

ORDINANCE

Amending
Ordinance #16-122 dated 9-12-16
*LaSalle County Rules & Regulating
of the
Retail Sale and Consumptions of Alcoholic
Liquors in the Unincorporated Areas
in the
County of LaSalle, Illinois
and
Ordinance #17-87 dated June 12, 2017*

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ORDINANCE

LASALLE COUNTY RULES & REGULATING OF THE RETAIL SALE AND CONSUMPTIONS OF ALCOHOLIC LIQUORS IN THE UNINCORPORATED AREAS IN THE COUNTY OF LASALLE, ILLINOIS

The LaSalle County Board through the recommendation of the LaSalle County Liquor Commissioners have established the rules and regulations of the unincorporated areas of the County of LaSalle Ordinance #16-122 dated September 12th, 2016 , shall be subject to the following regulations:

Section One: Definitions

For the purpose of this Ordinance, the following words are hereby defined as follows:

- a) The word “alcohol” means the products 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) The word “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 when rectified, blended or otherwise mixed with alcohol or other substances.
- c) The word “wine” means any alcohol beverage obtained by the fermentation of the natural contents of fruits or vegetables, contained sugar, including such beverages when fortified by additional alcohol or spirits, as above defined.
- d) The word “beer” means a beverage obtained by alcoholic fermentation of an infusion of 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) The phrase “alcoholic liquor” includes the four varieties of liquor above defined “alcohol, spirits, wine and beer” and every liquid or solid, patented, or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

The provision of this Ordinance shall not apply to alcohol used in the manufacture denatured alcohol, nor to any liquid or solid containing one-half of one percent, or less of alcohol by volume, nor shall the provisions of this Ordinance apply to flavoring extracts, concentrates, syrups or medicinal, scientific, culinary or toilet preparation of food products unfit for beverage purposes, but the provisions of this Ordinance shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation or compounding of such products.

- f) For purpose of this Ordinance, the word “person” shall mean an individual person, firm, co-partnership, club, association or corporation.

None of the provisions of this Ordinance shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

- g) A “beer garden” is an area immediately adjacent to, but outside of, the licensed premises building which is used for the service and/or consumption of alcoholic liquor.
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h) There shall be issued classes of liquor licenses in LaSalle County by the LaSalle County Liquor Control Commission as follows:

1. **Class A**: All retail liquor establishments which based on an annual financial statement has sales of alcoholic liquor which exceeds fifty percent (50%) of the business's total annual income.
2. **Class B**: Any and all other businesses including but not limited to restaurants, bowling alleys, clubs, gas stations, mini-marts, or any public place kept, used, maintained, advertised or held out to the public as a place where alcoholic beverages and goods are regularly sold in which that business derives at least fifty percent (50%) of its gross income from the sale of non-alcoholic products. A restaurant shall be defined as any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein, a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.
3. **Class C**: Golf Course: Such licenses shall authorize the retail sale, within the premises specified, of alcoholic liquor for consumption on the premises and retail sale of alcohol by original package for consumption beyond the confines of the premises but within the property lines of the property upon which the premises is located. Such license shall also authorize the retail sale by original package for consumption from an additional bar(s) or a beverage cart when the golf course is open and in use.
4. **Class D**: Special Use Retailer licenses which shall authorize the licensee to sell, at retail, alcoholic liquor for consumption only on the premises where sold and not for resale in any form, to be issued for temporary stands, booths, or counters such as used at picnics, celebrations, and the like excluding the serving of alcoholic liquor under the control of persons or entities who can demonstrate that they are operating a bona fide restaurant or catering business and are licensed to sell alcohol at retail in the State. A special use license may only be issued to a retailer and such retailer may not be issued more than two (2) special use licenses per year and are not to exceed three (3) days each. A special use license may only be issued if the retailer has obtained dramshop insurance for the special use and has provided the liquor control commission with sufficient proof that such insurance has been obtained.

