

**COUNTY OF UNION,
ILLINOIS**

LIQUOR CONTROL ORDINANCE

WHEREAS, the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., authorizes a county to regulate the sale of alcoholic liquor within its territory outside the corporate limits of any city, village or incorporated town; and

WHEREAS, the County of Union, Illinois has previously adopted ordinances and resolutions regulating the retail sale of alcoholic liquor; and

WHEREAS, the Board of Commissioners of the County of Union, Illinois finds that the health, safety and welfare of the People of the County of Union, Illinois will be protected and temperance in consumption of alcoholic liquors will be fostered and promoted by repealing existing ordinances and resolutions regulating the retail sale of alcoholic liquor and adopting this Liquor Control Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF UNION COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: All ordinances and resolutions, or parts thereof, in conflict with this Liquor Control Ordinance are hereby repealed.

SECTION 2: The Code of Ordinances of the County of Union, Illinois is hereby amended by the addition of the following Chapter:

ARTICLE 1

LEGISLATIVE PURPOSE

 1-1 This Chapter shall be liberally construed, to the end that the health, safety and welfare of the People of the County of Union County, Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted.

ARTICLE 2

DEFINITIONS

 -2-1 For purposes of this Chapter, the following terms shall be given these definitions:

- (a) Act means the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., as amended, and any regulations promulgated thereunder.

- (b) Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- (c) Alcoholic Liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume.
- (d) Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- (e) Caterer Retailer means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- (f) Close means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.
- (g) Club means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Liquor Control Commissioner at the time of its application for a license under this Chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional members, their name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club.
- (h) Code means the Code of Ordinances of the County of Union, Illinois

- (i) County means the County of Union, Illinois.
- (j) County Board means the Board of County Commissioners of the County of Union, Illinois.
- (k) County Clerk means the County Clerk of the County of Union, Illinois.
- (l) Event Center means any building kept, used, maintained, advertised, and held out to the public as a place available to be rented by members of the public for the hosting of private functions, and where such private functions are actually held, and where such private functions are prearranged and under sponsorship of a particular person or organization, and where such space being provided with adequate equipment and capacity, and having employed therein a sufficient number and kind of employees, for the hosting of such private functions.
- (m) Licensee means a person to whom a license is issued under this Chapter and any officer, associate, member, representative, agent or employee of such person.
- (n) Minor means any person not yet eighteen (18) years of age.
- (o) Package Store means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.
- (p) Person means any natural person, firm, partnership, association or corporation.
- (q) Premises means the place of business, room, shop, or area including all rooms and facilities appurtenant thereto wherein alcoholic liquor is offered for sale in any form.
- (r) Private Function means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.
- (s) Resident means an individual whose principal abode and/or primary domicile is located within the County.
- (t) Restaurant means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, and obtaining at least fifty-one percent (51%) of its annual gross revenue from the sale of food.
- (u) Retailer means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

- (v) Sale means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.
- (w) Sell at Retail and Sale at Retail means sales for use or consumption and not for resale in any form.
- (x) Sheriff means the Sheriff of the County of Union, Illinois.
- (y) Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
- (z) State means the State of Illinois.
- (aa) State's Attorney means the State's Attorney of the County of Union, Illinois.
- (bb) To Sell means to keep or expose for sale and to keep with intent to sell.
- (cc) Treasurer means the Treasurer of the County of Union, Illinois
- (dd) Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of Alcohol or Spirits.
- (ee) Wine-manufacturer means a person who is engaged in the manufacture of wine.

ARTICLE 2

LIQUOR CONTROL COMMISSIONER

-2-1 Liquor Control Commissioner. The Chairman of the County Board shall be the Liquor Control Commissioner in the territory of the County outside the corporate limits of any city, village or incorporated town and is charged with the administration of the appropriate provisions of the Act and this Chapter and any other state laws or county ordinances pertaining to the sale of alcoholic liquor. The other members of the County Board shall be Deputy Liquor Control Commissioners and shall assist the Liquor Control Commissioner in the exercise of the powers and performance of the duties herein provided. The Liquor Control Commissioner may other appoint persons to assist in the exercise of the powers and performance of the duties herein provided, including but not limited to the County Clerk, the Sheriff and the State's Attorney.

