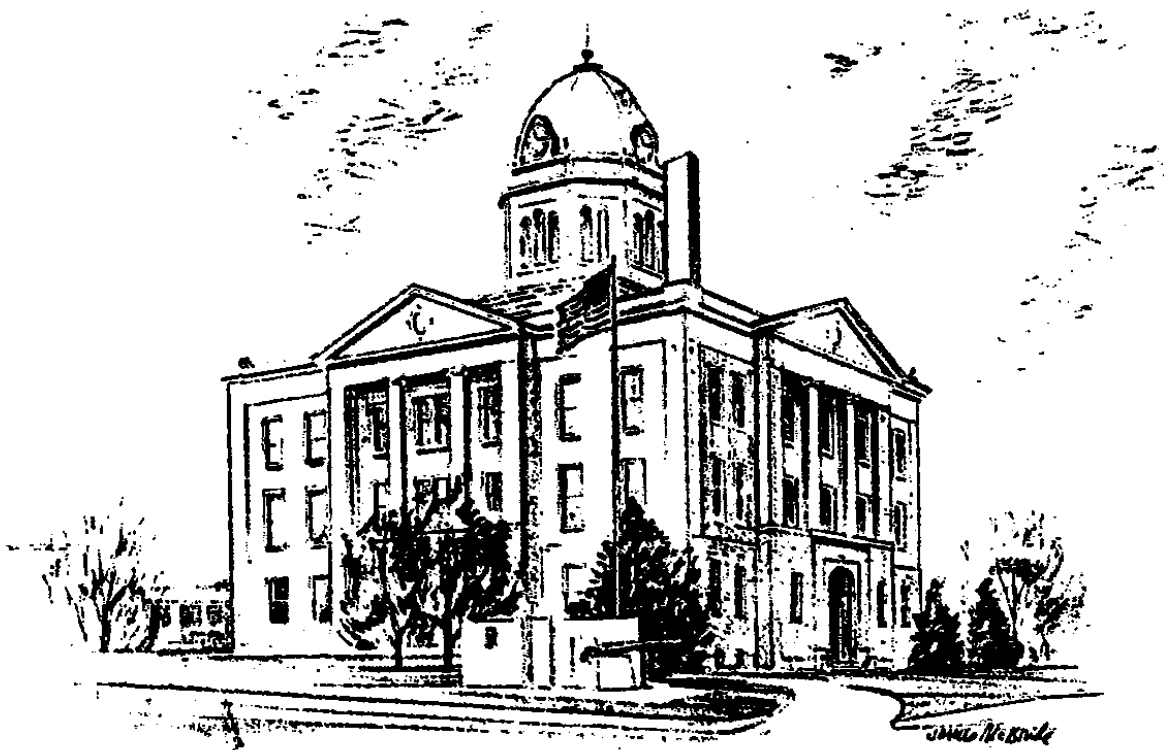


**LIQUOR CONTROL ORDINANCE  
OF  
MOULTRIE COUNTY**

**(REVISED MARCH 2013)**



*Moultrie County Courthouse Sullivan Illinois*

**Georgia C. England  
Moultrie County Clerk**

**10 S. Main, Suite 6  
Sullivan, IL 61951  
(217) 728-4389**

# LIQUOR CONTROL ORDINANCE OF

## MOULTRIE COUNTY

### ARTICLE I

**WHEREAS**, the County of Moultrie, State of Illinois, has certain Rules and Regulations for County Liquor Licenses, which apply outside the corporate limits of any City, Town or Village within Moultrie County, and

**WHEREAS**, this Board believes that said Rules and Regulations are in need of revisions, now therefore,

**BE IT ORDAINED**, by the Moultrie County Board of Moultrie County, Illinois, now in regular session, that the Liquor Control Resolution Revised on July 1, 2004, is hereby rescinded and

**BE IT FURTHER ORDAINED**, that the following Liquor Control Ordinance for Moultrie County, for those areas outside the corporate limits of any City, Town or Village, be and are hereby adopted by this Board and shall be known as the Liquor Control Ordinance of Moultrie County.

### ARTICLE II

#### Sec. 2-1 Definitions.

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq), as amended, shall have the meaning accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms, as used in this Chapter, shall be construed according to the definitions set forth below.

- Liquor Control Act. The State Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq).
- Local commissioner. The Chairman of the Moultrie County Board is the Local Liquor Control Commissioner for the County of Moultrie.
- Premises. The place or location, which may be enclosed or not enclosed, where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Included is all of the contiguous area which is described in the application for local liquor license, excluding those areas which are devoted to the public such as sidewalks and roads.

- State commission. The Illinois Liquor Control Commission.
- Not for profit corporation. A corporation organized under the Illinois Not For Profit Corporation Act, which is organized solely for the promotion of some common object other than the sale or consumption of alcoholic beverages, kept, used and maintained by dues paid by its members, and whose facilities include adequate kitchen and dining room space and sufficient cooks and employees for serving food and meals to members and guests and no part of any earnings of said corporation inures to the benefit of any member or individual.

