

## **GRUNDY COUNTY LIQUOR CONTROL ORDINANCE OF 2007**

BE IT ORDAINED BY THE COUNTY BOARD OF GRUNDY COUNTY, ILLINOIS, AS FOLLOWS:

### **Section 1 – Definitions**

1. Unless the context otherwise requires, the following terms as used in this ordinance shall be construed according to the definitions given below:

A. “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.

B. “Spirits” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

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

D. “Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

E. “Alcoholic liquor” includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine and beer, and capable of being consumed as a beverage by a human being. The provisions of this Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, not to any liquid or solid containing one-half of one percent, or less, of alcohol by volume.

F. “Special event retailer” means an educational, fraternal, political, civic, religious or not-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license.

G. “Retail sale” means the sale for use or consumption and not for resale in any form.

H. “Restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

I. “Club” means 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 or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Grundy County Liquor Control Commissioner at the time of its application for a license under this Ordinance two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

J. “Hotel” 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 (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

K. “Special event” means an event conducted by an educational fraternal, political, civic, religious, or non-profit organization, or an entity that has been approved as a Special Use venue per County ordinance.

L. “Beer garden” means a courtyard or patio that is immediately adjacent to a licensee’s retail sales facility. Any beer garden shall be fully screened from adjacent properties. If the property line of residentially zoned property, (A-R, R-1, R-2, R-3, or R-R), is located within 1,000 feet of a beer garden, hours of operation for the beer garden shall be limited to the following: Monday through Friday – 10:00 a.m. to 9:00 p.m., Saturday and Sunday – 10:00 a.m. to 10:00 p.m. Due to the fact that there is an additional fee for classes with beer gardens, it is recommended that this be taken into consideration when obtaining your initial license. (See attached fee schedule)

### **SECTION 2 – Adoption of Illinois Liquor Control Act by Reference**

Grundy County herein adopts the provisions of the Illinois Liquor Control Act, 235 ILCS 5/1-1, et. seq., as presently drafted and as may hereafter be amended, by reference, in its entirety (“the Act”). Any violation of the Act shall also be a violation of County Ordinance, punishable by fine.

### **SECTION 3 – Liquor Control Commissioner and Commission**

1. **Liquor Control Commissioner.** The Chairman of the Grundy County Board shall be the Liquor Control Commissioner for the territory in Grundy County outside of the incorporated cities, villages and towns.

2. **Liquor Control Commission.** The Chairman of the Grundy County Board, together with a committee, which he or she may appoint, shall constitute the Grundy County Liquor Control Commission.

A. **Qualifications.** No person shall be appointed to the Grundy County Liquor Control Commission who has been convicted of any violation of any federal, state or local law concerning the manufacture or sale of alcoholic liquor or who has paid a fine or penalty in settlement of prosecution against him for any violation of such laws or shall have forfeited his bond to appear in court to answer charges for any such violation, nor shall any person be appointed who has been convicted for a felony. Furthermore, no commissioner may, directly or indirectly, individually or as a member of a partnership or as a shareholder of a corporation have any interest whatsoever in the purchases or sales made by the persons authorized by this Ordinance, or to purchase or sell alcoholic liquor. No provision of this section shall prevent any commissioner from purchasing and keeping in his possession for the use of him or herself or members of his or family or guests any alcoholic liquor which may be purchased or kept by any person by virtue of this Ordinance.

B. **Gifts, etc., to Commissioner; Penalty.** Members of the Grundy County Liquor Commission shall not solicit or accept any gift, gratuity, emolument or employment from any person subject to the provisions of this Ordinance, or from any officer, agent or employee

thereof, nor solicit, request from or recommend, directly or indirectly, to any such person or to any officer, agent or employee thereof, the appointment of any person to any place or position, and every such person, and every officer, agent or employee thereof, is hereby forbidden to offer to any commissioner, any gift, gratuity, emolument or employment. If any commissioner shall violate any of the provisions of this section, he or she shall be removed from the office or employment held by him.