-2-2 Compensation of Commissioner. The Liquor Control Commissioner shall receive no additional annual salary beyond compensation received as a member of the County Board.

-2-3 Powers and Duties of Commissioner. The Liquor Control Commissioner shall have the following powers, functions, and duties:

- (a) To grant and to suspend for not more than thirty days or revoke for cause all local licenses issued to persons for premises within the territory of the County outside the corporate limits of any city, village or incorporated town;
- (b) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this Chapter to determine whether any of the provisions of the Act or this Code or any rules or regulations adopted by the Liquor Control Commissioner or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;
- (c) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;
- (d) To receive complaint from any citizen within the County that any of the provisions of this Chapter or the Act, or any rules or regulations adopted pursuant this Chapter or the Act, have been or are being violated and to act upon such complaints in the manner provided in this Chapter or the Act;
- (e) To receive license fees and pay the same forthwith to the Treasurer;
- (f) To notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Section 6-20 of the Act or a similar provision of this Chapter;
- (g) To levy fines in accordance with this Chapter and the Act;
- (h) To examine, or cause to be examined, under oath, any applicant for a license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided by this Chapter and the Act, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this

State. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, the Liquor Control Commissioner may authorize his agent to act on its behalf.

- (i) Any other powers, functions, or duties under this Chapter or the Act.

-2-4 **“Liquor Control Commissioner” to Include Agency.** When, in this Chapter, the Liquor Control Commissioner shall be referred to, it shall include any committee, agency or agent appointed by such Liquor Control Commissioner, including, but not limited to, Deputy Liquor Control Commissioners, the County Clerk, the Sheriff and the State’s Attorney.

ARTICLE 3

LICENSING

-3-1 **License Required.**

(a) No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of the County outside the corporate limits of any city, village or incorporated town, without having a license to do so issued by the Liquor Control Commissioner, in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commission.

(b) A similar valid license issued by the Liquor Control Commissioner is required for, and with respect, to each and every premises, within the limits and territory of the County outside the corporate limits of any city, village or incorporated town, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail.

-3-2 **Separate License Requirements for Roadhouses and Dance Halls.** Nothing in this Chapter shall be construed as permission to operate a public dance hall or roadhouse used for public dances without first having obtained a separate license for such public dance hall or roadhouse under this Code.

-3-3 **Application for License.**

(a) The Liquor Control Commissioner is authorized to grant and issue licenses to persons to sell at retail and to keep and offer for sale at retail alcoholic liquors within the County upon the conditions and in the manner provided by this Chapter and by the Act, and not otherwise. The Liquor Control Commissioner shall provide a form of application to any applicant.

(b) Prior to issuance of a license, the applicant shall complete and submit to the Liquor Control Commissioner, an application, together with a non-refundable first time application fee of one hundred dollars (\$100.00), said application must be in writing and under oath, stating the following:

- (i) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment which the license

is sought, and if a majority in interest of the stock of such corporation is owned by one (1) person or their nominee, the address and name of such person.

- (ii) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.
- (iii) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
- (iv) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.
- (v) The location and description of the premises or place of business which is to be operated under such license.
- (vi) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.
- (vii) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the Act or in this Chapter.
- (viii) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons for such revocation.
- (ix) That they will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter in the conduct of their place of business.

(c) In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

(d) If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members of such partnership, firm, association or club, or by the president and secretary of such corporation.

(e) The original application shall be retained by the Liquor Control Commissioner and copies shall be given to the Deputy Liquor Control Commissioners, the Sheriff and the State's Attorney. The Deputy Liquor Control Commissioners, the Sheriff and the State's Attorney shall endorse on the copies their approval or disapproval of the application and may make further comments regarding the application. The copies shall be returned to the Liquor Control Commissioner and the endorsements and comments of the Deputy Liquor Control Commissioners, the Sheriff and the State's Attorney shall be considered by the Liquor Control Commissioner as an aid in deciding whether the license should be issued or refused.

