

TITLE 3

BUSINESS

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CHAPTER 1
BILLARD, POOL HALLS

SECTION:

- 3-1-1: License Required
- 3-1-2: Application; Fee
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Deleted 6/18/01 by Ordinance 06-18b-01

CHAPTER 2
BOWLING ALLEYS

SECTION:

- 3-2-1: License Required
3-2-2: Fee

3-2-1: LICENSE REQUIRED: No person shall operate or maintain a bowling alley open to the public without having first obtained a license therefore. Application for such license shall be made in writing to the Village Clerk and shall state thereon the intended location of the place of business and the number of alleys to be used.

3-2-2: FEE: The annual fee for such license shall be ninety-six dollars (\$96.00) for the first eight (8) alleys or less used, and an additional fee of twelve dollars (\$12.00) for each alley over eight (8) so used shall be charged. All licenses expire on April 30, next following the date of issuance.

CHAPTER 3

LIQUOR

SECTION:

- 3-3-1: Definition
- 3-3-2: Licenses; Kinds and Classes
- 3-3-3: License Fees
- 3-3-4: Applicant Residency Requirements
- 3-3-5: Hours of Operation
- 3-3-6: Drinking on Public Property Prohibited

3-3-1: DEFINITIONS: All definitions contained in this Ordinance shall be interpreted to have the same meaning as is stated in 235 ILCS 5/et seq., Liquor Control Act of 1934 as thereafter amended, and the definitions and constructions contained therein are hereby incorporated by reference.

3-3-2: LICENSES; KINDS AND CLASSES: Licenses to sell at retail alcoholic liquor within the Village shall be of the following named kinds and classes:

- (A) A Class "A" license which shall allow the sale at retail on the premises described in the license of alcoholic liquors to be consumed on or off the premises described.
- (B) A Class "B" license shall permit the sale of beer, wine and alcoholic spirits only in the original package not to be consumed on the premises described. The terms "beer", "wine" and "alcoholic spirits" shall be defined as having that meaning attributed to them by 235 ILCS 5/1, Sections 3.03, 3.04 and 3.02, respectfully.
- (C) A Class "C" license shall permit the sale of alcoholic liquors to be consumed on the premises only in a restaurant which derives more than fifty percent (50%) of its gross revenue from the sale of non-alcoholic food and beverages. The term "alcoholic liquors" shall be defined as having that meaning attributed to them by the 1989 Illinois Revised Statutes Chapter 43, Section 95.05.
- (D) A Class "SER" (Special Event Retailer) license shall permit licensee to purchase alcoholic liquors from an Illinois licensed distributor,

and shall allow the licensee to sell and offer for sale at retail beer and wine coolers only, for use or consumption on the premises, but not for resale, in plastic containers, and only at the location and on the specific dates designated for the special event in the license. An applicant for a Special Event Retailer license must comply with the State Commission requirements. A Class "SER" license shall be issued by the Liquor Control Commissioner and approved by the Board of Trustees.

- (E) Any license which shall not be in use upon six (6) months after application is approved thereon, shall terminate and be forfeited. The Liquor Control Commissioner, in his discretion, may allow such extensions as maybe equitable in the event that non-use is due to circumstances beyond the control of the licensee.
- (F) The sale of alcoholic spirits in the original package not to be consumed on the premises described shall not be available to the purchaser as a self-service item, and must be delivered by the sales person only from an area not accessible to the general public.

3-3-3: LICENSE FEES:

- (A) The fee for a Class "A" license shall be - \$500.00.
- (B) The fee for a Class "B" license shall be - \$350.00.
- (C) The fee for a Class "C" license shall be - \$500.00.
- (D) The fee for a Class "SER" license shall be - \$25.00.