3. **Powers and Duties of the Commission and Commissioner.** The Grundy County Liquor Control Commission and Commissioner shall have the following powers, functions and duties:

A. To receive applications, investigate applicants and grant, renew, or deny liquor licenses, and to issue licenses for retail sale of alcoholic liquor in accordance with the provisions of this Ordinance, and to delegate to staff the authority to approve special event permits for licensees possessing the requisite annual permits and licensure

B. To examine, or cause to be examined, under oath, any applicant for a Retail Liquor Dealer's License, or for the renewal thereof, and to examine, or cause to be examined, the books and records of any applicant or licensee; to hear testimony and take proofs of the information provided in his or her application; and to issue subpoenas for the purpose of examining an applicant for a Retail Liquor Dealer's License. For the purpose of administering or enforcing the provisions of this Ordinance, the Commissioner may, at his discretion, hold public hearings at any time within the County concerning any matter embraced within this Ordinance, and may exercise any authority permitted under State law.

C. To suspend for not more than thirty days or revoke licenses upon the Liquor Control Commission's determination, upon notice after hearing, that a licensee has violated any provision of this Ordinance, any 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 applicable rules and regulations adopted by the Liquor Commission or by the State of Illinois. Any action by the Liquor Control Commission to suspend or revoke a licensee's license is limited to the license of the specific premises where the violation occurred. In lieu of suspending or revoking a license the commission may impose a fine, upon the commission's determination and notice after hearing, that a licensee has violated any provision of this Ordinance.

D. To enter and inspect or authorize any law enforcement officer or other County personnel to enter and inspect, any premises in Grundy County licensed hereunder to determine whether any of the provisions of this Ordinance or of the Illinois Liquor Control Act of 1934 have been or are being violated.

E. To notify the Secretary of State when a club, incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in the State of Illinois under a certificate of authority issued under that Act, has violated the Illinois Liquor Control Act of 1934 by selling or offering for retail sale alcoholic liquors without a license.

F. To receive complaints from licensees, local officials, law enforcement agencies, organizations and other persons, stating that any licensee has been or is violating any provision of this ordinance or any provisions of the Illinois Liquor Control Act of 1934. Such complaints shall be in writing, signed, and sworn by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Liquor Control Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Ordinance or of the Liquor Control Act, it shall conduct an investigation. If, after conducting an investigation, the commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Ordinance.

G. To receive local license fees and pay the same forthwith to the County Treasurer as the case may be.

H. To notify the Secretary of State of any convictions for a violation of Section 6-20 of the Illinois Liquor Control Ordinance of 1934 or Section 4 of this Ordinance.

I. To suspend or revoke any license issued by him or her if the Liquor Commissioner determines, after hearing, that there was any physical attack or fight involving a weapon on the premises, or if there was any unlawful discharge of a firearm on the premises.

#### **SECTION 4 – Retail Liquor Dealer’s License**

1. **License required.** It shall be unlawful to sell or offer for retail sale any place in Grundy County outside the limits of any incorporated cities, towns and villages, any alcoholic liquor without having a Grundy County Retail Liquor Dealer’s License or in violation of such license.

2. **Application.** Applications and renewal applications for a Grundy County Retail Liquor Dealer’s License shall be provided by the Secretary of the Grundy County Board. The application must be made in writing, signed by the applicant, if an individual, or by an authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

- A. The applicant’s name, mailing address and telephone number;
- B. The name and address of the applicant’s business;
- C. In the case of a co-partnership, the date of the formation of the co-partnership;
- D. In the case of a corporation for profit, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;

E. In the case of a club, the objects for which it was organized and the names and addresses of the officers and directors;

F. The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the time and place of his or her naturalization;

G. The character of business of the applicant and the length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its character was issued;

H. The address and description of the premises or place of business which is to be operated under such license;

I. A statement indicating whether the applicant has made similar application for a similar other license on the premises, other than described in this Ordinance, and the disposition of such application;

J. A statement that applicant has never been convicted of a felony, pandering or other crime or misdemeanor opposed to decency and morality, and it not disqualified to receive a license based on this Ordinance or the Illinois Liquor Act of 1934;

K. Whether a previous license from any state or subdivision thereof or from the federal government has been revoked and the reasons therefore;

L. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any resolution of the Grundy County Board in the conduct of his or her place of business.

