

# MADISON COUNTY LIQUOR COMMISSION ORDINANCE AND AMENDMENTS



**Kurt Prenzler, CPA**  
County Board Chairman  
**Matt Brandmeyer**  
Administrator

Madison County Administration Building  
157 N. Main Street Suite 254 • Edwardsville, IL 62025-1964  
Phone (618) 692-7040 ext. 4468 • Fax (618) 692-8982  
E-Mail [zoning@co.madison.il.us](mailto:zoning@co.madison.il.us)

## **Index**

Ordinance No. 93-09 December 15, 1993

A Code Adopting Rules, Regulations, and Restrictions to Oversee and Control  
The Issuance of County Liquor Licenses and Operations

Ordinance No. 94-04 March 15, 1994

Resolution Amending Section 7040 Hours of Operation

Ordinance No. 94-16 November 16, 1994

Amendment to Section 70 13(G) Initial Application and Procedures

Ordinance No. 96-10 September 18, 1996

Amendment to Section 70 12 Liquor License Classifications

Ordinance No. 93-09

Code Adopting Rules Regulations and Restrictions to Oversee and Control the Issurance  
of County Liquor Licenses and Operations

December 15, 1993

Ordinance No. 93-09

**Enacting as an ordinance, a code adopting rules, regulations and restrictions to  
oversee and control the issuance of county liquor licenses and the operations under  
said county liquor licenses.**

Whereas the present liquor ordinances of Madison County are incomplete and  
insufficient to meet the immediate needs of the County and

Whereas the Illinois Liquor Control Act of 1934 235 ILCS 5/1 et seq. empowers and  
authorizes the Madison County Board to adopt rules, regulations and restrictions to  
oversee and control the issuance of County liquor licenses and operations thereof

Whereas, the County Board is desirous of adopting such rules regulations and  
restrictions, and incorporating ordinances into the general County Code.

Now therefore be it ordained by the Madison County Board that

### **Section 1**

The liquor ordinances of Madison County, as herein revised amended and restated are  
adopted as and shall constitute the Chapter on "Liquor Products and Services" of  
Madison County Code

### **Section 2**

Said chapter as adopted above shall consist of the following

## **Definitions**

70 01 Definitions

## **License Regulations**

70 10 License Required

70 11 General License Provisions

70 12 License Classifications

70 13 Initial Application and Procedures

70 14 Application Update Requirements

70 15 Persons Ineligible to be Licensed

70 16 Renewal Application and Process

70 17 License Transfers

70 18 Special Event Permits

70 19 Location Restrictions

**-2-**

## **Prohibited Conduct**

70 30 On Premises Violations

70 31 Civil Rights Violations

70 32 Sales Promotion Violations

70 33 Sales Violations

70 34 Underage Persons Violations

70 35 Misc Alcohol-Related Violations

## **Standards of Operation**

70 40 Hours of Operation

70 41 Public Health Standards

70 42 Employment of Underage Persons

70 43 Duty to Call Law Enforcement

70 50 Commissioner

70 51 Commissioner Powers

70 52 Emergency Closing

70 53 Vicarious Liability

70 54 Complaint Procedures

70 55 Hearing Procedures

70 56 License Revocation

70 57 Appeal Procedures

70 99 Penalty

### **Section 3**

All prior ordinances pertaining to the subjects treated in said Code shall be deemed repealed from and after the effective date of said Code, except as they are included and reordained in whole or in part in said Code; provided that such repeal shall not affect any offense committed, penalty incurred or right established prior to the effective date of said Code.

### **Section 4**

Said Code shall be deemed published as of the day of its adoption and approval by the Madison County Board and the Clerk of this County is hereby authorized and ordered to file a copy of said Code in the Office of the County Clerk

### **Section 5**

Said Code shall be in full force and effect on the first day of January 1994 and said Chapter shall be presumptive evidence in

**-3-**

All courts and places of the ordinance and all provisions, section, penalties and regulations therein contained and of the date of passage and that the same is properly signed, attested, recorded and approved and that any public hearings and notices thereof as required by law have been given

PASSED AND ADOPTED by the Madison County Board this 15<sup>th</sup> day of December, 1993.

Nelson Hagnauer, Chairman Madison County Board

Evelyn Bowles, County Clerk

William R. Haine  
State's Attorney  
Madison County, Illinois  
Respectively submitted

Legislative Committee

## **Chapter 70: LIQUOR PRODUCTS AND SERVICES**

### **TABLE OF CONTENTS**

#### **General provisions**

70.01 Definitions.

#### **License Regulations**

70.10 License Required.  
70.11 General License Provisions.  
70.12 License Classifications.  
70.13 Initial Application and Procedures  
70.14 Application Update Requirements  
70.15 Persons ineligible to be Licensed  
70.16 Renewal Application and Process  
70.17 License Transfers  
70.18 Special Event Permits  
70.19 Location Restrictions

#### **Prohibited Conduct**

70.30 On Premises Violations.  
70.31 Civil Rights Violations.  
70.32 Sales Promotion Violations.  
70.33 Sales Violations.  
70.34 Underage Persons Violations.  
70.35 Misc. Alcohol-Related Violations.

#### **Standards of Operation**

70.40 Hours of Operation  
70.41 Public Health Standards  
70.42 Employment of Underage Persons  
70.43 Duty to Call Law Enforcement  
70.44 Display of License and Warning Signs

#### **Administration and Enforcement**

70.50 Commissioner  
70.51 Commissioner's Powers  
70.52 Emergency Closing  
70.53 Vicarious Liability  
70.54 Complaint Procedures  
70.55 Hearing Procedures  
70.56 License Revocation

70.57	Appeal Procedures
70.58	Penalty

## **General Provisions**

### **70.01 Definitions**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALCOHOL.** 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.

**ALCOHOLIC LIQUOR.** 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 being. 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. No fees provided for this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine is purchased from a licensed manufacturer or importing distributor as defined by the Illinois Liquor Control Act.

**BEER.** 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.

**BEER GARDEN.** A privately owned outdoor location adjacent to a premises where alcoholic liquor may be sold and consumed subject to the provisions of this chapter.

**COUNTY RETAILER'S LICENSE FOR THE SALE OF ALCOHOLIC LIQUOR.** Any liquor license category or classification described in this chapter, unless otherwise expressly provided.

**CLUB.** A corporation organized under laws of the State of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale of 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 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 room 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 Commissioner their guests; provided, that such club files with the Commissioner at the time of its application

for a license under this chapter two copies of a list of names and residences of its members, and similarly files within 14 days of the election of any additional members his or her 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 any 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 the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

**COMMISSIONER.** The Chairperson of the County Board shall be the Local Liquor Control Commissioner in the territory of the county outside the corporate limits of any city, village or incorporated town the terms “Madison County Liquor Control Commissioner” and “local liquor control commissioner” mean and are synonymous with the term “Commissioner.” This name or term shall mean and include the “License Committee,” the Madison County State’s Attorney and the Madison County Sheriff (when appointed by the Commissioner to assist the Commissioner in the powers and performance of his duties).

**CO-PARTNERSHIP.** An association of two or more persons intending to act as co-owners of a business for profit.

**CONTINUOUS OPERATION.** Operation of the licensed business for at least five (5) hours a day for a period of at least five (5) days a week.

**CORPORATION.** Any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of Illinois, 805 ILCS 5/1.01 et seq. Satisfactory evidence of such qualification shall be furnished to the County in the form and manner as the Commissioner and County Board shall from time to time designate.

**DISTRIBUTOR.** Any person, other than a manufacturer, who is engaged in the purchasing, storing, possessing or warehousing any alcoholic liquors for resale.

**EMPLOYEE.** A person who works for a holder of a liquor license whether that holder be an individual, a corporation, a co-partnership, a manager or an agent. An employee is someone who works for salary or wages or other compensation. An uncompensated person may be deemed an employee for purposes of this chapter if that person works under the direction of, or knowledge of a liquor license holder whether that license holder be an individual, a corporation, a co-partnership, a partner, a manager or an agent. The word “servant” is deemed to be synonymous with the word “employee.”

**HOTEL.** Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent for residential, in which twenty five (25) or more rooms are used for the

sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**ILLINOIS LIQUOR CONTROL ACT.** The Illinois statute, as amended, found at 235 ILCS 5/1 et seq.

