

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

ALCOHOLIC BEVERAGES

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(Revised 6/09)

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5.04.010 Purpose of chapter. This chapter shall be construed to the end that the health, safety and welfare of the people of Sangamon County shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted.

5.04.020 Definitions. The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them in this section.

1. "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

2. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume. Nor shall the provisions of this chapter apply to flavoring extracts, concentrates, syrups or medicinal,

mechanical, scientific, culinary or toilet preparations, or food products unfit for beverage purposes, but the provisions of this chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

3. "Additional Bar" means additional "Bar" which is used simultaneous with any other "bar" located within the enclosed permanent structure or within a beer garden of a licensee.

4. "Applicant" means the entity or person that applies for a license.

5. "Bar" means any counter or other location or site within the enclosed permanent structure or beer garden of a licensee where alcoholic liquor is sold, poured, mixed, or served. It shall be a violation of this code for any licensee to simultaneously use more than one "Bar" within the enclosed permanent structure or Beer Garden without an "Additional Bar Permit".

6. "Beer" means a beverage obtained by 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.

7. "Beer garden" means that area immediately adjacent to the enclosed permanent structure of a Class 1AA, 1BB, 1CC, 1DD, 1FF, 2AA, or 3AA licensed premises that meets the following conditions:

(a). A permanent fence, not less that six feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed.

(b). The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010 B of the County Code.

(c). Access is not permitted to the permanent fenced in area in which liquor is to be poured, mixed, served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.

(d). No music of any kind is played or broadcasted outside which disturbs the neighborhood in any manner.

(e). It shall be the responsibility of the licensee to insure that the noises emitted from the beer garden will not disturb the neighborhood in any way.

(f). The licensee shall obtain a permit under section 5.04.390.

(g). Any violation of these conditions shall constitute a violation of this code.

8. "Bowling alley" means every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling is played.

9. "Caterer" means a person in the business of providing food/liquor and service for social or business affairs which has obtained a license pursuant to Chapter 5.20 of the Sangamon County Code or similar local ordinance.

10. "Consumption sales" means the sale or offering for sale at retail of any alcoholic liquor for use and consumption on the premises where sold and not for resale.

11. "Drive-up Window" means any opening or partition other than a door for the entrance or exit of a person, in the enclosed permanent structure of a class 1AA, 1FF, 3AA through which alcoholic liquor is sold, poured, mixed, or served which meets the following conditions:

(a). Alcoholic liquor shall only be sold in the unopened original package or beer jug in a suitable, sealable, container for transportation from the licensed premises for consumption off the premises.

(b). Alcoholic liquor shall not be sold in individual, single serving containers.

(c). Any violation of these conditions shall constitute a violation of this code.

12. "Golf Course" means an outdoor area designed for the play or practice of the game of golf.

13. "Hotel/Motel" means 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 or residential, in which twenty-five or more rooms are used for the sleeping accommodations and dining room 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.

14. "Illinois Liquor Control Act" means an act passed by the fifty-eighth Illinois General Assembly entitled "An act Relating to Alcoholic Liquors", approved January 31, 1934 as amended.

15. "Illinois Liquor Control Commission" and "State commission" mean the commission created by Article III Section 1 of the Illinois Liquor Control Act.

16. "Illinois State Fair" means the annual event at Springfield for the exhibition and promotion of the activities of Illinois in the fields of agriculture, industry, labor and education held by the Department of Agriculture of the State of Illinois pursuant to the State Fair Act (20 ILCS 210/1 et seq).

17. "Importing distributor" means any person who imports or causes to be imported into this state, any alcoholic liquors for sale or resale within the County.

18. "Licensed premises" means the premises described in the application for the license or in the license as the place where the business to be covered by the license is to be or is carried on, including all parking areas set aside by the licensee for the parking of vehicles for the convenience of the patrons of such premises.

19. "Manufacturer" means every brewer, fermenter, distiller, rectifier, winemaker, blender, processor or person who fills or refills an original package and any other person engaged in brewing, fermenting, distilling or rectifying alcoholic liquor as defined in this section.

20. "Nightclub" means an establishment or building, or part of an establishment or building, as the case may be, wherein there is presented entertainment, the serving of food and liquor, and having a floor show and/or providing music and space for dancing.

21. "Original package" means any 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.

22. "Outdoor recreational center" means an outdoor area designed for, or wholly devoted to, recreational activities and operated by a for-profit business, and located on land owned or leased by the business.

23. "Owner", "Proprietor", "Manager" or "Agent" includes all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on.

24. "Ownership" or "Owners" means holding legal or beneficial title.

25. "Package sales" means the sale or offering for sale at retail of alcoholic liquor, in the original package, and not to be consumed or in fact consumed in whole or in part on the premises where sold.

26. "Private Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests; and provided, that the affairs and management of such club 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 of its board of directors or other governing body out of the general revenue of the club; and provided further, that such club files with the Local Liquor Control Commission 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 ten days of the election of any additional member his name and address.

27. "Restaurant" means 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 sold and where meals are actually and regularly served and sold, such place being provided with adequate and separate 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.

28. For the purpose of the chapter, "Person" means an individual, partnership or corporation.

29. "Retailer" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

30. "Retail establishment where the sale of alcoholic liquor is not the principal business" means any establishment holding a license for the sale of alcoholic liquor wherein more than fifty percent of its gross sales or revenues for any calendar month in the preceding twelve months are for items or services other than alcoholic liquors.

31. "Sale" means any transfer, exchange, or barter in any manner or by any means whatsoever for consideration, and included and means all sales made by a person, whether principal, proprietor, agent, servant, or employee.

32. "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

33. "Service/filling station" means any business, whether incorporated or otherwise, which derives at least part of its income from the sale of gasoline or other automotive products by dispensing its products directly or indirectly into a vehicle, and includes, but is not limited to, such businesses commonly referred to as mini-marts, self-service stations, filling stations, service stations, garages, and/or restaurants or other businesses that meet the aforementioned definition.

34. "Spirits" means any beverage which contains alcohols 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.

35. "Tavern" means an establishment or building or part of an establishment or building, as the case may be, wherein alcoholic liquors are sold.

36. "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

37. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

5.04.030 License required. No person, within the boundaries of Sangamon County, shall offer to sell at retail or sell at retail alcoholic liquor without first having obtained a license or permit to do so as provided in this chapter.