At the time when application is made to the Liquor Control Commissioner of the Village for a license of any class, the applicant shall pay to such Commissioner the fee specified in this Section. Provided, that all license fees in excess of one hundred dollars (\$100.00) may be paid in two (2) equal installments, the first installment to be paid when application is made for the license, and the second installment to be paid on or before November 1, next following the date of said application. In the event that said license shall be paid in two (2) equal installments, a charge of twenty-five dollars (\$25.00) shall be added to the first installment.

The fees specified in this Section shall be reduced in proportion to the full calendar months which shall have elapsed in the license year prior to the issuance of the license.

All licenses expire on April 30, next following the date of issuance.

No more than two (2) licenses of Class "A" and no more than one (1) license of Class "B" and one (1) license of Class "C" shall be permitted to be in effect at any one time.

In the event the license applied for is denied, the fee shall be returned to the applicant.

If the license is granted, then the fee shall be deposited in the General Corporate Fund, or such other fund as shall have been designated by the President and Board of Trustees.

3-3-4: APPLICANT RESIDENCY REQUIREMENTS: No license of any kind for the sale at retail of alcoholic liquors within the corporate limits of the Village shall be issued by the Local Liquor Control Commissioner of the Village to:

- (A) A person who not been a bona fide resident of the Village continuously for one (1) year immediately preceding the date of the application for license.
- (B) To any co-partnership all of the members of which have not been bona fide residents of the Village for at least three hundred sixty-five (365) days immediately preceding the date of the application for license.
- (C) To any corporation who does not have continually during the term of its license a manager designated and on file with the Village Clerk of the Village of Arthur, Illinois. Said manager shall be required to be a bona fide resident of the Village of Arthur, Illinois, and may not maintain a secondary residence.

3-3-5: HOURS OF OPERATION:

- (A) Sale: It is unlawful to sell or give away for beverage purposes within the corporate limits of the Village any alcoholic liquor at any time between the hour of one o'clock (1:00) A.M. on Sunday of each week and the hour of five o'clock (5:00) A.M. on Monday following, and at any time between the hours of one o'clock (1:00) A.M. and five o'clock (5:00) A.M. any day of each week.

It shall not be unlawful to sell or give away beer, wine or alcoholic spirits in the original package only, not for consumption on the

premises, pursuant to the authority of a Class "B" license, between the hours of twelve o'clock (12:00) P.M. and ten o'clock (10:00) P.M. on Sunday.

Private party: It shall not be unlawful to sell or give away alcoholic liquor, beer and wine for consumption on the premises, pursuant to the authority of a Class "A" license, after petition to and approval by the Village Board of Arthur, to invitees of a private party and not to members of the general public, between Sunday hours as determined by the Village Board. This section shall supersede any conflicting Sections of Title 3, Chapter 3.

It shall not be unlawful for a license holder, to sell or give away alcoholic liquor, beer and wine for consumption on the premises, pursuant to the authority of a Class "A" or "C" license, between the hours of twelve o'clock (12:00) P.M. and five o'clock (5:00) P.M. on Sunday, during the established Arthur Cheese Festival. This amendment shall temporarily supersede Section B hereof.

- (B) Consumption: It is unlawful for any person to whom a license to sell alcoholic liquor has been or may hereafter be issued by the Village to knowingly permit or allow any person to drink alcoholic liquor within his place of business between the hour of one o'clock (1:00) A.M. on Sunday of each week and the hour of five o'clock (5:00) A.M. on the following Monday and between one o'clock (1:00) A.M. and the hour of five o'clock (5:00) A.M. on each and every other day of the week.
- (C) The hours of operation and time of consumption for a Class "SER" license shall be listed specifically in the license and shall take precedence over any conflicting provisions of this Ordinance.

3-3-6: DRINKING ON PUBLIC PROPERTY PROHIBITED: No person shall consume any alcoholic liquor on any street, alley, sidewalk or other public property or in any automobile or vehicle traveling upon or parked on the street, alley, sidewalk or other public property in the Village, except upon those occasions where an application for a permit allowing said activity has been approved by the Board of Trustees. Said permit shall be in the form of a resolution and shall specify the exact times and areas where the prohibited activity will be authorized. A copy of said permit shall further be posted in a prominent place within the authorized area.