**LICENSE COMMITTEE.** The five members of the Madison County License Committee.

**LICENSED PREMISES.** The place of business or other completely enclosed location particularly described in a liquor license or an application for a liquor license where alcoholic liquor is stored, displayed or offered for sale; or, where drinks containing alcoholic liquor are mixed, concocted, poured or served for consumption. This term shall include only the permanent structure housing the licensed business and any enclosed area adjacent to this structure that is designated as a beer garden. The licensed premises does not include sidewalks, streets, other portions of the public way, private parking areas or the property outside such permanent structure and beer garden on the property.

**LICENSEE.** All persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried in, whether they be individuals, partners, corporations, joint stock companies, fiduciaries, officers, directors, stockholders, employees, managers or bartenders.

**MANAGER.** A person employed by a licensee for the purpose of overseeing the operation of a licensed business and exercising discretionary authority on behalf of the licensee during the hours that the manager is on duty.

**NON-ALCOHOLIC LIQUOR.** Alcohol, spirits, wine and beer, and every liquid or solid, patented or not, capable of being consumed as a beverage by a human being, and containing one-half of 1%, or less, of alcohol by volume.

**OFFICIAL.** Any person holding elected office, any person appointed to fill a vacancy created in an elected office, and any law enforcement official.

**ORIGINAL PACKAGE.** A bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of an alcoholic liquor, to contain and to convey any alcoholic liquor.

**PARTNER.** Any individual who is a member of a co-partnership.

**PATRON.** Any customer, patron or visitor of a licensed establishment who is not employed by the licensee of such establishment.



**RESIDENT.** Any person (other than a corporation) who has resided and maintained a bonafide residence in the state of Illinois for at least one year and in the county in which the premises is covered or the license is located, for at least ninety (90) days prior to making application for such license.

**RESTAURANT.** Any public place having regular menus which is kept used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, 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. In addition, any business claiming to be a restaurant must document, upon demand, that fifty (50%) percent or more of its gross receipts are derived from the sale of food, as distinguished from alcoholic liquor.

**RETAILER.** A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

**SALE.** Any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term SALE includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

**SELL.** Includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

**SELL AT RETAIL AND SALE AT RETAIL.** Sales for use or consumption and not for resale in any form.

**SPECIAL EVENT.** An event conducted by an educational, fraternal, political, civic, religious or non-profit organization.

**SPIRITS.** 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.

**UNDERAGE.** Any person under twenty-one (21) years of age, the legally minimum age at which one can lawfully purchase and consume alcoholic liquor.

**WINE.** 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, as above defined.

All words and phrases used in this chapter which are not defined herein shall have the meaning ascribed to such words and phrases in the Illinois Liquor Control Act, as amended.

[Statutory Reference: 235 ILCS 5/1-3.01 through 5/1-3.31]

## **LICENSE REGULATIONS**

### **70.10 LICENSE REQUIRED.**

- (A) No person shall sell at retail any alcoholic liquor or conduct any place for the sale at retail of alcoholic liquor, within the limits and territory of this County without first having obtained a valid retailer's license issued by the Commissioner for each premises where the retailer is located to sell the same. It shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquors, alcoholic or malt or vinous beverages in violation of the terms and conditions of such license.
- (B) A liquor license issued by the Commissioner is required for and with respect to any building location and premises, within the unincorporated territory of this County, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail.
- (C) The issuance or possession of a retail liquor dealer tax stamp to any person, when issued by the United States government, or any of its agencies, for a then-existing tax period, said retail liquor tax stamp shall be and constitute prima facie evidence that such person is subject to the provisions of this chapter.

[Statutory Reference: 235 ILCS 5/2-1]

### **70.11 GENERAL LICENSE PROVISIONS.**

- (A) No licensee may be under the age of 21 years.
- (B) The application for a license for the retail sale of alcoholic liquor shall be filed with the commissioner through the office of the County Recorder.
- (C) All applicable licensing fees shall be paid by the applicant with a certified check, cashier's check or money order at the time the application for license is submitted. Personal checks will not be accepted. In the event that the liquor license is denied, said license fees shall be refunded to the applicant.
- (D) Each liquor license issued under this Chapter shall terminate at midnight on the thirty-first day of December of the same calendar year of its issuance, unless sooner revoked as provided in this Chapter or under State law.

(E) If any question on the application is unanswered or answered incompletely, such omission shall cause the applicant to be voided and shall cause the commissioner to reject that application.

(F) If, after a liquor license is issued, it is discovered that an application question was left unanswered or was incompletely answered, the commissioner shall immediately notify the applicant and licensee of such omission. The applicant and licensee shall have five (5) business days from receipt of this notice to supplement the application with a written and sworn affidavit. Failure to supplement the application within the specified period will result in immediate revocation of the liquor license.

(G) Every license shall contain the following information:

1. The name of the licensee as well as the names of each member of the co-partnership the officers and directors of a club; the officers, directors, manager and authorized agent of corporation; and the names of the trustee of a trust;
2. Language that describes with particularity the premises covered by such liquor license;
3. The class of liquor license issued to the licensee for such premises.
4. The signature of the Commissioner and the attestation of the clerk of the Liquor Control Commission, with the seal of office affixed thereto.

(H) No license shall be held in existence by the mere payment of fees. Where the continuous operation of the licensee business has lapsed for a period longer than ninety (90) days, said license shall expire. However, if the licensee's premises have been destroyed or damaged either by fire or an act of God, and cannot be rebuilt or repaired within a ninety (90) day period, then the Commissioner may extend the period of time for which the liquor license may be held without being in continuous operation for an additional ninety (90) days.

(Statutory Reference: 235 ILCS 5/4-1, 5/4-4)

## **70.12 LICENSE CLASSIFICATIONS.**

(A) All County liquor licenses are for the duration of a normal calendar year, except where explicitly noted, and shall be classified according to the following classes:

1. **Class A: An Unrestricted Liquor License** shall entitle the licensee to sell any alcoholic liquor at retail, by the drink or pitcher, for consumption on the premises, or off the premises where enclosed in the original bottle, jug, can, cask, barrel, keg or other receptacle or container, corked, capped or sealed and labeled by a manufacturer of alcoholic liquor.

2. **Class B: A Special Event Permit** shall entitle a current licensee; or, an educational, fraternal, political, civic, religious or non-profit organization to sell beer and wine only

for consumption on the location and only on the dates designated on the special event retail license, for a period not to exceed ten (10) days within one calendar year.

3. Class C: **A Special Use Permit License** shall entitle a current licensee to transfer alcoholic beverages from an existing licensed premises to a designated site for a special event.

(B) The fee for each license shall be payable in advance, and shall be for the full amount of the licensing fee if purchased by an initial applicant prior to the first day of July of the year the licensing fee if purchased by an initial applicant on or after the first day of July of the year the license is requested. In no case, however, will there be a pro rata refund on any unused portions of a liquor license.

(Statutory Reference: 235 ILCS 5/4-1)

### **70.13 INITIAL APPLICATION AND PROCEDURE**

(A) There shall be a thirty (30) day waiting period before the issuance of a license for retail sale of alcoholic liquor in order to provide sufficient time for a background check of the applicant. The thirty (30) day period shall begin to run upon the receipt of a properly completed application by the Commissioner.

(B) An application for a liquor license shall be made in conformity with the provisions of this Chapter. The Office of the Recorder shall forward the application to the Commissioner who shall assist the Commissioner in the exercise of his powers and the performance of his duties as local liquor control commissioner.

(C) In the case of an applicant who is an individual, the application shall be in writing, verified by oath or affidavit, and signed by the applicant.

(D) In the case of a co-partnership, corporation or trust, the information and statements required by this section shall be furnished at least as to each partner, as to the president and secretary of the corporation, and as to the trustee.

(E) In the case of an application on behalf of a co-partnership, firm, association, club or corporation, the application shall be in writing, verified by oath or affidavit, and signed by at least two members of the co-partnership, firm, association or club; or by the president and secretary of the corporation; or by the trustee.

