

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2022-03

AN ORDINANCE REGARDING
RETAIL DELIVERY OF LIQUOR

ADOPTED BY THE

CITY COUNCIL

CITY OF MONTICELLO

THIS 24TH DAY OF JANUARY 2022

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this 25th day of January 2022.

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2022-03

**AN ORDINANCE REGARDING
RETAIL LIQUOR DELIVERY**

WHEREAS, the City of Monticello (the “City”) is an Illinois municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970 and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) (the “Code”); and

WHEREAS, the City of Monticello, Illinois, Code of Ordinances has determined the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act (“*Act*”), 235 ILCS 5/4-1; and

WHEREAS, the State of Illinois amended the Act effective January 1, 2022, to authorize limited deliveries of alcoholic liquor by licensed liquor retailers, 235 ILCS 5/5-1(d); and

WHEREAS, except as provided in Section 6-16, 6-29, or 6-29.1, nothing in the Act shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to deliver alcoholic liquor to the purchaser for use or consumption, provided the delivery is made within 12 hours from the time the alcoholic liquor leaves the licensed premises of the retailer for delivery, 235 ILCS 5/5-1(d); and

WHEREAS, “delivery” means the movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods, but not through use of a common carrier:

- (1) delivery within licensed retailer's parking lot, including curbside, for pickup by the consumer;
- (2) delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or
- (3) delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors; and

WHEREAS, with limited exceptions, guidance from the Illinois Liquor Control Commission (“**ILCC**”) only allows deliveries in the original package by retailers that are designated by the ILCC as licensed for off-premises consumption or combined off-premises/on-premises consumption; and

WHEREAS, except for the City of Chicago, a municipality may not regulate the delivery of alcoholic liquor inconsistent with the new law; and

WHEREAS, the Mayor and City Council desire to amend the City Code of Ordinances to be consistent with state law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. AMENDMENT.

A. Section 11.002 of the City of Monticello Code of Ordinances is hereby amended as follows (additions in **bold and underline**):

§ 11.002 APPLICABILITY.

No person shall manufacture, bottle, sell, blend, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this chapter **or the Liquor Control Act**; provided, however, nothing herein contained shall prevent the possession, transportation, and storage of alcoholic liquor for personal use of the possessor, his or her family and guests, nor prevent the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the products thereof by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family and his or her guests; and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, or any hospital, nursing home, or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide

patients of the hospital, nursing home or other institution; and provided further, that any drugstore employing a licensed pharmacist may possess and use alcoholic liquor in the concoction of prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by that church shall not be prohibited by this chapter.

B. Section 11.003 of the City of Monticello Code of Ordinances is hereby amended as follows (additions in **bold and underline**):

For the purpose of this chapter, the **definitions in the Liquor Control Act and the** following definitions shall apply unless the context clearly indicates or requires a different meaning.

[. . .]

CLUB. [. . .]

DELIVERY. The movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods:

- (1) **delivery within licensed retailer's parking lot, including curbside, for pickup by the consumer;**
- (2) **delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or**
- (3) **delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors.**

Delivery shall not include the use of common carriers.

HOTEL and MOTEL. [. . .]

SELL AT RETAIL and SALE AT RETAIL. [. . .]

SHIPPING. The movement of alcoholic liquor from a licensed retailer to a consumer via a common carrier.

SPIRITS. [. . .]

C. Chapter 111 of the City of Monticello Code of Ordinances is hereby amended with the addition of new Section 111.04 as follows (additions in **bold and underline**):

The Liquor Control Act, 235 ILCS 5/1-1 et seq., and the rules and regulations issued by the state liquor control commission, as amended, are adopted to the extent applicable in the city as fully as if set forth herein.

D. Chapter 111 of the City of Monticello Code of Ordinances is hereby amended with the addition of new Section 111.095 as follows (additions in **bold and underline**):

§ **111.095** **Retail Deliveries to Consumers.**

A. Notwithstanding any other provision of this chapter, if the Illinois Liquor Control Commission has designated a retailer as an off-premises consumption or combined (off-premises/on-premises) license holder, the retailer may deliver alcoholic liquor in the original package to the purchaser for use or consumption in compliance with all applicable state laws and guidance, including:

- 1. the delivery shall be made only within 12 hours from the time the alcoholic liquor leaves the licensed premises of the retailer for delivery; and**
- 2. the delivery must comply with Sections 5-1(d), 6-16, 6-29, and 6-29.1 of the Illinois Liquor Control Act.**

B. Nothing in this chapter shall be construed to regulate the delivery of alcoholic liquor inconsistent with Section 5-1(d) of the Illinois Liquor Control Act, 235 ILCS 5/5-1(d).

C. No retailer may ship alcoholic liquor to a consumer via a common carrier.

Section 3. SUPERSEDER AND SEVERABILITY. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the City, the terms of this Ordinance shall govern. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. The provisions of the City of Monticello Code of Ordinances amended herein shall be reprinted with the changes.

Passed by the City Council of the City of Monticello, Piatt County, this 24th day of January 2022, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

City Clerk
City of Monticello, Piatt County, Illinois

Approved by the City of Monticello this 24th day of January 2022.

Larry Stoner, Mayor

ATTEST:

City Clerk
City of Monticello, Piatt County, Illinois