5.04.040 Limitation upon number of licenses issued. The Local Liquor Control Commission is authorized to set limitations and to vary the limitations established herein on the number of licenses to sell alcoholic liquor at retail to be issued for each classification of license. This restriction upon the number of licenses shall not limit the right to the renewal of any existing license nor to the issuance of a license to the purchaser of an established licensed business as an ongoing concern; but as licenses are revoked, expire without renewal, or for any other reason cease to exist, then the total number of licenses of each such classification shall be reduced until the total of each such classification shall not exceed the number authorized by the Local Liquor Control Commission.

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There shall be issued in the county no more than:

<u>Classification</u>	<u>Type</u>	<u>Total license limit</u>
(1AA)	Tavern	72
(1BB)	Private Club	17
(1PC)Private Club Public Access		17
(1CC)	15 day license	No Limit
(1DD)	1 day license	No Limit
(1E)	Service/Filling Station	8
(1FF)	Package Liquor	15
(1GG)	Golf Course	4
(1K)	Caterer	No Limit
(1RR)	Outdoor Recreational Cntr	3
(1WW)	Beer-Wine only	4
(2AA)	Bowling Alleys	2
(3AA)	Nightclub	6

5.04.050 License--Classifications designated--Fee amounts. A. Licenses to sell alcoholic liquors at retail shall be of the following classifications:

1. 1AA--Tavern License. A tavern license shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.200.

2. 1BB--Private Club License. A private club license shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.200. In addition to any other requirement prescribed herein, a private club license shall only be issued to a regularly organized private club which shall serve alcoholic liquors to members and members' guests only.

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3. 1PC - - Private Club License – Public Access. A Private Club Public Access License shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.200. In addition to any other requirement prescribed herein, a Private Club Public Access License shall only be issued to a regularly organized Private Club which shall serve alcoholic liquors to members and members' guests only. A Private Club-Public Access License shall also entitle the licensee to schedule and promote to the general public for the purpose of recruitment and charitable promotion. Non-members shall be allowed upon the premises for the purpose of promotion and recruitment.

4. 1CC--Fifteen-day License. A fifteen-day license shall entitle the licensee to sell beer and wine only, for a period not to exceed fifteen days. Such a license shall not be issued to any person holding a tavern, nightclub, bowling alley tavern, or private club license; nor shall such licensee be issued any other license for sixty days after the expiration of the fifteen-day license.

5. 1DD--One-day License. A one-day license shall entitle the licensee to sell beer and wine only, for a period not to exceed one day. Such a license shall not be issued to any person holding a tavern, nightclub, bowling alley tavern, or private club license; nor shall such licensee be issued any other license for sixty days after the expiration of the one-day license.

6. 1E--Service/Filling Station. a. A service/filling station license shall entitle the licensee to sell only beer and wine in the original package. Such licensee shall maintain with the Zoning Department of Sangamon County a current and accurate list of all persons acting as managers.

b. Licensees in this category shall not allow consumption of beer on the premises nor will they allow the display of beer on islands, curbing, or in storefronts other than inside the enclosed structure of the principal housing of that business.

c. Businesses operating under this category shall not allow beer to be delivered, dropped off, picked up or in any other way allow the dispensing of said item directly or indirectly to persons maintaining their presence in or on a motor vehicle.

7. 1FF--Package Liquor Only License. A package liquor only license shall entitle the licensee to sell all alcoholic liquor, in the original package only, or jug beer in a suitable, sealable container for transportation from the licensed premises, for consumption off the premises, but shall not authorize consumption on the licensed premises.

8. 2AA--Bowling Alley License. A bowling alley license shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.210. In addition to any other requirement prescribed herein, a bowling alley tavern license shall be issued only to applicants operating a bowling establishment. Whenever organized bowling leagues are not in operation, the licensee shall observe closing hours provided for tavern licensees.

9. 3AA--Nightclub License. A nightclub license shall entitle the licensee to sell all alcoholic liquors during the hours prescribed in Section 5.04.210. In addition to any other requirement prescribed herein, the holder of a nightclub license shall provide food service and, not less than six nights a week, musical entertainment and dancing space for patrons.

10. 1RR--Outdoor Recreational Center License. An outdoor recreational center license shall entitle the licensee to sell beer and wine only during the hours prescribed in Section 5.04.200.

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11. 1GG--Golf Course. A golf course license shall entitle the licensee to sell all alcoholic liquor only during the hours prescribed in section 5.04.200.

12. 1WW--Beer and Wine only. A beer and wine only license shall entitle the licensee to sell beer and wine only during the hours prescribed in section 5.04.200.

13. 1K--Caterer. A caterer license shall entitle the licensee to sell all alcoholic liquors for consumption on the premises for which a caterer permit has been issued. The licensee shall sell alcoholic liquor only during the hours prescribed in the section 5.04.200. No caterer permit shall be issued except to a valid current holder of a Caterer License. The Caterer permit must be issued for each event. Each event shall not exceed 15 days. The Caterer license holder must file a permit application for each event, at least seven (7) working days prior to each event, with the Zoning Department's Office. Such a license shall not be issued to any person holding a tavern, nightclub, bowling alley or private club license. The Caterer permit shall be posted in a conspicuous place on the premises where the event will be held.

b. The classification of licenses authorized to be issued under this chapter and the license fee shall be as follows:

<u>CLASSIFICATION</u>		<u>TYPE</u>	<u>FEE PER YEAR</u>
1AA		Tavern	\$700.00
1BB		Private Club	\$400.00
1PC		Private Club Public Access	\$700.00
1E		Service/Filling Station	\$700.00
1FF		Package Liquor Only	\$850.00
2AA		Bowling Alley	\$1,100.00
3AA		Nightclub	\$1,300.00
1RR		Outdoor Recreational Center	\$350.00
1WW	Beer & Wine	\$600.00	
1GG		Golf Course	\$800.00
1K		Caterer's	\$550.00
<u>TEMPORARY LICENSES</u>		<u>TYPE</u>	<u>FEE</u>
1CC		15-day license	\$150.00
1DD		1-day license	\$50.00

An application fee provided in Section 5.04.070 shall accompany all applications under this section.

This fee is due when the application is submitted to the Zoning Department's Office. This fee and all other fees must be paid by **cash, cashier's check or by a company business check.**

5.04.060 Separate license required for each location. A separate license must be obtained for each of the premises at which an applicant or license holder offers for sale at retail, or sells at retail, alcoholic liquors.

