

ORDINANCE NO. 14-05-13-01

**AN ORDINANCE KNOWN AND DESIGNATED AS LIQUOR LICENSE AND CONTROL
ORDINANCE IN THE COUNTY OF WILLIAMSON, STATE OF ILLINOIS AND DATED MAY 13,
2014**

It is hereby ordained:

- A. That this Ordinance is made pursuant to the authority granted the County by Chapter 235 of the Illinois Compiled Statutes.
- B. That this Ordinance shall supersede all previous liquor ordinances and amendments thereto.
- C. That all territory in Williamson County, Illinois, outside the limits of Cities, Villages, or incorporated towns, in said County be hereafter known and designated as the "County District" of Williamson County, Illinois.
- D. That Licenses for sale at retail of alcoholic liquor in said "County District" shall be issued by the Local Liquor Control Commissioner, and attested by the County Clerk of Williamson County, Illinois, under the terms and conditions as provided in this ordinance.

SECTION 1. CLASSIFICATIONS OF LICENSES

There shall be only eight classes of liquor licenses issued in said County District, and they shall be designated as:

- a) A "**Class A**" liquor license shall authorize the retail sale of alcoholic liquors, including beer, upon the premises specified in said license to the general public for consumption on the said premises and shall further authorize the retail sales of alcoholic liquors, including beer, in the original package, with the original seal unbroken, to be carried from and consumed off the said described premises.
- b) A "**Class B**" liquor license shall authorize the retail sale of alcoholic liquor, including beer, only in the original package, with the original seal unbroken, to be carried from and consumed off the premises described in the liquor license.
- c) A "**Class C**" liquor license shall authorize the retail sale of alcoholic liquors, including beer, upon the premises specified in said license to the general public for consumption on the said premises and shall further authorize the retail sales of alcoholic liquors, including beer, in the original package, with the original seal unbroken, to be carried from and consumed off the said described premises and shall be only issued to a lessee of property owned by a municipal corporation under the State of Illinois Law, that may obtain and hold a liquor license, and further, shall be issued only for the said property and limited strictly thereto.
- d) A "**Class D**" liquor license shall authorize the retail sale of beer only, to be sold from one designated building on the licensed premises and shall be consumed only in and around that building and on the property contiguous to that building which is owned by the licensee.

- e) A “**Class E**” liquor license may be granted to veteran’s organizations and nationally recognized organizations such as the Shriners, Knights of Columbus, Benevolent and Protective Order of Elks, who engage in social, charitable, and philanthropic activities. A “**Class E**” liquor license shall authorize the retail sale of alcoholic liquors, including beer, upon the premises specified to members of the organization and their guests for consumption on the said premises and shall further authorize the retail sales of alcoholic liquors, including beer, in the original package, with the original seal unbroken, to be carried from and consumed off the said described premises.
- f) A “**Class F**”, or off premises, liquor license may be granted to businesses and organizations already possessing qualified class of liquor license to sell alcoholic beverages as the need (event) arises, and shall authorize the retail sale of alcoholic liquors, including beer, for consumption on premises away from the location the licensee normally conducts its licensed retail alcohol trade, for a period of time to be designated on the license. Examples would be catered parties, wedding receptions, and special events.
- g) A “**Class G**” liquor license may be granted to charitable organizations and not for profit organizations for wine and beer sales for periodic activities of limited duration such as rodeos, tractor pulls, etc., and shall authorize the retail sale of beer and wine upon the designated premises for consumption on those premises, for a period of time to be designated to the license.
- h) A “**Class W**” liquor license, shall be issued to a limited wine manufacturer, shall allow sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees, as may be permitted by law, and to on-premises sampling of site-manufactured wares not in excess of one-half ounce per sample to consumers of lawful age, and to sales in unbroken original packages and not to be consumed on the premises.