3. **Licensing Restrictions.** A Retail Liquor Dealer's License shall not be issued to:

A. A person who is not a resident of Grundy County;

B. A person who is not a citizen of the United States of America;

C. A person who is not of good character and reputation in the community in which he or she resides;

D. A person who has been convicted of a felony under State or Federal law;

E. A person who has been convicted of being the keeper of, or is keeping, a house of ill reputation;

F. A person who has been convicted of pandering, or other crime or misdemeanor opposed to decency and morality;

G. A person whose Grundy County Retailer Liquor Dealer's License has been revoked, or a person who has failed to comply with each and every requirement of this Ordinance;

H. A person who, at the time of application for renewal of a Retail Liquor Dealer's License, would not be eligible for such license upon a first application;

I. A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of a licensee;

J. A person who does not beneficially own the premises for which a Retail Liquor Dealer's License is sought, or does not have a lease thereon for the full period for which the license is to be issued;

K. A person who is not a beneficial owner of the business to be operated by the licensee;

L. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited his or her bond to appear in court to answer charges for any such violation;

M. A person who has been convicted of a gambling offense as prescribed by 710 ILCS 5/28-1 or 70 ILCS 5/28-3 as amended;

N. A co-partnership, unless all of the members of such co-partnership are qualified to obtain a license;

O. A corporation, if any officer, manager, director or stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a Retail Liquor Dealer's License for any reason other than citizenship or residence;

P. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;

Q. A corporation, if any officer, manager, director or stockholder thereof, owning the aggregate more than twenty percent (20%) of the stock of such corporation, has been issued a Federal Gaming Device Stamp or a Federal Wagering Stamp for the current tax period; unless the corporation is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

R. A person or co-partnership, including any of the partners of the co-partnership, to which A Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal Government for the current tax period; unless that person or co-partnership is eligible to be issue a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

S. Any law enforcing public official, mayor, alderman, chairman or member of the Grundy County Board, or president or member of a village board of trustees;

T. Any person, co-partnership, club or corporation not eligible for an Illinois Retail Liquor Dealer's License.

U. Submission of a signed application for a liquor license and/or acceptance of a liquor license constitutes the applicant's consent to an inspection of any and all portions of the licensed premises by the County: 1) at any time during the normal business hours of the licensed premises, with or without advance notice; or, 2) at such other time as the County shall designate to the applicant/Licensee in writing, with not less than 48 hours advance notice. Inspections pursuant to this consent may be conducted by any County personnel, including Sheriff Department, Land Use Department, or Health Department, the Liquor Commissioner, or other staff authorized by the Liquor Commissioner, for purposes of determining compliance with the provisions of this Liquor Code, or for purposes of determining compliance with any other applicable code or regulation. The consent for inspection shall extend to any portion of the premises. An applicant or Licensee's refusal to grant access to the premises for an inspection shall constitute grounds for denial of a pending application (without refund of any posted application fees) and shall constitute a violation of this Liquor Code for liquor license holders, which may subject a liquor Licensee to suspension or revocation of their liquor license, imposition of fines and penalties under this Liquor Code, or both. The existence of code violations shall justify suspension, denial, or non-renewal of a liquor license.

V. In the event the Liquor Commissioner receives a liquor license application which the Commissioner determines is not adequately regulated under this Code, the Commissioner may temporarily delay review of the application for purposes of seeking an amendment to this Code to add additional regulation.

**4. Classifications of Retail Liquor Dealer's Licenses.** Grundy County Retail Liquor Dealer's Licenses shall be divided into the following classes:

A. Class 'A' Licenses which shall authorize the retail sale of alcoholic liquor for consumption on the premises, as well as the retail sale of alcoholic liquor in packages for consumption off the premises;

B. Class 'B' Licenses which shall authorize the retail sale of alcoholic liquor for consumption on the premises of a club, as well as the retail sale of alcoholic liquor in packages for consumption off the premises;

C. Class 'C' Licenses which shall authorize the retail sale of beer and wine only, for consumption on the premises only;

D. Class 'D' Licenses which shall authorize the retail sale of alcoholic liquor in packages only and not for consumption where it is sold;



E. Class 'E' Licenses which shall authorize the retail sale of alcoholic liquor for consumption on the premises only while entertainment events are being conducted;

F. Special Event Licenses which shall authorize the retail sale of alcoholic liquor for consumption on the premises where the special event retailer shall be determined by the Liquor Control Commission. A Special Event License may only be issued to a special event retailer and such retailer may not be issued more than two special event licenses per year and are not to exceed three (3) days each. A Special Event License may only be issued if the special event retailer has obtained Dram Shop Insurance for the special event and has provided the Liquor Control Committee with sufficient proof that such insurance has been obtained.