-3-4 Examination of Applicant. The Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, including but not limited to requiring the production of an affidavit affirming any particular or specific

question posed by the Liquor Control Commissioner and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this Section, the Liquor Control Commissioner may authorize its agent to act on its behalf.

-3-5 Persons Ineligible to Receive License. No license shall be issued by the Liquor Control Commissioner to the following:

- (a) A person who is not a resident of the County except as provided in subsection (l) of this Section.
- (b) A person who is not of good character and reputation in the community in which he resides.
- (c) A person who is not twenty-one (21) years of age.
- (d) A person who has been convicted of a felony under any Federal or State law, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof sufficient rehabilitation shall be on the applicant.
- (e) A person who has been convicted of being the keeper of or is keeping a house of ill-fame.
- (f) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
- (g) A person whose license has previously been revoked for cause.
- (h) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application.
- (i) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this Chapter for any reason.
- (j) A corporation or limited liability company if any officer, manager or director thereof or any stockholder or stockholders owning in the aggregate more than five percent (5%) of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence.
- (k) A corporation or limited liability company unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" or the Limited Liability Company Act to transact business in Illinois.
- (l) A person whose place of business is conducted by a manager or agent unless the manager or agent is a resident of this County and the manager or agent possesses the same qualifications required by the licensee.
- (m) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor subsequent to the passage of the Act, or has forfeited his bond to appear in court to answer charges for any such violation.

- (n) A person who does not beneficially own the premises for which a license is sought, or does not rent or have a lease thereon for the full period for which the license is to be issued.
- (o) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any chairman or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the Illinois Liquor Control Commission and the Liquor Control Commissioner.
- (p) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- (q) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- (r) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
- (s) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period.
- (t) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.
- (u) Any person indebted for any delinquent real estate or personal property taxes, retailer's occupation tax, debt or other financial obligation to the County.
- (v) Any person not eligible for a state retailer's liquor license.
- (w) For any other reason as outlined in the Act.

-3-6 Classification and Number of Licenses. The Liquor Control Commissioner shall have the power to issue retail liquor licenses for selling at retail of alcoholic liquor. Such licenses shall be issued in the following classifications and none other:

- (a) **Class A – Tavern.** A Class A license shall authorize the retail sale on the premises of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. There shall be two (2) Class A licenses
- (b) **Class B – Package Store.** A Class B license shall authorize the retail sale of alcoholic liquor in the original sealed package, but not for consumption on the premises. There shall be one (1) Class B license.
- (c) **Class C – Club.** A Class C license shall authorize the retail sale of alcoholic liquor on the premises of any club for consumption on the premises as well as other retail

sales of such liquor in the original package which shall be consumed on or off the premises. There shall be one (1) Class C license.

- (d) **Class D – Restaurant.** A Class D license shall authorize the retail sale of alcoholic liquor on the premises of any restaurant for consumption on the premises. There shall be five (5) Class D licenses.
- (e) **Class E – Wine-manufacturer.** A Class E license shall authorize wine-tasting and the sale of alcoholic liquor for consumption on the premises of any wine-manufacturer, as well as other retail sales of such liquor in the original sealed package which shall be consumed on or off the premises. There shall be twenty (20) Class E licenses.
- (f) **Class F – Event Center.** A Class F license shall authorize the retail sale of alcoholic liquor as a part of private functions on the premises of any event center for consumption on the premises. There shall be one (1) Class F license.
- (g) **Class G – Caterer Retailer.** A Class G license shall authorize the serving of alcoholic liquors by a caterer retailer as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. There shall be 1 (one) Class G license.
- (h) **Class H – Limited Retail Wine.** A Class H license shall authorize the sale of wine in the original sealed package, but not for consumption on the premises, and in conjunction with the display and sale of other non-alcoholic gift items, and where the sale of non-alcoholic gift items constitutes a substantial portion of the licensee’s business. There shall be 1 (one) Class H license.
- (i) **Class I – Special Use.** A Class I license shall authorize the holder of a Class A, B, C, D, E, F or G license to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to a designated site for a specific event, and to sell or offer for sale at retail, only in the premises specified in the request, the transferred alcoholic liquor for use or consumption, but not for resale in any form.
- (j) **Class J – Special Events.** A Class J license shall authorize an educational, fraternal, political, civic, or religious organization, organized as a not-for-profit organization under the laws of this State, to sell or offer wine and beer as part of an event conducted by the organization.