The license fee for a special use license must be paid to the liquor control commission upon approval of the application for the license

All license holders shall cooperate with the LaSalle County Liquor Control Commission in providing documentation necessary to determine whether or not the licensed premises falls within the Class A or Class B definition by submitting an annual financial statement with their application for a new liquor license or a renewal of their liquor license. Further, any and all financial information submitted to the LaSalle County Liquor Control Commission shall be kept strictly confidential subject to review only by the LaSalle County Liquor Control Commission and LaSalle County State's Attorney.

- i) **BEVERAGE CART**: A motorized or nonmotorized portable cart with or without wheels used for the purpose of dispensing beverages, snacks, and alcoholic liquor.
- j) **GOLF COURSE**: A public, quasi-public, or private recreational outdoor facility designed and developed for golf activities consisting of nine (9) or more standard golf holes which may include a driving range, clubhouses, pro shops, restaurants, and other similar buildings associated with a golf course which are generally used by the public and/or by members and guests, and which does not include a novelty putting facility more commonly referred to as miniature golf or minigolf.
- k) Unless the context shall otherwise require, all other terms used in this Ordinance shall be definitions given in ILCS, Ch. 235, Act 5 Art. I, as amended from time to time.

Section Two: License Required

- a) The yearly license fee shall be the sum of Five Hundred (\$500.00) per annum and all licenses shall expire on the thirtieth (30th) day of June in the next succeeding calendar year following the date of the issuance of said license; said annual fee shall be due and payable on, or before, the first (1st) day of July of each year. There shall be no rebate or refund of license fee. If an application for license shall be filed subsequent to July 1st of any year, the applicant shall pay \$500.00 for said license prior to its issuance. On the first renewal of that license, licensee shall be obligated to \$42.00 for each month that his/her license was valid the previous year.
- b) No person shall operate a “beer garden permit”:
 - 1) Without a valid license as required in Section 3 of this Ordinance; and
 - 2) Without a supplemental “Beer Garden Permit” issued by the Local Liquor Control Commissioner of LaSalle County, pursuant to the following rules and regulations:
 - i. No beer garden permit shall be issued to any applicant who does not currently hold a Class A or Class B liquor license. The Beer Garden permit shall authorize the retail sale and consumption of alcoholic liquor within the property lines of the property upon which the premises is located on a patio, beer garden, cabana, or other outside area specifically designated as an outside service area on the diagram of the premises submitted with the application. Such beer garden permit shall terminate upon the termination, for any cause, of the County liquor license.
 - ii. The holder of the beer garden permit may operate a beer garden so long as the beer garden is adjacent to and connected to the licensed establishment. If the beer garden lies within 300 feet of a residence, it shall be enclosed by a solid fence or other solid structure at least 6 feet high around the beer garden. It shall be constructed in such a way that no person may crawl through or under said fence or structure. The only entry into the beer garden shall be from an entry way in the licensed establishment. No entry into the beer garden shall be allowed from any emergency exit of the solid fence or structure
 - iii. The beer garden hours shall operate no later than twelve o’clock midnight (12:00 a.m.) Sunday through Thursday and no later than one o’clock a.m. (1:00 a.m.) on Friday and Saturday nights (Saturday and Sunday mornings).
 - iv. No music, either live or pre-recorded shall be played in any beer garden after ten o’clock p.m. (10:00 p.m.) on Sunday through Thursday and after twelve o’clock midnight (12:00 a.m.) on Friday and Saturday nights (Saturday and Sunday mornings).
 - v. During the prohibited hours of sale, every beer garden shall be kept closed and no person other than the licensee or an employee of the licensee shall be permitted to remain therein.
 - vi. The only alcoholic beverages to be consumed within the premises defined as a beer garden shall be those alcoholic beverages sold by the licensed establishment operating the beer garden.
 - vii. The beer garden permit rules and regulations contained herein do not apply to one-day temporary licenses.
- c) A one-day liquor license may be issued by the Liquor Commissioner upon application pursuant to the terms of this Ordinance. This license shall be issued for one-day special events only and the fee therefore shall be the sum of Twenty Five Dollars (\$25.00) a day and each additional day thereafter, but not to exceed three days or upon approval from the License Committee and the Local Liquor Control Commissioners which shall not exceed the LaSalle County Zoning Ordinance and the State of Illinois requirements and per agent/establishment that may be held under an organizations license at fee of \$25.00 per day per agent/establishment.

