

ORDINANCE NO. 2013- 11

AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC LIQUORS FOR THE  
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

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ADOPTED BY

THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN,  
MORGAN COUNTY, ILLINOIS

ON THE 13 DAY OF November, 2013

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PUBLISHED IN PAMPHLET FORM ON THE 13 DAY OF November 2013 BY  
AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES

ORDINANCE NO. 2013-10

**AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC LIQUORS  
FOR THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, as follows:

**Section 1.** This Ordinance shall be known as the Liquor Code for the Village of Chapin, Morgan County, Illinois.

**Section 2.** This Ordinance shall be construed to the end that the health, safety and welfare of the people of this Village shall be protected and temperance in the consumption of alcoholic liquor shall be fostered and promoted.

**Section 3.** Definitions.

Unless the context otherwise requires, the words and phrases herein defined are used in this Ordinance in the sense given them in the following definitions:

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

Alcoholic liquor. The phrase "alcoholic liquor" includes the four (4) varieties of liquor defined in this section (alcohol, spirits, wine and beer) and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing one-half of one percent (1/2 of 1%) or less, of alcohol by volume. Nor shall the provisions of this Ordinance apply to flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary or toilet preparations or food products unfit for beverage purposes, but the provisions of this Ordinance shall not be construed to exclude or not to apply to wines intended for use and used by any church or religious organization for sacramental purposes.

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

Club. The word "club" means a corporation organized under the laws of this state, not for pecuniary profit, affiliated with a recognized national or state organization solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, kept, used and maintained by its members, through the payment of annual dues, and through owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests; provided, that the affairs and management of such club are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid or directly or indirectly receives, in the form of a salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or any other governing body, out of the general revenue of the club.

Convenience Store. The phrase "convenience store" means a facility which offers the retail sale of a full line of grocery and related items and which may also offer the sale of motor fuel.

Deliver. The word "deliver" means the actual, constructive or attempted transfer of possession, with or without consideration.

Licensed premises. Unless otherwise provided, the phrase "licensed premises" shall mean the permanent structure or structures, or portions thereof, described in the application for license; the licensed premises may consist of more than one (1) structure only with respect to Class "E" license and only if said structures are no more than two hundred (200) feet apart at the nearest point and the liquor is dispensed from no more than two (2) of the structures. If the licensed premises include a "B" license, package liquor sales will only be allowed at one (1) structure, the primary structure.

Local liquor commissioner. The phrase "local liquor commissioner" shall mean the Village President and such persons as he/she may appoint to assist him/her in the duties thereof.

Manufacturer. The word "manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills any original package and others engaging in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as above defined.

Original package. The phrase "original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

Owner or proprietor. The words "owner" or "proprietor" shall include all persons who are owners of or are in control of any place where the sale or distribution of alcoholic liquor is carried on, whether they be individuals, partners, corporations, joint stock companies, fiduciaries or officers, directors, or stockholders of corporations or otherwise.

Person. The word "person" shall mean any individual, firm, partnership, corporation, company, association, club, joint venture, estate or trust.

Sale. The word "sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent or employee.

Spirits. The word "spirits" means any beverage which contains alcohol obtained by distillation, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

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

#### **Section 4. Penalty.**

Any person, firm or corporation violating any provision of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

#### **Section 5. Restrictions of sales near churches and schools.**

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their spouses, or children, or military or naval station; provided, however, that this prohibition shall not apply to Class "A", "BH", "D", "E", Club or Special Events licenses, nor to the renewal of any license for the sale of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license. In the case of a church or school, the distance shall be measured from the licensed premises to the nearest part of any building used for worship services or educational programs.

#### **Section 6. Certain sales and acts prohibited.**

(a) Cashing payroll checks. No Class "B", "C", "D", or "E", licensee shall cash checks or drafts to any purchaser or prospective purchaser or alcoholic liquor which

checks or drafts have been given such purchaser or prospective purchaser in payment for personal services.

(b) Unlawful sales and deliveries. No licensee or other person shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, nor to any intoxicated person or to any habitual drunkard, spendthrift, or insane, feeble-minded or distracted person or to any person who is known to be an object of charity or who is known to be supported by any relief commission or organization or charitable association or institution.

(c) Unlawful purchases. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any licensed premises.