SECTION 2. NUMBER OF LICENSES AND FEES

The number of licenses that may be issued for each class of license, payment type and annual fees shall be as follows:

Class	No. Issued	Payment Type	Fee
Class A	15	Annual	\$1,350.00
Class B	4	Annual	\$1,100.00
Class C	1	Annual	\$1,350.00
Class D	1	Annual	\$1,100.00
Class E	5	Annual	\$1,100.00
Class F	As Needed	When Issued	\$250.00
Class G	As Needed	When Issued	\$250.00
Class W	2	Annual	\$500.00

SECTION 3. TERM AND PAYMENT SCHEDULE FOR LICENSE

- a) All licenses by virtue of this ordinance shall be for a term of one (1) year, beginning the 1st July and expiring the 30th of June at Midnight (12:00 a.m.).
- b) All license fees herein provided shall be paid in advance.
- c) All license holders shall be actively engaged in said business at stated location within one (1) year of license date, or license will be forfeited.
- d) Licensees that discontinue business during term of license for more than thirty (30) days shall immediately notify the Local Liquor Control Commissioners as to the status of business and for renewal eligibility.
- e) Annual payment due before 1st of July each year, expires 12:00 a.m. (Midnight) June 30th.
- f) (1) That a fine of \$100.00 per day shall be imposed for each day payment of the annual fee is not paid beyond the due date up to a period of 7 days.
(2) That after the 7th day of failure to pay the annual fee, the license becomes subject to revocation for that failure.
(3) That the fine and/or revocation for failure to make the annual payment on time shall be imposed after notice and hearing as set forth in Section 19 herein.

SECTION 4. BOND REQUIREMENTS

Before a license is issued by virtue of this ordinance, the applicant shall make bond in the penal sum of one thousand dollars (\$1000), payable to the People of the State of Illinois, for the use of the County of Williamson, State of Illinois, conditioned that licensee will comply with the terms and regulations of this ordinance, said bond to be approved by said Local Liquor Control Commissioner and to provide that the licensee will at all times obey the laws of the State of Illinois and all the requirements of this ordinance, and that they will pay all fines assessed against them upon a conviction of a violation of any of the terms of this ordinance. Bond must be renewed each year and a copy of bond must be sent to the County Clerk within seven (7) days of renewal.

SECTION 5. APPLICATION AND ISSUANCE OF LICENSE

- a) No person shall be qualified to obtain a license by virtue of this ordinance who is ineligible to receive a liquor license from either the State of Illinois or the United States of America.
- b) The application herein provided for shall become a part of this ordinance as Exhibit "A" attached hereto.
- c) The application shall be subscribed and sworn to by the applicant.
- d) Any person desiring to procure a license from the County of Williamson for the sale at retail of alcoholic liquors in the "County District" of Williamson County, Illinois, shall make application for such license to the County Clerk of Williamson County, Illinois.

- e) Words and phrases used in this ordinance shall have the same meaning as set forth in Chapter 235 of the Illinois Compiled Statutes.
- f) Any person submitting an application for a License must be a resident of Williamson County or must have a full time managing agent or general manager of the licensed establishment who lives within Williamson County. If the applicant does not reside in Williamson County, the full time managing agent or general manager must also sign the application for the license.
- g) Upon the application being prepared and executed by the applicant the same shall be submitted to the Local Liquor Control Commissioner along with any required documents and fees.
- h) All person's signing their name to an application will be required to submit to criminal background checks to determine eligibility per 235 ILCS 5/6-2. First time applicants shall submit fingerprints to the Department of State Police and pay any applicable fees. Renewal applicants may be required to submit fingerprints for circumstances deemed necessary by the Local Liquor Control Commissioner. Renewal applicants who are not required to submit fingerprints must still submit to a background check each year they apply for a license and pay the applicable fee.
- i) The Local Liquor Control Commissioner may withhold action on the application for thirty (30) days for investigation of the application file before finally taking action thereto. In the event the Local Liquor Control Commissioner, after his investigation as provided herein, has any question concerning the eligibility of the particular applicant to receive a license under this Code, then said Local Liquor Control Commissioner shall confer with a special liquor advisory committee. This committee shall be appointed by the Williamson County Board Chairman and shall consist of two (2) County Board members and the State's Attorney. In the event the Local Liquor Control Commissioner has asked the advice of their advisory committee, then no final action shall be taken on the application until the advisory committee has met and made its recommendations to the Local Liquor Control Commissioner; provided, however, that the final decision concerning the issuance of the license shall be made by the Local Liquor Control Commissioner.
- j) If the Local Liquor Control Commissioner shall for any reason, refuse to approve the application herein provided for, he/she shall endorse upon the back thereof the reason or reasons why a license has been refused.
- k) All applicants made for license by virtue of this ordinance shall be filed in the Office of the County Clerk of Williamson County, Illinois, and kept by the County Clerk along their records.
- l) Every license issued by virtue of this ordinance shall be posted by the licensee in a conspicuous place of the premises described in said license.
- m) All licensees here under shall at all times comply with all sanitary facilities and control provisions for their respective premises and operations as required by Franklin-Williamson Bi-County Health Department.