5. **Number of Retail Liquor Dealer's Licenses.** The following number of licenses shall be available for each license class:

A. Six (6) Class 'A' Licenses

B. Four (4) Class 'B' Licenses

C. One (1) Class 'C' License

D. One (1) Class 'D' License

E. One (1) Class 'E' License

F. There is no predetermined number of Special Event Licenses that may be issued. The number of Special Event Licenses that may be issued is left to the discretion of the Liquor Control Commission.

6. **License fees.** The fees for each class of license are found in the Liquor License Fee Schedule that has been adopted by the Grundy County Board and is attached to the license application.

7. **Payment of License Fee.** The license fee for Class 'A' through Class 'E' Licenses shall be paid to the Liquor Control Commission when the application for a Retail Liquor Dealer's License is submitted. The fee to be paid for a Class 'A' through Class 'E' license for an initial application shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. If a Class 'A' through Class 'E' license is merely being renewed for the following year, the required fee for the license shall be paid on or before December 31<sup>st</sup>. The license fee for a Special Event License must be paid to the Liquor Control Commission upon approval of the application for the license.

8. **Disposition of License Fees.** All fees collected for Retail Liquor Dealer's Licenses shall be turned over by the Liquor Control Commission to the County Treasurer's Office for the use of the County. In the event that an applicant is not granted a license, the County Treasurer shall return the fee to the applicant within thirty (30) days after notice has been sent to the applicant that his or her application has been denied.

9. **Term of Licenses.** Class ‘A’ through Class ‘E’ licenses shall terminate on December 31 of the year the license is granted. The duration of Special Event Licenses shall be determined by the Liquor Control Commission on a case by case basis.

10. **Dram Shop Insurance.** At the time a renewal application is made by the licensee, and in the case of a successful new applicant within ten (10) days after the application has been approved, the licensee or applicant shall present evidence of Dram Shop Liability Insurance to the Liquor Control Commission or Commissioner, issued by an insurance company licensed to do business in the State of Illinois, insuring the applicant, and the owner or lessor of the premises in at least the following amounts:

A. Forty five thousand dollars (\$45,000.00) of general liability/personal injury insurance per person;

B. Forty five thousand dollars (\$45,000.00) of general liability/property damage insurance per person;

C. Fifty five thousand dollars (\$55,000.00) of general liability/loss of means of support insurance per person.

11. **Transfer of License.** A Grundy County Retail Liquor Dealer’s License shall be purely a privilege, shall not constitute property, and shall not be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or be subject to being encumbered or hypothecated. Such license shall not descent by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; unless executors or administrators of the estate or any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue under order of an appropriate court, and may exercise the privileges of the deceased, insolvent or bankrupt licensee, after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

12. **Change of Location.** A Retail Liquor Dealer’s License shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Liquor Control Commission or Commissioner. An application to change the location of the premises that is licensed under this Ordinance may be obtained by the Secretary of the Grundy County Board and is subject to the approval of the Liquor Control Commission.

13. **Display of License.** Every licensee shall frame and hang his or her Retail Liquor Dealer’s License in a conspicuous place on the licensed premises.

14. **Display of Birth Defects Warning Sign.** Every holder of a Retail Liquor Dealer's License, whether the licensee sells or offers for sale alcoholic liquors for use or consumption on or off the retail license premises, shall cause a sign with the message "GOVERNMENT WARNING: ACCORDING TO THE SUREGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS" to be framed and hung in plain view. These signs shall be no larger than 8 ½ inches by 11 inches. In the event there is no warning sign posted on the licensee's premises refer to 235 ILCS 5/6-24a for further action that must be taken and fines that may be levied for noncompliance.