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5.04.070 Application for license--Information to be shown. Any person desiring a license authorized by this chapter shall make application therefor to the Local Liquor Control Commission. A separate application shall be made for each license desired by the applicant. Such application

shall be in writing upon forms provided and furnished by the Zoning Department. Each application for a license shall be signed by the applicant and verified by him by oath or affidavit. The application shall be signed before a notary public and shall be filed with the Zoning Department. Where the applicant is a partnership, each of the partners shall sign and verify the application. Where the applicant is a corporation or private club, each of the directors, officers and any stockholders owning more than five percent of the stock of such corporation shall sign and verify the application and shall specify their interest as an officer, director, stockholder and any and all combinations thereof. Managers and agents of the applicant shall also sign and verify the application. The application shall contain the following information and statements:

1. Name, Age and Addresses. Where the applicant is an individual, the name, age, address and phone number of the individual; where the applicant is a partnership, the names, addresses and the ages of each partner; where applicant is a corporation or private club, the purpose for which the corporation or private club is organized, the names, addresses and phone numbers of all officers, directors and any stockholder(s) holding more than five percent of the stock of such corporation; and in any event, the name, address and phone number of the manager or agent. A private club shall attach to its application two copies of a list of the names and residences of its members.

2. Citizenship. The citizenship of the applicant, and, if a naturalized citizen, the date and place of naturalization.

3. Location. The location or the proposed location of the business for which the application was submitted, and whether the proposed location is within one hundred feet of any church, school, hospital, home for the aged or indigent persons or for any military or naval station, and has met all zoning requirements as prescribed by the county zoning ordinance.

4. Sale of Food. Whether food for human consumption is to be sold in such place of business, if the application is allowed.

5. Ownership of Premises: Name of Landlord. Applicant shall provide proof of ownership if the applicant owns the premises for which a license is sought. In the event the property is leased the applicant shall provide a copy of the lease and the name of the landlord.

6. Disposition of Other Applications. Whether applicant has made application for a similar or other license upon premises other than those described in this application and the disposition of such other applications.

7. Suspension or Revocation of Previous License. Whether any license issued to applicant relating to alcoholic liquor has ever been suspended or revoked.

8. Prior Convictions Relative to Decency or Morality. Whether applicant has been convicted of being the keeper or inmate of a house of ill fame, or pandering or of any misdemeanor involving moral turpitude.

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9. Connection with Houses of Ill Fame. A statement that applicant is not connected with a house of ill fame.

10. Prior Convictions. Whether applicant has been convicted of a felony, or misdemeanor, except for traffic offenses, under the laws of Illinois, any other state, or the United States.

11. Agreement Not to Violate Ordinances, etc. A statement that the applicant agrees not to violate any provisions of this code or other ordinances of this county or any law of the United States or of the state in the course of the business, for which a license is sought and that in the event such agreement is broken or if any statement contained in the application is not true, that the licensee agrees and consents to an immediate temporary suspension or revocation prior to a hearing and final disposition.

12. Residence in County. Whether applicant, if an individual, or whether each partner, in the case of a partnership, is a bona fide resident of the county and has maintained a residence in the county for at least one month prior to the date of the application.

13. Agreement to Testify Under Oath and, as Required, Allow Record of Fingerprints. A statement that each signator agrees to testify under oath to all relevant material questions in any hearing conducted by the Local Liquor Control Commission, either before or after the issuance of a license, and that failure to so testify shall be sufficient reason for refusal to issue a license, refusal to renew a license, or for the suspension or revocation of any license which has been issued. A statement that applicant agrees if requested by the Local Liquor Control Commission, to permit a fingerprint record which shall be made and maintained by the Sheriff's Department of the county.

14. Statement as to Receipt of Money or Credit from Manufacturers or Distributors. A statement that the applicant has not accepted, received or borrowed money or anything else of value, or accepted credit (other than merchandising credit in the ordinary course of business for a period not to exceed thirty days) directly or indirectly from any manufacturer, distributor, or any stockholder or officer of any corporation engaged in, or any other person connected with, any such business.

15. Connection with Sheriff's Department. Whether applicant, applicant's spouse, or any member of applicant's household is a member or employee of the Sheriff's Department of the County and whether any member or employee of the Sheriff's Department of the County is interested financially or otherwise, directly or indirectly, in the license applied for, the premises, or the profits or proceeds from the sale of alcoholic liquor for which the license is sought.

5.04.080 License fees. A. The license fee required for a license authorized by this chapter shall be in the amount and for the period as shall now or hereafter may be prescribed. If application is received after the commencement of an annual or semi-annual period, the license fee in such case shall be reduced in proportion to the expired months. Class 1AA and 3AA license fees may be paid half at the annual period and half at the semi-annual period. There shall be no refunds; except in the case of a fire or an act of God where the business is no longer operable, refund will be prorated.

B. Change of Location. Any license issued under this chapter shall be for a single and particular location. On application being filed with the Zoning Department for a change of location, and on payment of an investigation or application fee in the amount as shall now or may

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be required by this chapter, the Liquor Control Commissioner may allow the location authorized by the particular license to be changed. In case the applicant has not personally operated his business at the particular location for at least 60 days prior to the application for change of

location, such application shall be rejected. The application procedure for change of location shall be similar to that required of an original applicant as specified by the Liquor Control Commissioner. After investigation, the change of location may be approved or rejected, as in the case of original license applications, and if approved the authorized change of location shall be shown by endorsement on the face of the existing license. Nothing herein contained shall be construed to permit any licensee to change the location of his business to, or operate his business, or a portion thereof, as a subtenant or otherwise at a site or place of business which under these sections would be prohibited or denied to said original applicant.

C. Change of Name. Any license issued under this Chapter shall be for the licensee or businesses named in the original application. On application being filed with the Zoning Department for a change of name, and on payment of the application fee set forth in this section, the Local Liquor Commissioner may allow the name authorized by the particular license to be changed.

D. Change of manager. Any application for a license under this Chapter shall include the name, address and phone number of any manager or agent of the licensee. In the event that a licensee changes his manager or agent the licensee shall file an application for a change of manager with the Zoning Department. On application being filed with the Zoning Department for a change of manager and on payment of the investigation and application fee set forth in the investigation and application fee set forth in this section the Local Liquor Commissioner may allow the manager or agent authorized by the particular license to be changed.

E. The following fee shall accompany application authorized by this chapter:

- | | |
|--|---------|
| 1. Application for license: | \$50.00 |
| 2. Annual renewal/investigation for license fee: | \$30.00 |
| 3. Application for change of location: | \$35.00 |
| 4. Application for change of name of licensed premises: | \$35.00 |
| 5. Application for change of manager or agent: | \$35.00 |
| 6. Background investigation of a manager, new partner, or new corporate officer or director: | \$25.00 |
| 7. Late payment fee: | \$25.00 |
| 8. Duplicate license or permit fee (for lost or missing originals): | \$30.00 |

5.04.090 Bond required--Amount--Conditions. Each applicant for a liquor license under the provisions of this chapter shall execute a bond payable to the County in the penal sum of five hundred dollars conditioned upon the applicant's or licensee's compliance with the provisions of this chapter. This bond shall be attached to and filed with application or renewal of application in the office of the Zoning Department. If the original surety bond is not attached a copy must be attached clearly showing the expiration date. A renewal application will not be accepted without the aforementioned.