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i) That the County Board of Williamson County, Illinois is hereby authorized to enter into the Interagency Agreement with the Illinois State Police, a copy of which is attached hereto as Exhibit "B", for the purpose of obtaining background checks on applicants and renewals for liquor licenses in the County and

ii) That the county board is hereby authorized to provide funds for the escrow account in the amount up to \$1,000.00 as required by the Agreement and based on the anticipated yearly number of applications and renewals and

iii) That the Liuor Commissioner is hereby authorized to require payment in advance of submission, funds to be paid by each applicant or renewal of license sufficient to cover the current cost of the background check, said funds to be used in order to provide sufficient time to process the renewal or application.

iv.) That applications or renewals must be submitted at least one month before the date of anticipated use or renewal in order to provide sufficient time to process the renewal or application.

SECTION 6. NATURE OF LICENSE

A license issued under this Code shall be purely a personal privilege, good for and not to exceed one (1) year or as defined in Section 3, unless sooner revoked as authorized in this Code and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable, or transferable, voluntarily or involuntarily or subject to being encumbered or hypothecated.

Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of the alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent or bankrupt licensee, after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, unless suspended or revoked for violation of State of County Liquor Ordinance.

The licensee may renew their license at the expiration thereof, provided they are then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided that the renewal privilege herein provided shall not be construed as a vested right, and may be denied by the Local Liquor Control Commissioner.

SECTION 7. DAYS AND HOURS OF OPERATION

Closing hour for all places of business licensed by virtue of this ordinance shall be the hour designated as the time "to cease the sale of alcoholic liquor" and shall be at 1:30 A.M. on each and every day of the week. All places of business licensed by virtue of this ordinance shall continue closed and shall cease selling intoxicating liquors, including beer, until 7:00 A.M. on every day of the week, except Sunday, and on each Sunday shall not reopen until 12:30 P.M.

Persons other than bonafide employees shall **vacate the premises** where the alcoholic liquors, including beer, are sold, **within fifteen minutes after the hour designated** "to cease the sale of alcoholic liquor" such failure shall be deemed a violation of the provisions of the liquor license and will subject the licensee to the penalties provided herein as well as constituting grounds for either the revocation or suspension of the license of said licensee. Nothing herein shall be construed to prohibit the serving of food after the closing hours established herein, upon the premises that the licensee specially designated as a portion of said premises used to consume food, except that the consumption or sale of alcoholic liquor, including beer, upon the premises designated as the portion used to consume food after the time designated to "cease the sale of alcoholic liquor", including beer, shall be deemed a violation and will subject the licensee to the penalties provided herein, as well as constitute grounds for either the revocation or suspension of the license of the said licensee.

