

**MACOUPIN COUNTY BOARD**  
**Ordinance No. \_\_\_\_\_**

**Liquor License Ordinance Amendment**

**BE IT RESOLVED BY THE COUNTY BOARD OF THE COUNTY OF MACOUPIN AND STATE OF ILLINOIS**

**Section I.** That the following regulations and restrictions upon the issuance of and the operation under licenses issued under the provisions of a law known as the "Illinois Liquor Control Act," in territory outside the corporate limits of cities, villages and incorporated towns in Macoupin County, Illinois, be and the same are hereby adopted and approved by the County Board of said county, shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquors.

**Section II. LOCAL LIQUOR CONTROL COMMISSION.** That the Chairman of the County Board of said Macoupin County shall be the local liquor control commissioner and that other members of said County Board appointed by said Chairman of said county board to assist said local control commissioner in the exercise of the powers and the performance of the duties provided by law and by ordinance or resolution duly enacted, shall, with said chairman of said county board, be and constitute the Local Liquor Control Commission in and for Macoupin County, Illinois, which local liquor control commission shall exercise all of the powers and perform all of the duties provided by law or by resolutions, or ordinances duly adopted. The Local Liquor Control Commission shall be charged with the administration in its retrospective jurisdiction of all appropriate provisions of said Illinois Liquor Control Act and of such ordinances and resolutions relating to the alcoholic liquor as may be enacted by the County Board of Macoupin County or the Local Liquor Commission. The County Clerk and the State's Attorney of Macoupin County, Illinois shall act as clerk and legal advisor respectively of said liquor control commission.

**Section III. POWERS OF LOCAL COMMISSION.** Such Local Liquor Control Commission shall have the following powers, functions and duties with respect to licenses issued by said Local Liquor Control Commission:

- (1) To grant and revoke for cause all local licenses issued to persons for premises within the jurisdiction of said commission.
- (2) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any provisions of the law or any rules regulations adopted by the Local Commission or the State Commission have been or are being violated, and at such times to examine said premises of said licensee in connection therewith.
- (3) To receive complaints from any citizens within its jurisdiction that any of the provisions of the law or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints in the manner provided by law.

- (4) To receive local license fees and to pay the same forthwith to the County Treasurer.
- (5) To exercise all such other powers, functions, and duties as may be hereafter provided by law or by ordinance or resolution duly enacted.

**Section IV. EXAMINATION OF APPLICANT FOR LOCAL LICENSE.** That the Local Liquor Control Commission shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation has been served in the manner provided by law, and to examine or cause to be examined, the books and records of any such applicant or licensee, to hear testimony and take proof of information of such commission in the performance of its duties and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner, it may authorize its agent to act on its behalf.

**Section V. ISSUANCE OF LISENCES - TERMS AND FEES.** That licenses for the sale at retail of alcoholic liquors shall be issued by said Local Liquor Control Commission upon proper application and upon approval thereof by said Local Liquor Control Commission. Such licenses shall be issued for a term of one year beginning on July 1<sup>st</sup> of the year in which such license is applied for and expiring June 30<sup>th</sup> of the succeeding year.

A license fee of all retail liquor establishments including vineyards shall be \$600.00 per year except for those clubs or organizations which are considered to be a semi-user, the fee shall be \$125.00 per year, payable in advance, shall be paid by each application and before issuance of a license to such applicant.

Applications may be made to the Commission and licenses may be issued for any portion of a year beginning after July 1 of any license year and expiring June 30<sup>th</sup> of said license year, and said licenses, if granted, shall be paid for in proportion to the time they are in effect as compared with a full license year and all such licenses shall expire on June 30<sup>th</sup> at the regular time of expiration of all other licenses issued in accordance with the provisions of this resolution.

**Section VI. PRIVILEGE GRANTED BY LICENSE.** That a license may be issued by the Local Control Commission shall be purely personal privilege, good for not to exceed one year after its issuance unless sooner revoked as provided by law and said license shall not be transferable, voluntarily or involuntarily. Such license shall not descent by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee may continue the operation of the license business under order of the appropriate court and upon approval of the Local Liquor Control Commission until the expiration of such license, but no longer than six months after the death of the licensee.

**Section VII. PERSONS INELIGIBLE TO LICENSE.** That no license for the retail sale of alcoholic liquor shall be issued by the Local Control Commission to:

- (1) A person who is not a resident of Macoupin County, Illinois.

- (2) A person who is not of good character and reputation in the community in which he resides
- (3) A person who is not a citizen of the United States
- (4) A person who has been convicted of a felony under the laws of the State of Illinois
- (5) A person who is known to be or who has been convicted of being the keeper or is keeping a house of ill fame.
- (6) A person who has been convicted of pandering or other crimes or misdemeanors opposed to the decency and morality or who is known to be guilty of pandering or of other acts opposed to decency and morality.
- (7) A person whose license issued either by the State Liquor Control Commission or the Local Liquor Control Commission has been revoked for cause
- (8) 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
- (9) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
- (10) A person whose place of business is conducted by a manager or agent unless said manager or agent possess the same qualifications required of the license.
- (11) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the law known as the Illinois Liquor Control Act, or who shall have forfeited his bond to appear in court to answer charges of any such violation.
- (12) A person who does not own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be issued.
- (13) A person who has been convicted or who is known to be violating any of the provisions of the criminal statutes of the State of Illinois with reference to the keeping of a gaming house, the permitting of gambling in a tavern, the possession or operation of slot machines, pin ball machines or other gambling devices as the same are defined in the statutes of the State of Illinois.