**Sec. 2-2 Local commissioner.**

The Chairman of the County Board is hereby designated as the local commissioner and shall be charged with the administration of the Liquor Control Act and such ordinances relating to alcoholic liquor as may be enacted. The Chairman of the County Board may appoint a person or persons to assist him or her in the exercise of the powers and the performance of the duties under the Liquor Control Act and County of Moultrie ordinance.

**Sec. 2-3 Commission.**

The Chairman of the County Board of Moultrie County, Illinois shall appoint a Liquor Control Commission, hereinafter referred to as “The Commission” from the members of the Moultrie County Board, the number so appointed to be not less than three nor more than five members, not including the Chairman of the Moultrie County Board. Attendance at a meeting by more than one-half of the appointed members shall permit the convening of The Commission.

**Sec. 2-4. Hours of operation.**

(a) Except as prohibited elsewhere in this chapter, or by law, alcoholic liquor may be sold, offered for sale, or otherwise transferred with or without consideration at any time, except as follows:

- (1) Between the hours of 1:00 a.m. and 12:00 noon on Sunday.
- (2) Between the hours of 1:00 a.m. and 6:00 a.m. on Monday through Saturday.

(b) All times referred to herein shall be local time adopted by the State of Illinois pursuant to the Illinois Time Standardization Act. (5 ILCS 440 et.seq.), or controlling federal statute or Interstate Commerce Commission ruling regarding time for the State of Illinois.

(c) The premises of each license where liquor is sold or offered for sale for consumption on the premises must be vacated within one (1) hour after the closing hour at which sales of alcoholic liquor must stop, as required above except for the owner or manager and custodial personnel.

(d) Each licensee shall post in at least two (2) prominent places in the licensed premises, the hours of closing at which sales of alcoholic liquor must stop and the hours by which the premises must be vacated by all unauthorized persons.

**Sec. 2-5. Sales to minors, drunkards and mentally disabled.**

No licensee or 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.

**Sec. 2-6. Transporting in motor vehicle.**

No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken.

**Sec. 2-7. Location.**

Except as otherwise provided, a licensee possessing a license to sell alcoholic liquors at retail shall be permitted to sell such alcoholic liquors only in the premises described in the application and license. Such location may be changed only upon written permit issued by the local liquor commissioner.

**ARTICLE III**

**Sec. 3-1. License required.**

It shall be unlawful to sell or offer for sale any alcoholic liquor at retail, in this County, outside of the limits of any incorporated town, city or village, without having a retail liquor dealer's license, or in violation of the terms of such license.

**Sec. 3-2. Application.**

(a) Applications for licenses under this article shall be made in writing and filed with the County Clerk of Moultrie County, Illinois, signed by the applicant and verified by oath, and shall contain such information as may be required by the local

liquor commissioner consistent with state law and this Ordinance. Such application shall include sufficient payment of fees to satisfy such license fee together with the Clerk's fees. The County Clerk shall then refer said applications to the local liquor Commission and shall transfer the license fee in that same manner as all license fees received by the Office of the County Clerk. The County Clerk's fee for accepting the license application shall be \$25.00 per license. The Clerk's fee and the license fee shall be paid by cash, check, or money order. The Clerk's fee is nonrefundable in the event the application for the license is denied.

(b) Every license holder must, in the application for a liquor license (other than a T license) list up to two (2) persons who are designated as "managers" and qualified to act on behalf of the licensee. An owner can also be a manager. One of such persons must be available to act (either in person or via telephone) on behalf of the licensee at all times. Such managers must not be disqualified to hold a liquor license in the State of Illinois other than for reasons of citizenship. Any person who is listed as a manager must reside in Moultrie County, Illinois, or, if they reside outside of Moultrie County, such person must be regularly present at the licensed premises for a minimum of thirty (30) hours each week. If any of the persons so designated as managers in the application are no longer serving in such capacity, the Commissioner must be advised in writing within five (5) days of the date when such person's duties as manager is terminated. Managers may be added during the license year provided the Commissioner approves application for such person.

(c) Each liquor license is restricted to the premises specified in the application. A separate license shall be required for each separate location. Only one location may be specified in the license application.

(d) Applications for any license under the terms of this Ordinance shall be signed by the applicant, if an individual; by all of the partners, if a partnership; or by a duly authorized agent of the corporation, if a corporation; and all signatures thereon shall be verified. The application shall contain the following:

1. The name, age and address of the applicant in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the date of incorporation, the state of incorporation, the purposes for which the corporation was organized, the names and addresses of the officers, directors, shareholders, and whether the corporation is organized as a profit or not-for-profit corporation, and if a not-for-profit corporation, the members thereof.
2. The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.
3. The character of the business of which the license is intended.

