

**Lee County Board  
Dixon, Illinois**

**ORDINANCE NO. \_\_\_\_\_**

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**ORDINANCE TO AMEND THE COUNTY CODE TITLE 3 CHAPTER 3 FOR THE  
REMOVAL OF CLASS AX LICENSE**

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WHEREAS, the County of Lee, a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution, has the authority to adopt and make changes to its ordinances and regulations; and

WHEREAS, the Lee County Board has determined it necessary to make changes to the Lee County Liquor Control Ordinance, removing the Class AX Liquor Code Classification and all reference of Class AX from Lee County Code Title 3 Chapter 3; and

THEREFORE, BE IT ORDAINED, the County Board of Lee County, Illinois desires to amend Lee County Code Title 3, Chapter 3 as outlined below:

**3-3-10: CONTROL OF NUMBER OF LICENSES ISSUED:**

A. The county board shall set from time to time as public welfare seems to warrant a limit to the total licenses to be issued in the county for any locality, neighborhood, or part of the county, and the commission may in like manner decrease the number of licenses to be issued within its jurisdiction at the termination of the annual license year.

B. The current number of liquor licenses available in Lee County shall be limited as follows:

Class A	15
Class B	5
Class C	7
Class D	1
Class R	2
Class E	50
Class Y	0
<del>Class AX</del>	<del>1</del>
Class G	10

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### 3-3-12: LICENSE CLASSIFICATIONS AND FEES:

The classification of retail alcoholic liquor licenses authorized to be issued under this chapter and the license fee for each shall be as follows:

#### A. Class A:

1. Description: A class A license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises and also alcoholic liquor in original and unbroken packages; provided, however, that the sale of alcoholic liquor in original and unbroken packages, except for beer and wine, shall be made from a location behind or immediately adjacent to the regular service bar.
2. Fee: Effective June 1, 2010, the annual fee for a class A license shall be one thousand five hundred dollars (\$1,500.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.

#### B. Class B:

1. Description: A class B license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, also alcoholic liquor in original and unbroken packages. A class B license shall only be issued to "clubs", as defined in 235 Illinois Compiled Statutes 5/1-3.24 (and section 3-3-2 of this chapter), which have been chartered and continuously in active operation for a period of at least ten (10) years prior to the date of application for such license.
2. Fee: Effective June 1, 2010, the annual fee for a class B license shall be one thousand five hundred dollars (\$1,500.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.

#### C. Class C:

1. Description: A class C license shall authorize the holder thereof to sell at retail, on the licensed premises, beer and wine, for consumption on the premises and also beer and wine in original and unbroken packages.
2. Fee: Effective June 1, 2010, the annual fee for a class C license shall be seven hundred fifty dollars (\$750.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.

#### D. Class D:

1. Description: A class D license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages. A class D licensee shall not allow alcoholic liquor to be consumed on the licensed premises.

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2. Fee: Effective June 1, 2010, the annual fee for a class D license shall be one thousand five hundred dollars (\$1,500.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.

### E. Class R:

1. Description: A class R license shall authorize the holder thereof to sell at retail alcoholic liquor in original and unbroken packages from a refrigerator located in a hotel or motel room on the licensed premises of a class A licensee; provided, however, that the refrigerator shall be locked at all times and the contents thereof may be purchased and removed only by the lessee of the room with a key provided for that purpose by the lessor.
2. Fee: Effective June 1, 2010, the annual fee for a class R license shall be one thousand five hundred dollars (\$1,500.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.

### F. Class E:

1. Description: A class E license shall authorize the sale of alcoholic liquor for consumption only on the premises licensed. Only persons or organizations whose purpose is not for profit and is for the promotion of some common object other than the sale or consumption of alcoholic liquor shall be eligible for this license. Otherwise qualified persons or organizations may be issued this license up to four (4) times each calendar year.
2. Duration; Per Event Fee: A class E license is valid for one continuous **twenty-four (24)** hour period, and no class E license **can** be granted on consecutive days. The face of the license shall state its effective date and time. The per event fee for the class E license shall be forty dollars (\$40.00).
3. Fee: Effective June 1, 2010, the fee for a class E license shall be forty dollars (\$40.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.