(F) Said application shall include the following statements and information:

1. The applicant's name, residence address, current telephone number, sex, date of birth, social security number, position and percentage of ownership in the business, and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every sole owner, co-partner, trustee, corporate officer, director, manager, authorized agent and any person who directly or beneficially holding (5%) percent or more of the shares of the applicant business entity or parent corporations of the applicant business entity;

2. In the case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation or club, the date of its incorporation; or in the case of a foreign corporation, the State where it was incorporated and the date of its becoming qualified under the Business Corporation Act, 805 ILCS 5/1.01 et seq., to transact business in the State of Illinois; in the case of a trust, the date of its creation;
3. The citizenship of the applicant, place of birth and, if a naturalized citizen, the time and place of naturalization and length of residence in this county;
4. The name and address of the applicant's business; and in the case of a corporation, club or trust, the address and telephone number of its principle office or place of business;
5. The character of business of the applicant, and in the case of a corporation, club or trust, the object for which it was organized or created; the length of the time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued;
6. The name and address of the owner, managing agent or trustee of the premises if the premises are being purchased under a contract for deed, are being leased or held in trust;
7. The location and description of the premises or place of business which is to be operated under such license;
8. The applicant's Retailer's Occupation Tax (ROT) Registration Number;
9. The applicant's document located number on the Federal Special Tax Stamp;
10. A statement as to whether the applicant has made application for a similar license on the same premises described in the application, and the disposition of such application;
11. A statement as to whether the applicant has made application for a similar license on premises other than those described in the application, and the disposition of such application;
12. A statement as to whether the applicant has ever been convicted of any of the following:
  - (a) a felony,
  - (b) a gambling offense,
  - (c) a violation of law concerning the manufacture, possession or sale of cannabis, narcotics or other controlled substances,
  - (d) a violation of law concerning the manufacture, possession or sale of alcoholic liquor;

13. A statement as to whether the applicant is disqualified to receive a license by reason of any matter or thing contained in State law or in this Chapter;

14. A statement as to whether any previous license for the sale of alcoholic liquor issued by the federal government; by any state, or subdivision thereof; or by any county, municipal or village government has been revoked, and the reasons for such revocation;

15. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any provision of this Chapter in the conduct of business.

(G) at the time of filing an application for a liquor license and upon the payment of all applicable license fees, the applicant must produce a policy of insurance (dramshop) in a solvent and responsible company authorized to do business in the State of Illinois insuring said licensee against liability for any injury or death which said licensee may incur while operating under the provisions of the Illinois Liquor Control Act and this Chapter.

1. said policy of insurance must be in the amounts of one hundred thousand (\$100,000) dollars per person, three hundred thousand (\$300,000) dollars per occurrence for bodily injury liability and one hundred thousand (\$100,000) for loss of means of support;

2. each applicant must produce a certificate of such insurance indicating that the insurer is immediately required to notify the commissioner of any cancellation of said Insurance policy;

3. the insurance policy exists for a term at least co-extensive with the duration of the applicable license period, and that such insurance policy shall not be subject to cancellation except upon thirty (30) days prior notice to the Commissioner; and

4. termination or lapse of the licensee's insurance coverage shall be grounds for the revocation of such license; and

(I) File an affidavit with the Office of the Recorder disclosing any outstanding debt owed by the applicant to the County or State of Illinois. If the applicant is a co-partnership, then this disclosure requirement shall apply to every person entitled to a share of the profits thereof. If the applicant is a trust, then this shall apply to the trustee and trust. If the applicant is a corporation for profit, the disclosure requirements of this subsection shall apply to the corporation and all shareholders owning more than five (5%) percent of the shares of the corporation applicant.

[Statutory Reference: 235 ILCS 5/7-1, 5/7-2]

#### **70.14 APPLICATION UPDATE REQUIREMENTS.**

(A) The application for the retail sale of alcoholic liquor has an affirmative and continuing requirement to update the original application. As a result, all applicants must inform the Commissioner of any changes in the information listed in the application

within thirty (30) days. Such changes which must be reported to the Commissioner, and which require the filing of a supplemental affidavit or sworn statement include but are not limited to the following:

1. any change in co-partners, trustees, managers or authorized agents, must be reported to the Office of the Recorder and must include the name, residence address, sex, date of birth, social security number, position and percentage of ownership (if any) of any person not previously included in the original application;
2. all internal changes in corporation pertaining to beneficially holding in the aggregate more than five (5%) of said corporate stock, and must include the name, residence address, sex, date of birth, social security number, position and percentage of ownership (if any) of any person not previously included in the original application;
3. all new co-partners, trustees, managers, authorized agents, officers, directors, or stockholders directly or satisfy all of the eligibility requirements of a liquor licensee as provided in this chapter;
4. any change in the status of the premises to be licensed, including but not limited to changes in zoning classification, revocation of special use permit, and incorporation or annexation by a municipality or village;

(B) Failure to comply with the requirements of this section, or knowingly furnishing false information on the liquor license application shall be grounds for immediate suspension or revocation of any liquor license held by such applicant or licensee.

#### **70.15 PERSONS INELIGIBLE TO BE LICNENSED.**

No license for the sale of alcoholic liquor shall be issued to the following applicants:

- (A) Any applicant who is not a resident of the Madison County, Illinois;
- (B) Any applicant who is not a citizen of the United States of America;
- (C) Any applicant who is not of good character and reputation in the community in which the applicant resides or the premises to be licensed are located;
- (D) Any applicant who has been convicted of a felony under any federal or state law, who the Commissioner determines, after investigation, has not been sufficiently rehabilitated to warrant the public trust;
- (E) Any applicant who has been convicted of being the keeper or is keeping a house of ill fame;

- (F) Any applicant person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (G) Any applicant whose license has been revoked for cause, pursuant to the rules promulgated under this Chapter or under State law;
- (H) Any applicant who is ineligible for or fails to receive a license to sell alcoholic liquor at retail from the State of Illinois;
- (I) A co-partnership, if any member of the limited or general partnership would not be eligible to receive a license hereunder for any reason other than residence within the County;
- (J) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five (5%) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the County;
- (K) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983, 805 ILCS 5/1.01 et seq., to transact business in Illinois;
- (L) Any applicant whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of an applicant
- (M) A corporation, association or co-partnership that does not employ a manager or agent;
- (N) Any applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or who has forfeited his bond to appear in court to answer charges for any such violation;
- (O) Any applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of cannabis, narcotics or other controlled substances, or who has forfeited bond to appear in court to answer charges for any such violation;
- (P) Any applicant who does not beneficially own the premises for which a license is sought, nor does he have a lease thereon for a minimum period of one year, a contract for deed or a land trust;
- (Q) Any applicant who has not recorded the deed, contract for deed, lease or trust for the premises with the Office of the Recorder;



- (R) Any applicant who is a law enforcement official, including members of the Commission; any mayor, alderman or member of a City Council or commission; any president or member of a village board of trustees; or a Chairperson or member of the County Board; and no official shall be interested in any way, either directly or indirectly, in the manufacture, retail sale or distribution of alcoholic liquors;
- (S) Any applicant who has been convicted of a gambling offense as prescribed by any of subsections of ILCS, Ch. 720, Act 5, sec. 28-1 (a) (3) – (a) (10) or subsection Section 28-3, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions;
- (T) Any premises where there has not been an inspection and approval as complying with the laws of the County as to the zoning requirements, building construction and sanitation facilities, including the provision of an “unobstructed view” as required by the Illinois Liquor Control Act.
- (U) Any applicant who knowingly submits false or incomplete information on a liquor license application;

[Statutory Reference: 235 ILCS 5/6-2]

#### 70.16 RENEWAL APPLICATION AND PROCESS.

- (A) Any licensee may renew the license at the expiration thereof, provided that the licensee is then qualified to receive a license, and that the premises for which such renewal license is sought are suitable for such purposes; and, provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the County Board from decreasing the number of licenses to be issued within its jurisdiction.
- (B) To renew a liquor license, an applicant must submit an affidavit to the Office of the Recorder, stating that the information and statements contained in the original application have not changed. Upon such affidavit being filed, the license may be renewed without the filing of an application as provided in this section.
- (C) If the information and statements contained in the original application have changed then, the applicant must submit a supplement to the original application. This supplement shall be in writing, verified by oath or affidavit, and signed by the applicant if an individual. In the case of a renewal application on behalf of a co-partnership, firm, association, club or corporation, the application shall be in writing, verified by oath or affidavit, and signed by at least two members of the co-partnership, firm, association or club; or by the president and secretary of the corporation; or by the trustee.