5.04.100

5.04.100 Restrictions upon issuance of license. No license authorized by this chapter shall be issued to:

A. Nonresidents. An individual, or in the case of a partnership, a partner, who has not been a resident of the County for at least one month prior to the date of this application.

B. Persons Not of Good Character. A person who is not of good character and reputation in the community which he resides.

C. U.S. Citizenship. A person who is not a citizen of the United States.

D. Person Convicted of a Felony. A person who has been convicted of a felony under any federal or state law, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The Local Liquor Control Commissioner shall revoke or suspend the license of any licensee subsequently convicted of a felony under any federal or state law if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

E. Persons Convicted of Keeping House of Ill Fame. A person who has been convicted of being the keeper of, or is keeping, a house of ill fame.

F. Person Convicted of Pandering, etc. A person who has been convicted of any offense in Article II of the Illinois Criminal Code, or other misdemeanor involving moral turpitude.

G. Revocation of Former License. A person whose license issued under this chapter has been revoked for any cause.

H. Ineligibility upon First Application. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.

I. Partnerships. A partnership, unless each of the members of such partnership shall be qualified to obtain a license.

J. Corporations. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five 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. Former Conviction of Federal or State Law Relative to Alcoholic Liquor. An applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to July 12, 1939, or shall have forfeited his bond to appear in court to answer charges for any such violation, if the Commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The Local Liquor Commissioner shall revoke or suspend the license of any licensee who is convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to July 12, 1939 if the commission determines after investigation, that such person has not been sufficiently rehabilitated to warrant public trust.

5.04.100—5.04.130

L. Ownership of Premises, etc. An applicant who does not own the premises for which a license is sought, or dies not having a written lease thereon for the full period for which the license is to be issued.

M. County Officials. Any law enforcement official, or member of the County Board, or to any partnership or corporation in which the official or County Board member is a partner, officer,

director, or owns more than five percent of the stock thereof.

N. Ineligibility for State License. Any person not eligible for a state retail liquor license.

O. Manager. A person whose place of business is conducted by a manager or agent who would not be eligible to receive a license hereunder.

P. Failure to Furnish Information. A person who fails to furnish the information, or to make the statements required, in the application for the license as set forth in this code.

5.04.110 Renewal of license. Any licensee may renew his/her license at the expiration thereof; provided, that he/she is then qualified to receive a license, and the premises for which such renewal license is sought is still suitable for the purpose; provided further, that the renewal privilege contained in this section shall not be construed as a vested right which shall in any way prevent the County from decreasing the number of licenses to be issued within the County. Requirements for and the procedure of obtaining a renewal of a license shall be the same as that provided for in case of the original application for a license.

5.04.120 Privilege granted by licensee. A license shall be purely a personal privilege, valid for not to exceed one calendar year, unless sooner revoked as provided for in this chapter. It shall not constitute property, nor shall it be subject to attachment, assignment, garnishment or execution, voluntarily or involuntarily, or subject to being encumbered or hypothecated nor shall it be alienable or transferable. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, however, that in the event of the death of a licensee, the spouse or any child of the licensee may apply for the transfer of the license to such spouse or child, within six months of the death of the licensee; provided, that such applicant meets all qualifications required of all applicants; and provided, that the executor of the will or administrator of the estate of any licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased licensee until the expiration of such license or until six months after the death of such licensee, whichever is the shorter period of time; provided, that such person shall be bound by all conditions of the license as fully as the licensee himself.

5.04.130 Local Liquor Control Commissioner--Designated--Enforcement of state law, ordinances, etc. The Board Chairman of the County shall be the local Liquor Control Commissioner, and shall be charged with the administration of the appropriate provisions of the Illinois Liquor Control Act, of this chapter, and of such ordinances, resolutions, rules and regulations relating to alcoholic liquor as hereafter may be adopted.

5.04.130 – 5.04.140

Whenever in this chapter the Local Liquor Control Commissioner shall be referred to, it shall include the Local Liquor Control Commission and such other persons as may be appointed by the Local Liquor Control Commissioner to assist him/her in the performance of the duties herein provided for him/her.

5.04.140 Local Liquor Control Commissioner--Powers and duties generally. The Local

Liquor Control Commissioner shall have the following powers and duties:

A. Granting of Licenses. To grant, to reject, to suspend and to revoke for cause, all licenses issued or applied for under this chapter to persons for premises within his jurisdiction.

B. Right of Entry. To enter into and to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Illinois Liquor Control Act, of this chapter, or of any rules and regulations adopted by him or by the state commission have been or are being violated.

1. The Local Liquor Control Commissioner may appoint a County Liquor Inspector, who shall have the following powers and duties:

a. The County Liquor License Inspector shall have the duty to collect and disseminate such information, acquire such data and inspect such establishments as may be required to carry out the purposes of the Illinois Liquor Control Act of 1934 and the Sangamon County Code.

b. Pursuant to the Highway Safety Project Agreement with the Illinois Department of Transportation, the Liquor Inspector shall perform its duties to insure the prevention of drinking and under-age drinking.

c. The County Liquor License Inspector shall have the delegated power to enter into any premises licensed hereunder to determine whether any of the provisions of the Illinois Liquor Control Act, of this chapter, or any rules and regulations adopted by him or by the State commission have been or are being violated.

d. Pursuant to 55 ILCS 5/5-1076, the County Liquor License Inspector shall have the duties to monitor and to report any coin-operated machines found on any premises licensed hereinafter.

C. Exercise Powers Granted under State Law. To exercise all the powers, functions and duties which now or hereafter may be granted to him by the Illinois Liquor Control Act, or by this chapter, including but not limited to the power to fine and to revoke or suspend license.

D. Suspension and Revocation of License. To suspend for a period not to exceed thirty days and to revoke any license issued under this chapter for any of the following reasons:

1. That the licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor, or any of the provisions of the Illinois Liquor Control Act, or any ordinance enacted by the Board of the County including this chapter, or any applicable rules and regulations adopted by the Local Liquor Control Commission or by the State Commission.