### G. Class Y:

1. Description: A class Y license shall authorize the holder thereof to operate a public accommodation that permits the consumption of alcoholic liquor on the business premises. Public accommodations that permit the consumption of alcoholic liquor on the business premises and that are not licensed under the Illinois liquor control act of 1934 shall be eligible for this license.
2. Fee: Effective June 1, 2010, the annual fee for a class Y license shall be one thousand five hundred dollars (\$1,500.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.
3. General Prohibitions: Patrons of the licensee/public accommodation shall immediately relinquish control and possession of any alcoholic beverages on their person and under their control upon entering said public accommodation to the licensee and/or their authorized employees, who then

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shall be authorized to serve any such alcoholic beverages so relinquished back to the patrons, with a fee for such service being authorized under this chapter. However, no such service shall be authorized, whether or not a fee is imposed, to any patron who is under the age of twenty-one (21) or who is in an intoxicated state apparent to a reasonable person under similar circumstances. No licensee or employee thereof shall allow patrons in such an intoxicated state to continue to consume any alcoholic beverages on the premises or areas under the direct control of the licensee/public accommodation. Furthermore, no alcoholic beverages shall be sold to patrons of the public accommodation or stored within the premises or areas under the direct control of the licensee.

4. Operation Without License Prohibited: It shall be unlawful for any person not having a current and valid class Y license to establish, operate, or maintain a public accommodation that permits the consumption of alcoholic liquor on the business premises within the unincorporated area of Lee County at any time after the effective date of this chapter. Notwithstanding the above, an existing public accommodation that permits the consumption of alcoholic liquor on the business premises, shall submit an application for a class Y license no later than July 15, 2003, and shall cease operations on September 1, 2003, unless it has secured, by that date, a class Y license pursuant to this chapter, and shall be subject to all other provisions of this chapter as of September 1, 2003.

### ~~H. Class AX:~~

- ~~1. Description: A class AX license shall authorize the holder thereof to sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, and also alcoholic liquor in original and unbroken packages; provided, however, that the sale of alcoholic liquor in original and unbroken packages, except for beer and wine, shall be made from a location behind or immediately adjacent to the regular service bar.~~
- ~~2. Fee: The annual fee for a class AX license shall be thirty thousand dollars (\$30,000.00) and shall be paid to the county clerk and recorder. The county clerk and recorder shall promptly turn all license fees over to the county treasurer.~~
- ~~3. Addendum Application: Any applicant of a class AX license is required to fully complete and submit to the liquor commissioner the addendum application entitled, "Class AX Application Addendum" prior to consideration for this license.~~
- ~~4. Exceptions:
  - ~~a. Unobstructed View:
    - ~~i. The requirements of subsection 3-3-22A, "Unobstructed View", of this chapter, do not pertain to a class AX license.~~~~
  - ~~b. Prohibited Conduct:~~~~

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- ~~i. For a class AX license only, the restriction of subsection 3-3-32A3 of this chapter shall be modified in that the prohibited conduct applies to the exposing of the anus and/or genitals.~~
- ~~ii. For a class AX license only, the restriction of subsection 3-3-32A4 of this chapter shall be modified in that the prohibited conduct applies to the exposing of genitals.~~
- ~~iii. For a class AX license only, the restriction of subsection 3-3-32A5 of this chapter shall be modified in that the prohibited conduct applies to all but the exceptions noted above.~~

### ~~5. Additional Restrictions:~~

- ~~a. In addition to any and all federal, state, and local statutes, ordinances, and/or regulations, a class AX license holder must comply with all zoning requirements for adult establishments. Failure to do so can result in any of the penalties and/or revocations imposed within this chapter as well as any and all penalties applicable by law.~~