## **SECTION 5 – Emergency Closure**

All liquor license holders shall, as a condition of maintaining their license, adhere to any emergency closure or suspension order issued by the Liquor Commissioner in conformance with this Section.

1. The Liquor Commissioner or the Liquor Commissioner's authorized designee shall be authorized to temporarily suspend the sale of alcoholic beverages and/or require the temporary closure of any premises subject to which a liquor license has been issued where, in his or her sole and absolute discretion, such action is necessary or advisable in order to: prevent the endangerment of public safety; secure the continuation of public peace or order; abate, prevent, or stop any imminent or actual public nuisance, criminal activity or riotous behavior; or otherwise prevent or respond to a threat to public safety or order.

2. The power to suspend the sale of alcohol or close licensed premises may be exercised by the Liquor Commissioner, the County Sheriff, or the Acting County Sheriff in the absence of the County Sheriff. Any time any of these authorized individuals exercises the authority to issue a temporary suspension or closure order, any County employee may be utilized to circulate and disseminate the emergency order.

3. All Licensees shall adhere to a closure order that is received by the Licensee in any method of communication from the County, including but not limited to: a telephone call from the County; written notice provided via mail or personal delivery; verbal notice provided by any County employee providing proper proof of identification; radio, television, newspaper or other public communication medium; or any other form of emergency communication. A suspension/closure order may be issued County-wide, may be issued on a geographic basis (e.g., all licensed premises within a defined area of the County), or on a Licensee by Licensee basis. The County shall use reasonable efforts to make personal contact via telephone or via a visit to licensed premises by a County employee, to notify Licensees of an emergency suspension or closure. Within a reasonable time after the notification of emergency suspension or closure, the County shall use reasonable efforts to notify Licensees of the term or duration of the emergency suspension or closure order, if such term is not announced at the start of the order.

4. At any time that an emergency suspension order is in effect, it shall be unlawful and shall be a violation of the conditions of licensure for any persons licensed by the County, or their servants or agents, to sell, give away or permit to be distributed, served, or drawn, in or about the

licensed premises any liquors or alcoholic beverages. At any time that an emergency closure order is in effect, it shall be unlawful and shall be a violation of the conditions of licensure for any licensed premises to remain open for business or to permit persons other than the Licensee, owner of the premises, or employees or agents of either to remain within the premises.

## **SECTION 6 - Procedure for Suspension, Revocation and Imposition of Fines.**

**1. Notice.** With the exception of emergency closures as set forth in this Ordinance, before a licensee may have his or her license suspended or revoked, or before a fine may be levied against the licensee, the Liquor Control Commission shall give the licensee written notice of the violation at least three (3) days prior to the hearing on the violation. Such written notice shall be deemed served by mailing a notice of the violation, including the date and time of the hearing, to the licensee via pre-paid United States mail to the address listed by the licensee on his or her application for a Retail Liquor Dealer's License.

**2. Hearing.** A hearing shall be conducted at a time and place directed by the Liquor Control Commission. The Liquor Control Commissioner may appoint a hearing officer to take testimony at the hearing. The licensee shall have the opportunity to appear and defend and to cross-examine all witnesses and to present testimony in his or her own defense. Such hearing shall be informal in nature and the rules of evidence as followed by the Courts of Illinois shall not be applicable. All such hearings shall be open to the public and the testimony shall be transcribed by a certified short hand reporter.

**3. Disposition.** The Liquor Control Commissioner shall, if he determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason or reasons for such determination in a written order, and indicate either the amount of the fine and when it must be paid, the period of suspension, or that the license has been revoked. The Liquor Control Commissioner shall serve a copy of such order within five (5) days after the hearing upon the licensee. In making his or her determination to reprimand, fine, or suspend or revoke, or in determining the amount of a fine imposed or the length of a suspension imposed, the Liquor Commissioner may consider any of the following: 1) the nature of the violation; 2) past violations of the Licensee occurring within the immediately preceding three (3) year period; 3) past action of the Liquor Commissioner in comparable situations; 4) the factual situation and circumstances surrounding the violation as presented at the public hearing; and 5) such other information as the Liquor Commissioner shall deem relevant.