2. The willful making of any false statement as to a material fact in the application for such license;

5.04.140—5.04.150

3. The permitting of an unlawful, disorderly, or immoral practice upon the licensed premises;

4. The refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the Local Liquor Control Commissioner;

5. That the State Commission has suspended or revoked the license of the licensee;

6. The licensee has failed to operate the business at the location referred to in the license for a period of sixty continuous days, or for any extended period as shall be granted by order of the Local

Liquor Control Commissioner within such sixty-day period;

7. The licensee has failed to keep the business referred to in the license in continuous operation after the business has been opened pursuant to the time limitations set forth in subdivision 6 of this subsection. This provision shall not apply to a licensed business, which operates seasonally, including but not limited to baseball parks, and golf courses, nor shall this provision apply to the holder of a temporary permit issued under the terms of this chapter. This provision shall not apply when a licensee ceases continuous operation for one consecutive period, not to exceed thirty consecutive days during the one-year period for which the license is issued, for any of the following reasons: remodeling of the licensed premises, fire damage to the licensed premises, sickness of the licensee or vacation of the licensee. The number and length of periods during which the licensee may cease continuous operation may be extended by the Local Liquor Control Commissioner;

8. Interference by the licensee, or any agent or employee of the licensee, with the performance by a peace officer of his official duties while on the premises for which the license is issued;

9. The failure to obey any lawful order of the Commissioner;

10. Employment of any manager who would not be eligible to receive a license hereunder except for the reason of citizenship.

F. Examination of Applicants. To examine or cause to be examined under oath any applicant for a license or for a renewal thereof, or any licensee who upon notice of hearing has been serviced, to hear testimony, and for such purposes to issue subpoenas which shall be effective in any part of the state.

G. Investigations, etc. To receive the complaint of any resident of the County and to investigate such complaint, or to investigate upon his own initiative, any alleged violation of any law of the United States relating to the sale of alcoholic liquor, or any of the provisions of the Illinois Liquor Control Act, or any ordinance of the County including this chapter, or any applicable rules and regulations adopted by the Local Liquor Control Commission or by the State Commission.

H. Rules and Regulations. To make, promulgate, alter, amend, repeal and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed by him/her to be desirable.

5.04.150 Local Liquor Control Commissioner—Hearings For the purpose of administering and enforcing the provisions of this chapter, the Local Liquor Control Commissioner may, in his/her discretion, hold public hearings at any time within the County concerning any matters embraced within this chapter.

5.04.160—5.04.170

5.04.160 Local Liquor Control Commission. A. The Liquor Control Commissioner shall appoint no more than seven persons designated Deputy Liquor Control Commissioners, to assist him/her in the exercise of the powers and performance of the duties herein assigned to him/her as the Local Liquor Control Commissioner, but all decisions shall be those of the Commissioner. Such persons shall constitute the Local Liquor Commission. The duties of the Local Liquor Commission shall be those assigned by the Commissioner and may include:

1. Review license applications and providing recommendations for approval and denial;

2. Conduct public hearings of complaints and providing recommendations for action by the Commissioner;

3. Conduct disciplinary hearings for suspension or revocation of licenses, providing recommendations and findings of fact, sustaining, in whole or in part, or dismissing complaints against licensees;

4. Conduct investigations of licensees as directed by the Commissioner and issuance of subpoenas to effectuate such investigations or any hearings.

B. Within thirty days after an application has been referred to them, the Deputy Liquor Control Commissioners shall report in writing the results of their investigation and shall recommend the approval or rejection of the application involved. The report and recommendation of the Local Liquor Control Commission shall be filed in duplicate with the Zoning Department, who shall deliver the original thereof to the Local Liquor Control Commissioner, and after receiving any report of recommendations of the Local Liquor Control Commission, the Local Liquor control Commissioner shall act thereon, and shall direct either that the license applied for be granted or refused or that further investigation be made. Each Deputy Commissioner shall hold office at the pleasure of the Local Liquor Control Commissioner.

The Local Liquor Control Commissioner is authorized to employ, when necessary or advisable, a stenographer or court reporter to take and preserve testimony or evidence at any hearings conducted by it. The members of the Liquor License Committee shall be members of the Local Liquor Control Commission.

5.04.170 Zoning Department's duties and fees. A. The Zoning Department shall perform the following duties:

1. Prepare all appropriate forms for applicants;
2. Receive applications for licenses, together with bond for each application;
3. Docket such applications in a suitable record book;
4. Deliver the applications together with bonds of applicants to the Local Liquor Control Commissioner for action upon the same;
5. Issue licenses signed by the Local Liquor Control Commissioner upon the same being duly authorized;
6. Deliver to the County Treasurer, at the end of each month, all funds received from the issuance of licenses;
7. The Zoning Department's Fee for each license issued shall be ten dollars, which shall be in

5.04.180 - 5.04.200

addition to all other fees provided for herein.

5.04.180 County Treasurer's duties. The County Treasurer shall perform the following duties:

- A. Receive from the Zoning Department all moneys derived from liquor licenses;
- B. Keep such moneys received in a separate account;
- C. Charge to and pay from such account all expenses of the Local Liquor Control Commissioner, after proper recommendation by the County Auditor and approval of the

Sangamon County Board.

5.04.190 Penalties--Minors. Any person under the age of twenty-one years old who attempts to induce any licensee to sell, give or deliver alcoholic liquor to such minor by misrepresenting his or her age commits an unlawful act and shall, upon conviction, be punished by a fine not less than fifty dollars nor more than five hundred dollars.

5.04.200 Hours of sale. A. No person licensed to sell alcoholic liquors under this chapter as a Class 1AA licensee, a Class 1BB licensee, a Class 1PC licensee, Class 1FF licensee or a Class 1GG licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of 1 a.m. and 7 a.m. Monday through Saturday.

B. No such person licensed to sell alcoholic liquors under this chapter as a Class 3AA licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of 3 a.m. and 7 a.m. Monday through Sunday.

C. No such person licensed to sell alcoholic liquors under this chapter as a Class 2AA licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of 2 a.m. and 7 a.m. Monday through Sunday.

D. Persons licensed to sell beer/wine under this chapter as a Class 1E licensee and a Class 1WW licensee shall not permit such beer/wine to be sold between the hours of 1 a.m. and 7 a.m. Monday through Sunday.

E. No person licensed to sell beer/wine under this chapter as a Class 1RR licensee shall permit beer to be sold, given or consumed on the licensed premises except between the hours of 11 a.m. and 11 p.m. Monday through Sunday.

F. No person licensed to sell alcoholic liquor as a Class 1K licensee shall permit alcoholic liquor to be sold, given or consumed except between the hours of 12 p.m. and ending not later than 1:00 a.m. on the following calendar date.