SECTION 8. LEGAL AGE, MENTAL DEFICIENCIES, EMPLOYEMENT AGE

- a) **No** licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor, including beer, to any person **under the age of 21 years**, or to any intoxicated person or to any person known by them to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. For the purpose of preventing the violation of this ordinance, any licensee or their agent, or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that they are **over the age of 21 years**.
- b) **No** licensee nor any officer, associate, member, representative, agent, or employee shall permit or allow any person **under the age of 21 years** to enter or remain in an establishment where alcoholic liquor, including beer, is sold. However, a licensee may permit or allow such person to enter or remain in such establishment, or a portion thereof, that is designated and reserved for:
 - 1) service of food (at least 51% of an establishment's gross annual revenue must be derived from the service of food and where service of food at any such establishment ceases for any reason for more than one (1) hour the establishment shall not permit nor allow any person under the age of 21 years to enter or remain therein until normal food service is resumed, except for janitorial or food preparation services; or
 - 2) participation in or observation of the games of golf, bowling, or volleyball (however, electromechanical devices portraying such games are excluded from operation of this provision); or
 - 3) promotion of a common object, other than the sale or consumption of alcoholic liquors, including beer, by an organization formed under the laws of the state, not for pecuniary profit, and maintained by its members through the paying of annual dues, such as Elks, VFW, Shriners, Eagles (however, no such organization shall permit or allow persons under the age of 21 years to sit or stand at or within ten (10) feet of a bar when alcoholic liquor, including beer, is served).
- c) **No** licensee shall employ, in any capacity in or about any premises licensed here under, any person **under the age of 21 years**; however, a licensee may employ such a person if:
 - 1) 51% of the premises licensed here under are designated and reserved for the service of food, as described in "1" above; or
 - 2) such person's employment is primarily in and about such portion of said premises; or

- 3) such person's employment does not involve the transfer, sale or delivery of alcoholic liquor, including beer, whether in the original package with the seal unbroken or otherwise.

SECTION 9. GAMBLING

- a) No slot machine or other gambling device shall be kept or possessed in any place of business licensed under this ordinance or in any room or building adjacent thereto and no gambling shall be permitted in any place of business licensed by virtue of this ordinance or in any room or building adjacent thereto, **except as provided in Section 9, subsection b) of this ordinance.** The keeping or possession of any slot machine or other gambling device or permitting gambling on the premises licensed by virtue of this ordinance or in any room or building adjacent thereto, **except as provided in Section 9, subsection b) of this ordinance,** shall be sufficient grounds for the revocation of such license by the Local Liquor Control Commissioner.
- b) Any place of business licensed under this ordinance that has also been issued a video gaming license by the Illinois Gaming Board pursuant to the Video Gaming Act (Chapter 230, Act 40, Section 1 *et seq.*, of the Illinois Compiled Statutes) may keep, possess, or operate video gaming terminals, in accordance with the provisions of the Video Gaming Act, in their place of business. The keeping, possession, or operation of video gaming terminals in violation of the provisions of the Video Gaming Act shall be sufficient grounds for the revocation of such license by the Local Liquor Control Commissioner.
- c) "Video gaming terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

SECTION 10. HOUSE OF ILL FAME

No house of ill fame or place for the practice of prostitution or lewdness shall be kept or maintained in any place of business licensed under this ordinance or in any room or building adjacent thereto and no prostitution or solicitation to prostitution shall be permitted in any place of business licensed by this ordinance or in any room or building adjacent thereto. The keeping or maintaining of any house of ill fame or place for the practice of prostitution or lewdness or the permitting of prostitution or solicitation to, or for prostitution on the premises licensed by virtue of this ordinance or in any room or building adjacent thereto shall be sufficient grounds for the revocation of such license by the Local Liquor Control Commissioner.

SECTION 11. CONDUCT IN LICENSED PREMISES

- a) That no licensee, their agent, member, representative, servant or employee shall permit or allow any lewd or lascivious act or any topless, bottomless or combination thereof by employee or employees or any such activity in which topless or bottomless persons participate within the licensed premises or in any room or building adjacent thereto. Nor shall any such entertainment be performed within the licensed premises in which any such person is topless, bottomless or combination thereof.

For the purposes of the ordinance, "bottomless" means wearing transparent clothing or material or being naked or substantially without clothing or covering of the body from the waist downward to a point on the body, which point would cover the genital area of the body; and "topless" means wearing transparent clothing or material or being naked or substantially without clothing or covering of the breast area of the body.

