendar year.

- 4) Total gross revenues from video gaming for a Class A licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor and video gaming in any calendar year.
- 5) Any licensee holding a Class A license shall file with the Local Commissioner on or before May 1 and November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor, and video gaming.
- 6) Upon the request of the Local Commissioner, any licensee holding a Class A license shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor, video gaming during such period of time as may be designated by the Local Commissioner.
- 7) The fee for any Class A license shall be \$4,000 per year.

(B.) *Class C - Club License.*

- 1) A Class C license shall be issued only to clubs. A Club C license shall authorize the sale at retail of any alcoholic liquor by the drink for consumption on the licensed premises of a club where sold to members and guests accompanied by members, and not for resale in any form.
- 2) Total gross revenues from video gaming for a Class C licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor and video gaming in any calendar year.
- 3) Any licensee holding a Class C license shall file with the Local Commissioner on or before May 1 and November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor, and video gaming.
- 4) Upon the request of the Local Commissioner, any licensee holding a Class C license shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor, video gaming during such period of time as may be designated by the Local Commissioner.
- 5) The fee for any Class C license shall be \$1,500 per year.

(C.) *Class CA - Caterer's License.*

- 1) A Class CA license shall be issued only to a bona fide caterer or current holder of another type of liquor license provided for in this chapter. A Class CA license shall authorize the sale at retail of any alcoholic liquor by the drink 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.

- 2) No event catered by a Class CA licensee shall exceed three days in length, nor shall alcoholic liquor be served at such an event for more than eight hours in one day.
- 3) The fee for any Class CA license shall be \$1,000 per year, or \$300 for the holder of a Class A, C, GC, H, P or R license.

(D.) *Class GC - Golf Course License.*

- 1) A Class GC license shall be issued only to golf courses comprised of 50 or more acres. A Class GC license shall authorize the sale at retail of any alcoholic liquor by the drink for consumption on the licensed premises of a golf course where sold, including within the clubhouse and from not more than three mobile carts operated on the golf course.
- 2) The fee for any Class GC license shall be \$3,000 per year.

(E.) *Class H - Hotel License.*

- 1) A Class H license shall be issued only to hotels. A Class H license shall authorize the sale at retail of any alcoholic liquor by the drink for consumption on the licensed premises of a hotel where sold and not for resale in any form.
- 2) A class H license shall authorize the sale at retail of any alcoholic liquor by the drink in a sealed container from a locked liquor cabinet wherein a key to such cabinet is made available only to guests over the age of 21 years for consumption on the licensed premises of a hotel where sold and not for resale in any form.
- 3) Total gross revenues from video gaming for a Class H licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor and video gaming in any calendar year.
- 4) Any licensee holding a Class H license shall file with the Local Commissioner on or before May 1 and November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor, and video gaming.
- 5) Upon the request of the Local Commissioner, any licensee holding a Class H license shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor, video gaming during such period of time as may be designated by the Local Commissioner.
- 6) The fee for any Class H license shall be \$2,000 per year.

(F.) *Class M - Manufacturer Serving License.*

- 1) A Class M license shall authorize the sale at retail of any alcoholic liquor manufactured on the licensed premises by the licensee by the drink for consumption on the licensed premises where sold and/or in original package form for consumption off the licensed premises where sold and

not for resale in any form. A Class M licensee shall hold a valid and proper license issued by the state to manufacture and sell at retail alcoholic liquor (including but not limited to spirits, wine and beer).

- 2) Total gross revenues from video gaming for a Class M licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor sold by the drink for consumption on the licensed premises and video gaming in any calendar year.
- 3) Any licensee holding a Class M license shall file with the Local Commissioner on or before May 1 and November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor (broken down by whether sold for consumption on the licensed premises or sold for consumption off the licensed premises), and video gaming.
- 4) Upon the request of the Local Commissioner, any licensee holding a Class M license shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor (broken down by whether sold for consumption on the licensed premises or sold for consumption off the licensed premises), video gaming during such period of time as may be designated by the Local Commissioner.
- 5) The fee for any Class M licensee shall be \$2,000 per year.

(G.) *Class OC - Outdoor Café License.*

- 1) A Class OC license shall authorize a person holding a Class A, C, H, M, R-1 or R-2 license to sell at retail any alcoholic liquor by the drink for consumption on the licensed premises where sold and not for resale in any form, within a designated outdoor area adjacent to the premises during the hours of 11:00 a.m. to 1:00 a.m., Monday through Saturday, and 12:00 noon to 1:00 a.m. on Sunday.
- 2) During the times when alcoholic liquor may be served under the Class OC license, the licensee shall not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor café permit or the service premises of the licensee.
- 3) The outdoor café area shall be subject to all provisions of this chapter as though the outdoor café area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.
- 4) The fee for any Class OC license shall be \$150 per year.

(H.) *Class P - Package Liquor License.*

- 1) A Class P license shall authorize the sale at retail of any alcoholic liquor in original package form for consumption off the licensed premises where sold and not for resale in any form.

- 2) Samples of alcoholic liquor may from time to time be served on the licensed premises of a Class P licensee with the prior permission of the Local Commissioner.
- 3) The fee for any Class P license shall be \$2,000 per year.

(I.) *Class PR - Package Sales Rider.*

- 1) A Class PR rider shall authorize the sale at retail of any alcoholic liquor manufactured on the licensee's premises, or on a premises that is substantially owned and operated by the same licensee, in original, sealed package form for consumption off the licensed premises where sold and not for resale in any form.
- 2) A Class PR rider may be issued to the holder of any valid Class R-1 or R-2 restaurant license issued by the village.
- 3) The revenues generated from package sales under a Class PR rider shall not be included in the calculation of "total gross revenues" for the purpose of determining eligibility for or compliance with a license type.
- 4) The fee for any Class PR rider shall be \$1,000 per year.