G. No person licensed to sell alcoholic liquors under this Chapter as a Class 1DD licensee and a Class 1CC licensee shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of 12 a.m. and 7 a.m. Monday through Sunday.

5.04.200 – 5.04.210

H. On January 1st of each year no person licensed to sell alcoholic liquors under this chapter shall permit such liquors to be sold, given or consumed on the licensed premises between the hours of 3 a.m. and 7 a.m. of any day.

5.04.210 Hours public denied access to premises.

A. No person shall remain or be permitted to remain on any premises licensed under a Class 3AA license after 3:30 a.m. of any day. The doors of the licensed premises shall be locked promptly at 3:30 a.m. of any day.

B. No person shall remain or be permitted to remain on any premises licensed under a Class

1AA, 1BB, 1PC, 1FF and 1GG license after 1:30 a.m. of any day except January 1st of each year or be admitted thereto before 7:00 a.m. of any day. The doors of the licensed premises shall be locked promptly at 1:30 a.m. every day except January 1st of each year.

C. No person shall remain or be permitted to remain on any premises licensed under a Class 2AA license after 2:30 a.m. of any day except January 1st of each year or be admitted thereto before 7:00 a.m. of any day.

D. The doors of a licensed premises shall remain locked during the balance of the time the business of selling of alcoholic liquors is not permitted to be transacted upon such premises, provided, however; any licensed premises that is also a Hotel/Motel dining room, or restaurant or club as defined in this chapter and so certified by the County Board Chairman in the manner provided in Section 5.04.230 of this chapter, may remain open to the public during the aforesaid hours that sale of alcoholic liquor is prohibited, for the purpose of serving food and nonalcoholic beverages, but only on condition that during the closed hours, the Hotel/Motel dining room, restaurant or club complies with the following requirements:

1. All alcoholic beverages must be either removed from view or placed behind doors or slides, or screens or counters or shades, or other apparatus clearly indicating that such beverages are not presently offered for sale;
2. No wine list or liquor list shall be displayed or placed on any table or counter;
3. A sign shall be displayed prominently and reading: "CLOSED HOURS, NO ALCOHOLIC LIQUORS SOLD OR SERVED";
4. No alcoholic liquors shall be sold, donated, bartered, exchanged, served or consumed there during closing hours.

E. On New Year's Day of each year, that is, January 1st, no person shall remain or be permitted to remain on any premises licensed for the sale of alcoholic liquors after 3:30 a.m. The doors shall be locked promptly at 3:30 a.m. of each New Year's Day, and shall remain locked during the balance of the time the business of selling alcoholic liquors is not permitted to be transacted upon such premises.

F. Any licensed premises certified by the Local Liquor Control Commissioner in the manner

5.04.210—5.04.220

provided in Section 5.04.220 of this chapter, to be a retail establishment where the sale of an alcoholic liquor is not the principal business may remain open to the public during the aforesaid hours that sale of alcoholic beverages is prohibited for the purpose of conducting its lawful business other than the sale of alcoholic liquor, but only on condition that during the closed hours the retail establishment complies with the following requirements:

1. All alcoholic beverages in the licensed premises must be within the designated locations or enclosures defined in Section 5.04.220 of this chapter and either removed from view, or placed behind doors, or slides, or screens, or counters, or shades, or other apparatus, clearly indicating that such beverages are not presently offered for sale;
2. A sign shall be displayed prominently reading: "CLOSED HOURS, NO

ALCOHOLIC LIQUORS SOLD OR SERVED”;

3. No alcoholic liquors shall be sold, donated, bartered, exchanged, served or consumed therein during the closed hours.

G. Nothing contained in this section shall be construed as granting any licensee the privilege to sell alcoholic during the aforesaid closing hours; and any licensee not certified by the Local Liquor Control Commissioner to be, in fact, a Hotel/Motel dining room, restaurant, club or retail establishment where the sale of alcoholic liquor is not the principal business must keep its doors locked and the public barred there from during the closed hours.

H. Nothing contained in this section shall be construed as requiring any adult clerk in a licensed premises where the sale of alcoholic liquors is not the principal business to be limited in duties solely relating to the sale of alcoholic liquor.

I. Nothing herein contained shall be construed as permitting any employee under the age of 21 to handle, mix, sell, exchange, serve, or in any way take part in a licensee’s business of selling alcoholic liquors.

5.04.215 Prohibited conduct. The following conduct on premises licensed to sell alcoholic liquor is prohibited:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, or deviate sexual conduct as defined in Ch. 38, Sec. 11-2, Ill. Rev. Stats. 1981;
2. The actual or simulated caressing or fondling of the genitals, buttocks, or female breast;
3. The actual or simulated display or exposure of the genitals, pubic hair, or female breast below the top of the areola;
4. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals;
5. The displaying of films or pictures depicting acts set forth in subsections 1 and 2 of this section.

5.04.220 Application for certificate establishing hotel/motel dining room, restaurant, club, or retail establishment where the sale of alcoholic liquor is not the principal business. Any person licensed to sell alcoholic liquors under this chapter who operates a licensed premises that is also a
5.04.220—5.04.240

Hotel/Motel dining room, restaurant, club, or retail establishment where the sale of alcoholic liquor is not the principal business, as defined in this chapter, who desires to keep the Hotel/Motel dining room, restaurant, club, or retail establishment open for a lawful business other than the sale of alcoholic liquor during the hours that the licensed premises is otherwise required by Section 5.04.200

above to remain closed, may make application to the Local Liquor Control Commissioner for such privilege in the following manner:

A. Such application shall be made to the Zoning Department and on the form or forms prescribed by the County Board Chairman.

B. The applicant shall pay to the Zoning Department a fee of ten dollars to cover the cost of the investigation.

C. After due investigation, if the County Board Chairman shall determine that such licensed premises actually is a Hotel/Motel dining room, or a restaurant, or a club, or a retail establishment where the sale of alcoholic liquor is not the principal business, the Local Liquor Commission shall so certify on the applicant's liquor license for the period then in effect; and until revoked or suspended, such certifications shall be evidence of the authority of such licensee to have the privilege to keep the premises open at hours other than the legal closing hours for purposes other than the sale of alcoholic liquor.

D. The privilege so granted may be revoked or suspended by the County Liquor Commission in accordance with the procedure provided for in Section 5.04.140 of this chapter; and in no event shall extend for any greater length of time than the period for which a liquor license is issued, and shall be renewable only by the discretion of the County Liquor Commission.

5.04.230 Sales to any person under the age of twenty-one, intoxicated persons, etc. A. No licensee, his agent, or employee shall sell, give, or deliver alcoholic liquor to any person under the age of twenty-one years or to any intoxicated person.