—3-7 Fees.

- (a) The fee for licenses shall be as follows:
 - Class A – \$900
 - Class B – \$900
 - Class C – \$900
 - Class D – \$500
 - Class E – \$500
 - Class F – \$500
 - Class G – \$500
 - Class H – \$300
 - Class I – \$25
 - Class J – \$25

- (b) The fee for a Class J license may be waived at the discretion of the Liquor Control Commissioner.
- (c) In the event an initial application for a Class A, B, C, D, E, F, or G license is for a period of less than the full license year, the annual fee set forth in subsection (a) shall be reduced in proportion to the full calendar months which have elapsed in the license period prior to the issuance of the license.

-3-8 Term of License.

- (a) A Class A, B, C, D, E, F, G or H license shall be valid for the period beginning January 1 of any year and ending on December 31 of the same year.
- (b) A Class I license may be granted for the following time periods: one day or less; two (2) or more days to a maximum of fifteen (15) days per location in any twelve (12) month period.
- (c) A Class J license shall be valid for a period not to exceed forty eight (48) hours as determined by the Liquor Control Commissioner.
- (d) Any license issued by the County Clerk prior to the adoption of this Chapter shall be valid through twelve o'clock (12:00) A.M. midnight on December 31, 2009; provided, however, a licensee holding any such license shall be subject to all other provisions of this Chapter

-3-9 Nature of License. A license issued under this Chapter shall be purely a personal privilege, and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A license issued under this Chapter shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

-3-10 Transfer of License. Notwithstanding Section -3-9 of this Chapter, the Liquor Control Commissioner, upon receipt of a written application and a transfer fee in the amount of One Hundred Dollars (\$100.00), may authorize the transfer of any license issued under this Chapter.

-3-11 Renewal of License.

- (a) A licensee may renew their license at the expiration thereof, provided they are then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; provided that the renewal privilege herein provided shall not be construed as a vested right.
- (b) Any license issued to a corporation shall terminate upon transfer of ownership from one person or persons to another of more than thirty percent (30%) of the stock of the

corporation, and any application for renewal of the license in the corporation's name subsequent to the transfer of ownership of more than thirty percent (30%) of the stock of the corporation shall be considered and treated as a new application.

- (c) Whenever a non-corporate licensee forms a corporation to operate in lieu of said licensee, a new application and fee is required even when the shareholder or shareholders of said corporation and the licensee or licensees are one and the same persons.
- (d) Failure to apply for renewal of a license and/or failure to submit the appropriate fee by the expiration date of the existing license may be considered by the Liquor Control Commissioner as a decision not to renew the license.

-3-8 Form of License Issued. All licenses issued under this Chapter shall be signed by the Liquor Control Commissioner and attested by the County Clerk with the seal of his office affixed thereto and shall state thereon the name of the licensee, the address of the licensed premises, the date of issuance of the license, the date of expiration of the license and the class of the license.

-3-9 Record of Licenses. The Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses issued under this Chapter; and shall furnish the County Clerk, Treasurer, Sheriff and State's Attorney with a copy of each license. Upon the issuance of any new license, or the revocation of any existing license, the Liquor Control Commissioner shall give written notice of such action to the Deputy Liquor Control Commissioners, the County Clerk, the Treasurer, the Sheriff and the State's Attorney within forty-eight (48) hours of such action.

-3-10 Dramshop Insurance Required. No license of any class to sell alcoholic liquor shall be issued by the Liquor Control Commissioner unless the applicant therefor has presented a written commitment or "Binder" from a licensed dramshop insurer to insure the said licensee in an amount not less than the maximum limit for recovery provided for in 235 ILCS Sec. 5/6-21. The licensee shall contemporaneous with the issuance of a license, present evidence of such insurance (a duplicate policy and a paid receipt for the premium therefor) to the Liquor Control Commissioner. The licensee's failure to keep such dramshop insurance in force throughout the entire period for which the aforesaid license is issued shall be grounds for revocation of such license.