Section Three: License Fee

- a) The yearly license fee for Class “A”, “B”, and “D” shall be the sum of Five Hundred (\$500.00) and license fee for Class “C” shall be Five Hundred and Fifty (\$550.00) per annum and all licenses shall expire on the thirtieth (30th) day of June in the next succeeding calendar year following the date of the issuance of said license; said annual fee shall be due and payable on, or before, the first (1st) day of July of each year. There shall be no rebate or refund of license fee.

If an application for license shall be filed subsequent to July 1st of any year, the applicant shall pay \$500.00 for said license prior to its issuance. On the first renewal of that license, licensee shall be obligated to \$42.00 for each month that his/her license was valid the previous year.

- b) A “Beer Garden Permit” may be issued for an annual fee of Fifty Dollars (\$50.00) payable on/or before June 30th of each year for holders of Class “A” or Class “B” licenses
- c) The license fee for a special use license must be paid to the liquor control commission upon approval of the application for the license and shall be \$500.00.
- d) A one-day liquor license may be issued by the Liquor Commissioner upon application pursuant to the terms of this Ordinance. This license shall be issued for a one-day special events only and the fee therefore shall be the sum of Twenty Five Dollars (\$25.00) a day and each additional day thereafter, but not to exceed three days and per agent/establishment that may be held under on organizations license at fee of \$25.00 per day per agent/establishment.

Section Four: Nature of License/Transferability

A license issued under this Ordinance shall be purely a personal privilege valid for its term, unless sooner revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution or subject to be encumbered or hypothecated. No license under this Ordinance shall be transferable.

The issuance of a liquor license pursuant to this Ordinance shall not alleviate the necessity for a licensee to comply with all other applicable laws, ordinances, rules, regulations or orders of all other appropriate governmental agencies whether federal, state or local.

Section Five: Eligibility for License

No license under this Ordinance shall be issued to:

- a) A person who is not a resident of LaSalle County.
- b) A person who is not of fit character and reputation in the community in which he/she resides;
- c) A person who is not a citizen of the United States;
- d) A person who has been convicted of a felony under any Federal or State law, if determined by the Local Liquor Control Commissioner that such person has not been sufficiently rehabilitated to warrant public trust;
- e) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- f) A person who has been convicted of pandering;
- g) A person whose license issued under this Ordinance has been revoked for cause;
- h) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- i) A partnership, unless all of the members of such partnership shall be qualified to obtain a license;
- j) A corporation, or limited liability company, or association, if any member, officer, manager or director thereof, or any stockholder(s) or member(s) owning in the aggregate more than five percent (5%) of the stock of such corporation or association, would not be eligible to receive a license hereunder for any reason other than citizenship or residence in the County;
- k) A corporation or limited liability company, unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;
- l) A person whose place of business is conducted by a manager unless said manager possesses the same qualifications required of the licensee;
- m) 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 shall have forfeited his bond to appear in court to answer charges for any such violation;
- n) A person who does not beneficially own the premises for which a license is sought, or does not have a lease for the full period for which the license is to be issued;
- o) Any law enforcing officer, the Chairman or member of the County Board, or County Officer;
- p) Any person, firm or corporation not eligible for a State retail liquor dealer's license;
- q) Any applicant who fails to meet the requirements for obtaining a State liquor license;
- r) A person who is not a beneficial owner of the business to be operated by the licensee;
- s) A person who has been convicted of a gambling offense as prescribed by any of the subsections (a)(3) through (a)(10) of Section 18-1, or as prescribed by Section 28-3 of the Criminal Code of 1961, approved July 28, 1961, Chapter 720 of the Illinois Compiled Statutes (720 ILCS 5/18-1) and 720 ILCS 5/28-3), as heretofore or hereafter amended, or prescribed by a Statute replacing any of the aforesaid statutory provisions; or any person who has been convicted of a gambling offense as prescribed by an ordinance of the County;

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- t) A person to whom a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period;
 - u) A 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, or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the current tax period;
 - v) A corporation or association, if any officer, manager or director thereof, or any stockholder or member owning in the aggregate more than five percent (5%) of the stock of such corporation has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax period;
 - w) Any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period;
 - x) Any person who has sold, given away or delivered alcoholic liquor to any person under the age of twenty-one (21) years, in violation of the applicable State laws or County ordinances, or to any intoxicated person, or to any person known to him/her to be a habitual drunkard, insane, mentally ill, mentally deficient, or in need of mental treatment, unless otherwise determined by the Local Liquor Control Commissioner.