B. Any person to whom the sale, gift, or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift or delivery of alcoholic liquor from any licensee, or any agent or employee of a licensee or on licensee premises, nor shall any such person have alcoholic liquor in his/her possession. 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 years, except in the performance of a religious ceremony or service or under the direct supervision and approval of the parents or parent of such person in the privacy of a home.

C. It is unlawful for any person under the age of twenty-one years to represent that he/she is of age for the purpose of buying, accepting, or receiving alcoholic liquor from a licensee.

5.04.240 Employment of minors. No licensee, agent, or employee shall permit any person under the age of twenty-one to draw, pour, mix, or serve any alcoholic liquor in the premises either as an employee or gratuitously. No licensee, his/her agent or employee shall permit any person under the age of twenty-one years to attend any bar, to serve or dispense or in any other way to handle alcoholic liquor, including packaged liquor, upon his/her licensee premises.

5.04.250—5.04.310

5.04.250 Approval of sales and payment at the time of delivery. Every licensee operating under the provisions of this chapter shall so conduct his/her licensed premises that every sale of alcoholic beverages is approved on behalf of the licensee by an adult competent person so designated by the licensee; and every such sale or delivery of alcoholic liquor shall be paid for by the customer at the actual time of the delivery of the alcoholic liquor into the possession of the customer; and where such sale is in a licensed premises where the sale of alcoholic liquor is not the principal business, such payment shall be made at the designated locations or enclosures restricted to the sale of alcoholic beverages.

5.04.260 License period. The annual period for a license shall commence on July 1st and end on June 30th of the following year. The semiannual payment date shall be December 31st.

5.04.270 Designated locations or enclosures required where principal business is not sale of alcoholic liquors. A. Where the sale of alcoholic liquor is not the principal business of the licensee, such alcoholic liquor shall be offered for sale only at designated locations or enclosures within the licensed premises which shall be solely restricted to the sale of alcoholic liquor.

B. Such locations or enclosures shall be separated from the remainder of the premises devoted to the sale of items other than alcoholic liquors by doors, slides, screens, counters, shades, or other apparatus clearly identifying a separate section of the premises.

5.04.280 Transporting in motor vehicles. No person shall transport, carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon a public way (including but not limited to public highways, alleys and/or sidewalks), except in the original package and with the seal unbroken.

5.04.290 Serving, etc., to persons in motor vehicles. No licensee, his agent or employee shall serve, give, or in any manner be concerned with placing any alcoholic liquor in or upon or about any motor vehicle, or to any occupant of a motor vehicle whether such vehicle is moving or parked, at a curb, in a public place, or in the licensee's premises or other private place except in the original package and with the seal unbroken.

5.04.300 Curb service. No curb service for the sale of alcoholic liquor shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquors for consumption upon the premises, either upon the public street or private property contiguous to such premises.

5.04.310 Drinking on a public way. No person shall consume any alcoholic liquor on any public way or right-of-way (including but not limited to public highways, streets, alleys, and/or sidewalks) within Sangamon County, Illinois.

5.04.320—5.04.370

5.04.320 Service of food. Food for human consumption shall be sold or be offered and available for sale on any Class 3AA licensed premises.

5.04.330 License to be posted. Every licensee under the provisions of this chapter shall cause his license and permits, if applicable, to be framed and hung in plain view in a conspicuous place on the licensed premises.

5.04.340 Sanitary facilities. Every licensed establishment shall provide separate toilets and washstands for male and female patrons, and shall maintain the same in a clean and sanitary condition in accordance with the health ordinances of the County.

5.04.350 Extension of credit, etc. No licensee, his agent or employee shall sell or furnish

alcoholic liquor at retail to any person on credit on pass book, or order on a store, or in exchange for any goods, wares or merchandise in payment for any services rendered; provided, that nothing contained in this section shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such member or guest in accordance with the bylaws of the club; provided further, that nothing contained in this section shall be construed to prevent any Hotel/Motel from permitting checks or statements for liquor to be signed by regular guests residing at the Hotel/Motel and charged to the accounts of the guests.

5.04.360 Adoption of state law. All the provisions of the Illinois Liquor Control Act and of the rules and regulations issued by the Illinois Liquor Control Commission, which are or may hereafter be in force, which are applicable to the County are incorporated into and declared to be a part of this chapter the same as if they were expressly set forth in this chapter.

5.04.370 Penalty.

A. Any person found to be in violation of any of the provisions of this chapter shall be punished by a fine of not less than two hundred fifty dollars for the first offense, not less than five hundred dollars for the second offense, and not less than one thousand dollars for any offense thereafter. Such penalty shall be collected by civil suit in the name of the County of Sangamon and shall be paid to the Zoning Department and accounted for by him in the same manner as a liquor license fee. 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 punishable in the same manner as if the act or omission has been done or omitted by the licensee.

B. The penalties for violating the provisions of this chapter provided in "A" above shall be in addition to any other action taken by the Local Liquor Commissioner, including but not limited to the revocation of suspension of a license.

5.04.380—5.04.390

5.04.380 Emergency closing--Penalty. In all cases where, in the opinion of the Local Liquor Control Commissioner, or if the Local Liquor Control Commissioner is unavailable, any Deputy Local Liquor Control Commissioner, the public peace or the safety of any person is likely to be endangered by the keeping open of such places where alcoholic liquor is sold at retail or dispenses, it shall be lawful for the Local Liquor Control Commissioner or Deputy Local Liquor Control Commissioner, without a hearing, to close such place or places. Such closings shall be by proclamation under the signature of the Local Liquor Control Commissioner or Deputy Local Liquor Control Commissioner. Such proclamations shall state the reason for such closing, commanding and enjoining any and all persons so licensed by the County, and their servants and agents to neither sell, give away, nor suffer to be drunk any alcoholic liquors in or about their premises during the time mentioned in the proclamation or order. In any event, no such emergency order shall be valid beyond seven days without a hearing granted to any effected licensee. The County Sheriff, or in his absence, the Sheriff Shift commander, may order, in his discretion, a licensed premises to be closed

without hearing for a period of twenty-four 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 closings, and the reasons therefor, will be documented by the County Sheriff, or in his absence, the Sheriff Shift Commander, and a report submitted to the Local Liquor Control Commissioner.

5.04.390 Sales and consumption outside of the enclosed premises--Permits. No licensee shall serve, pour, mix, or make available for consumption any alcoholic liquors to any person outside of his enclosed structure without the proper license or permit issued by the Sangamon County Liquor Commission. Any violation of the requirements set forth in this section shall constitute a violation of the code.