- (D) There shall be a thirty (30) day waiting period before the issuance of a renewal license for retail sale of alcoholic liquor in order to provide sufficient time to verify the contents of the renewal application. The thirty (30) day period shall begin to run upon the receipt of a properly completed renewal application by the Commissioner.
- (E) To avoid any possible lapse in the liquor license renewal, all renewal applications must be received before November 30<sup>th</sup> of the same year that the liquor license is to expire. If the licensee fails to renew the County liquor license or before November 30<sup>th</sup> of the year prior to the expiration of the license, said licensee any not engage in any activities for which a liquor license is required until the licensee applies for a renewal license and remits all applicable fees, including late fees.
- (F) No retailer's license shall be renewed if such retailer is delinquent in filing any required tax returns or paying any amounts owed to the County until the applicant is issued a certificate by the County Treasurer stating that all delinquent returns or amounts owed have been paid by cashier's check, certified check, money order to cash.
- (G) No retailer's license shall be renewed if the Illinois Department of Revenue has reported to the Illinois Liquor Control Commissioner or the County Commissioner that such retailer is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois until the applicant is issued a certificate by the Department of Revenue stating that all delinquent returns or amounts owed have been paid by guaranteed remittance or a payment agreement to pay all amounts owed has been accepted by this same department.
- (H) No license shall be held in existence by the mere payment of fees. Where the continuous operation of the licensee business has lapsed for a period longer than ninety (90) days, said license is not eligible for renewal.
1. However, if the licensee's premises have been destroyed or damaged either by fire or an act of God, and cannot be rebuilt or repaired within a ninety (90) day period, then the Commissioner may extend the period of time for which the liquor license may be held without being in continuous operation for an additional ninety (90) days.
2. If the ninety (90) day period elapses without the licensee returning to continuous operation of the premises, the license for said premises shall expire, and the applicant-licensee must make a new application for license.
- (I) All applicable renewal fees shall be paid by the applicant with a certified check, cashier's check or money order at the time the application for license is submitted. Personal checks will be accepted. In the event that the renewal license is denied, said license fees shall be refunded to the applicant.

- (J) Failure to supplement the renewal application when required, or violation of any provision of this Chapter may result in immediate suspension or revocation of the liquor license.
- (K) Failure to comply with the requirements of this section, or knowingly furnishing false information on the liquor license application shall be grounds for immediate suspension or revocation of any liquor license held by such applicant or licensee.

#### **70.17 LICENSE TRANSFERS.**

- (A) No existing liquor license shall be transferred or renewed in the name of a different licensee. Any change in the licensee shall require filing a new application and complete compliance with the application requirements herein. Change in the licensee shall include sale or transfer of more than five (5%) percent of the stock of a licensed corporation. The issuing of a new license in the event of any such change shall be subject to all the requirements and conditions of this chapter.
- (B) A liquor license shall be a purely personal privilege, good for not to exceed one year after issuance, unless sooner revoked as provided in this Chapter or under State law, 235 ILCS 5/1-1 et seq. Said license 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.
- (C) A liquor license shall not descent by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee 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 order of the appropriate court, and may exercise the privileges of the deceased or 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 months after the death, bankruptcy or insolvency of such licensee.
- (D) A person is licensed pursuant to this Chapter is authorized to sell alcoholic liquor only at the premises, place or location described in the application and license. An existing licensee may apply for a change of location license transfer only when the licensee intends to abandon the currently licensed location, when the proposed site for the new location is not prohibited by this Chapter, and when the licensee may properly be licensed under the rules stated in this Chapter. Such location may be changed only upon written approval of the Commissioner.

- (E) No request for a change of location shall be approved prior to the expiration of thirty (30) days from the date the application for a change of location is filed. At the time of filing the request for a change of location, the licensee may be required to pay a filing fee.

[Statutory Reference: 235 ILCS 5/6-1]

- (A) The Commissioner is authorized and empowered to grant and issue to any person, corporation, or association, that holds a valid license to sell at retail alcoholic liquors, issued by the Illinois Liquor Control Commission of this state, a permit authorizing the person to sell wine or beer only, and at a particular place or premises to be described in the permit, for a period not to exceed three (3) days, which days are to be specified in the permit, upon the payment by the applicant for the permit. No person, corporation, or association shall be issued permits that would authorize the sale of beer only for more than an aggregate of ten (10) days during any one calendar year.
- (B) Upon proof being made to the Commissioner that no beer or other beverage was sold, or offered for sale, pursuant to the permit on the day, and at the place named in the special event permit, the Commissioner may issue to the same person named in the permit a new permit to sell wine or beer only for the period not used, for use at the same premises without any additional fee being paid by the person, and upon the surrender and cancellation of the original permit.
- (C) The application procedure for the issuance of a special event license shall be the same as that for any other license classification as set out in this chapter.

[Statutory Reference: 235 ILCS 5/3-17.1, 5/7-1]

## **70.18 LOCATION RESTRICTIONS.**

- (A) No license shall be issued for the retail sale of alcoholic liquor within one hundred (100) feet of any church; school, (other than an institution of higher learning); hospital; home for the aged; home for the indigent; home for veterans, their spouses or children; or military or naval station; provided that prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the effective date of this chapter.
- (B) The prohibition in paragraph (A) shall not apply to the renewal of a license for the retail sale of alcoholic liquor within one hundred (100) feet of any church or school where such church or school has been established within such distance since the issuance of the original license. In the case of a church, this distance shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

- (C) Nothing in this Chapter shall prohibit the issuance of a special event license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when such groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.
- (D) No license shall be issued for the sale of alcoholic liquor, for consumption on the premises, if the premises sought to be licensed is within two hundred-fifty (250) feet, excluding streets, alleys and public ways, of an existing premises licensed for the sale of alcoholic liquor. Said distance shall be measured from property line to property line provided, however, that this prohibition shall not apply to hotels offering restaurant service, restaurants or clubs. Nor shall this restriction apply to a renewal licensee where said place of business was established, licensed and operated continuously prior to the effective date of this Chapter.
- (E) No license shall be issued for the retail sale of alcoholic liquor within 100 feet of any undertaking establishment or mortuary.
- (F) No license shall be issued for the retail sale of alcoholic liquor at any store or other place of business where the majority of customers are underage or school age, or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such underage children.

[Statutory Reference: 235 ILCS 5/6-11, 5/6-12]

## **PROHIBITED CONDUCT**

### **70.30 ON PREMISES VIOLATIONS.**

No person licensed to sell alcoholic liquor at retail under this Chapter shall do any of the following:

- (A) Permit any employee, agent, entertainer or patron to perform any lewd or lascivious act, including but not limited to any demonstration, dance, performance or exhibition on the licensed premises where said person engages in any of the following conduct:
1. Exposure of the genitalia, pubic hair, buttocks, perineum, anal or pubic region; or
  2. Exposure of any device, costume or covering which gives the appearance of or simulates the genitalia, pubic hair, buttocks, perineum, anal or pubic region; or
  3. Exposure of any portion of the female breast at or below the areola thereof.

4. Performance or simulated performance of acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts.
  5. Display of moving pictures, photographic slide presentations, video presentations or video projection presentations, depicting acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts.
- (B) Employ or use the services of any person in the sale or services of any person in the sale or service of alcoholic liquor in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing so as to result in conduct prohibited in paragraph (A) above.
- (C) Keep, place, maintain or operate any gambling device or instrument in or upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except as explicitly permitted under State statutes.
1. Accept, receive or borrow money, or anything else of value directly or indirectly from any person connected with or in any way representing any manufacturer or distributor of any coin-operated or amusement licensed premises;
  2. However, the provisions of this subsection shall not apply to commissions or rental fees arising out of the use of such coin-operated or amusement device on the licensed premises.
- (D) Suffer any drunkenness, fighting, unlawful games, riotous or disorderly conduct whatsoever, in any premises kept or occupied for the purpose of sale at retail of alcoholic liquor.