Section Six: Geographic Restrictions

No license shall be issued for the sale of retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station; provided that this prohibition shall not apply to hotels, offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquor is not the principle business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Ordinance.

Section Seven: Health Requirement

No new licenses for the retail sale of alcoholic liquor shall be hereafter issued by the County of LaSalle unless a tavern, or establishment, for which said license is to be issued, shall be equipped with modern plumbing facilities, including separate modern toilet facilities for men and women, located within the structure so to be licensed; the adequacy of such facilities shall be evidenced by inspection by the LaSalle County Health Department.

Section Eight: Penalty

Any licensee violating any of the provisions of this Ordinance shall be subject to the following penalties, except this provision shall not apply to violations relating to Section 14, subsection (e) of this Ordinance which has its own penalties provision:

For a violation, said license may be revoked or suspended for up to thirty (30) days, or in addition to suspension, the Liquor Control Commissioner may levy a fine on the licensee not to exceed One Thousand Dollars (\$1,000.00) for each violation. Each day on which a violation continues all constitute a separate violation, and not more than Ten-Thousand Dollars (\$10,000.00) in fines may be imposed against any licensee during the period of his/her license. Proceeds from such fines shall be paid to the General Corporate Fund of LaSalle County.

Section Nine: Application

Any person desiring a license under this Ordinance shall make application to the Local Liquor Commissioner at the office of the County Board upon forms prepared and furnished by the County and such application shall be sworn to and include:

- a) The applicant's first, middle and last name, mailing address, telephone number, social security number and driver's license number;
 - b) The name and address of the applicant's business including the township where located;
 - c) If applicable, the date of the filing of the "Assumed Name" of the business with the County Clerk of LaSalle County;
 - d) If the case applicant is a partnership, the date of the formation of the partnership, the full name, age, address and telephone numbers of all persons with an ownership interest in the partnership, or who have a right to receive a direct or indirect benefit from the profits of the partnership;
 - e) In the case of a corporation, if an Illinois corporation, the date of its incorporation, or if a foreign corporation, the State where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act to transact business in the State of Illinois, and in either case, a statement of the objects for which the corporation was organized, the full name, age, address and telephone number of all shareholders with an aggregate of more than five percent (5%) of the capital stock of the corporation or of any person(s) receiving a direct or indirect benefit from the profits of the sale of alcoholic liquors in LaSalle County;
 - f) The name, age, address and telephone number, social security number and driver's license number of the person(s) who will manage the business of the applicant in the County;
 - g) The citizenship of all persons required herein to be identified in the application, their date and place of birth, and if a naturalized citizen, the time and place of their naturalization;
 - h) The character of the business of the applicant;
 - i) The length of time that applicant has been in business of that character;
 - j) The amount of goods, wares and merchandise on hand at the time application is made;
 - k) The location and description of the premises or place of business which is to be operated under such license, and the following information:
 - 1) If a leased premises, a copy of the lease shall be provided and the lease shall be for a term sufficient length to encompass the term of the license sought;
 - 2) The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
 - l) A statement whether applicant had made similar application for a similar other license on premises other than described in this application, and the disposition of such application;
 - m) A statement signed by or on behalf of the applicant and by all individuals required to be identified therein, that each of them has never been convicted of a felony or a Class A misdemeanor, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the State of Illinois or the provisions of this Ordinance;
 - n) Whether a previous license by any State or subdivision thereof, or by the Federal government has been issued, and if so, where and when, or if any such license has been revoked, the reasons therefore;
 - o) A statement that the applicant and all individuals required to be identified in the application have not in the past and will not in the future violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the County controlling the retail sale of alcoholic liquors in the conduct of his/her place of business;
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p) The applicants Retailer's Occupational Tax (ROT) Registration number and a statement whether the applicant is delinquent in the payment of the Retailer's Occupation Tax (sales tax), and if so, the reasons therefore;