A. Beer Garden Permit.

1. In application and payment of an investigation and application fee as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, 1WW, 2AA, 3AA, and 1GG license may be issued a Beer Garden Permit.

2. A Beer Garden Permit shall, upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, 2AA, 1WW, 3AA, and 1GG license to sell alcoholic liquor as authorized by his primary classification, outside of the permanent structure of his premises under the following conditions:

a. The holder of a Beer Garden Permit must conclude all sales and clear the Beer Garden no later than 10:30 p.m.

b. A permanent fence, not less than six feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic

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liquors are served, poured, mixed, or consumed.

c. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010 B of the County Code.

d. Access is not permitted to the permanent fenced in area in which liquor is to be poured, mixed, served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.

e. No music of any kind is played or broadcast outside which disturbs the neighborhood in any manner.

f. It shall be the responsibility of the licensee to insure that the noises emitted from the beer garden will not disturb the neighborhood in any way.

g. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor cafe or permanent structure.

h. The permit for the beer garden shall be displayed in accordance with Section 5.04.340 and

shall be subject to suspension or revocation by the Commission.

i. The Commissioner shall have the right to modify or waive any requirement and approve the issuance of a permit at his discretion upon a showing of unique circumstances by the applicant.

j. The annual fee for a Beer Garden Permit shall be One Hundred Dollars (\$100.00).

k.. The sales or dispensing of alcoholic liquor from the beer garden shall be made from one bar. The licensee must obtain an Additional Bar Permit for each additional bar at which alcohol is sold or dispensed within the beer garden.

B. Drive-Up Window.

1. In application and payment of an investigation and application fee, as set forth in Section 5.04.080 the holder of a Class 1AA, 1FF and 3AA license may be issued a Drive-up window permit.

2. A Drive-up window permit shall, upon issuance, entitle the holder of a Class 1AA, 1FF and 3AA license to sell alcoholic liquor as authorized by his primary classification by using a drive up window.

3. The Drive-up window permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the commissioner.

4. The annual fee for a Drive-up window permit is \$100.00.

C. Package Liquor Permit.

1. In application of payment of an investigation and application fee, as set forth in Section 5.04.080, the holder of a license may be issued a package liquor permit.

2. A package liquor permit shall, upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, 1GG, 2AA, 3AA license to make package sales as defined in Section 5.04.020. Package liquor must be sold in the original package and may not be consumed in whole or in part on the premises where sold.

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3. The annual fee for a package liquor permit shall be one hundred dollars (\$100.00).

4. The package liquor permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the commissioner.

D. Additional Bar Permit.

1. The holder of a 1AA, 1BB, 1PC, 1GG, 2AA, 3AA or 1WW license shall be allowed to sell or dispense liquor from only one (1) bar located within the permanent structure of his premises or only one (1) bar located within his beer garden.

2. On application and payment of an investigation fee, as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, 1GG, 2AA, 3AA or 1WW license may be issued an additional bar permit.

3. An additional bar permit, shall upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, 1GG, 2AA, 3AA or 1WW license to sell or dispense alcoholic liquor as authorized by his primary classification at an additional bar located within the permanent structure of his premises or at an additional bar located within his beer garden.

4. The annual fee for an additional bar permit shall be One hundred dollars (\$100.00).
5. The additional bar permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the commissioner.

E. Special Event Permit.

1. Upon application and payment of an investigation and application fee, as set forth in Section 5.04.080, the holder of a Class 1AA, 1BB, 1PC, 3AA, 1WW license may be issued a special event permit.
2. A special event permit, shall upon issuance, entitle the holder of a Class 1AA, 1BB, 1PC, 3AA, and 1WW license to sell alcoholic liquor as authorized by his premises on the property where the licensee's permanent structure is located under the following conditions:
 - a. A temporary fence or other similar structure made of wood, roping or other similar material, must be erected to enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed. The enclosed area must be at least 20 feet from any intersection. The fencing shall be designed to separate the licensee patrons from the general public.
 - b. Access into the outside area shall be from the permanent structure only and no access shall be permitted from the sidewalk or adjoining property. Emergency exits must be provided.
 - c. No music of any kind may be played or broadcast from the outside area or within the permanent structure which is of such a volume so as to disturb the neighborhood in any manner. Music shall not be played or broadcast after 10:30 p.m.
 - d. Outdoor portable sanitary facilities must be provided by the licensee, as required.

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- e. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley. Alcoholic liquor served in open containers may not be removed from the outside area or permanent structure. All beverages must be in non-breakable containers.
- f. Proof of dram shop insurance coverage on the outside area must be submitted with the completed application.
- g. Adequate security must be provided by the licensee.
- h. Outside area activities may not begin prior to 1 p.m. and will cease at 10:30 p.m., unless otherwise noted on the permit.
- i. A Special Event Permit may be issued for a maximum of three (3) consecutive days. Not more than six (6) permits may be issued to a licensee during a calendar year.
- j. The fee for an outside sales permit shall be \$75.00 for each day for which the permit is to be used. Issuance of an outside sales permit to a licensee shall be treated separately from the licensee's primary license and shall be subject to suspension or revocation by the Commissioner for just cause.
- k. An application for a special event permit must be received by the Zoning Department no less than fifteen (15) days prior to the date of the special event. Any application for a special event

permit received within fifteen (15) calendar days of the special event will be assessed a fifty dollar (\$50.00) late fee.

F. STATE FAIR PERMIT.

1. Upon application of payment of an investigation and application fee, as set forth in section 5.04.080, the holder of a license may be issued an Illinois State Fair Permit.

2. A State Fair Permit shall entitle the licensee to sell all alcoholic liquors during the hours of 1:00 a.m. and 3:00 a.m. on the days that the Illinois State Fair at Springfield is being conducted by the Illinois Department of Agriculture.

3. In addition to any other requirements prescribed herein, a State Fair Permit shall be issued only to applicants possessing a tavern license during the period in which the Illinois State Fair is being conducted by the Department of Agriculture.

4. The fee for a State Fair Permit is \$150.00 for the ten (10) days of the Illinois State Fair. Issuance of this permit to a licensee shall be subject to suspension or revocation by the Commissioner for just cause.

5.04.400 Warning Signs - Posted. In every premises on which the sale of alcoholic liquor is licensed, a sign, clearly visible to the public, shall be posted at the entrance and at the cash register, by the licensee thereof, to be furnished by the licensee, which shall read substantially as follows:

Warning to Minors

You must be 21 years old to purchase any liquor and you must be able to prove it. You are subject to prosecution and fine for the purchase of alcoholic beverages or misrepresentation of your age for the purpose of purchasing alcoholic beverages.