CHAPTER 4

HOTEL AND MOTEL OPERATORS OCCUPATION TAX

SECTION:

- 3-4-1: Hotel and Motel Operators Occupation Tax
- 3-4-2: Definitions
- 3-4-3: Tax Constituting Separate Charge
- 3-4-4: Exemptions from Tax
- 3-4-5: Use of Proceeds
- 3-4-6: Books and Records
- 3-4-7: Registration
- 3-4-8: Tax Returns
- 3-4-9: Payment of Tax
- 3-4-10: Interest and Penalties
- 3-4-11: Penalty for Late Filing
- 3-4-12: Compliance
- 3-4-13: Audits
- 3-4-14: Violation
- 3-4-15: Lien Imposed
- 3-4-16: Creation of Village of Arthur Tourism Committee
- 3-4-17: Partial Invalidity

3-4-1: HOTEL AND MOTEL OPERATORS OCCUPATION TAX: The Village of Arthur hereby adopts the provisions of 65 ILCS 5/8-3-14, as amended, and imposes a tax upon all persons engaged within the Village of Arthur in the business of renting, leasing or letting rooms in a hotel, motel or Bed and Breakfast, as defined in the "Hotel Operators Occupation Tax Act", 35 ILCS 145/1, et seq., at the rate of five percent (5%) of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents therein, said tax to be administered and collected in accordance with the provisions contained herein.

3-4-2: DEFINITIONS: All terms used in this Chapter shall have the meanings as defined in the "Hotel Operators Occupation Tax Act, 35 ILCS 145/1, et seq., as amended, and 65 ILCS 5/8-3-14, as applicable and as same shall be in force and effect from time to time.

3-4-3: TAX CONSTITUTING SEPARATE CHARGE: Those persons subject to the tax imposed by this Chapter may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with the State of Illinois tax imposed under the "Hotel Operators Occupation Tax Act" heretofore cited.

3-4-4: EXEMPTIONS FROM TAX: Gross rental receipts from the renting, leasing or letting of rooms in a hotel only to permanent residents shall be exempt from the provisions of this Chapter and persons subject to the tax imposed hereby shall be entitled to exclude said receipts from gross rental receipts for the purpose of computing the tax imposed hereby.

3-4-5: USE OF PROCEEDS: Proceeds from this tax shall be used solely to promote tourism and conventions within the Village or otherwise to attract nonresident overnight visitors and no proceeds received hereunder shall be used to advertise for or otherwise promote new competition for the taxed businesses.

3-4-6: BOOKS AND RECORDS: Every person subject to the tax imposed by this Chapter shall keep separate books and records of his business as an operator to show separately the rents taxable and the rents exempt. Any operator who fails to keep such separate records shall be liable for said tax on the entire proceeds of the operator's hotel.

3-4-7: REGISTRATION: All persons subject to the tax imposed herein shall register with the Village Clerk of Arthur on a form as adopted and prescribed by the Village Superintendent, which forms shall include such information as shall be reasonably necessary in order to ensure collection and enforcement of said tax.

3-4-8: TAX RETURNS: Each person required to be registered hereunder and subject to the tax imposed herein shall, on or before the last day of each calendar month, file a tax return in the office of the Village Clerk of Arthur, on a form to be adopted and prescribed by the Village Superintendent, which shall include the information required to be reported on the tax return filed by such person with the State of Illinois

Department of Revenue pursuant to the "Hotel Operators Occupation Tax Act" hereinabove cited, for the preceding calendar month, together with a copy of the return filed with the State of Illinois for such period. In the event any person required to file hereunder is authorized by the State of Illinois to file at a different time period, such person may file with the Village upon the same frequency as the State of Illinois period, with prior approval of the Village Superintendent.