q) A statement whether applicant is delinquent under the thirty (30) day credit law, and if so, the reason therefore;

r) Whether the applicant possesses a current Federal wagering and gaming device stamp, and if so, the reasons therefore;

s) Whether the applicant, any individual identified in the application, or any other person, directly or indirectly interested in his/her place of business is a public official, and if so, the particulars thereof;

t) A statement whether applicant is in violation of paragraph 123 of the Liquor Control Act, and if so, the reasons therefore;

u) A statement that the applicant and all individuals required to be identified in the application have not sold, delivered or given away alcoholic liquor in violation of any State law, or County ordinance to a person under the minimum age required to purchase or possess alcoholic liquor;

v) Such additional information or identification as the Local Liquor Control Commissioner may deem necessary in order to establish the character of the applicant. Such information may include a requirement that the applicant, if an individual, shall submit his fingerprints to the Local Liquor Control Commissioner. In the case of a partnership, the partners, or in the case of a corporation, the officers, manager, or directors thereof, or any stockholder(s) owning in the aggregate more than five percent (5%) of the capital stock of said corporation may be required to furnish such additional information including fingerprints. An applicant, whether individual, partnership, association or corporation, shall also furnish or cause to be furnished upon request such additional information and fingerprints concerning the manager or agent who is to conduct business for which the application is sought. Further, such additional information may include proof that the applicant and the premises to be licensed comply with all other laws and ordinances including licensing provisions, which apply to the applicant, to the premises or to applicants other businesses conducted on the premises.

Section Ten: Costs

If a licensee shall be found guilty of the violation of any of the provisions of this Liquor Control Ordinance, and his license shall be suspended for any period or revoked, and no appeal is taken from said order of suspension or revocation, or if an appeal is taken therefrom and said appeal is decided adversely to the licensee, said licensee and his bondsman, if any, shall be liable for, and shall pay all costs of said hearing incurred by the Liquor Control Commissioner.

Section Eleven: Posting License

Every person licensed in accordance with the provisions of this Ordinance shall immediately post and keep posted while said license is in force, in plain view, in a conspicuous place on the licensed premises, the license so issued. In event such license shall be lost or destroyed, a duplicate license marked with the word "duplicate" in lieu thereof, shall be issued by the Local Liquor Commissioner. For the purpose of enforcing this Ordinance, all acts of any agent of the licensee in the operation of the licensed premises shall be considered the act of the licensee.

Section Twelve: Sale of Minors

No alcoholic liquors shall be sold, given or delivered to any individual under the age of twenty-one (21).