-3-11 Display of License. A licensee shall cause their license to be framed and hung in plain view in a conspicuous place on the licensed premises.

-3-12 Decals. The County Clerk shall provide each holder of a Class A, B, C, D, E, F, G or H license with a fluorescent decal showing the year and class of the license. The licensee shall display the decal on or near the front door or window of the licensed premises so that the decal is visible to the Sheriff's patrol.

ARTICLE 4

REGULATIONS

-4-1 Hours of Operation.

- (a) It shall be unlawful to sell or furnish alcoholic liquor at retail between the hours of twelve o'clock (12:00) A.M. midnight and six o'clock (6:00) A.M. on any day of the week.
- (b) It shall be unlawful to keep open for business, to admit the public, to permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premises in which alcoholic liquor is sold at retail between the hours of hours of twelve thirty (12:30) A.M. and six o'clock (6:00) A.M. on any day of the week; provided, however, that any holder of a Class B, C, D or F license may remain open during between the hours of twelve thirty (12:30) A.M. and six o'clock (6:00) A.M. for purposes other than the sale of alcoholic liquor.

-4-2 Happy Hours Prohibited.

- (a) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.
- (b) No retail licensee or employee or agent of such licensee shall:
 - (1) Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
 - (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 - (3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection (c)(7) of this Section;
 - (4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
 - (5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 - (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (5).
- (c) Nothing in subsection (b) of this Section shall be construed to prohibit a licensee from:
 - (1) Offering free food or entertainment at any time;
 - (2) Including drinks or alcoholic liquor as part of a meal package;

- (3) Including drinks of alcoholic liquor as part of a hotel package;
- (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or tradeshow;
- (5) Providing room service to persons renting rooms at a hotel;
- (6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
- (7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

-4-3 Prohibited Locations. No license shall be issued for the sale of any alcoholic liquor at retail within one thousand (1000) feet of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one thousand (1000) feet of any church or school where such church or school has been established within such one thousand (1000) feet since the issuance of the original license. In the case of a church, the distance of one thousand (1000) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. In the case of a school, the distance of one thousand (1000) feet shall be measured to the nearest property line.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

-4-4 Change of Location. A license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the Code and the laws of this State.

-4-5 Stores Selling School Supplies, Lunches, etc. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

-4-6 Reserved.

-4-7 Open Liquor. A licensee shall not knowingly permit any person to leave his premises with open liquor or in a "cup-to-go".

-4-8 Election Days. A licensee may sell alcoholic liquor on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open, subject to all other provisions of this Chapter.

-4-9 Unlawful Acts. It shall be unlawful for any person to do or commit any of the following acts within the County:

- (a) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Liquor Control Commissioner;
- (b) Drink any alcoholic liquors in any public park, except with the permission of the County Board.
- (c) Drink any alcoholic liquors on any private property without permission of an owner thereof.
- (d) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

-4-10 Sanitary Conditions. All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the laws of this State regulating the condition of the premises used for the storage or sale of food for human consumption.

-4-11 Peddling. It shall be unlawful to peddle alcoholic liquor in this County.

-4-12 Gambling. It shall be unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away unless permitted under the laws of this State.

-4-13 Disorderly Conduct on Premises. A licensee shall not permit any disorderly conduct or disturbance of the peace on the licensed premises. A licensee must report, in writing, the occurrence of any such disorderly conduct or disturbance of the peace to the Liquor Control Commissioner within seven (7) days.

-4-14 Prohibited Sales.

- (a) No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.
- (b) No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service.

-4-15 Unlawful Purchase, Acceptance or Possession of Liquor.

- (a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.
- (b) If a licensee, or their agents or employees, believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand

presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

- (c) No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter. The consumption of alcoholic liquor by any person under the age of twenty-one (21) years is forbidden.
- (d) The possession and dispensing or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parent or parents or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home is not prohibited by this Chapter.

-4-16 **Persons Selling Liquor.** It shall be unlawful for any person under the age of twenty-one (21) years to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises.