3-4-9: PAYMENT OF TAX: The tax due pursuant to this Chapter shall be due and payable on or before the due date of the tax return showing the tax liability and shall be paid to the Treasurer of the Village of Arthur, together with any interest and penalty due, and the Treasurer shall deposit the funds so collected into a separate identifiable fund to be designated Hotel and Motel Operators Tax Fund.

3-4-10: INTEREST AND PENALTIES: If the tax due pursuant to this Chapter is not paid on or before the due date of the return required to be filed by the person responsible for the payment of the tax, such person shall, in addition to the tax, be liable for a penalty equal to one and one-half percent (1 ½%) of the tax due for each month, or part thereof, until such tax and penalty is paid in full. The penalty imposed hereby shall be assessed and collected in the same manner as the tax imposed under this Chapter.

3-4-11: PENALTY FOR LATE FILING: Any person responsible for filing a tax return and paying tax pursuant to this Chapter who shall fail to file the required tax return on or before the due date thereof, whether or not the tax is paid therewith, shall be liable for a penalty in the amount of \$10.00 per day for each day that such return is late, and each day shall constitute a separate offense for purposes hereof.

3-4-12: COMPLIANCE: All returns required to be filed hereunder shall be executed by the proprietor, a general partner, or an authorized corporate officer and shall be made under penalties of perjury. Any person willfully filing a return containing false or inaccurate information shall be guilty of perjury and of a violation of this Chapter, and shall be subject to the fine imposed for violations of this Chapter in addition.

3-4-13: AUDITS: The Village, through its designated agent, shall have the right, at reasonable times, after reasonable notice, to examine all books and records maintained by the person registered or required to be registered under this Chapter, including, but not limited to, general accounting records, bank records, returns required to be filed under Acts heretofore cited, State and Federal Income Tax returns and any other books, records or documents which are relevant in the determination and confirmation of the full and accurate reporting of gross receipts on which tax is imposed by this Chapter, the entitlement to any exemption claimed, and the payment of the full tax due pursuant to this Chapter.

3-4-14: VIOLATION: Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be subject to a fine of not less than \$25.00 nor more than \$500.00, plus all prosecuting costs, for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

3-4-15: LIEN IMPOSED: At any time after an assessment and demand for payment of any tax, interest and/or penalty due pursuant to this Chapter is made by the Village, the Village may file a notice of lien for said tax in the county in which the assessment accrued within the corporate limits of the Village. The procedures for notice and enforcement of the lien shall be the same as that provided for in the "Retailers Occupation Tax Act" as now or hereafter amended, for State tax liens, and any recorder with whom a notice of such lien is filed shall treat such lien as a State tax lien for recording purposes.

3-4-16: CREATION OF VILLAGE OF ARTHUR TOURISM COMMITTEE: Concurrent with the adoption of this Chapter, there is created a Village of Arthur Tourism Committee to oversee and approve the administration and expenditure of taxes imposed pursuant to this Chapter. The committee shall consist of five (5) members to be appointed by the Mayor and approved by the Village Board. The committee shall consist of one (1) Village Board member, one (1) Association of Commerce member, one (1) Hotel operator and two (2) business owners or operators from within the Village of Arthur.

All regular meetings of the committee shall be open to the public and a notice of the schedule of meetings shall be given in the same manner as

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Village committee meetings. All special meetings of the committee shall be open to the public and a notice of each meeting shall be given by publishing a notice of the date, time and place of the meeting in the Arthur Graphic-Clarion at least seven (7) days but not more than fourteen (14) days prior to the date of the meeting and shall include a statement of the general purpose of the meeting. A majority of the committee shall constitute a quorum. The committee shall recommend expenditures to the Village Board for approval under the terms and conditions specified in 65 ILCS 5/8-3-14.

3-4-17: PARTIAL INVALIDITY: In the event any term or provision of this Chapter is determined to be invalid or unenforceable by a court of competent jurisdiction, such invalid or unenforceable provision shall not affect the validity of the remaining provisions of this Chapter and the provisions hereof shall be considered, and are hereby declared to be severable.