Section Thirteen: Underage Restrictions

- a) The consumption of alcoholic liquor by any person under twenty-one (21) years of age is prohibited.
- b) The possession of any alcoholic beverages on any street or highway or in any place open to the public by any person less than twenty-one (21) years of age is prohibited.
- c) No licensee under this Ordinance shall employ or permit any individual under the age of sixteen (16) years to act as his/her agent, clerk, servant or employee in or about the premises offering alcoholic beverages for consumption on or off said premises. A licensee under this Ordinance may employ or permit an individual between the ages of 19 to 21 years to act as his/her barkeep in or about the premises offering alcoholic beverages for sale when the 19 or 20 year old is under the direct supervision of a co-employee 21 years of age or older.
- d) It shall be unlawful for any person under the age of twenty-one (21) years to enter upon or attempt to enter upon any premises licensed under this Ordinance with a Class A Liquor License after 9:00 o'clock p.m. any day of the week, unless accompanied by his or her parent or legally appointed guardian, or by his/her spouse who is over the age of twenty-one (21) years or unless the individual under the age of 21 is an employee of the establishment and is working.
- e) It shall further be unlawful for any Class A Liquor License or any officer, associate member, representative, agent or employee of such licensee to allow any person under the age of twenty-one (21) years to be present, remain in or loiter in any Class A licensed establishment after 9:00 o'clock p.m. any day of the week, unless accompanied by his or her parent or legally appointed guardian, or his/her spouse who is over the age of twenty-one (21) years or unless an individual under 21 years of age is an employee of the establishment and is working.
- Subsection (d) and (e) of Section 14 shall not apply to military personnel on active duty or honorably discharged from the military, when same are upon the premises of any veterans' club or organization.
- f) It shall be unlawful for any individual under the age of twenty-one (21) to represent that he or she is of age for the purpose of asking for, purchasing or receiving any intoxicating liquor from any keeper of any place of any name whatsoever for the sale of intoxicating liquors.
- g) Any individual under the age of twenty-one (21) who violates subsections (d) or (f) of Section 14 shall be subject to a fine in a minimum of Five Hundred Dollars (\$500.00) and maximum of One Thousand Dollars (\$1,000.00), and/or up to one-hundred (100) hours of community service.
- h) Any person who violates subsection (e) of Section 14 shall not be subject to a fine or suspension for the first reported offense; however, for a second reported offense, any person who violates subsection (e) of Section 14 shall be subject to a fine not to exceed Five-Hundred Dollars (\$500.00) with no suspension or revocation of their license; however, for a third reported offense, any person who violates subsection (e) of Section 14 shall be subject to a fine in a minimum of Five-Hundred Dollars (\$500.00) and/or a suspension or revocation of their liquor license. A "reported offense" shall mean an incident giving rise to a violation of subsection (e) of Section 14 that is investigated by a police agency and properly documented in a police report. Further, the penalties provided to a Class A license holder in this subsection (h) shall be applied to a license holder each year.

Section Fourteen: Local Commissioner

The Chairman of the LaSalle County Board of the County of LaSalle and State of Illinois shall be the LaSalle County Liquor Control Commission of said County of LaSalle, and he/she shall be charged with administration and enforcement of this Ordinance. Provided, however, that the authority and jurisdiction of said Liquor Control Commissioner shall extend only to that area in LaSalle County which lies outside of the corporate limits of the cities, villages, and incorporated towns therein.

Such Local Liquor Control Commissioner may appoint a person or persons to assist him/her in the exercise of his/her powers and the performance of his/her duties, and said person or persons shall be paid for his/her or their services from the General Fund of the County upon presentation of a verified claim approved by said Commissioner.

Section Fifteen: Powers of Commissioner

The said Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses for the sale of alcoholic liquors:

- a) To grant and revoke for cause all licenses issued to persons for premises within his/her jurisdiction,
- b) To enter or to authorize any law enforcing officer to enter to any time upon premises licensed hereunder to determine whether any of the provisions of this Ordinance or any rules or regulations adopted by it or by the State Liquor Control Commissioner has been or are being violated, and at such time to examine said premises of said licenses in connection herewith.
- c) To receive complaints from citizens within its jurisdiction that any of the provisions of the Illinois Dram Shop Act or this Ordinance, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.
- d) To receive local license fees and pay the same forthwith to the County Treasurer. The County Treasurer shall deposit all such money to the general fund. The Local Liquor Control Commissioner shall have the right to examine or cause to be examined under oath, any applicant for a local license or for a renewal thereof any licensee upon whom notice of revocation has been served in the manner hereinafter provided, and to examine or cause to be examined upon seven (7) days' notice the books and records of any such applicant or licensee; to swear in witnesses, hear testimony and take proof for his information in the performance of his/her duties and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any information desired by the Local Liquor Control Commissioner under this Section, he/she may authorize his/her agent to act on his/her behalf.

Section Sixteen: Complaints

Any one or more persons appointed by the Liquor Control Commissioner to aid and assist in the enforcement of this Ordinance or any five (5) residents of the County shall have the right to file a complaint with the Local Liquor Control Commissioner stating that any retail licensee, subject to the jurisdiction of the Local Liquor Control Commissioner has been or is violating the provisions of this Ordinance. Such complaint shall be in writing in the form prescribed by the Local Liquor Control Commissioner 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 belief is based. If the Local Liquor Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he/she shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and with copy of the complaint and notices of the hearing and the decision upon any complaint shall conform to the requirements of 235 ILCS 5/7-5.