4. The length of time that applicant has been in a business similar to that for which the license is sought, or in the case of a corporation, the date on which its charter was issued.
5. An inventory of goods, wares, merchandise, equipment, expendables and any other items which are solely for the purpose of the business for which the license is applied.
6. The location and description of the premises to be operated under such license, and photographs of the interior, and exterior, kitchen and dining area of such premises. In the event the building is not constructed, at the time of the application, the plans of the building to be constructed, certified by a registered architect.
7. A statement whether applicant has made application prior to this application, and the disposition of each prior application.
8. The date, place and nature of any conviction of crime of the applicant, or, if a corporation, the date and place of any conviction of crime of any agent or shareholder of said corporation.
9. Whether a previous license to sell alcoholic beverages has been suspended or revoked by any State or subdivision thereof, or by the Federal government, the date and place of such suspension or revocation and the reason for such suspension or revocation.
10. A statement that the applicant is completely familiar with the terms and provisions of this Ordinance.
11. A statement that the applicant is not disqualified from receiving a liquor license by reason of any provision within the law of the State of Illinois.
12. A certificate of insurance issued by a reputable insurance carrier insuring the business under the Dram Shop laws of the State of Illinois, said certificate to reflect liability insurance under said Act in amounts to coincide with the limits as required by the State Liquor Control Act.
13. The names and addresses of three references within this County who can attest to the applicant's character and reputation.
14. The names of any public office held by the applicant, any partner if a partnership, any shareholder, director or member if a corporation of either type, profit or not-for-profit.

(e) License Prohibited- no license under the terms of this ordinance shall be issued to any applicant if:

1. The applicant is a person who has been convicted of a felony under the laws of the State of Illinois.
2. The applicant is a person who has been convicted of any felony or misdemeanor involving moral turpitude under the laws of the State of Illinois or any other state, or under any Federal Statute.

3. The applicant is a person whose license to sell alcoholic beverages in Moultrie County has been suspended or revoked for cause.
4. The applicant is a person who, at the time of application for renewal of a license issued under the terms of this Ordinance would be ineligible for such a license upon an initial application.
5. The applicant is a person who has been convicted of a violation of any State or Federal law regarding the manufacture, sale or possession of alcoholic beverages, or who has forfeited his bond to appear in court to answer alleging violations of such State or Federal laws.
6. The applicant is a person who is not of good character and reputation in the community in which he resides.
7. The applicant is a partnership and any of the members of the partnership would be prohibited from being issued a license under the provisions of this Section.
8. The applicant is a corporation and any corporate officer, manager or director, or any owner or holder of a substantial interest in the stock or other securities of the corporation, would be prohibited from being issued license under the provisions of this Section.
9. The applicant is a person, partnership or corporation whose place of business is conducted by a manager or agent where the manager or agent would be prohibited from being issued a license under any provision of this Section.
10. The applicant is a person, partnership or corporation who does not own the premises for which a license is sought or who does not have a valid lease on such premises for the full period of time for which the license is to be issued.
11. The applicant is a person, partnership or corporation where the applicant or any partner, shareholder, officer or director is a law enforcement officer, mayor, alderman, or member of any City Council or Commission, President or member of any Village Board, Chairman or member of the County Board of Moultrie County. Any such official herein enumerated may be a member of a not-for-profit corporation as defined in this Ordinance provided that no part of the proceeds of the not-for-profit corporation inures to the benefit of any member thereof.
12. The applicant is a person, partnership or corporation which is ineligible for a retail liquor dealer's license issued by the State of Illinois.

(f) Bond required –

1. Each applicant for a license hereunder shall execute a penal bond to the County of Moultrie and State of Illinois in the sum of \$2,000 with two sureties thereon who are residents of Moultrie County, Illinois, and who are acceptable to the Commission, or with a solvent surety company licensed to do business in the State of Illinois. The Commission shall consider the bond and shall have the right to disapprove the bond. Said bond shall be filed with the County Clerk of Moultrie County at the same time application is presented and shall be referred by the County Clerk to the Commission with the application.
2. Said bond shall be conditioned upon the faithful observance by the licensee of the Ordinance and provisions of all liquor laws of the State of Illinois and all laws of the United States of America applying to the sale, transportation and possession of alcoholic beverages.
3. Said bond shall be further conditioned upon the payment by the person, partnership or corporation bonded to any person or persons entitled to damages as a result of any sale, occurrence, transaction or injury which arises from the operation of the business for which the license hereto applies.
4. A new bond shall be presented yearly at the time of the application for a renewal of any license under the terms of this Ordinance.

**Sec. 3-3. Classification.**

Licenses issued pursuant to this article shall be divided into the following classes and shall be subject to the limitations set forth:

- (a) **CLASS A LICENSE:** Class A licenses shall permit the licensee to sell at retail alcoholic liquors in original package form, for consumption off the premises where sold, but not for consumption on the premises where such retail sales are made. The annual fee for a “Class A” license shall be Seven Hundred Fifty Dollars (\$750.00). Not more than one such license shall be issued and outstanding for every group of three thousand persons or part thereof of Moultrie County. The population of the county for such purposes shall be determined by the latest motor fuel tax census or by the federal census, whichever is later.