-4-17 **Persons on Licensed Premises.**

- (a) It shall be unlawful for any person under the age of eighteen (18) years to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class A license, unless accompanied by a parent or legal guardian.
- (b) No licensee holding a Class A license shall permit any person under the age of eighteen (18) years not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this Section, any holder of a liquor license or their agent or employee may refuse to permit entry onto the licensed premises of any person under the age of eighteen (18) years who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of eighteen (18) years is that person's parent or guardian.

-4-18 **Attire, Entertainment, Visual Displays and Conduct on Premises.**

- (a) No licensee shall allow or permit the following acts or conduct, or the showing of films, still pictures, electronic reproduction, or other visual reproduction depicting the following acts or conduct, upon licensed premises:
 - (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act;
 - (2) Actual or simulated touching, caressing or fondling of breasts, buttocks, pubic hair, anus or genitals;
 - (3) Actual or simulated display of breasts, buttocks, pubic hair, anus or genitals;
 - (4) Permit any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, pubic hair, anus or genitals;
 - (5) A display, showing or viewing of any type depicting a live performance of any act or conduct prohibited by this Section.
- (b) No licensed premises shall have a common entrance or passageway with place of entertainment or business in which any of the acts or conduct described in this Section are performed or allowed to be performed.

-4-19 Sealing and Removal of Open Wine Bottles from a Restaurant. Notwithstanding any other provision of this Chapter, a restaurant licensed to sell alcoholic liquor in this County may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Pursuant to 235 ILCS 5/6-33, wine that is resealed in accordance with the provisions of this Section and not tampered with and transported in accordance with the restrictions of subsections (a) and (b) of Section 11-502 of the Illinois Vehicle Code shall not be deemed to violate Section 11-502 of the Illinois Vehicle Code.

-4-20 Premises Subject to Inspection. It shall be unlawful for a licensee to refuse to grant admittance to any premises for which a license has been issued at any time upon the verbal request of the Sheriff, any Sheriff's Deputy, or the Liquor Control Commissioner for the purpose of making an inspection of such premises or any part thereof.

-4-21 Books and Records. It shall be the duty of every licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois.

-4-22 Adoption of State Law by Reference. Each and every part of the Act is incorporated into this Chapter by reference and made a part of this Chapter. A violation of any provision of the Act shall be a violation of this Chapter and shall be subject to penalties as set forth in this Chapter.

ARTICLE 5

VIOLATIONS AND PENALTIES

-5-1 Revocation or Suspension of License. The Liquor Control Commissioner may revoke or suspend any license issued under this Chapter upon a determination that the licensee has violated any provision of this Chapter, the Act, the Code or any applicable rule or regulation established by the Liquor Control Commissioner or by the Illinois Liquor Control Commission. A period of suspension may not exceed thirty (30) days for each violation, and during such period no alcoholic liquor shall be sold on the licensed premises.

-5-2 Fines. In addition to, or in lieu of, a suspension or revocation of any license issued under this Chapter, the Liquor Control Commissioner may levy a fine on the licensee upon a determination that the licensee has violated any provision of this Chapter, the Act, the Code or any applicable rule or regulation established by the Liquor Control Commissioner or by the Illinois Liquor Control Commission. The fine imposed shall not exceed one thousand dollars (\$1,000.00) the first violation within a twelve (12) month period, one thousand five hundred

dollars (\$1,500.00) for a second violation within a twelve month period and two thousand five hundred dollars (\$2,500.00) for a third violation within a 12 month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars (\$15,000.00) in fines under this section may be imposed against any licensee during the period of the license. Proceeds from fines levied under this Chapter shall be paid to the general fund of the County.

-5-3 Notice of Revocation, Suspension and/or Fine. No license issued under this Chapter shall be revoked or suspended and no licensee shall be fined except after a public hearing by the Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend; provided, however, if the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community the Liquor Control Commissioner may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

-5-4 Form of Notice. Whenever this Chapter requires a hearing before the Liquor Control Commissioner or the Liquor Control Commissioner acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall include the following:

- (a) The time, place, and nature of the charge;
- (b) The date when the appearance of the licensee is required before the Liquor Control Commissioner;
- (c) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (d) A reference to the particular sections of this Chapter at issue; and
- (e) A statement informing the licensee of his ability to respond by presenting evidence and argument.