(d) Unlawful possession. It shall be unlawful for any person under the age of twenty-one (21) years to possess or consume any alcoholic liquor at any place within the Village, unless such person is making delivery of alcoholic liquor in pursuance of the order of his parent or legal guardian or in pursuance of his employment.

(e) Misrepresenting age. It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold.

(f) Warnings. In every licensed premises there shall be displayed at all times in a prominent place a printed card which shall be supplied by the local liquor commissioner and which shall read substantially as follows:

#### WARNING TO MINORS

You are subject to a fine up to \$1,000.00 under the ordinances of the Village of Chapin if you purchase alcoholic liquor or misrepresent your age for the purposes of purchasing or obtaining alcoholic liquor.

(g) Underage persons in Class "C" premises and in bar areas of bowling alleys. It shall be unlawful for the licensee of a Class "C" license to permit any person under the age of twenty-one (21) years to enter or remain in the licensed premises except between the hours of 11:00 a.m. and 2:00 p.m.; provided, however, this provision shall not apply to any person under the age of twenty-one (21) years who is accompanied by his parent or legal guardian. In addition, it shall be unlawful for any person under the age of twenty-one (21) years to enter or remain in any premises under a Class "C" license, except between the hours of 11:00 a.m. and 2:00 p.m. unless accompanied by his parent or guardian.

Except as is necessary to pass from the entrance of the premises to the bowling lane area, it shall be unlawful for the licensee of any "bowling alley" license to permit any person under the age of twenty-one (21) years to enter or remain in the bar area of the premises, except between the hours of 11:00 a.m. and 2:00 p.m.; provided, however, this

provision shall not apply to any person under the age of twenty-one (21) years who is accompanied by his parent or legal guardian. In addition, except as is necessary to pass from the entrance of the premises to the bowling lane area, it shall be unlawful for any person under the age of twenty-one (21) years to enter or remain in the bar area of a licensed premises under a "bowling alley" license, except between the hours of 11:00 a.m. and 2:00 p.m., unless accompanied by his parent or legal guardian.

(h) Parental responsibility. It shall be unlawful for any parent or guardian to permit any person under the age of twenty-one (21) years, of whom they are the parent or guardian, to violate any of the provisions of this section.

(i) Employees' ages. Except as provided herein, it shall be unlawful for any person under the age of twenty-one (21) years to attend a bar or to draw, pour, mix, service or sell any alcoholic liquor in any licensed premises. However, it shall not be unlawful:

- (1) For any person under the age of twenty-one (21) years to sell beer in licensed premises under a Class "A" license.
- (2) For any person age nineteen (19) or twenty (20) years to take orders or serve alcoholic liquor in a licensed premises under a "Club" license, provided the premises derives seventy percent (70%) or more of its gross income from the sale of food, or in a licensed premises under a Class "D", "E", or "BH" license.

(j) Leaving premises with open container. It shall be unlawful for any licensee to permit any person on the licensed premises to leave the licensed premises with an open container containing any alcoholic liquor. In addition, it shall be unlawful for any person to leave any licensed premises with an open container containing any alcoholic liquor. Provided, however, that the employees of a Class "E" license which consists of more than one (1) permanent structure may go from once such structure to the other with such an open container for the purpose of serving the same to a customer.

(k) Liquors in Class "D" premises. It shall be unlawful for any licensee of a Class "D" license to permit any person to possess or consume any alcoholic liquor on the licensed premises, other than beer or wine. In addition, it shall be unlawful for any person to possess or consume any alcoholic liquor, other than beer or wine, on any premises licensed under a Class "D" license.

(l) Possession on Village property. Except as provided herein, it shall be unlawful for any person to possess any alcoholic liquor not in its unopened original package while upon any street, alley, sidewalk or public parking lot, while in any Public Park, or while in or upon any property owned by the Village of Chapin.

- (1) A "Special Events" license may be obtained for sale of beer/alcoholic liquor

in a public park or parking lot or on property owned by the Village of Chapin and possession by a person, age twenty-one (21) years or older, of beer/alcoholic liquor other than in its unopened original package while on the premises licensed under such "Special Events" license and during the term of such license shall not be unlawful.