(b) **CLASS B LICENSE:** Class B licenses may be issued to regularly established hotels, motels or restaurants for consumption on the premises specified in the license. Sales at such establishments shall be by the drink only. All sales shall be from one permanent location in such hotel, motel or restaurant building or complexes of buildings which together constitute a single hotel, motel or restaurant operation and from other temporary locations for special occasions or functions actually occurring in such building or buildings and which are not open to the general public, but are limited to special groups of persons, for such periods prior to, during and after such function, as might be reasonable, whether such hotel, motel or restaurant operates its business from one (1) or more buildings. The word “restaurant” means every building, structure or group of complexes of buildings kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed, and having one or more public dining rooms where meals are served to such guests and the general public. The words “hotel” and “motel” mean those facilities where sleeping accommodations for guests are available and such sleeping accommodations and dining rooms being conducted in the same building or complex or group of buildings in connection therewith so as to constitute a single hotel or motel operation. Such buildings, complexes or group of buildings shall be equipped with adequate and sanitary facilities and capacity. The annual fee for a Class B license shall be Seven Hundred Fifty Dollars (\$750.00). Each Class B licensee, prior to the renewal of his license, shall submit a certificate to the County Clerk of Moultrie County showing that the licensee’s gross sales of food for the past twelve month period were at least one and one-half times as great as his gross sales of alcoholic liquor in the case of a restaurant and six times as great in the case of a hotel or motel.

(c) **CLASS C LICENSE:** Class C licenses shall authorize the sale of alcoholic liquor at retail by a not for profit corporation, as defined by this Ordinance, for consumption on the premises specified in the license. Sales shall be by the drink only. The annual fee for a Class C license shall be Three hundred Seventy Five Dollars (\$375.00).

(d) **CLASS D LICENSE:** Repealed

(e) **CLASS E LICENSE:** Class E licenses shall permit the retail sale of beer and wine only, in the original package or container, to be consumed off-premises only. The annual fee for a Class E license shall be Four Hundred Fifty Dollars (\$450.00). Not more than one such license shall be issued and outstanding for every group of three thousand persons or part thereof of Moultrie County. The population of the county for such purposes shall be determined by the latest motor fuel tax census or by the federal census, whichever is later.

(f) **CLASS F LICENSE:** Class F licenses shall permit the retail sale of alcohol liquor at retail, by the drink only, for consumption on the premises to which the license is issued. The annual fee for a Class F license shall be Seven Hundred Fifty Dollars (\$750.00). No more than four Class F licenses shall be issued and outstanding.

(g) **CLASS G LICENSE: (Wine and Beer Tasting License)**

A Wine and Beer Tasting License shall permit a wine and/or beer tasting event to be held on the premises of the licensee or upon such other premises as may be approved by the Commission. For the purpose of this section a wine and/or beer tasting event is defined as an event encompassing no more than eight (8) continuous hours at which wine and/or beer is dispensed in glasses which have a capacity of not more than two (2) ounces for the distribution of wine and four (4) ounces for the distribution of beer and for which the license holder makes no charge. The license holder may sell the glass or other container to the consumer as a prerequisite for the tasting. The license holder must comply with the then current policy of the Illinois Liquor Commission. An application for a Wine tasting an Beer Tasting License must be filed with the County Clerk of Moultrie County at least thirty (30) days prior to the prospective event. Said application shall be accompanied by an application fee in the amount of \$25.00 for the license and the Commission must approve of such event. The application shall include the time, date and location of the event, the estimated attendance, the name of person or organization sponsoring the event, proof of dram shop insurance and how the consumption of alcoholic beverages by minors will be controlled. In conjunction with the Wine and Beer Tasting License the licensee may sell those products that are available for sample in their original package form, for consumption off the premises of where the wine or beer tasting event occurs.

(h) **CLASS T LICENSE:** Class T licenses (temporary licenses), shall permit the licensee to sell at retail alcoholic liquor under the terms and conditions set forth in section 3-4.

(i) No License assigned to this subsection.

(j) **CLASS J LICENSE (Combined License):** A Class J license shall be a combination of two or more other classification of licenses available under this Section. The annual fee for such a license shall be determined by adding together the annual fee for each individual license combined to make the combined license. All combined licenses shall be subject to the terms and limitations of the individual licenses combined to make the combined license. If a classification of license sought to be combined is not available under the terms of the subsection of Section 3-3 defining the individual license, then the license shall not be available to be part of a Class J license under this Subsection (j). A cancellation, revocation, or any other termination of an underlying individual license under this section shall constitute a termination of the entire combined license. (Class J added March 14, 2013, Ordinance 13-01; Book 1, Page 170)

### **Sec. 3-4. Class T Licenses.**

There shall be two (2) categories of Class T licenses:

T-1 (Special event--current licensee)

T-2 (Civic or charitable organization)

(a) **T-1 License (special event--current licensee).** Any state of Illinois license holder may obtain a special license which shall permit and allow such license holder to serve alcoholic drinks, beer or wine as limited by their license, in an enclosed area, provided the licensee submits an application therefore in the manner provided by ordinance at least thirty (30) days prior to the date for which the special license shall be used. A Class T-1 license shall be valid for a maximum of two (2) days. The T-1 license application shall contain:

1. A statement of the hours during which liquor is to be sold, not inconsistent with Section 2-4.
2. Describe with reasonable certainty the boundary of the premises where such liquor shall be sold.

