

## **LIQUOR ORDINANCE**

**BE IT RESOLVED BY THE COUNTY BOARD OF JERSEY COUNTY** that the following regulations concerning the issuance of licenses for the sale of alcoholic liquor be hereby adopted:

### Section 1. General Provisions

- A. All licenses issued for the sale of alcoholic liquors shall expire June 30 following their issuance.
- B. No liquor license shall be issued to any person who is not a resident of Jersey County, or to a person or corporate entity that does not own the premises to be licensed, or have a verifiable long-term lease on the property of at least one year, with documentation recorded in the Jersey County Recorder's Office.
- C. The applicant shall identify the specific location of the dispensing and sale of liquor and/or beer by physical address and parcel number(s).
- D. An applicant who applies for and receives a license between July 1 and January 1 shall pay a full year's fee.
- E. An applicant who applies for and receives a license between January 1 and July 1 shall pay one-half of a year's license fee.
- F. A licensee applying for an annual renewal of his or her license must apply for and receive a renewal license prior to July 1.
- G. Licenses for the sale of alcoholic liquors are not transferable.
- H. No refunds of any license fees shall be made under any circumstances.
- J. These licenses only apply to unincorporated Jersey County and to municipalities that do not issue Liquor Licenses.
- K. In the case of a partnership, the application and license requirements shall apply to all individuals of interest in the business enterprise.
- L. In the event the applicant is a corporation, a certificate of "good standing" with the Illinois Secretary of State must be provided with the initial application, as well as a copy of the charter and by-laws, the identified corporate officers and board of directors, corporate minutes of approval, and identification of the party or parties authorized to sign legal documents.
- N. At the time of application, or after the effective date of this ordinance, the applicant shall furnish proof of "Dram Shop" insurance by an Illinois licensed insurance company with the liability limits required by the State of Illinois, and a certificate provided with Jersey County as an additional insured party. The term of the insurance must be concurrent with

the term of the local license issued by Jersey County. All licenses issued by Jersey County will be revoked in the event that "Dram Shop" insurance is cancelled for any reason.

- O. No liquor license shall be issued to any individual having a criminal record containing a conviction of a crime with a state or federal felony classification.

## Section 2. Licenses

- A. An application for a license when applying for a transfer or creating a new license will be subject to a \$500.00 fee.
- B. A license to sell alcoholic liquors shall not be issued by the County of Jersey to any person or persons who owe any personal taxes or real estate taxes which are delinquent and a license shall not be issued to any person or persons when there are any personal property taxes or real estate which are delinquent on the personal property or real estate proposed to be used by the license as a tavern or place of business to sell alcoholic liquors even though the taxes were assessed to a person or persons other than the applicant or applicants. Neither shall a license be issued to a person with active tax liens on file or otherwise delinquent in payment to the State of Illinois Department of Revenue or the Federal government through the Internal Revenue Service (IRS).

## Section 3. Rules and Regulations

- A. No person under the age of twenty-one shall sell, serve, give, or dispense alcoholic beverages to anyone.
- B. Hours of operation allowed on Monday, Tuesday, Wednesday, and Thursday shall be from 6:00 a.m. to 1:00 a.m., at which time the licensee or their agent or employee shall lock all means of entrance to the premises. All patrons must be out of the tavern room, bar, or place where alcoholic liquors are sold, and any premises adjoining thereto, by 1:15 a.m.
- C. Hours of operation allowed on Friday and Saturday shall be from 6:00 a.m. to 2:00 a.m., at which time the licensee or their agent or employee shall lock all means of entrance to the premises. All patrons must be out of the tavern room, bar, or place where alcoholic liquors are sold, and any premises adjoining thereto, by 2:15 a.m.
- D. Hours of operation allowed on Sunday shall be from 8:00 a.m. to 1:00 a.m. All patrons must be out of the tavern room, bar or place where alcoholic liquors are sold, and any premises adjoining thereto, by 1:15 a.m.
- E. The licensee shall be responsible for the actions of his/her agents or employees in the supervision and enforcement of these provisions.
- F. The exception to closing time will be that on New Year's Eve, closing time will be 3:00 a.m., with all patrons out of the premises and the premises locked by the licensee, agent or employee by 3:15 a.m.

- G. No nudity, partial nudity, or lewd behavior will be allowed in an establishment that has a liquor license.
- H. No commercial activity conducted within the jurisdiction of Jersey County shall advertise the activity of “bring your own beer” or other alcoholic beverages for consumption on site where an admission fee is charged by the owner of the property or sponsor of the event.

Section 4. Authority

This ordinance is enacted pursuant to the provisions of an act of the General Assembly of the State of Illinois entitled "*An Act Relating to Alcoholic Liquors*" and known as the *Illinois Liquor Control Act* and the applicable provisions of said Act, particularly the definitions of words and phrases, the qualifications of licenses, the location and types of construction of premises and places of business, and restrictions upon operations and sale contained therein, are hereby adopted and made a part of this ordinance as though written herein. All rules and regulations not contained in this Resolution shall be in accord with the *Illinois Liquor Control Act*.