(m) Outdoor sales. It shall be unlawful for any licensee to sell, give or deliver any alcoholic liquor in any place other than the licensed premises described in his application for the license. Provided, however, that on application and payment of a permit fee of Two Hundred Fifty Dollars (\$250.00), the holder of a Class "C", "D", or "E" license or of a "Club" license may be issued a permit to sell such alcoholic liquor as his license permits, and at such time as it permits, outside the permanent structure; provided, that such outdoor area is completely enclosed by a fence or wall at least five (5) feet high; and provided, that access to such outdoor area is restricted to one (1) door, gate or other opening no more than five (5) feet wide; and provided, that such outdoor area is not more than sixty (60) feet from the permanent structure which contains the licensed premises.

No alcoholic liquor shall be sold, given or delivered by any person who is in such outdoor area to any person who is not in such area. Such outdoor area shall be deemed a part of the licensed premises for all purposes specified in this Ordinance.

(1) Ancillary sales. On application and payment of a permit fee of Two Hundred Fifty Dollars (\$250.00), the holder of a Class "E" license may be issued a permit to sell such alcoholic liquor as his license permits and at such times as it permits outside the permanent structure in an ancillary structure or a building separate from the licensed premises provided: (1) the building is within one hundred (100) feet of the licensed premises, (2) the ancillary permit is necessary to allow the sale of alcoholic beverages in connection with the related restaurant services which cannot be provided within the licensed premises, i.e., special events, weddings and receptions, and banquets, (3) alcoholic liquor is sold pursuant to said ancillary permit only in conjunction with special events, weddings, receptions, and banquets, and not at any other times, (4) the location must meet all applicable building and zoning ordinances and health codes, (5) the ancillary permit is intended for limited use and is not transferrable and is revocable at the discretion of the liquor control commissioner upon violation of any provision of this section, (6) the ancillary permit location must be under the ownership or lease of the license holder and cannot be transferred in anyway, including a sub-lease, (7) all delivery and sale of the alcoholic beverages at the ancillary location will be conducted under the provisions of the applicable license, i.e., "E" and no open liquor or drinks shall be carried from building to building.

(2) All Outdoor Sales/Entertainment. Alcoholic liquor and Outdoor Entertainment

shall have a defined time and noise level set at the time the license is issued.

**Section 7.** Authority to demand identification cards; misuse of identification cards prohibited.

If a licensee or his agent or employee believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age, issued by a public officer in the performance of his official duties. No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information.

**Section 8.** Regulation of sales, gifts, etc., to persons addicted to excessive use of alcoholic liquor.

Whenever any person shall notify any licensee under this Ordinance in writing that his father, mother, husband, wife, child, brother, sister or ward is addicted to excessive use of alcoholic liquor and in such writing shall request said licensee not to sell, exchange or give any such liquor to such father, mother, husband, wife, child, brother, sister or ward, such licensee shall not thereafter sell, exchange or give to the person so designated in such notice any such liquor.

**Section 9.** Closing hours and day prescribed.

(a) It shall be unlawful for any licensee to sell or offer for sale any alcoholic liquor other than during the hours permitted for his classification of license as provided in this Ordinance.

(b) Except as provided herein, all persons except employees of the licensee shall vacate the licensed premises between the hours of 1:30 a.m. and 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday and Friday, and between the hours of 2:00 a.m. and 6:00 a.m. on any Saturday and Sunday. Any time specified herein shall be extended one (1) hour on any January 1. For purposes of this paragraph, no person shall be deemed to be an employee of the licensee unless the licensee shall inform the local liquor commissioner that the person is his employee, as provided for in this Ordinance. It shall be a violation of this section for any licensee to permit any person other than his employees to be or remain on, or to enter upon, the licensed premises between the aforesaid hours. This sub-paragraph shall not apply to the following:

- (1) To any premises licensed under a class "A" license.
- (2) To any premises licensed under a bowling alley license; however, it shall be



unlawful for the licensee to permit any person to possess an open container of alcoholic liquor or to consume any alcoholic liquor on the premises during the aforesaid hours, and it shall be unlawful for any person to possess an open container of alcoholic liquor or to consume any alcoholic liquor on the premises during the aforesaid hours.

**Section 10.** Peddling liquor prohibited.

It shall be unlawful to peddle or hawk alcoholic liquor in the Village.

**Section 11.** Sanitary Conditions.

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage of or sale of food for human consumption.

**Section 12.** Inspections.

A licensee shall be required to make available forthwith for inspection by police officers of the Village any part of the licensed premises or any part of the property on which the licensed premises is located for purposes of securing compliance with this Ordinance and determining whether any violation of this Ordinance is occurring or has occurred on the licensed premises.