### **70.31 CIVIL RIGHTS VIOLATIONS.**

No person licensed to sell alcoholic liquor at retail under this Chapter shall violate any patron's civil rights by personally or vicariously committing any of the following acts:

1. permitting an officer, associate, member, representative, agent or employee to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold, subject only to the conditions and limitations established by law and applicable alike to all citizens;
2. refusing to serve alcoholic liquor to a person who presents identification that he is twenty-one (21) years of age or more provided that unless the licensee, officer, associate, member, representative, agent or employee reasonably doubts the authenticity of the offered identification; or,

3. refusing to serve alcoholic liquor to a person who presents identification that he is twenty-one (21) years of age or more when the refusal of service by the licensee, officer, associate, member, representative, agent or employee is based in any part on the person's race, color, creed, religion, nation origin, or sex.

[Statutory Reference: 235 ILCS 5/6-17]

#### **70.31 SALES PROMOTION VIOLATIONS.**

- (A) Licensees are prohibited from selling, offering or delivering, during any specified period of the business day, alcoholic drinks at lower prices than would be charged for said drinks during the remainder of the business day; or selling, offering or delivering, during a specified period of the business day, alcoholic drinks of increased serving proportions without increasing the price, as part of a "happy hour," "double drinks; or "two-for-one" sales promotion.
- (B) Licensees are also prohibited from selling, offering or delivering to any person an unlimited quantity of alcoholic drinks during any specified time period for a single, fixed price, except at private functions. For purposes of this section, private functions are those not open to the public and held only in a room not accessible by patrons of the premises other than those individuals attending the private function.
- (C) Licensees are further prohibited from selling, offering or delivering alcoholic drinks to any person or class of persons on any one business day at lower prices than would be charged the general public on any other business day as part of a "ladies' night," "men's night," or "college night" sales promotion.
- (D) Licensees are additionally prohibited from encouraging or permitting any game or contest on the licensed premises that involves drinking alcoholic liquor or the awarding of alcoholic liquor as a prize.
- (E) The prohibitions in this section are not intended to prevent a licensee from offering free food or entertainment, including alcoholic beverages as part of a meal package, or offering room services to registered guests in hotels licensed for such services.

[Statutory Reference: 235 ILCS 5/6-28]

#### **70.32 SALES VIOLATIONS.**

- (A) No licensee, agent or employee shall knowingly allow an underage person to purchase, to be served, accept or otherwise possess any alcoholic or non-alcoholic liquor on the licensed premises.

- (B) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give away 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.
- (C) No licensee, agent or employees, shall suffer or permit any underage person to patronize, frequent or loiter in any establishment deriving its principal business from the sale alcoholic liquor for consumption on the premises; or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located.
1. However, this prohibition shall not apply to any underage person who is accompanied by his or her parent, guardian or spouse, or to any licensed premises which derives its principal business from the sale of service or goods other than alcoholic liquor.
  2. Nor do the prohibitions apply to any underage person who is engaged in lawful employment to the extent such persons' presence at the licensed premises is necessary in connection with said employment and is permitted by this Chapter.
- (D) No licensee, agent or employees, shall sell, give away, permit to be sold or served or given away any alcoholic liquor to any intoxicated person or to any person known by be a habitual drunkard, spendthrift, insane or mentally ill person, mentally deficient person or person in need of mental treatment.
- (E) No licensee can sell, give away, permit to be sold or served or given away for consumption on the licensed premises any distilled spirits except by the glass, or any malt or vinous beverage except in individual servings not exceeding thirteen (13) fluid ounces.
1. However, this subsection does not apply to Unrestricted Licensees, Unrestricted Club Licensees, Unrestricted Package Goods Licensees and Unrestricted Service Industry Licensees.
  2. Nor should this subsection be construed to prohibit a licensee from selling pitchers, carafes or bottles of alcoholic liquor which are customarily sold as such and delivered to two or more persons at one time.
- (F) No person licensed pursuant to this Chapter shall sell, give away, permit to be sold or served or given away for consumption on the licensed premises any alcoholic liquor from a drive-in window or other similar opening in the licensed premises to any patron occupying a motor vehicle at the time of such sale. Nor shall any person licensed pursuant to this Chapter provide curb services sales of alcoholic liquor to any patron occupying a motor vehicle at the time of such sale upon the premises, a public street or private property.



(G) If a licensee, agent or employee believes or has reason to believe that a sale, gift or delivery of any alcoholic liquor is prohibited because the prospective recipient is underage, said licensee, agent or employee shall, before making such sale, gift 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.

1. a licensee, his agent or employee may refuse to sell, serve, give or deliver alcoholic beverages to any person who is unable to produce adequate written evidence of identity and age by production of a document issued by the federal, State, or County government, or subdivision or agency thereof, including but not limited to the following documents:

(a) a motor vehicle operator's license;

(b) a registration certificate issued under the Federal Selective Act; or

(c) an identification card issued to a member of the Armed Forces.

2. Proof that the licensee, or his employee or agent, demanded, examined and reasonably relied upon such written evidence in any transaction forbidden by this Chapter is competent evidence and may be considered in any general complaint, suspension or revocation proceedings based thereon.

3. In order to reasonably rely upon written evidence regarding a patron's identity and age, a licensee, agent or employee shall use the prudent judgment of a reasonable and informed person, and shall scrutinize said written evidence of age and identity by doing the following:

(a) determine if the physical description and photograph (if any) on the document presented matches that of the presenting person;

(b) determine whether the plastic seal on the identification card is intact or broken; and,

(c) in the case of an Illinois Driver's License, determine whether the seventh and eight digits in the driver's license number (excluding the beginning initial) match the stated date of birth located elsewhere on the driver's license.

4. If from the foregoing, a reasonable person would or should doubt the authenticity of the identification card, then the person offering the identification must not be sold, served or delivered any alcoholic liquor.

(H) The giving away or delivery of any alcoholic liquor for the purpose of evading any provisions of this Chapter; or the taking of orders or the making or

agreements regarding the sale or delivery of any alcoholic liquor at or within any premises while the sale of alcoholic liquor is prohibited; or any other shift or device to evade any provision of this Chapter is prohibited and shall constitute unlawful selling.

[Statutory Reference: 235 ILCS 5/6-16, 5/6-20]

### **70.33 UNDERAGE PERSONS VIOLATIONS.**

- (A) No underage person may misrepresent his age for the purpose of purchasing or receiving alcoholic liquor in any premises licensed under this Chapter, or in any manner make any attempt to purchase alcoholic liquor.
- (B) No underage person shall at any time have any alcoholic liquor in his possession. However, this does not apply to an underage person who is a lawfully engaged as an employee of said licensee, to the extent necessary in connection with such employment.
- (C) No underage person shall transfer, alter or deface an identification card, use another person's identification card, or obtain an identification card by means of false information.

[Statutory Reference: 235 ILCS 5/6-16, 5/6-20]

### **70.34 MISCELLANEOUS ALCOHOL-RELATED VIOLATIONS.**

- (A) No person shall possess, sell or transfer an altered or defaced identification card, another person's identification card, or a false or forged identification card.
- (B) No person shall obtain an identification card by means of false information.
- (C) No person shall consume any alcoholic liquor on any public street, sidewalk, alley or other publicly owned or controlled space.
- (D) No person shall knowingly permit a gathering of two or more persons at a residence which the person occupies or owns, where one or more of the persons present are under twenty-one (21) years of age and one of the following factors also applies:
  - 1. the owner or occupant of the residence knows that any such person present who is under the age of twenty-one (21) is in possession of or is consuming any alcoholic beverage, in violation of a provision of State statute or this Chapter; or,
  - 2. the owner or occupant of the residence knows that the person under the age of twenty-one (21) left the residence in an intoxicated condition.

- (E) No person shall rent a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one (21) years of age.
- (F) No person shall transport, carry or possess any alcoholic or non-alcoholic liquor in, upon or about any motor vehicle in or any public street, alley or place except where such alcoholic or non-alcoholic liquor is in the original package with an unbroken seal.