3. The written consent of the owner of such adjacent premises shall be attached to the application. The written consent shall be dated not more than thirty (30) days prior to the application.
4. Proof of dram shop insurance covering the premises to be utilized with the T-1 license.

No more than one (1) such license shall be issued to any license holder in any one (1) calendar month, nor more than two (2) in a calendar year. The special license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

**(b) T-2 License (civic or charitable organization).** The T-2 license shall permit the retail sale of alcoholic liquor, beer or wine as authorized by the Commission, by any bona fide civic, service, charitable, or other not for pecuniary profit organizations for consumption on the premises or within an area specifically designated in such license.

1. A Class T-2 license shall be valid for a maximum of two (2) days.
2. An applicant for a Class T-2 license shall submit an application at least thirty (30) days prior to the date for which the license shall be issued, and show evidence that dram shop liability insurance has been obtained for the period of the license.
3. The applicant for a Class T-2 license shall state in the application for such license the hours during which alcoholic liquor is to be sold, not inconsistent with Section 2-4.
4. Not more than two (2) Class T-2 licenses shall be issued to any license holder in any one (1) calendar year. Licenses issued for events that the county co-sponsors shall not count toward this limit.
5. A Class T-2 license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

**(c) Special conditions applicable to all T Class licenses.**

1. In the application for a T Class license, the application must set forth information so that the boundary of the area in which alcoholic liquor is to be allowed, can be ascertained with reasonable certainty.
2. If the applicant for any category of Class T license is not the owner of record of the property designated for the site of the event, the owner

of record or agent must join in the application; provided, however, this requirement shall not be applicable to an application for a T-2 license involving public right-of-way.

3. If any T Class license involves serving either alcoholic liquors or food out-of-doors, then the following shall be applicable:

- (a) The application shall designate the license applicant as the agent of the owner of record for service of a notice to remove all refuse, litter, debris, garbage and the like for the notice of lien as set forth in subsection (e) below. Only paper or plastic products may be used to serve alcoholic liquor or food;

- (b) The Class T license holder shall, within twenty-four (24) hours after the ending time of the event, remove all refuse, litter, debris, garbage and the like from the property used for the event and the abutting public right-of-way;

- (c) In the event the Class T license holder does not remove all refuse, litter, debris, garbage and the like in the twenty-four-hour period as required by subsection (b) of this section, the county may, after twenty-four (24) hours' notice, remove all refuse, litter, debris, garbage and the like from the property used for the event. The notice requiring removal shall state that, if the license holder and the owner of record do not remove all refuse, litter, debris, garbage and the like from the designated property within twenty-four (24) hours, the county shall conduct the removal operation. The notice shall also state that the failure of the owner or licensee to remove all refuse, litter, debris, garbage and the like within the twenty-four-hour period as required by such notice, shall be deemed as implied consent for the county to conduct such removal. Such implied consent shall be deemed to form a contract between the county and the owner and the licensee for payment of the costs of the removal of the refuse, litter, debris, garbage and the like. Service of notice shall be made upon the license holder or an agent or employee of the license holder. Service shall be by personal service except that if service can not be made by diligent inquiry. Service may be had by posting the notice on the property. The reasonable cost of removal shall be a lien upon the real property for which the license was issued.

- (d) Whenever a bill for the reasonable costs of removal made pursuant to subsection (c) of this section remains unpaid for thirty (30) days after it has been sent to the license holder and the owner of record, the clerk shall file a notice of lien with the county recorder.

1. The notice of lien shall be filed within ninety (90) days after the cost and expense of the removal has been incurred. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the removal and the date or dates when such cost and expense was incurred by the county. However, the county's lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the refuse, litter, debris, garbage and the like and prior to the filing of such notice, and the county's lien shall not be valid as to any mortgage, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expenses by the license holder or the owner of record or persons interested in the property after notice of lien has been filed, the county shall release the lien and the release may be filed or recorded as in the case of filing a notice of lien.
2. Costs and expenses under this section include, but are not limited to, the actual costs and expenses for the time of county employees, use of equipment and materials concerning the actions of removal pursuant to this section, and transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosure and other related reasonable attorney's expenses.
3. Whenever the costs and expenses for removal of all refuse, litter, debris, garbage and the like shall remain unpaid for a period of thirty (30) days after the lien is filed, the county may institute proceedings to foreclose the lien, and the real estate may be sold under the order of the court.
4. Upon payment of the costs and expenses, plus interest at a rate of nine (9) percent annum from the date thirty (30) days after the bill was sent and after the notice of lien has been filed, the clerk shall file with the recorder a release of lien.