Section 5. Classes of Licenses

**Class 1 - Tavern or restaurant license** – For the sale of all alcoholic liquor at retail for consumption on premises **or** to sell any alcoholic liquor at retail in original container for consumption off premises. This license provides for a “combination” license whereby taverns have the option to sell all liquor, beer and wine for consumption on site, as well as package sales.

**Class 2 – On Premises** - For sale at retail of all alcoholic liquor for consumption on the premises where sold.

**Class 3 – Package Sales Only** – Retail sales of all alcoholic liquor, not for consumption on the premises where sold, and only in original packages or containers.

**Class 4 – Club License** - For sale at retail of all alcoholic liquor, for consumption on the premises where sold by a club. A "Club" is defined as a Corporation organized under the laws of the State of Illinois, not for pecuniary profit, solely for the promotion of some common object, other than the sale of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests with a membership of not less than 100 members, provided that its affairs and management are conducted by a Board of Directors or other officers chosen by its members and no member or any officer, employee, or agent of the Club is paid, directly or indirectly, or receives in the form of a salary or other compensation, any profits from the sale of alcoholic liquors to the members of the Club or guests of a member of the Club, accompanied by a member, beyond the amount of the salary of an employee fixed by the members of the Club or by the Board of Directors or by its officers out of the general revenue of the Club. Sales of alcoholic liquors by a Club to persons who are not members of the Club, unless

accompanied by a member as the guest of said member, shall be grounds for revocation of any liquor licenses issued to said Club.

**Class 5 – Temporary License for Non-profit or Fund Raising events.** Not for profit organizations that are registered with the Illinois Secretary of State and are conducting fundraising as authorized by Illinois statute qualify for the acquisition of a Class 5 license. Registration documentation as a not for profit organization shall be provided upon application.

**Class 6 – Special Event** - License for short term use that does not extend past a term of two consecutive days. A special event license shall not be issued for more than two events per month held at the same address and parcel number location.

#### Section 6. Fees

The fees for licenses for a full year shall be as follows:

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|----|---|------------------------------|
| A. | Class 1 License (Combination license)   | \$1,000.00                   |
| B. | Class 2 License (All liquor for consumption on premises)  | \$700.00                     |
| C. | Class 3 License (Package sales only for off premises)   | \$500.00                     |
| D. | Class 4 License (Club)<br>Club as shown by membership lists as of June 1 of each year for which license is required.  | \$ 1.20 per members of such  |
| E. | Class 5 License for not for profit organizations that are registered with the Illinois Secretary of State and are conducting fundraising as authorized by Illinois statute. Registration documentation as a not for profit organization shall be provided upon application. | No Charge for not for profit |
| F. | Class 6 License   | \$250.00                     |

#### Section 7. Number of licenses authorized to be issued.

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|----|------------------|----|
| A. | Class 1 licenses | 2  |
| B. | Class 2 licenses | 10 |
| C. | Class 3 licenses | 4  |
| D. | Class 4 licenses | 5  |
| E. | Class 5 licenses | 3  |
| F. | Class 6 licenses | 3  |

#### Section 8. Saving Clause

Any related ordinance or part of ordinance which is in conflict with the provisions of this ordinance is hereby repealed.

#### Section 9. Penalties

Any person who violates any of the provisions of this ordinance or makes false

statements or otherwise violates any of the provisions of this ordinance in obtaining a license shall for a first offense be fined not less than two hundred dollars nor more than five hundred dollars and be subject to discretionary suspension of their liquor license.

For a second or subsequent offense, violators may be fined not less than two hundred dollars or more than one thousand dollars or by imprisonment in the county jail of not more than six months or by both such fine and imprisonment. In addition, violators shall have their license revoked by the County Liquor Commissioner.

#### Section 10. Appeals Process

Within 14 days of a violation, the County Liquor Commissioner shall make a decision on proper sanctions according to penalties listed herein. Notice of that decision shall be sent to the licensee within 14 days of said decision.

A licensee may appeal any decision of the Liquor Commissioner by delivering a letter to the Liquor Commissioner within 14 days of the notice of sanction, indicating their intent to appeal.

It shall be the Liquor Commissioners responsibility to set an appeal date within 30 days of the notice of appeal. The hearing shall take place before the Liquor Commission whereby all evidence may be presented to the Commission by the licensee or their representative, in request that the sanction be overturned or amended.

If the decision by the Liquor Commissioner is upheld by the Committee, the licensee may appeal to the Circuit Court through the Jersey County Circuit Clerks Office.

This ordinance shall be in force and effect on and after the 14th day of April, 2020.

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Donald R. Little  
Chairman, Jersey County Board

Attest:

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Pam Warford  
Jersey County Clerk