- b) A licensee shall not engage in, permit or suffer any person on the licensed premises or in any room or building adjacent thereto:
- 1) expose his or her genitals, pubic hair, buttocks, perineum region, anal region, natal cleft or pubic hair region; or
 - 2) expose any device, costume, or covering which give the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
 - 3) expose any portion of the female breast from and below the areola; or
 - 4) engage in a male or female strip show, lingerie (either male or female) fashion show, which includes any of the activity prohibited in Subsection 1, 2 or 3 herein above.
- c) The licensee shall not engage in, permit, or suffer any of the following acts to be conducted on the licensed premises, or in any room or building adjacent thereto:
- 1) performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or other sexual acts; or
 - 2) the actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals; or
 - 3) the actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals; or
 - 4) permitting any person to remain upon licensed premises who exposes to public view or commits any acts as described in a, b, or c herein above.

SECTION 12. PROHIBITED LOCATIONS

No license shall be issued for the sale at retail of any alcoholic liquor including beer within **one hundred (100) feet** of any church, school, hospital, home for aged or indigent persons, family residence, halfway house or home for veterans or any military or naval station, rape crisis center or child advocacy center, provided that this prohibition shall not apply to hotels offering restaurant services, regularly organized clubs, i.e., Elks, VFW, Shriners or to restaurants, food shops, or other places of business where sale of alcoholic liquors including beer is not the principal business. If the owner of such place of business (other than exempted above) shall have been established and licensed for the purpose of selling at retail, alcoholic liquor including beer, prior to the taking effect of this act or renewal of such license, then licensee shall be exempt from this section, provided that licensee remains qualified for renewal and in original location and premises. The distance of **one hundred (100) feet** shall be measured to the nearest part of any building and not property boundaries.

SECTION 13. EXTERIOR SIGNAGE OR ADVERTISEMENT

That no licensee, agent, member, representative, servant or employee shall permit or allow any lewd, vulgar, indecent or obscene signage, advertisement, motion picture or animated film, inside or outside of licensed premises or in any room or building adjacent thereto.

SECTION 14. CHANGE OF LOCATION

A retail liquor license including beer shall permit the sale of alcoholic liquors including beer, 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 Local Liquor Control Commissioner. No change of location shall be permitted unless the new location is a proper one for the retail sale of alcoholic liquors including beer under the laws and ordinances of the County of Williamson and State of Illinois.

SECTION 15. ACTS OR OMISSIONS OF OTHERS

- a) If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this ordinance, said owner, agent or other person shall be deemed guilty of a violation of this ordinance to the same extent as said licensee and be subject to the same punishment.
- b) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this ordinance, by any officer, director, manager, or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.
- c) Whenever, any officer, director, manager or other employee in a position of authority of any licensee under this ordinance shall be convicted of any violation of this ordinance while engaged in the course of his employment or while upon the premises described by said license, said license may be revoked and the fees paid thereon shall be forfeited both as to the holder of said license and as to said premises, and said bond given by said licensee to secure the faithful compliance with the terms of this ordinance shall be forfeited in like manner as if said licensee had themself been convicted.

SECTION 16. DESIGNATION OF LOCAL LIQUOR CONTROL COMMISSION

That the Chairman of the Board of the County Commissioners of Williamson County, Illinois, is hereby designated and made the Local Liquor Control Commissioner of Williamson County, Illinois, for the district herein provided for by this ordinance.

SECTION 17. DUTIES, POWERS, FUNCTIONS, AND AUTHORITY OF LOCAL LIQUOR CONTROL COMMISSIONER

- a) To issue liquor license, subject to this ordinance and to amount as approved by the County Board; and
- b) The Local Liquor Control Commissioner, in addition to those enumerated in this Chapter, shall have the following powers, functions and duties with respect to licenses granted under this Code.
 - 1) in addition to and not limited by the specific penalties set out for violation or specific articles of this Code, the Local Liquor Control Commissioner may suspend up to thirty (30) days or revoke any liquor license issued under this code for violation of law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee;
 - 2) the Local Liquor Control Commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license;
 - 3) the Local Liquor Control Commissioner may enter or authorize any law enforcement officer to enter at any time upon any licensed premises to determine whether any of the provisions of this Code of the laws of the State of Illinois pertaining to the sale of alcoholic liquor have been or are being violated, and to examine the premises of the licensee in connection therewith; and
 - 4) any residents of the County shall have the right to file a complaint with the Local Liquor Control Commissioner, stating that any licensee under this Code has been or is violating the provisions of this Code, or any amendments hereto, or of any of the statutes of the State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Local Liquor Control Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, the Local Liquor Control Commissioner shall set the manner for hearing, and shall serve notice upon the licensee of the time and place of such hearing, and of the particular charges in the complaint.