[Statutory Reference: 235 ILCS 5/6-16, 5/6-20]

## **STANDARDS OF OPERATION**

### **70.40 HOURS OF OPERATION.**

- (A) No persons licensed hereunder as a retailer of alcoholic liquor shall sell, dispense, furnish or give away any alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on Mondays through Saturdays, nor between the hours of 3:00 a.m. and noon on Sundays. The time referred to shall be either Central Standard Time or Daylight Savings Time, whichever is in effect at the time in this State.
- (B) No licensee shall permit any person to consume any alcoholic liquor on the premises during the hours specified herein and all customers of the licensee shall vacate the licensed premises during the hours specified herein. Provided, however, that on days other than Sunday, patrons of the licensed premises during the hours specified herein. Provided, however, that on days other than Sunday, patrons of the licensed premises shall be permitted to remain on the premises until 2:30 a.m. and shall be permitted to consume any alcoholic liquor they had purchased on the premises prior to 2:00 a.m., and further provided that on Sundays, patrons of the licensed premises shall be permitted to remain on the premises until 3:30 a.m. and shall be permitted to consume any alcoholic liquor they had purchased on the premises prior to 3:00 a.m.
- (C) No person licensed to operate a beer garden shall sell, dispense, furnish or give away any alcoholic liquor for consumption in the outdoor, privately owned portion of the licensed premises between the hours of 11:00 p.m. and 6:00 a.m. on Mondays through Saturdays, nor between the hours of midnight and noon on Sundays.
- (D) During the prohibited hours of sale, every premises where alcohol may be sold at retail must be kept closed, and no person other than the licensee, an immediate family member of the licensee, or an employee shall be permitted to remain therein. All doors directly opening into or out of the premises must be securely

locked during the prohibited hours of sales. However, the provision relating to the locking of doors shall not apply to restaurants and hotels licensed as food dispensers, nor to clubs, drug stores or delicatessens.

[Statutory Reference: 235 ILCS 5/6-14]

#### **70.41 PUBLIC HEALTH STANDARDS**

- (A) All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for retail sale, shall be kept in clean and sanitary condition and shall be kept in full compliance with provisions regulating the condition of premises used for the storage or sale of food human consumption.
- (B) Every person licensed hereunder who shall sell any alcoholic liquor for consumption on the premises of such licensed premises shall keep and maintain the licensed premises equipped with running hot and cold water, and adequate sanitary washing facilities for the cleansing of glasses and service utensils, and shall provide separate and adequate toilet facilities for both males and females, and shall comply with all health, sanitary and inspection requirements of this code.
- (C) All licensees dispensing draught beer shall have coils and other equipment used in drawing draught beer cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning.

[Statutory Reference: 235 ILCS 5/6-24]

#### **70.42 EMPLOYMENT OF UNDERAGE PERSONS.**

- (A) It shall be unlawful for any underage person to draw, pour or mix any alcoholic liquor in any licensed retail premises.
- (B) It shall be unlawful for any underage person to sell, serve or deliver alcoholic liquor in a licensed retail premises, unless all of the following conditions are met:
  - 1. the underage person is eighteen (18) years of age or older;
  - 2. the underage person is a bonafide employee of a retail license; and,
  - 3. the licensee, manager, agent or other employee of the licensed retail premises is present on said premises with the underage person.

[Statutory Reference: 235 ILCS 5/4-1]

#### **70.43 DUTY TO CALL LAW ENFORCEMENT.**

- (A) No licensee, his agent, servant or employee shall refuse to call and summon law enforcement personnel or shall fail to call or summon law enforcement personnel when a reasonable request to do so is made by another person.
- (B) A licensee, agent, servant or employee shall call and summon law enforcement personnel whenever any fight, disturbance, or any other violation of the law comes to attention.

#### **70.44 DISPLAY OF LICENSE AND WARNING SIGNS.**

All persons licensed to sell alcoholic liquor must post, in a conspicuous place, the following documents:

1. the Madison County Certificate of License;
2. a sign which clearly reads: "GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS."
3. a sign which clearly reads: "WARNING TO PERSONS UNDER 21 YEARS OF AGE: YOU ARE SUBJECT TO A FINE OF UP TO \$500.00 UNDER THE MADISON COUNTY LIQUOR CODE IF YOU PURCHASE, RECEIVE, ACCEPT OR ACQUIRE ALCOHOLIC OR NON-ALCOHOLIC LIQUOR OR IF YOU MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING, RECEIVING, ACCEPTING OR ACQUIRING ALCOHOLIC LIQUOR."

[Statutory Reference: 235 ILCS 5/6-24, 5/6-24a]

### **ADMINISTRATION AND ENFORCEMENT**

#### **70.50 COMMISSIONER**

- (A) The Chairperson of the County Board shall be the Local Liquor Control Commissioner in the territory of the County outside the corporate limits of any city, village or incorporated town. This person is charged with the administration of the appropriate provisions of State law relating to alcoholic liquor, and the provisions of this Chapter.
- (B) The Commissioner may appoint the five members of the License Committee of the County Board, the State's Attorney and the Sherriff to assist him in the exercise of the powers and the performance of the duties set out in this Chapter

and by State law. When so appointed, each of these persons shall each be known as an Assistant Local Liquor Control Commissioner, and may exercise the same powers as the Commissioner.

[Statutory Reference: 235 ILCS 5/4-2]

#### **70.51 COMMISSIONER'S POWERS.**

The Commissioner shall have the following powers, functions and duties with respect to licenses issued under the provisions of this Chapter:

- (A) To grant and issue liquor licenses to applicants within the limits and territory of the County, outside the corporate limits of any incorporated city, village or town, upon the conditions and in the manner provided by this Chapter and by State law relating to alcoholic liquor, and not otherwise.
- (B) To review any written objections of concerned citizens in opposition of the granting of the liquor license. The Commissioner may deny an application for a County Liquor license if the issuance of such license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the community in which the licensed premises is to be located.
- (C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder, to determine whether any provisions of State law or any of the provisions of rules or regulations adopted by local or state commissions are being violated, and at the time to examine the premises of the licensee in connection therewith..
- (D) To receive complaints from any citizen within this jurisdiction that any of the provision of the laws of this state relating to alcoholic liquor or the provisions of this Chapter or Code have been or are being violated, and to act upon such complaints.
- (E) To appoint a special investigator to investigate as to compliance with or violation of the provisions of this chapter by a person selling intoxicating liquor at retail within the jurisdiction of the commissioner.
- (F) To examine or cause to be examined, under oath, any applicant for a license or for the renewal thereof, or any licensee upon whom notice of revocation has been served in the manner provided by law.
- (G) To examine, or cause to be examined the books and records of any applicant or licensee.

- (H) To hear testimony and take proofs for his information in the performance of his duties and for this purpose to issue subpoenas, as provided by law, which shall be effective in any part by the commissioner under this section.
- (I) To suspend for not more than thirty (30) days or revoke for cause all licenses issued to persons for premises within the territory of the County outside the corporate limits of any incorporated city, town or village, for any one or more of the following reasons:
1. Making by the licensee of any false statement as to a material fact in any application for license;
  2. Failure of a licensee to submit a tax return or filling a fraudulent tax return;
  3. Failure to pay all or part of any tax or penalty finally determined to be due and owing;
  4. Violation by the licensee of any of the provisions of the Criminal Code of Illinois;
  5. Violation by the licensee, an agent or a servant, of any of the provisions of the laws of this State in relation to alcoholic liquors or dram shops;
  6. Willful violation by the licensee, an agent or a servant of any rule or regulation of the Illinois Liquor Control Commission or of the local liquor control commission;
  7. Violation by the licensee, an agent or a servant of any of the provisions of this Chapter.
- (J) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act, 805 ILCS 5/1.01 et seq., 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.
- (K) To receive fees for licenses issued hereunder and to pay the same forthwith to the County Treasurer.
- (L) To draw his order on the Treasurer for the payment by the Treasurer, out of license fees collected, of all reasonable expenses incurred by the Commissioner for necessary printing, stationary and postage.

- (M) To keep or cause to be kept a complete record of all licenses issued hereunder and shall furnish the County Clerk, Treasurer and the Madison County Sheriff each with a copy thereof. Upon the issuance of any new license or the revocation of any old license, the Commissioner shall give written notice of such action to each of these officers within five (5) days of any such action.