(e) If the payment of the county's cost of removal or abatement of the nuisance is not paid to the city within thirty (30) days of the billing of such costs the State's Attorney is empowered to commence proceedings in the circuit court seeking a personal judgment from the owner or licensee interested in the premises as noticed in subsection (c) of this section. The action authorized by this subsection shall be in addition to and without waiver of any other remedy. Such action shall be based upon the implied consent for persons to form a contract for the removal or abatement of such nuisances.

(f) Along with the application for any Class T license, the applicant shall submit a security plan for the Commission's approval which shall generally take into consideration the matters set forth in Section 3-10.

(g) Each application for a class T license shall include the Clerk's fee of Twenty Five Dollars (\$25.00). A T-1 application shall pay a license fee of One Hundred Dollars (\$100.00).

### **Sec. 3-5. Fees.**

(a) All licensees under this article shall pay in advance a fee for the sale of liquors at retail, provided all license fees other than T and G Class Licenses be paid either annually or semi-annually. Except as provided for in (b) below, no license fee or part thereof shall be refunded after the issuance of such license. Licenses shall not be valid unless the fees or installments are fully paid in advance.

(b) In the event a liquor license is surrendered to the county within thirty (30) days of issuance, a refund representing 11/12th's of the amount paid shall be made to the person who paid the license fee.

(c) In the event a liquor license holder joins the Armed Forces of the United States, whether by voluntary enlistment, draft, conscription or otherwise, such holder shall be entitled to a pro rata refund of a portion of the current annual license fee paid.

### **Sec. 3-6. Transfer of license.**

A license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as in this chapter provided, 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. Such license shall cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution; the personal representative of the estate of a deceased license holder may continue to operate under such license as provided by state law under court order.

### **Sec. 3-7. Term.**

Except as otherwise provided in this chapter, all licenses shall be for a term not to exceed one year and shall expire on the 30<sup>th</sup> day of June, next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the fiscal year prior to the issuance of the license. \

**Sec. 3-8. Record of those issued.**

The Clerk of Moultrie County shall keep or cause to be kept a record of retail liquor dealer licenses issued by the county and a copy of such shall be kept by the Commission, the Sheriff of Moultrie County, and the Treasurer of Moultrie County. The Clerk shall also cause to be kept a record of the managers in charge of each licensed premises, as such may be amended from time to time, with the Commissioner's approval. Upon the issuance or revocation of any license the Liquor Control Commission shall give notice of such action to each of the above-stated officers.

**Sec. 3-9. Revocation.**

The local liquor commission may revoke or suspend any retail liquor license or impose a fine for any violation of any provision of this chapter or for violation of any state law pertaining to the sale of alcoholic liquor, as provided in state statute. The commission may revoke or suspend any retail liquor license issued by the county upon proof that any material representation made in the application for such license is incorrect.

**Sec. 3-10. Security measures.**

(a) Any license to sell alcoholic beverages issued or to be issued by the County of Moultrie, may be made subject to security plan regulations in accordance with this chapter:

1. After the occurrence of:
  - a. Any incident on the licensed premises which involved fighting, excessive noise, and/or unruly behavior; or
  - b. Any such incident near the licensed premises in which patrons of that licensed premises participated or were involved; or
  - c. Underage drinking or sales to minors.
2. Or if, because the license holder is scheduling a special event, the Sheriff of Moultrie County reasonably anticipates the need for extra security measures to protect the public order.

(b) Security plan regulations shall mean regulations promulgated by the Moultrie County Sheriff or his/her designee specifying certain security measures that are to be taken by the licensee and are part of and conditions of the license. The



regulation shall be in writing and signed by the Sheriff or his/her designee. The security plan regulations may include any or all of the following:

1. Provisions for a specified number of licensed security guards to be on duty and the hours that they must be on duty;
2. Detailed procedures for assuring that no alcoholic liquor is being sold or delivered to minors;
3. Monitoring of interior and exterior areas by the licensee;
4. Regulating traffic flow in parking areas;
5. Exterior and interior lighting;
6. Regular meetings with law enforcement personnel;
7. The posting of regulatory signage to aid enforcement efforts;
8. Limitation on the number of patrons allowed on the premises;
9. Any other reasonable security measures calculated to avoid a breach of the peace.

No condition which is part of a security plan may be contrary to or inconsistent with any statute or ordinance regulating alcoholic beverages or any other condition of the license issued.

(c) If the licensee objects to the security plan regulations promulgated by the Sheriff of Moultrie County or his/her designee, the licensee shall notify the County Clerk within ten (10) days of the day the licensee received the plan. Unless such plan has been personally delivered to the licensee, the plan shall be presumed to have been received by the licensee on the second day after such was mailed to be licensee by U.S. Postal Service (first-class postage prepaid). If no such objection is received by the clerk within the time prescribed, the clerk shall issue an amended license to include the security plan as an additional condition on the license and forward the said amended license to the licensee. If the Clerk, however, receives an objection from the licensee within the allotted time, the Clerk shall notify the Commissioner who shall schedule a hearing to be held within seven (7) days of receipt of the objection. The Sheriff or his/her designee and the licensee shall both be allowed to present evidence and arguments to support their position regarding the security plan regulations proposed. The Commission shall consider all probative evidence without regard to the formal rules of evidence. The Commission may accept, reject, or modify the security plan as presented by the Sheriff or his/her designee.