**Section 13.** Licensee's responsibility for employee's acts.

Any act or omission by a licensee's agent or employee which constitutes a violation of any provision of this Ordinance shall be deemed also to be committed by the licensee.

**Section 14.** License required.

It shall be unlawful for any person, either himself or by his agent or employee, to sell or offer for sale at retail in the village any alcoholic liquor without first having obtained a license to do so as provided in this chapter. It shall likewise be unlawful for any licensee to sell any alcoholic liquor in violation of the terms and conditions of his license.

**Section 15.** Classes, terms, hours and fees.

(a) Licenses to sell alcoholic liquor at retail shall be of the following classes:

- (1) A Class "A" license shall permit the sale of beer for consumption off the licensed premises, and the fee for such license shall be Six Hundred Dollars (\$600.00). A Class "A" license shall be issued only to a grocery store or a convenience store. A Class "A" license shall permit such sales:
  - a. From 6:00 a.m. on each Monday through Thursday until 1:30 a.m. on the following day.
  - b. From 6:00 a.m. on each Friday and Saturday until 2:00 a.m. on the following day.
  - c. From 12:00 noon on each Sunday until 1:30 a.m. on the following day.
  
- (2) A Class "B" license shall permit the sale of alcoholic liquor for consumption off the licensed premises, and the fee for such license shall be Eight Hundred Dollars (\$800.00). Such a license shall not be granted to a grocery store or convenience store. A Class "B" license shall permit such sales:
  - a. From 6:00 a.m. on each Monday through Thursday until 1:30 a.m. on the following day.
  - b. From 6:00 a.m. on each Friday and Saturday until 2:00 a.m. on the following day.
  - c. From 12:00 noon on each Sunday until 1:30 a.m. on the following day.
  
- (3) A Class "C" license shall permit the sale of alcoholic liquor for consumption on or off the licensed premises, and the fee for such license shall be One Thousand One Hundred Dollars (\$1,100.00). A Class "C" license shall permit sales as follows:
  - a. For consumption on the licensed premises:
    1. From 6:00 a.m. on each Monday through Thursday until 1:00 a.m. on the following day.
    2. From 6:00 a.m. on each Friday and Saturday until 1:30 a.m. on the following day.
  - b. For consumption off the licensed premises:
    1. From 6:00 a.m. on each Monday through Thursday until 1:30 a.m. on the following day.

2. From 6:00 a.m. on each Friday and Saturday until 2:00 a.m. on the following day.
  3. From 12:00 noon on each Sunday until 1:00 a.m. on the following day.
- (4) A Class "D" license shall permit the sale of beer and wine for consumption on the licensed premises and shall be granted only for a premise which derives seventy percent (70%) or more of its gross income from the sale of food. The fee for such license shall be One Thousand Twenty Five Dollars (\$1,025.00). A Class "D" license shall permit such sales:
  - a. From 6:00 a.m. on each Monday through Thursday until 1:00 a.m. on the following day.
  - b. From 6:00 a.m. on each Friday and Saturday until 1:30 a.m. on the following day.
  - c. From 12:00 noon on each Sunday until 1:00 a.m. on the following day.
- (5) A Class "E" license shall permit the sale of alcoholic liquor for consumption on the premises and shall be granted only for a premises which derives seventy percent (70%) or more of its gross income from the sale of food and/or pool receipts; provided, however, that such a license shall not be granted to a grocery store or convenience store. The fee for such license shall be One Thousand Two Hundred Seventy Five Dollars (\$1,275.00). A Class "E" license shall permit sales as follows:
  - a. From 6:00 a.m. on each Monday through Thursday until 1:00 a.m. on the following day.
  - b. From 6:00 a.m. on each Friday and Saturday until 1:30 a.m. on the following day.
  - c. From 12:00 noon on each Sunday until 1:00 a.m. on the following day.
- (6) A "Club" license shall permit the sale of alcoholic liquor for consumption on the licensed premises and shall be granted only to a club, as defined in this Ordinance. The fee for such license shall be One Thousand One Hundred Fifty Dollars (\$1,150.00). A "Club" license shall permit such sales:
  - a. From 6:00 a.m. on each Monday through Thursday until 1:30 a.m. on the following day.