(J.) *Class R-1 - Restaurant License.*

- 1) A Class R-1 license shall be issued only to restaurants having a seating capacity of 49 or fewer seats at tables or booths exclusive of any seats at or within any lounge, bar or drink rail area. A Class R-1 license shall authorize the sale at retail of any alcoholic liquor by the drink for consumption on the licensed premises of a restaurant where sold and not for resale in any form.
- 2) Any sale of alcoholic liquor shall only be made during periods of time that food is prepared and served on the licensed premises of a restaurant.
- 3) Total gross revenues from the sale of alcoholic liquor by a restaurant having a Class R-1 license shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor in any calendar year.
- 4) Total gross revenues from video gaming for a Class R-1 licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor and video gaming in any calendar year.
- 5) Any licensee holding a Class R-1 license shall file with the Local Commissioner on or before May 1 and November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor, and video gaming.
- 6) Upon the request of the Local Commissioner, any licensee holding a Class R-1 license shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor, video gaming during such period of time as may be designated by the Local Commissioner.

- 7) The fact that 50% or more of the combined gross revenues is derived from the sale of alcoholic liquor alone shall be prima facie evidence that the licensed premises is not a restaurant within the meaning of this chapter.
- 8) The fact that 50% or more of the combined gross revenues is derived from video gaming alone shall be prima facie evidence that the licensed premises is not a restaurant within the meaning of this chapter.
- 9) The fee for any Class R-1 license shall be \$1,500 per year.

(K.) *Class R-2 - Restaurant License.*

- 1) A Class R-2 license shall be issued only to restaurants having a minimum seating capacity of 50 seats at tables or booths exclusive of any seats at or within any lounge, bar or drink rail area. A Class R-2 license shall authorize the sale at retail of any alcoholic liquor by the drink for consumption on the licensed premises of a restaurant where sold and not for resale in any form.
- 2) Any sale of alcoholic liquor shall only be made during periods of time that food is prepared and served on the licensed premises of a restaurant.
- 3) Total gross revenues from the sale of alcoholic liquor by a restaurant having a Class R-2 license shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor in any calendar year.
- 4) Total gross revenues from video gaming for a Class R-2 licensee shall not exceed 50% of the total gross revenues from the combined sale of food and alcoholic liquor and video gaming in any calendar year.
- 5) Any licensee holding a Class R-2 license shall file with the Local Commissioner on or before May 1 and November 1 of each year an affidavit signed under oath by licensee or an authorized agent of licensee setting forth the total gross revenue for the previous six months in each of the following categories: food, alcoholic liquor, and video gaming.
- 6) Upon the request of the Local Commissioner, any licensee holding a Class R-2 license shall be required to provide a report prepared by a certified public accountant which certifies the gross revenues derived from each of the following categories: the sale of food, sale of alcoholic liquor, video gaming during such period of time as may be designated by the Local Commissioner.
- 7) The fact that 50% or more of the combined gross revenues is derived from the sale of alcoholic liquor alone shall be prima facie evidence that the licensed premises is not a restaurant within the meaning of this chapter.
- 8) The fact that 50% or more of the combined gross revenues is derived from video gaming alone shall be prima facie evidence that the licensed premises is not a restaurant within the meaning of this chapter.
- 9) The fee for any Class R-2 license shall be \$2,500 per year.

(L.) *Class Y - Conditional BYOB License.*

- 1) A Class Y license shall authorize customers of the licensee to consume alcoholic liquor which has been brought onto the licensed premises by the customer for the customer and customer's companions' personal consumption while purchasing goods or services from the licensee, subject to the following conditions and restrictions:
- 2) The licensee may provide customers with glassware, ice, and other service accessories related to the consumption of alcoholic liquors;
- 3) The licensee, its employees and agents, may open, but shall not serve, pour, store, or dispose of any alcoholic liquor for such customers; and
- 4) It shall be unlawful for licensee, its employees and agents, to allow any person to leave the licensed premises with open alcoholic liquor, unless customers remove open containers of alcoholic liquor from the licensed premises in compliance with Illinois law.
- 5) The fee for a Class Y license shall be \$250 per year.

(Ord. 07-05-01, passed 5-22-2007; Ord. 11-12-01, passed 12-13-2011; Ord. 13-07-01, passed 7-9-2013; Ord. 14-06-03, passed 6-24-2014)

**Section 3** – If any provision, clause, sentence, or paragraph of this ordinance or application thereof to any person or circumstance shall be held invalid, that invalidity shall not affect the other portions or applications of this ordinance, which can be given effect without the invalid provision or application, and to this end the ordinances in conflict with this ordinance are declared to be severable.

**Section 4** – The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

Upon motion by Trustee Harpst, seconded by Trustee Lynn, passed by the President and Board of Trustees of the

Village of Mahomet, Illinois this 24 day of November, 2015, by roll call vote, as follows:

Voting "aye" (names): Colravy, Cook, Harpst, Lynn,  
Oliyer, Metzger

Voting "nay" (names): \_\_\_\_\_

Abstained (names): \_\_\_\_\_

PASSED and APPROVED this 24 day of November, 2015.



S. M. Win  
Village President

Cheryl Sproul by Kelly Pfeiffer  
Village Clerk