**Sec. 3-11. Warning to minors.**

In every place in the County where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows:

**WARNING TO PERSONS UNDER THE AGE OF 21 YEARS**

**YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCE OF THE COUNTY OF MOULTRIE IF YOU PURCHASE OR ATTEMPT TO PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF OBTAINING ALCOHOLIC LIQUOR.**

**Sec. 3-12. Purchase, consumption or acceptance of gift by minors; misrepresentation of age.**

(a) The consumption of alcoholic liquor by any person under the age of twenty-one (21) years is forbidden and a violation of the ordinance.

(b) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(c) 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.

(d) It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold.

(e) Nothing in this section shall be construed to prohibit the possession and dispensing, or consumption by a person under the age of twenty-one (21) years of alcoholic liquor in the performance of a religious service or ceremony or under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home.

(f) It shall be unlawful for any parent or guardian to knowingly permit any person of which he or she is the parent or guardian to violate any provisions of this section.

### **Sec. 3-13. Identification cards.**

(a) If a licensee or such licensee's agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent, or employee shall, before making such sale or delivery, demand presentation of adequate written evidence of age and identity (as more fully described in (c) below). Reasonable care in compliance with the provisions of this division shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter.

(b) For the purpose of preventing the violation of this section, any licensee, or his/her agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one (21) years.

(c) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. Proof that the defendant-licensee or his/her employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

(d) 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.

(e) Any person who sells, gives, or furnishes to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of twenty-one (21) years evidence of age and identification of any other person is guilty of violating this chapter.

(f) Any person under the age of twenty-one (21) years who presents or offers to any licensee, his/her agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his/her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who

has in his/her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of violating this chapter.

**Sec. 3-14 Employment of minors.**

Except for the prohibitions provided for in this section, it shall be lawful for any person eighteen (18) years of age or older to work in a licensed premises, and to serve alcoholic liquor. It shall be unlawful for any person, under the age of eighteen (18) years to draw, pour, or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of eighteen (18) years to dispense, sell, or deliver any alcoholic liquor in the original package, bottle, or case for consumption off the premises of any licensed establishment.

**Sec. 3-15 Notices required.**

Every holder of a Class A license or a Class E license shall cause to be displayed in plain view in conspicuous place on the premises an notice which shall state substantially the following information:

**NOTICE TO PATRONS**

**THE LIQUOR CONTROL ORDINANCE OF MOULTRIE COUNTY, AS ADOPTED BY THE COUNTY BOARD OF MOULTRIE COUNTY, PROHIBITS THE CONSUMPTION ON THESE PREMISES OF ANY ALCOHOLIC BEVERAGE SOLD AT RETAIL ON THESE PREMISES. NO ALCOHOLIC BEVERAGE SOLD AT RETAIL ON THESE PREMISES SHALL BE CONSUMED ON SUCH PREMISES, AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THESE PREMISES SHALL BE A VIOLATION OF THE LIQUOR CONTROL ORDINANCE OF MOULTRIE COUNTY.**

Every holder of a Class B, C, D, F or T license shall cause to be displayed in plain view in a conspicuous place on the licensed premises, a notice which shall state substantially the following information.

**NOTICE TO PATRONS**

**THE LIQUOR CONTROL ORDINANCE OF MOULTRIE COUNTY, AS ADOPTED BY THE COUNTY BOARD OF MOULTRIE COUNTY, REQUIRES THAT ALL ALCOHOLIC BEVERAGES SOLD AT RETAIL ON THESE PREMISES BE CONSUMED ON THESE PREMISES. ALL ALCOHOLIC BEVERAGE SOLD AT RETAIL ON THESE PREMISES SHALL NOT BE REMOVED FROM THESE PREMISES. SUCH REMOVAL SHALL BE A VIOLATION OF THE LIQUOR CONTROL ORDINANCE OF MOULTRIE COUNTY.**

## ARTICLE 4

**Sec. 4-1.** The Commission shall keep or cause to be kept a complete record of all such licenses issued by said Commission, and shall furnish the County Treasurer, State's Attorney and Sheriff each with a copy thereof. Upon the issuance of any license or revocation of any license the Liquor Control Commissioner or Commission shall give notice of such action by the Liquor Control Commissioner or Commission to each of these officers within 48 hours of such action.