- b. From 6:00 a.m. on each Friday and Saturday until 1:30 a.m. on the following day.
  - c. From 12:00 noon on each Sunday until 1:00 a.m. on the following day.
- (7) A "Bowling Alley" license shall permit the sale of alcoholic liquor for consumption on or off the licensed premises and shall be granted only for a premise which is licensed as a bowling alley. The fee for such license shall be One Thousand Three Hundred Seventy Five Dollars (\$1,375.00). A "Bowling Alley" license shall permit sales as follows:
- a. For consumption on the licensed premises:
    - 1. From 6:00 a.m. on each Monday through Thursday until 1:00 a.m. on the following day.
    - 2. From 6:00 a.m. on each Friday and Saturday until 1:30 a.m. on the following day.
    - 3. From 12:00 noon on each Sunday until 1:00 a.m. on the following day.
  - b. For consumption off the licensed premises:
    - 1. From 6:00 a.m. on each Monday through Thursday until 1:30 a.m. on the following day.
    - 2. From 6:00 a.m. on each Friday and Saturday until 2:00 a.m. on the following day.
    - 3. From 12:00 noon on each Sunday until 1:30 a.m. on the following day.
- (8) A "Special Events" license shall permit the sale of alcoholic liquor for consumption only on the licensed premises during the time specified in the license, but in no event between the hours of 1:00 a.m. and 6:00 a.m. on any Monday through Saturday or between the hours of 1:00 a.m. and 12:00 noon on any Sunday. No "Special Events" license shall be issued for a term of more than three (3) consecutive days. A "Special Events" license shall be granted only to a not-for-profit organization or to a current licensee for a premise occupied by it during a special event sponsored by the organization or licensee. No such organization or licensee shall be entitled to receive more than three (3) "Special Events" licenses in any calendar year. The fee for a "Special Events" license shall be Thirty Dollars (\$30.00) for each day or

part thereof that the license is to be in effect. The "Licensed premises" for a "Special Events" license shall be an enclosed area around the place where beer/alcoholic liquor is sold. Adequate security will be provided by the licensee and subject to review.

- (9) A "Golf Course" ("GC") license shall permit the sale of alcoholic liquor for consumption on the licensed premises, which shall consist of a golf course and the property adjoining the golf course used in conjunction with the golf course, including, but not limited to, driving range area, practice green, and club house, including pro shop, restaurant, lounge, snack shop, and any areas adjacent thereto, all of which make up the "golf course". The fee for such license shall be One Thousand Three Hundred Seventy-five Dollars (\$1,375.00). A Class "GC" license shall permit sales at such times as are allowed under the Class "E" license.
- (10) A "Banquet Hall" ("BH") license shall permit the sale of alcoholic liquor for consumption on the premises and shall be granted only for a premise which derives seventy (70) percent or more of its gross income from the sale of food in a banquet hall. Said banquet hall must be in compliance with all applicable building code and zoning requirements of the Village of Chapin.

A banquet hall, under this section, is defined as a facility which hosts banquets, dinner parties, receptions and other similar events on a part-time basis. This license is valid only when these events are actually taking place in the licensed premises.

The fee for a Class "BH" license shall be one-half of the applicable fee for a Class "E" license (Class "E" license currently \$1,375.00; Class "BH" license currently \$687.50).

A class "BH" license shall permit sales the same hours as a Class "E" license:

- a. From 6:00 a.m. on each Monday through Thursday until 1:00 a.m. on the following day.
  - b. From 6:00 a.m. on each Friday and Saturday until 1:30 a.m. on the following day.
  - c. From 12:00 noon on each Sunday until 1:00 a.m. on the following day.
- (b) The times specified in this section for ending the sale of any alcoholic liquor shall be one (1) hour later on any January 1<sup>st</sup>.
- (c) If property owned or leased by the licensee is to be used in part for sales and

activities permitted under a Class "C" or license and in part for sales and activities permitted under a Class "D", "E" license, then the licensee shall obtain a license for each such part of the property, with the fee for each license being sixty percent (60%) of that provided for in subsection (a). No Class "C" licenses obtained under the terms of this Paragraph shall be counted in determining the number of licenses issued as provided in Section 18. For all other purposes, each such part of the property shall be deemed a separate licensed premise.

- (d) A separate license must be obtained for each location at which an applicant desires to carry on a licensed business, except as is allowed by Class "E" licenses as provided in the definition of the term "licensed premises" in this Ordinance.
- (e) Except for a "Special Events" license, all licenses shall expire on December 31 of the calendar year during which the same are issued.
- (f) Except for "Special Events" licenses, for any license issued on and after July 1 of any calendar year, the license fee shall be one-half of the amount specified in this section, but there shall be no further fractional division of the license fee payable under this Ordinance. All license fees shall be payable in semiannual installments in advance on or before the first day of January and the first day of July of each calendar year.