### H. Class G License:

1. Description: Such license shall authorize a one day or twenty four (24) hour license issued to current for profit class A, B, C, and Y licensees, or any other valid city or county liquor license of equal sufficiency within the state of Illinois to operate events at locations outside their regular place of business and to be used solely for the benefit of the recipient licensee. A class G license shall authorize the retail sale of alcoholic liquor on the premises specified of all alcoholic liquors for consumption on the premises, as well as other retail sales of such liquor provided that the licensee submits proof of general and liquor liability insurance for its operation generally as required in section 3-3-8 of this chapter and proof that the policy applies for the event.
2. Additional Requirements: In addition to proof of insurance, all class G licensees shall be required to obtain a permit for the event from the Lee County health department as required by ordinance. Any and all applications shall be submitted to the Lee County clerk a minimum of ten (10) days prior to the date of the event.
3. Operation Without License Prohibited: It shall be unlawful for any person not having a current and valid class G license to operate any event or public accommodation that permits the consumption of alcoholic liquor within the unincorporated area of Lee County at any time.
4. Fee: Effective May 1, 2014, the fee for a class G license shall be forty dollars (\$40.00) per event and shall be paid to the county clerk. The county clerk shall turn all license fees over to the county treasurer. In addition, the county clerk shall notify the Lee County health department and the Lee County sheriff's department of the issuance of any and all class G licenses.

### **3-3-23: BUSINESS HOURS; SPECIFIC HOLIDAYS EXCEPTION:**

A. Hours Restricted: Except as provided in subsections B, C and D of this section, no alcoholic liquor shall be sold, offered for sale, furnished, carried out of, or consumed by anyone, including the owner and employees thereof, on any premises licensed under this chapter from one o'clock (1:00) A.M. Sunday

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until the hour of six o'clock (6:00) A.M. Monday, or from one o'clock (1:00) A.M. on other days during the week until the following hour of six o'clock (6:00) A.M.

B. New Year's Eve: If December 31 falls on any day during the week, except Sunday, the closing hours shall be extended from one o'clock (1:00) A.M. until two o'clock (2:00) A.M. If December 31 falls on a Sunday, it shall be lawful for alcoholic liquor to be sold and consumed on a licensed premises specified in a class A, B, C ~~or AX~~ license, and sold on a licensed premises specified in a class D license, between the hours of eleven o'clock (11:00) A.M. Sunday and two o'clock (2:00) A.M. Monday.

C. Holiday Exception: On the evening of any Sunday which precedes Memorial Day, Labor Day, July 4 and Christmas Eve, it shall be lawful for alcoholic liquor to be sold and consumed on a licensed premises specified in a class A, B, or C license, and sold on a licensed premises specified in a class D license, between the hours of eleven o'clock (11:00) A.M. Sunday and one o'clock (1:00) A.M. Monday.

D. Sunday Sales:

1. A holder of a class A **or** C license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages, on Sundays, between the hours of **seven** o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
2. A holder of a class B license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages on Sundays, between the hours of **seven** o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
3. A holder of a class D license may sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages, not for consumption on the premises, on Sundays, between the hours of eleven o'clock (11:00) A.M. and ten o'clock (10:00) P.M.

~~4. A holder of a class AX license may sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages, not for consumption on the premises, on Sundays, between the hours of eleven o'clock (11:00) A.M. and ten o'clock (10:00) P.M.~~

E. Official Time: The hours of opening and closing as defined in this section shall be applicable to either Central Standard Time or Central Daylight Saving Time, whichever is in effect in the county at the time in question.

F. Removal Of Persons From Premises: No person who is not an owner or employee of a business, subject to the licensing provisions of this chapter, shall be in the licensee's building after the closing hour for that business.

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BE IT FURTHER ORDAINED the County Clerk is hereby directed to publish this Ordinance amendment in the County Code and on the Lee County website; and

BE IT FURTHER ORDAINED this Ordinance shall be in full force and effect from and after its passage and approval, and publications as required by law; and

NOW, BE IT FURTHER ORDAINED by this County Board of Lee County, Illinois that this Ordinance will amend Lee County Code Title 3, Chapter 3, removing the Class AX Liquor Code Classification.

PASSED BY THE LEE COUNTY BOARD

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

ATTEST:

BY: \_\_\_\_\_  
Lee County Board Chairman

BY: \_\_\_\_\_  
Lee County Clerk