[Statutory Reference: 235 ILCS 5/4-4 through 5/4-5]

#### **70.52 EMERGENCY CLOSING.**

- (A) In all cases where, in the opinion of the Commissioner the public peace or the welfare of the community, is likely to be threatened or endangered by the keeping open of such places where intoxicating liquor is sold at retail or dispensed, it shall be lawful for the Commissioner, without notice or hearing, to close such premises upon the issuance of a written order which shall state the reasons for such closing, commanding and enjoining any or all persons so licensed by the County and their servants and agents from selling, giving away, or permitting any alcoholic liquors to be imbibed in or about their premises during the time mentioned in said order.
- (B) In any event, no such emergency order shall be valid beyond seven (7) days, giving the licensee an opportunity to be heard during that period. If such licensee shall also be engaged in the conduct of another business (es) on the licensed premises, such order shall not be applicable to such other business (es).
- (C) The Madison County Sheriff may order, at his discretion, a licensed premises to be closed without hearing for a period of twenty four (24) hours, if the premises constitutes a crime scene, and such closing could prevent the loss or destruction of evidence and facilitate a police investigation, or if the premises was the scene of a violent disturbance involving injury or threat to citizens or the use of firearms. Such closing, and the reasons thereof, will be documented by the Madison County Sheriff and a report submitted to the Commissioner.

[Statutory Reference: 235 ILCS 5/7-5]

#### **70.53 VICARIOUS LIABILITY.**

- (A) If the owner of the licensed premises or any person from the 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 deemed guilty of a violation of this Chapter to the same extent as said licensee and be subject to the same punishment.
- (B) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter, by any officer, director, manager or other agent or



employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in by the licensee personally.

[Statutory Reference: 235 ILCS 5/10-2 through 5/10-3]

#### **70.54 COMPLAINT PROCEDURES.**

(A) The following parties shall have the right to file a complaint with the Commissioner stating that a liquor licensee has been or is violating any rules and regulations of the Illinois Liquor Control Commission, any State statute regarding alcoholic liquor, or any provisions of this Chapter:

1. the State's Attorney's Office;
2. the Sheriff's Department;
3. any law enforcement official; or,
4. any resident of this County residing within the territory of the County outside the corporate limits of any incorporated city, town or village,

(B) The complaint shall be in writing in the form prescribed by the Commissioner and shall be signed and sworn to by the person making the complaint. The complaint shall state the provisions believed to have been violated and the facts in detail upon which this belief is based.

(C) If the Commissioner is satisfied that the complaint substantially charges a violation and that the alleged facts provide reasonable cause for such belief, then the Commissioner shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing, and of the particular charge (s) in the complaint.

(D) A presumption of a violation of the provisions of this Chapter is created where evidence that the licensee has been found guilty of violating any of the following is presented:

1. a State law in the conduct of a licensed business;
2. a State law upon the premises; or
3. any provision of this Chapter.

(E) Prima facia evidence of a violation of the provisions of this Chapter is provided by evidence that any person other than the licensee has been found guilty of violating any of the following:

(F) Proof of a violation of any provision of this Chapter by a clear preponderance of the evidence shall be sufficient cause for suspension or revocation of any license issued under this Chapter, irrespective of whether or not a conviction has been obtained in any court.

(G) In all prosecutions under this Chapter, it shall be sufficient to state that the act complained of took place in a territory where such sales were prohibited. It shall not be necessary to state or set forth facts alleging any of the following:

1. the name(s) of any person to whom alcoholic liquor was sold.
2. the kind of alcoholic liquor sold;
3. a description of the premises where sold;
4. knowledge of the principal (licensee) of acts committed by any agent or employee.

[Statutory Reference: 235 ILCS 5/10-2 through 5/10-3]

#### **70.55 HEARING PROCEDURES.**

(A) The Commissioner may revoke or suspend any liquor license issued by this County, or fine the licensee, if he determines that the licensee has violated any of the provisions of this Chapter, any applicable rule or regulations established by the Illinois Liquor Control Commissioner, any State law regarding alcoholic liquor or any provisions of this chapter.

(B) If the Commissioner has reason to believe that any continuing operation of a particular licensed premises will immediately threaten the welfare of the community he 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 then such order shall not be applicable to such other business or businesses not involving alcoholic liquor.

(C) In situations in which the welfare of the County or its citizens are not immediately threatened, the Commissioner shall give a licensee three (3) days written notice at which time hearing will be held to determine whether the County liquor license should be revoked or suspended. The licensee shall have the right to appear at the hearing and defend himself.

- (D) The Commissioner shall conduct said hearing, and the Madison County State's Attorney or his designee shall be allowed to present evidence against the licensee.
- (E) The hearing shall be open to the public, and an official record of the hearing shall be maintained and preserved either through tape recordings or by the efforts of a certified shorthand reporter or stenographer. All written evidence shall be preserved.
- (F) The Commissioner shall within five (5) days after such hearing, if he determines that the license should be revoked or suspended, state the reason(s) for such determination, the period of suspension or revocation or the amount of fine levied in a written order. The licensee shall be served with a copy of this written order shall be served a copy of such written order within five (5) days of the issuance of said order.

[Statutory Reference: 235 ILCS 5/7-5, 5/7-7]

#### **70.56 LICENSEE REVOCATION.**

- (A) When any licensee issued pursuant to this Chapter shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for conducting the business of selling alcoholic liquor in the premises described in such revoked license.
- (B) It shall be unlawful and shall constitute a further violation of this Chapter for a licensee to continue to operate under its license after said license has been revoked by the Commissioner.

[Statutory Reference: 235 ILCS 5/4-4, 5/7-5]

#### **70.57 APPEAL PROCEDURES.**

Whenever any order or action of the Commissioner, levying or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license, or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license is appealed to the State Commission, the appeal shall be limited to a review of the official record of the proceedings of the local liquor control commission.

[Statutory Reference: 235 ILCS 5/7-9]

#### **70.99 PENALTY**

- (A) In the event that the Commissioner finds any licensee or holder of a retail liquor license or his agent or employee, guilty of violating any provision of this Chapter, the Commissioner may order one or more of the following:

1. a fine not to exceed one thousand (\$1,000) dollars per violation, nor more than ten thousand (\$10,000) maximum in total fines, against any licensee during the period of the license.
  2. reasonable attorney's fees incurred by the Commissioner;
  3. reasonable hearing costs, including court reporter's fees incurred at the hearing;
  4. suspension of the licensee's liquor license for a period not to exceed thirty (30) days;
  5. revocation of the licensee's liquor license.
- (B) In the event that the Commissioner finds any underaged person or patron of a licensed premises guilty of violating any provision of this Chapter, the patron may be fined an amount up to \$500 for each violation charged.
- (C) Any person violating the provisions of this Chapter, or any of the regulations promulgated hereunder, shall be subject to an offense for each and every day on which such violation continues, and each day that the offense continues shall be regarded as constituting a separate offense.
- (D) The aforesaid remedies shall be in addition to all other remedies and penalties available to the County or to the Commissioner, both at law or in equity and not in lieu thereof. Any penalties, costs or fees assessed under this Chapter shall be payable upon the order of the Commissioner unless notice of appeal has been filed by the licensee, in which case payment is stayed until the final decision of a court of competent jurisdiction.

[Stat. Ref.: 235 ILCS 5/3-12, 5/4-1, 5/4-4, 5/7-5, 5/7-9]

**ORDINANCE NO. 94-04**

**RESOLUTION AMENDING SECTION 70.40  
HOURS OF OPERATION**

**ORDINANCE NO. 94-04**  
**RESOLUTION AMENDING ORDINANCE 93-09**

WHEREAS, on December 15, 1993, an Ordinance was passed creating the Madison County Liquor Products and Services Code, and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/1 et seq., empowers and authorizes the Madison County Board to adopt rules, regulations and restrictions to oversee and control the issuance of County liquor licenses and operations thereof;

WHEREAS, the County Board is desirous of amending the paragraph in the Madison County Liquor Services Code entitled "Hours of Operation;"

NOW THEREFORE, be it ordained by the Madison County Board that the following the paragraph entitle "Hours of Operation" be adopted as amended:

**70.40 HOURS OF OPERATION.**

- (A) No persons licensed hereunder as a retailer of alcoholic liquor shall sell, dispense, furnish or give away any alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on Mondays through Saturdays, nor between the hours of 3:00 a.m. and noon on Sundays. The time referred to shall be either Central Standard Time or Daylight Savings Time, whichever is in effect at the time in this State. The licensee shall be responsible for posting signs indicating the times when alcoholic liquor may be legally purchased.
- (B) No licensee shall permit any person to consume any alcoholic liquor on the premises during the hours specified herein and all customers of the licensee shall vacate the licensed premises during the hours specified herein. Provided, however, that on days other than Sunday, patrons of the licensed premises shall be permitted to remain on the premises until 2:30 a.m. and shall be permitted to consume any alcoholic liquor they had purchased on the premises prior to 2:00 a.m., and further provided that on Sundays, patrons of the licensed premises shall be permitted to remain on the premises until 3:30 a.m. and shall be permitted to consume any alcoholic liquor they had purchased on the premises prior to 3:00 a.m.
- (C) No person licensed to operate a beer garden shall sell, dispense, furnish or give away any alcoholic liquor for consumption in the outdoor, privately owned portion of the licensed premises between the hours of 11:00 p.m. and 6:00 a.m. on Mondays through Saturdays, nor between the hours of midnight and noon on Sundays.