SECTION 18. NUMBER OF LICENSES AND CLASSES

The County Board of Williamson County, Illinois, shall by ordinance designate the number of licenses to be issued or which may be issued in each class, under the provisions of this ordinance by the Local Liquor Control Commissioner for the "County District". In addition, the County Board may change classifications and increase/decrease fees in each separate class.

SECTION 19. REVOCATION OR SUSPENSION OF LOCAL LICENSE –NOTICE-HEARING

- a) The Local Liquor Control Commissioner may revoke or suspend any license issued pursuant to this Chapter if he/she determines that the licensee has violated any of the provisions of this Chapter. In addition to any suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violation. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for each violation; each day the violation continues shall constitute a separate violation.

Not more than Ten Thousand Dollars (\$10,000.00) may be imposed against a licensee in any one license year.

- b) No license shall be revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner, with a three (3) day written notice to the licensee, affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Local Liquor Commissioner shall maintain an official record of the proceedings.
- c) In the event the Local Liquor Commissioner has reason to believe that the continued operation of the specific licensed premises will threaten the welfare of the community, he/she may, upon the issuance of a written order, stating the reasons for such conclusion, without notice or hearing, order the licensed premises closed for not **more than seven (7) days**, giving the licensee an opportunity to be heard during this period. Such an order shall not be applicable to another business which may be located on the licensed premises, provided that the other business is not involved with the sale by drink or package sale of liquor.
- d) The Local Liquor Commissioner shall within five (5) days of the hearing, issue a written order stating his findings and the penalty to be imposed, if any. A copy of the written order shall be served upon the licensee within the five (5) day period.
- e) After receipt of the written order, the licensee shall have twenty (20) days to appeal the order to the State Liquor Commission for a decision sustaining, reversing or modifying the order of the Local Liquor Commission. If the State Liquor Commission affirms the Local Liquor Commissioner's order to suspend or revoke the license, the licensee shall cease to engage in business until the Local Liquor

Commissioner's order is terminated by its own provisions or reversed by the Courts.

SECTION 20. APPEALS FROM ORDERS OF LOCAL LIQUOR CONTROL COMMISSIONER

- a) Any order or action of the Local Liquor Commissioner levying a fine or granting or refusing to grant a license, revoking or suspending a license, licensee or applicant may within twenty (20) days after notice of such order appeal the order to the State Liquor Commission. When the appeal is based upon the suspension or revocation of a license, the denial of a license application or refusing to grant a renewal license, the licensee may resume the operation of the business pending the decision of the State Liquor Commission. If a motion for rehearing is filed before the Local Liquor Commission the licensee may continue the operation of the licensed premise until the denial of the motion or until the decision on the rehearing, if granted.
- b) When a case is appealed to the State Liquor Commission that involves a suspension or revocation that is the second or subsequent suspension or revocation placed on the licensee within the preceding twelve month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Local Liquor Commissioner's order has been issued by the State Liquor Commission.
- c) Any appeal from the Local Liquor Commissioner's order shall be limited to a review of the official record of the proceedings. Within five (5) days of receipt of the notice of appeal, a certified official record of proceedings shall be filed by the Local Liquor Commissioner.

The only evidence which may be considered in the review shall be the evidence found in the certified official record of the proceedings. No new or additional evidence shall be admitted or considered. The State Commission shall render a decision affirming, reversing or modifying the order.

The State Liquor Commission shall review the propriety of the order of the Local Liquor Commissioner, and shall consider the following:

- 1) whether the Local Liquor Commissioner has proceeded in the manner provided by law;
- 2) whether the order is supported by the findings; and
- 3) whether the findings are supported by substantial evidence in light of the record.

SECTION 21. GRANTING LICENSE AFTER REVOCATION

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of selling or delivering alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated.

SECTION 22. ABATEMENT OF PLACE USED IN VIOLATION

Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any manner used in violation of the provisions of this Code is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances.