Section Seventeen: Appeals

Except as hereinafter provided, any order or action of the Local Liquor Control Commissioner granting or refusing to grant a license, revoking, suspending, or refusing to grant a hearing upon complaint to revoke or suspend a license, or fining any liquor licensee for a violation hereof, may within twenty (20) days after notice of such order of action, be appealed from by any resident of the political subdivision under the jurisdiction of the Local Liquor Control Commission or any person interested in the Illinois Liquor Control Commission. Pursuant to Illinois Compiled Statutes, Chapter 235, Act 5, Section 7-9, as amended, all appeals from the LaSalle County Liquor Control Commission shall be limited to a review of the official record of the proceedings of the LaSalle County Liquor Control Commission. All proceedings before the LaSalle County Liquor Control Commission shall be taken and prepared by a certified court reporter or certified shorthand reporter and thereafter adopted as the certified official record of the LaSalle County Liquor Control Commission. In the event such an appeal is from an order of the Local Liquor Control Commissioner denying a renewal application, the licensee shall leave a deposit with the Local Liquor Control Commissioner in an amount sufficient to cover the license fee for the renewal period and any bond that may be required.

Section Eighteen: Hours of Sale [Amended 11-2-17 Ord#17-158]

No licensee under this Ordinance shall permit the sale of alcoholic liquor except during the following times:

- a) From seven o'clock a.m. (7:00 a.m.) to two o'clock a.m. (2:00 a.m.), the following morning on Monday, Tuesday, Wednesday and Thursday.
- b) From seven o'clock a.m. (7:00 a.m.) to three o'clock a.m. (3:00 a.m.), the following morning on Friday and Saturday (which three o'clock a.m. (3:00 a.m.) is actually on Saturday and Sunday).
- c) From eight o'clock a.m. (8:00 a.m.) to one o'clock a.m. (1:00 a.m.), the following morning on Sunday.
- d) Standard Time and Daylight Savings Time, whichever is in effect, shall control hours above mentioned.
- e) That the only persons allowed on the premises from closing hours to opening hours shall be the owner, licensee, and any individuals employed by the owner or licensee in cleaning up the premises. No liquor shall be served during these hours.
- f) No alcoholic liquor shall be sold between the hours of six o'clock p.m. (6:00) p.m. on December 24th each year and until the hours of eleven o'clock a.m. (11:00 a.m.) on December 25th.
- g) All licensed premises may remain open until three o'clock a.m. (3:00 a.m.) on the 1st day of January.
- h.) That in addition to the penalties which may be assessed against the licensee by the Liquor Control Commission pursuant to Section 15, 16, 17 and 18 of this Ordinance, any person who violates Paragraph (a) through (h) of this Section shall be subject to a fine, not to exceed Five Hundred Dollars (\$500.00). The State's Attorney shall prosecute violations of this Ordinance in the Circuit Court of LaSalle County.

Section Nineteen: Noise

No licensee shall permit on the premises where his place of business is located any disorderly conduct, or loud or unusual noises. This includes any unreasonable loud noise or unreasonable conduct which acts to alarm or disturb residents or business located in the vicinity of the licensed premises.

Section Twenty: Violation/Misrepresentation

Any person violating any of the provisions of this Ordinance or any person willfully making any false statements as to the material fact in the application for a license for the sale of alcoholic liquor, said license shall be subject to suspension or revocation.

a) Any licensee found guilty by the Liquor Control Commissioner of intentionally making false statement as to a material fact in the application for a license for the sale of alcoholic liquor, said license shall be revoked.

Section Twenty-One: Repeal

That all Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance by and the same are hereby repealed.

Section Twenty-Two: Effective Date

That this Ordinance shall be in full force and effect immediately upon its adoption and publication.

Section Twenty-Three: Period of License

The license period shall be from July 1st to June 30th of each year.

Section Twenty-Four: Publication

This Ordinance shall be published in pamphlet form and a copy retained on file at all times in the County Clerk's Office.

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