**4. Licensee's Right to Appeal Decision of Liquor Control Commission.** A licensee shall have the right to appeal a decision of the Liquor Control Commission, by filing an appeal with the Illinois Liquor Control Commission within twenty (20) days after receipt of the Liquor Control Commission's order. The appeal shall be limited to a review of the official record of the proceedings of the Liquor Control Commission and the transcript of the testimony given at the hearing. If an appeal is filed, the Liquor Control Commissioner shall file a certified copy of the official record of the proceedings with the Illinois Liquor Control Commission after the appellant licensee pays the cost of the preparation of the official record.

**5. Agreed Violation Process.** Agreed Violation Process: In cases where: 1) the Liquor Commissioner and the Licensee agree and stipulate to the facts of a given violation, and agree that a violation has occurred; 2) the Liquor Commissioner and the Licensee agree that use of the Agreed Violation Process is appropriate, and are willing to execute a stipulation, settlement and waiver agreement so indicating; 3) the violation(s) in question are not severe, and do not evidence a pattern of repeat violations by a Licensee; and 4) the Licensee is willing to accept the penalties recommended by the Liquor Commissioner and waive the right to a hearing, to avoid the cost and expense thereof, the Liquor Commissioner and Licensee may elect to utilize a written agreement to resolve a proposed violation. Such agreement shall waive the Licensee's right to a hearing and shall impose a mutually acceptable fine and/or suspension or revocation of a license, and such other terms as the Liquor Commissioner and Licensee shall agree upon. Either party shall be free to reject the Agreed Violation Process and proceed to a formal hearing. The period of time when the parties are investigating the potential use of the Agreed Violation Process shall toll any Liquor Commissioner timelines for initiating a hearing or filing charges against the Licensee.

## **SECTION 7 – Minors**

### **1. Unlawful Acts.**

A. It shall be unlawful for any person under twenty one (21) years of age to purchase, obtain or possess any alcoholic liquor in any premises that holds a Retail Liquor Dealer's License.

B. It shall be unlawful for any person under twenty one (21) years of age to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any premises that holds a Retail Liquor Dealer's License.

C. It shall be unlawful for any person under twenty one (21) years of age to attend any bar, to pour, draw or mix any alcoholic liquor, or otherwise act as a bartender in any premises that holds a Retail Liquor Dealer's License.

D. It shall be unlawful for any person under twenty one (21) years of age to sell, give or deliver packaged alcoholic liquor to any person in any premises that holds a Retail Liquor Dealer's License.

E. It shall be unlawful for any holder of a Retail Liquor Dealer's License, or his or her agent, servant or employee to permit any person under twenty one (21) years of age to remain in any room where alcoholic liquor is sold or consumed, except when such person is accompanied by a parent or guardian, or is an employee of the licensee and is performing his or her duties as an employee, or unless the licensed premises derives its principal income from the sale or service of commodities other than alcoholic liquor.

F. It shall be unlawful to sell, give or deliver alcoholic liquor to any person under twenty one (21) years of age on any premises that holds a Retail Liquor Dealer's License.

2. **Rights of Licensees.** If a licensee, his or her agents or employees believe or have reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is a minor, he or she shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age. If a licensee, his or her agents or employees are not satisfied with the identification provided, he or she may deny serving alcoholic liquors to the prospective recipient.

### **SECTION 8 – Acts Prohibited on Licensed Premises; Other Restrictions**

1. **Prohibited Conduct.** The following types of conduct are prohibited on premises that have obtained a Retail Liquor Dealer's License:

A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law.

B. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.

C. The actual or simulated displaying of the breast, pubic hair, anus or genitals.

D. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

E. The displaying of films or pictures depicting acts where a live performance of the same is prohibited by the regulations listed above.