SECTION 23. COMMISIONER COMPENSATION- USE OF FEES

- a) The Local Liquor Control Commissioner shall be allowed and paid yearly compensation, the sum as passed by a majority of the County Board, in equal payroll payments.
- b) All license fees herein provided for shall be deposited with the County Clerk of Williamson County, Illinois, and the same shall immediately be turned over to the County Treasurer of Williamson County, Illinois.
- c) Claims allowed by the County Board to be payable out of said fees, or otherwise appropriated by the County Board. All expenses in connection with the administration of said Liquor Ordinance, including printing of licenses, copies of the ordinance and enforcement of this ordinance, shall be payable from said fees as allowed by the County Board.

SECTION 24. FELONIES DURING LICENSE TERM

- a) If a licensee is convicted of a felony or forfeits their bond to appear in court for such charge, during the term of this license, the Local Liquor Control Commissioner shall revoke said license and fees paid thereon shall be forfeited both as to the holder of said license and as to said premises.
- b) If the situation as described in "a" above, is against a manager or agent for licensee, then licensee must remove manager or agent immediately or license will be revoked and fees paid thereon shall be forfeited both as to the holder of the said license and as to said premises.

SECTION 25. MISCELLANEOUS

- a) That the provisions of this ordinance are as binding on the licensee receiving the licenses from the County of Williamson, as if said provisions were incorporated into said license itself.
- b) That all licensees now holding license are subject to the provisions of this ordinance the same as if said ordinance were in full force and effect at the time said license were issued.
- c) That all suits pending at the time of the taking effect of this ordinance or cause for which suit may be filed, is reserved unto the County of Williamson, Illinois.
- d) That the above regulations are in addition to those imposed by the State of Illinois.
- e) The invalidity of any section or portion of a section shall not affect the legality of the remaining sections or part of any section of this ordinance.

SECTION 26. PASSAGE, APPROVAL, ENFORCEMENT DATE

This ordinance shall be in full force and effect upon its passage, approval and adoption as required by law.

ORDINANCE NO. 14-05-13-01 AN ORDINANCE KNOWN AND DESIGNATED AS LIQUOR LICENSE AND CONTROL ORDINANCE IN THE COUNTY OF WILLIAMSON, STATE OF ILLINOIS is passed, approved, and adopted this 13th day of May, 2014.

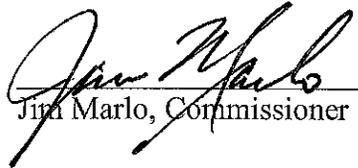
WILLIAMSON COUNTY BOARD OF COMMISSIONERS



Ron Ellis, Chairman VOTING Yea



Brent Gentry, Commissioner VOTING Yea



Jim Marlo, Commissioner VOTING Yea

ATTEST:



Amanda Barnes, County Clerk and Recorder

"EXHIBIT A"

**APPLICATION FOR LICENSE TO SELL ALCOHOLIC LIQUORS IN WILLIAMSON COUNTY, ILLINOIS,
OUTSIDE THE LIMITS OF CITIES, VILLAGES AND INCORPORATED TOWNS IN SAID COUNTY.**

Please mark one: NEW APPLICATION _____ RENEWAL APPLICATION _____

IN ACCORDANCE WITH THE PROVISIONS OF 235 ILCS 5/6-2 AND THE ORDINANCE KNOWN AND DESIGNATED AS LIQUOR LICENSE AND CONTROL ORDINANCE IN THE COUNTY OF WILLIAMSON, STATE OF ILLINOIS (AMENDMENTS INCLUSIVE), I HEREBY MAKE APPLICATION TO SELL ALCOHOLIC LIQUORS AT:

I HEREBY CERTIFY AND ATTEST THE FOLLOWING TO BE TRUE OR AFFIRM:

1. That my name is: _____
2. That I am a resident of Williamson County, Illinois, residing at:

Address: _____
City: _____ Telephone: _____

OR IN THE ALTERNATIVE

3. That I am an officer of a characted corporation or a partner in a legally constituted partnership. I am authorized by charter or directive to make this application on behalf of my corporation or partnership. Although, no corporate officers or partners are residents of Williamson County, Illinois, we hereby appoint the following Williamson County resident as a full-time managing agent or general manager who will ensure that our responsibilities are executed faithfully and fully in accordance with the laws of the State of Illinois and the County of Williamson.