**Section VIII. PREMISES LICENSED - TRANSFER OF LICENSE TO OTHER**

**PREMISES.** That a license shall be issued by the Local Liquor Control Commission only for the specific premises described in the application and that a license so issued shall not be transferred to any other premises for the operation of a tavern without the consent and approval of the Local Liquor Control Commission.

**Section IX. OPENING AND CLOSING HOURS.** That no premises licensed under the provisions of this resolution shall be opened for the transaction of any business before six o'clock a.m. on any day and all such premises shall be closed and all customers excluded there from by or before two o'clock, a.m. of each day, and no person licensed under the provisions of this resolution shall sell or permit any of his agents, employees or servants to sell at retail any alcoholic liquor in any premises licensed hereunder between the hours of two o'clock a.m. and six o'clock, a.m. of any day.

**Section X. SALES TO MINORS, HABITUAL DRUNKARDS, MENTAL INCOMPETENTS.**

That no licensee and no employee, agent or servant of any licensee hereunder, shall see, give, or deliver any alcoholic liquor to any minor, or to any intoxicated person, or to any person known to be a habitual drunkard, spendthrift, or insane, feeble-minded or distracted person.

**Section XI. RETAIL SALES ON ELECTION DAYS.** That no persons licensed hereunder shall sell or permit to any of his employees, agents, or servants to sell any alcoholic liquor in any premises licenses hereunder, on the day of any National, State, County or Municipal election, including Primary elections, during the hours the polls of such election are open within the political area where such election is being held.

**Section XII. DISPLAY OF LICENSE.** That every licensee hereunder shall cause his license to be framed and hung in plain view on the licensed premises.

**Section XIII. UNOBSTRUCTED VIEW OF LICENSED PREMISES.** That in all premises licensed hereunder, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises which shall prevent a clear view into the interior of such license premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such premises from the road, street or sidewalk at all times. The premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk at all times. All rooms where liquor is sold at retail under a license issued hereunder 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 case the view into such licensed premises shall be willfully obscured by the licensee or by him suffered or permitted to be obscured, or in any manner obstructed, then such license shall be subject to revocation on the manner provided by law.

**Section XIV. REFUND.** That a refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license without his fault.

**Section XV. LOCAL LIQUOR CONTROL COMMISSION AND LOCAL LIQUOR CONTROL COMMISSIONER TO INCLUDE AGENCY.** That whenever in this resolution the Local Liquor Control Commission or the Local Liquor Control Commissioner shall be referred to, it shall include any committee or other agency appointed by such Local Liquor Control Commission or Local Liquor Control Commissioner.

**Section XVI. SUBSEQUENT RESOLUTIONS, AMENDMENTS OR REGULATIONS.** That all licenses issued hereunder shall be subject to any amendments to this resolution or to any subsequent resolutions, ordinances or regulations hereafter adopted by the County Board or the Local Liquor Control Commission.

**Section XVII. SALES ON SUNDAY.** That no person licensed hereunder shall sell, give away or deliver or permit any of his employees, agents or servants to sell, give away or deliver any alcoholic liquor to any person at any time between the hours of two o'clock a.m. and twelve o'clock noon of any Sunday.

**Section XVIII. MINIMUM AGE OF EMPLOYEE, AGENT, OR SERVANT SERVING LIQUOR.** That no person licensed hereunder shall sell, give away or deliver or permit any of his employees, agents or servants to sell, give away or deliver any alcoholic liquor to any person unless they are over the age of 18.

**Section XIX. USE OF MASCULINE GENDER INCLUDES ALL.** That wherever in this ordinance the masculine gender is used, such use shall also include feminine gender whenever applicable or necessary to give proper meaning to the context of the resolution.

**Section XX. REVOCATION OF LICENSES.** That all licenses issued hereunder by the Local Liquor Control Commission may be revoked by said Commission in the manner provided in the statutes of the State of Illinois or in accordance with regulations hereafter adopted by the County Board or by the Local Liquor Control Commission, provided that it shall not be necessary for any licensee to have been convicted in any court of any violation of any law of the State of Illinois in order that the Local Liquor Control Commission may revoke the license of such licensee but it shall only be necessary that it be determined to the satisfaction of the Local Liquor Control Commission that such licensee is violation or has violated some provision of a pertinent statute of the State of Illinois or some provision of this or other pertinent resolution hereafter adopted by the County Board or resolution or regulation adopted by the Local Liquor Control Commission.

**Section XXI. REGULATIONS.** That the Local Liquor Control Commission may from time to time adopt such regulations with reference to the issuance and revocation of license not inconsistent with the provisions of the statutes of the State of Illinois or with ordinances or resolutions of the County Board as may be approved by said Local Liquor Control Commission.

**PASSED** this 10<sup>th</sup> day of July, 2012.

Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

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**Andrew W. Manar**  
**Chairman of the Board**  
**Macoupin County, Illinois**

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**Pete Duncan**  
**Clerk**  
**Macoupin County, Illinois**