**Sec. 4-2. Transfer of License Prohibited.** No license shall be transferable. Any license issued under the terms hereof shall license only the applicant or, if a Corporation, only the applying corporation. If there shall be any change from those named in the application, the license shall immediately become null and void. Any license granted shall not be subject to attachment, garnished or execution, nor shall it be alienable or transferable, voluntarily or involuntarily or subject to being encumbered or the subject matter of any lien. Such license shall not descent by will or the laws of intestate succession, but shall terminate upon the death of any licensee. The trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic beverages, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate Court, and may exercise the privileges of deceased or insolvent or bankrupt license after the death of such decedent, or such solvency or bankruptcy until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such license. A refund shall be made of that portion of the license fees paid for any period in which the license shall be prevented from operation under such license in accordance with the provisions of this paragraph.

**Sec. 4-3.** Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes, in the same manner as required of any new applicant.

**Sec. 4-4. Change of Location:** Any license granted hereunder shall permit the sale of alcoholic beverages only in the premises described in the application and licenses. Such location may be changed only upon the written permit to make such change issued by the Commission. 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 law of this state and the terms and provisions of this Ordinance.

**Sec. 4-5. Peddling:** It shall be unlawful for any person, firm, partnership or corporation to peddle alcoholic liquor in the County outside of the corporate limits of any City, Town or Village.

## ARTICLE 5

**Sec. 5-1. Sanitary Conditions:** All premises used for the retail sale of alcoholic beverages or for the storage of such beverages for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the laws of the State of Illinois and the Ordinance or Resolution of this County regulating the condition of premises used for the storage or sale of food for human consumption.

**Sec. 5-2. Location Restrictions:** No license shall be issued for the sale at retail of any alcoholic beverage within 100 feet of any church, school, hospital, home for aged or indigent person, or for veterans, their wives or children, or any military station.

**Sec. 5-3.** It shall be unlawful for any licensee to permit any person to consume any alcoholic beverage on the licensed premises during the hours when the license prohibits the sale of alcoholic beverages.

**Sec. 5-4.** Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

## ARTICLE 6

**Sec. 6-1.** The Commission, at any convened meeting, the time and place of which has been communicated in writing to the Commission members, may issue by majority vote any license applied for under the terms of this Ordinance when the applicant is determined to be eligible therefore, and all provisions of this Ordinance pertaining to the granting of the license are complied with.

**Sec. 6-2.** The Commission by majority vote at a convened meeting may revoke or suspend any retail dealer's license for any violation of any provisions of this Ordinance, or for any violation of any State Law pertaining to the sale of alcoholic beverages.

**Sec. 6-3.** In case of a tie vote of the members at a convened meeting, the Chairman of said Commission shall vote to break the tie.

**Sec. 6-4.** When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter, for the conduct of the business of manufacturing, distributing or selling alcoholic beverages in the premises described in such revoked license.

## ARTICLE 7

**Sec. 7-1.** No licensee shall sell, give or deliver alcoholic beverage' to any minor, or to any intoxicated person, or to any person known to him to be a habitual drunkard, spendthrift or insane, mentally deficient person.

**Sec. 7-2.** Any five residents of the territory in the County outside the corporate limits of any City, Town or Village shall have the right to file a complaint with the Commission stating that any retail licensee, subject to the jurisdiction of the Commission, has been or is violation the provisions of this Ordinance or the rules or regulations pursuant hereto. Such complaint shall be in writing in the form prescribed by the Commission and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provisions rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the Commission is satisfied that there has been a violation of any of the provisions of this Ordinance and that said charges have been proved by a preponderance of the evidence, then said Commission shall issue an Order suspending or revoking the license.

**Sec. 7-3.** The Commission shall have authority to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Ordinance or any rules or regulations adopted by it, or State Liquor Regulations have been or are violated, and at such time to examine said premises of said licensee in connection therewith.

**Sec. 7-4.** If the owner of the licensed premises or any person from whom the licensee derives at the right to possession of such premises, or the agent of such owner or persons, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Ordinance, said owner, agent or other person shall be deemed guilty of a violation of this Ordinance to the same extent as said licensee and be subject to the same punishment.

**Sec. 7-5.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Ordinance, by any officer, director, manager, or other agent or employee of any licensee, if said act is committed or omission is made with the authorization, knowledge or approval of the licensee, shall be deemed and held to the act of such employer, or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.

**Sec. 7-6.** Whenever any licensee shall be convicted of any violation of this Ordinance, the license of said licensee may at the discretion of the Commission, be suspended or revoked, and all fees paid thereon shall be forfeited, and the bond

given by said licensee to secure such licensee's faithful compliance with the terms of this Ordinance shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Ordinance for said licensee to continue to operate under said license.

**Sec. 7-7.** Whenever any officer, director, manager or other employee in a position of authority of any licensee under this Ordinance shall be convicted of any violation of this Ordinance while engaged in the course of his employment or while upon the premises described by said license, and said license shall be suspended or revoked and the fees paid thereon forfeited, and said bond given by said licensee to secure the faithful compliance with the terms of this Ordinance shall be forfeited in the like manner as if said licensee had himself been convicted.

**Sec. 7-8.** Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than \$100.00 nor more than \$500.00 for each offense and for the second or subsequent offense fined not less than \$1,000.00 nor more than \$5,000.00. A separate offense shall be deemed committed each day during or on which the violation occurs or continues.