Name: _____
Address: _____
City: _____ Telephone: _____

4. That I am a citizen of the United States of America. If applicable, my managing agent or general manager is a citizen of the United States of America and a resident of Williamson County, Illinois.

5. That I have never been convicted of a felony or shall have forfeited their bond to appear in court to answer charges for any such violation, under any state or federal law. If applicable, none of the corporate officers, major shareholders, partners, managing agents or general managers have ever been convicted of a felony under any state or federal law, or forfeited their bond to appear in court for such charge.

6. That I have never been convicted or shall have forfeited their bond to appear in court to answer charges for any such violation, of being a keeper of or am keeping a house of ill-fame. If applicable, none of the corporate offices, major shareholders, partners, managing agents or general managers have ever been convicted of being a keeper of or am keeping a house of ill-fame, or forfeited their bond to appear in court for such charge.

7. That I have never been convicted or shall have forfeited their bond to appear in court to answer charges for any such violation, of pandering or other crime or misdemeanor opposed to decency and morality. If applicable, none of the corporate officers, major shareholders, partners, managing agents or general managers have ever been convicted of pandering or other crime or misdemeanor opposed to decency and morality, or forfeited their bond to appear in court for such charge.

8. That I have never had a license revoked for cause which has been issued by virtue of any resolution of the County Board. If applicable, none of the corporate officers, major shareholders, partners, managing agents or

general managers have ever had a license revoked for cause which has been issued by virtue of any resolution of the County Board.

9. That I have never been convicted of a violation of any Federal or State Law concerning the manufacture, possession or sale of alcoholic liquor subsequent to February 1, 1934. If applicable, none of the corporate officers, major shareholders, partners, managing agents or general managers have ever been convicted of a violation of any Federal or State Law concerning the manufacture, possession or sale of alcoholic liquor subsequent to February 1, 1934.

10. That I, or if applicable, my corporation or partnership, own(s) the place for which a license is sought or have lease thereof for the full period of which the license is to be issued. Evidence of ownership or lease shall be attached to application.

11. That I am not, or if applicable, my general manager or managing agent is not, a law enforcing public official, Mayor, Alderman, President or any member of a Village Board of Trustees or any president or any member of the County Board of Williamson County, Illinois, or that such official is interested in any way, either directly or indirectly in the conduct of the business to be licensed.

12. Applicant has procured and there is attached to the application a Certificate of Dram Shop Liability Insurance. License fee shall accompany the application for license.

13. The applicant will not hire a manager or agent or place anyone in management that has been convicted or currently charged with a felony.

14. That applicant and/or licensee and any agent or manager shall fully comply with the provisions of this Ordinance, the rules and regulations of the Illinois Liquor Control Act, and the Laws of the State of Illinois, with respect to said license and the operation of any business associated with the same.

15. That I agree to waiver of privacy for a police background check and, if required, be fingerprinted.

16. That I have filed with the Williamson County Clerk my assumed name or my incorporation through the State of Illinois with the business name on this application.

17. Applicant has procured the following documents with respect to each person signing this application that SHALL be attached to this application:

- a. Certificate of Dram Shop Liability Insurance for licensed establishment.
- b. Proof of Residency such as a copy of a tax bill, deed, or lease.
- c. Copy of applicant's Illinois Driver's License.
- d. Any applicable fees required for criminal background checks.

(Failure to submit the proper documents or fees for each person signing the application may result in a delay of your application being processed.)

18. MISREPRESENTATION IN AFFIRMING ANY OF THE ABOVE WILL BE CAUSE FOR DENIAL AND FORFEITURE OF LICENSE.

Signature

Title

Print Name

_____ Signature

_____ Title

_____ Print Name

_____ Signature

_____ Title

_____ Print Name

Subscribed and sworn to before me this _____ day of _____, _____.

County Clerk and Recorder

Approved by me this _____ day of _____, _____.

Liquor Control Commissioner