1. the premises must be kept closed, and no person other than the licensee, an immediate family member of the licensee, or an employee shall be permitted to remain therein;
2. all doors directly opening into or out of the premises must be securely locked during the prohibited hours of sales.
3. the above prohibitions listed in paragraphs (1) and (2) apply only to premises where alcohol may be sold by the drink or pitcher, for consumption on the premises.

PASSED AND ADOPTED by the Madison County Board this 16<sup>th</sup> day of \_\_\_\_\_, 1994.

ATTEST:

Respectfully submitted,

## License Committee

**ORDINANCE NO. 94-16**

**AMENDMENT TO SECTION 70.13 (G)  
INITIAL APPLICATION AND PROCEDURES**



## **ORDINACE NO. 94-16**

### **AMENDMENT TO SECTION 70.13 (G) OF THE MADISON COUNTY LIQUOR CODE.**

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/1 et seq., empowers and authorizes the Madison County Board to adopt rules, regulations and restrictions to oversee and control the issuance of County liquor licenses and operations thereof; and

WHEREAS, the License Committee of the County Board is desirous of adopting an amendment to the Madison County Liquor Code, and incorporating said amendment into the general County Code:

NOW THEREFORE, be it ordained by the Madison County Board that Paragraph (G) of Section 70.13 of the Chapter on "Liquor Products and Services" of the Madison County Code is adopted as herein revised, amended and restated. The above-described section shall now read as follows:

#### **70.13 INITIAL APPLICATION AND PROCEDURES.**

- (G) At the time of a filing an application for a liquor license and upon the payment of all applicable license fees, the applicant must produce a policy of insurance (dramshop) in a solvent and responsible company authorized to do business in the State of Illinois insuring said licensee against liability for any injury, death or property loss or damage which said licensee may incur while operating under the provisions of the Illinois Liquor Control Act and this Chapter.
1. Said policy of insurance must be issued (a) with policy limits of thirty thousand (\$30,000) dollars per occurrence for the loss or damage of any person's property, thirty thousand (\$30,000) dollars per occurrence for the injury of any person, and forty thousand (\$40,000) dollars per occurrence for loss of means of support resulting from the death or injury of any person; or (b) with a combined single limit of one hundred thousand (\$100,000) dollars per occurrence;
  2. Each applicant must produce a certificate insurance indicating that he insurer will notify the Commissioner of cancellation of said insurance policy no less than (10) days prior to cancellation of such insurance policy for any reason;
  3. The term of the insurance policy must be co-extensive with the term of the liquor license;
  4. Termination or lapse of the licensee's insurance (dramshop) coverage shall be grounds for the revocation of such license."

PASSED AND ADOPTED by the Madison County Board this 16<sup>th</sup> day of November, 1994.

---

NELSON HAGNAUER, CHAIRMAN  
MADISON COUNTY BOARD

ATTEST:

---

DEBBIE SALTICH, COUNTY CLERK

**ORDINANCE NO. 96-10**

**AMENDMENT TO SECTION 70.12  
LIQUOR LICENSE CLASSIFICATIONS**

**ORDINANCE NO. 96-10**

**AMENDING THE MADISON COUNTY  
LIQUOR LICENSE CLASSIFICATIONS**

WHEREAS, the present liquor license section does not provide for specific license classifications sufficient to meet the immediate needs of the County; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/1 et seq., empowers and authorizes the Madison County Board to adopt rules, regulations and restrictions to oversee and control the issuance of County liquor licenses and operations thereof; and

WHEREAS, the County Board is desirous of amending said rules, regulations and restrictions, and incorporating said amendments into the Liquor Code;

NO THEREFORE, be it ordained by the Madison County Board that Section 70.12, "License Classifications," be amended to read as follows:

Section 1.

**70.12 LICENSE CLASSIFICATIONS**

(A) All County liquor licenses are for the duration of a normal calendar year, except where explicitly noted, and shall be classified according to the following classes:

1. Class A: A **Tavern & Restaurant License** shall entitle the licensee to sell any alcoholic liquor at retail, (by the drink or pitcher), for consumption on the premises; or, to sell any alcoholic liquor at retail, (where said alcoholic liquor is enclosed in the original bottle, jug, can, cask, barrel, keg or other receptacle or container, corked, capped or sealed and labeled by a manufacturer of alcoholic liquor), for consumption off the premises.
2. Class B: A **Package Liquor License** shall entitle the licensee to sell any alcoholic liquor at retail, (where said alcoholic liquor is enclosed in the original bottle, jug, can, cask, barrel, keg or other receptacle or container, corked, capped consumption off the premises.
3. Class C: A **Caterer's License** shall entitle the licensee to transfer any alcoholic liquor, (where enclosed in the original bottle, jug, can, cask, barrel, keg or other receptacle or container, corked, capped or sealed and labeled by a manufacturer of alcoholic liquor), from the licensee's premises to the catered premises where said alcoholic liquor is to be sold at retail by the drink or pitcher, for consumption on the premises being catered.

4. Class D: A **Special Use License** shall entitle a licensee holding a Class “A” license to transfer alcoholic liquor, (where enclosed in the original bottle, jug, can, cask, barrel, keg labeled by a manufacturer of alcoholic liquor), from the licensee’s premises to a designated site for a special event, where said alcoholic liquor is to be sold at retail by the drink or pitcher, for consumption at the site of the special event.
  5. Class E: A **Special Event License** shall entitle a current licensee, or an educational, fraternal, political, civic, religious or non-profit organization to sell beer and wine only for consumption at the site of the special event on the dates designated on the Special Event License, said period not to exceed three (3) days for each event. No licensee shall be issued Special Event Licenses that would authorize the sale of alcoholic liquor at retail for more than an aggregate of ten (10) days within one calendar year.
- (B) The fee for a class “A,” “B” or “C” liquor license shall be payable in advance, and shall be for the full amount of the licensing fee if purchased by an initial applicant prior to the first day of July of the year the license is requested; and shall be for half of the full amount of the licensing fee if purchased by an initial applicant on or after the first day of July of the year the license is requested. In no case, however, will there be a pro rata refund of any unused portions of a liquor license.

(C) License Fees.

1. The annual fee for a Class “A” or “B” license that is purchased prior to July 1<sup>st</sup> of the year the license is applied for is \$600.00; and,
2. The annual fee for a Class “A” or “B” license that is purchased on or after July 1<sup>st</sup> of the year the license is applied for is \$300.00; and,
3. The annual fee for a Class “C” license that is purchased prior to July 1<sup>st</sup> of the year the license is applied for is \$200.00; and,
4. The annual fee for a Class “C” license that is purchased on or after July 1<sup>st</sup> of the year the license is applied for is \$100.00; and,
5. The fee for a Class “D” or “E” license is \$25.00 per day, for a period not to exceed ten (10) days in one calendar year.

Section 2.

Said Code shall be deemed published as of the day of its adoption and approval by the Madison County Board, and the Clerk

Section 3.

Said Code shall be in full force and effect immediately upon the date of its passage.

PASSED AND ADOPTED by the Madison County Board this 18<sup>th</sup> day of September, 1996.

---

RUDY PAPA, CHAIRMAN  
MADISON COUNTY BOARD

ATTEST:

---

DEBBIE SALTICH  
MADISON COUNTY CLERK

Respectfully submitted,

APPROVED AS TO FORM:

---

WILLIAM R. HAINE  
State's Attorney  
Madison County, Illinois

---

License Committee