-5-5 Hearing. The following shall apply to any hearing held pursuant to this Chapter:

- (a) Any hearing conducted before the Liquor Control Commissioner shall be open to the public and shall be held at a reasonable time, date and place;
- (b) The Liquor Control Commissioner shall have the power to issue subpoenas for witnesses, to place witnesses under oath and to rule on objections, to conduct the hearing in a efficient manner, to dismiss charges and to impose fines, suspensions and revocations;
- (c) A party to the hearing may present evidence and argument;
- (d) The Liquor Control Commissioner may limit, but not prohibit, the presentation of evidence and argument;
- (e) The State's Attorney shall have the burden of proving by a preponderance of the evidence the charges alleged against the licensee;
- (f) A licensee may be represented by an attorney licensed to practice law in this State;
- (g) The hearing shall be informal and strict rules of evidence shall not apply;

- (h) The Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. Such record shall be made by a certified court reporter or certified shorthand reporter;
- (i) The Liquor Control Commissioner may grant a continuance for good cause shown;
- (j) The Liquor Control Commissioner may issue an *ex parte* judgment where the licensee has received notice as required under this Chapter and fails to appear at the hearing; and
- (k) The Liquor Control Commissioner shall, within five (5) days after such hearing, if it determines after such hearing that the license should be revoked, suspended and/or fined, state the reason or reasons for such determination in a written order of revocation, suspension and/or fine and shall serve a copy of such order within the five (5) days upon the licensee. The findings of the Liquor Control Commissioner shall be predicated upon competent evidence.

-5-6 Appeal. Appeal of any order of the Liquor Control Commissioner shall be as provided in the Act; provided, however, appeal shall be limited to a review of the official record of the proceedings. The official record shall be a certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Control Commissioner within five (5) days after notice of the filing of such appeal is received by the County from the Illinois Liquor Control Commission.

-5-7 Other Penalties. In addition to any other penalties imposed by this Chapter, any person who violates any provision of this Chapter shall be guilty of a petty offense and fined not more than five-hundred dollars (\$500).

-5-8 Responsibility of Licensee for Acts of Employees. Every act or omission constituting a violation of this Chapter or the Act by any officer, director, manager, member or other agent or employee of the licensee shall be deemed to be an act of the licensee. The licensee shall be punishable in the same manner and to the same extent as if the act or omission had been performed or omitted by the licensee personally.

-5-9 Responsibility of Owner of Premises Permitting Violation. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Chapter, said owner, agent or other person shall be punishable in the same manner and to the same extent as if the act or omission had been performed or omitted by said owner, agent or other person personally.

-5-10 Revocation of License After Conviction. Whenever any licensee shall be convicted of any violation of this Chapter, the license of said licensee may, in the discretion of the Liquor Control Commissioner be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Chapter for said licensee to continue to operate under such license.

-5-11 Revocation of License When Employee Convicted. Whenever an officer, director, manager, or other employee in a position of authority of any licensee shall be convicted of any violation of this Chapter while engaged in the course of their employment or while upon the

premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted.

-5-12 Abatement of Place used in Violation. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances.

-5-13 Use of Premises After Revocation. When any license has been revoked, no license shall be granted for the same premises for a period of one (1) year thereafter.

-5-14 Complaint by Residents. Any five (5) residents of the County shall have the right to file a complaint with the Liquor Control Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code, the Act or any rules or regulations issued thereunder. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Control Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, the matter shall be set for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

-5-15 Multiple Violations within Twelve Month Period. In any case in which a licensee appeals to the Illinois Liquor Control Commission a suspension or revocation by the Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding twelve (12) month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Control Commissioner's action has been issued by the Illinois Liquor Control Commission and shall cease all activity otherwise authorized by the license. The Illinois Liquor Control Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past twelve (12) month period.

SECTION 3: This Liquor Control Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED at a special meeting of the Union County Board of Commissioners this 18 day of June, 2009.

Chairman: absent voting _____.

County Commissioner: Bandy Kumbh voting yes.

County Commissioner: Donald Derry voting yes.

Subscribed and Sworn to me this 18 day of June, 2009

County Clerk: Bobby Telle Jr.