F. Conducting the sale or display on live models of lingerie, swimsuits or male or female undergarments.

G. The performance of male or female strippers, whether actual or simulated.

2. **Closing Hours.** It shall be unlawful to sell or offer for retail sale, or give away or consume any alcoholic liquor in any premises that has obtained a Retail Liquor Dealer's License between the hours of 1:00 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday of each week. It shall further be unlawful to sell or offer for sale or consume or give away any alcoholic liquor in any premises that has obtained a Retail Liquor Dealer's License between the hours of 2:00 a.m. and 6:00 a.m. on Saturday and Sunday of each week. It shall be unlawful to keep open for business or to admit the public to any premises on which alcoholic

liquor is available for retail sale during the hours or days during which the sale of such liquor is prohibited. Restaurants, clubs and hotels may be kept open during such hours, however, no alcoholic liquor may be sold to be consumed on or off the premises by the public during such hours. In the event New Year's Eve occurs on a weekday, closing hours shall be the same as the Saturday and Sunday closing provisions.

3. **View from the Street.** Premises that are licensed to sell alcoholic liquor under a Class 'A', Class 'C' or Class 'E' license, excluding restaurants, hotels and clubs, are not permitted to have screens, blinds, curtains, partitions or any other article upon the windows, doors or inside the premises, which prevent a clear and full view of the entire premises from the street, road and sidewalk at all times. All licensees must have a clear glass, unobstructed window on the premises that affords a view of the establishment from the outside. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In order to enforce this provision the Liquor Control Commission or Commissioner shall have the right to require a licensee or applicant to file plans, drawings and photographs showing the clearance of the view as required above.

4. **Sanitary Conditions.** All premises that hold a Retail Liquor Dealer's License shall be kept in a clean and sanitary manner.

5. **Employees.** It shall be unlawful to employ any person who is afflicted with, or who is the carrier of, any contagious or infectious disease in or about any premises that holds a Retail Liquor Dealer's License.

## **SECTION 9 – Penalties**

1. **Fines.** Any person or licensee that violates any provision of this Ordinance shall be fined not less than ten dollars (\$10.00) and not more than one thousand dollars (\$1,000.00) for each offense. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, during the period of the license, shall not exceed \$15,000.00.

2. **Suspension.** A licensee that violates any provision of this Ordinance may be subject to suspension of his or her Retail Liquor Dealer's License upon determination by the Liquor Control Commission. The Liquor Control Commission may not suspend a violator's license for more than thirty (30) days. The suspension period of a Retail Liquor Dealer's License, as determined by the Liquor Control Commission during a hearing, starts after notice of the suspension has been sent via United States Mail to the address listed by the licensee on his or her application for a license hereunder.

3. **Revocation.** A licensee that violates any provision of this Ordinance may be subject to revocation of his or her Retail Liquor Dealer's License upon determination by the Liquor Control Commission.

## **SECTION 10 – General Provisions**

1. **Scope of Ordinance.** The provisions of this Ordinance apply to premises in the territory which lies within the corporate limits of Grundy County and outside the corporate limits of any city, village or town within Grundy County.

2. **Separate and Distinct Provisions.** Each provision of this Ordinance shall be considered separate and distinct, and the unconstitutionality or invalidity of any provisions herein shall not be deemed to affect or impair the validity of the remaining provisions.

3. **Conflicting Ordinances.** All ordinances or parts of ordinances previously passed by the Grundy County Board that are in conflict with this ordinance are hereby repealed.



## LIQUOR LICENSE FEE SCHEDULE

- Class A.      One Thousand Five Hundred Dollars (\$1,500.00)  
                  With a Beer Garden; One Thousand Eight Hundred Dollars(\$1,800.00)**
- Class B.      Nine Hundred Dollars (\$900.00)  
                  With a Beer Garden; One Thousand Two Hundred Dollars(\$1,200.00)**
- Class C.      Nine Hundred Dollars (\$900.00)  
                  With a Beer Garden; One Thousand Two Hundred Dollars(\$1,200.00)**
- Class D.      One Thousand Two Hundred Dollars (\$1,200.00)**
- Class E.      Nine Hundred Dollars (\$900.00)  
                  With a Beer Garden; One Thousand Two Hundred Dollars(\$1,200.00)**
- Class F.      ‘Special Event License’ Two Hundred Dollars (\$200.00)  
                  With a Beer Garden; Five Hundred Dollars (\$500.00)**

**Approved and adopted: October 9, 2007**

**Revised: April 8, 2014**

**Revised: August 8, 2023**