#### **Section 16. Application.**

(a) Any person desiring a license under this Ordinance shall make application to the local liquor commissioner upon blanks prepared and furnished by the Village. Such application shall be sworn to and shall be in duplicate and show the following information:

- (1) The name and residence address of applicant.
- (2) That he/she is and has been, for a year last past, a resident of the village.
- (3) That he/she is a citizen of the United States.
- (4) His/her place of birth, and if a naturalized citizen the time and place of naturalization.
- (5) That he/she has never been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
- (6) That he/she has never been convicted of a felony.
- (7) That he/she has never been convicted of being the keeper of, and that he is not now keeping, a house of ill fame.

- (8) The location where he/she proposes to engage in the business for which the application was submitted.
  - (9) The location must be in good repair with all parts of the building/business working and in safe condition.
  - (10) That the proposed location is not within one hundred (100) feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons, or for veterans, their spouses or children, or any military or naval station; except as provided for in Section 5 of this Ordinance. In case of a church or school, the distance shall be measured from the licensed premises to the nearest part of any building used for worship services or educational programs.
  - (11) That he/she will not violate any of the laws of this state or of the United States or of the village in the conduct of his place of business.
  - (12) The location and description of the premise to be licensed, as well as a clear and specific description and a diagram to scale of the area to be considered the licensed premises.
- (b) In addition to the requirements of paragraph (a), an applicant for a "Special Events" license shall include the following information:
- (1) Written authorization from the owner for use of the premises if the applicant is not the owner.
  - (2) The nature of the event planned by the applicant.
  - (3) A certificate of insurance showing evidence of dram shop and liability insurance coverage.
  - (4) The specific time and dates for the term of the license.
  - (5) A description of the kind of enclosure which will be around the licensed premises.
- (c) An applicant for any license shall be required to show satisfactorily that he is of good moral character, and no license shall be granted to any but a person of good moral character.
- (d) An applicant for any license shall consent to the local liquor commissioner's obtaining information in connection with a credit investigation.

(e) In the case of a partnership, the information required by this section shall be furnished as to each partner, and in the case of a corporation as to the principal officers and as to each stockholder owning in the aggregate more than five (5) percent of the stock of such corporation. In the case of a club, the information required by this section shall be furnished as to the principal officers of such club.

(f) One (1) copy of the application for license shall be filed with the Village clerk and one (1) with the local liquor commissioner.

(g) Any license holder requesting a name change on their license will be required to submit an "Application for Change of Business Name" along with a fee of Twenty-four dollars (\$24.00) to the Village President..

**Section 17. Restriction on issuance.**

No such license shall be issued to:

- (1) A person who is not a resident of the Village.
- (2) Any 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 any federal or state law.
- (5) A person who has been convicted of being the keeper of, or is keeping, a house of ill fame.
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (7) A person whose license under this Ordinance has been revoked for cause.
- (8) A person who at the time of application for renewal of any license issued under this division would not be eligible for such license upon first request of application.
- (9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the Village. However, one of the partners must be a resident of the Village.
- (10) A corporation or limited liability company, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5)



percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village. However, the corporation or limited liability company must designate a manager or agent for the premises and said manager or agent must be a resident of the Village of Chapin.

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

(12) 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 this Ordinance, or shall have forfeited his bond to appear in court to answer charges for any such violations.

(13) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

(14) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(15) Any law enforcing public official of the Village of Chapin, shall be interested directly in the sale or distribution of alcoholic liquor within the Village of Chapin.

(16) A person who is not a beneficial owner of the business to be operated by the license.

(17) Any person, association or corporation not eligible for a state retail liquor dealer's license.

**Section 18.** Location; change of location; limitations on number issued.

(a) A license shall be restricted to use on the premises stated on the application therefor; provided, however, that a licensee may change his place of business to another location after approval by the local liquor commissioner.

(b) Each license shall be subject to suspension or revocation, as hereinafter provided, and shall also be subject to change without notice to conform to any state law or a subsequent ordinance of the Village.

(c) Limitation on number issued. No more than a total of five (5) Class "A", "B", "C", "D", "E", "Club", "Bowling Alley" and "BH" licenses shall be issued at any time. No more than three (3) "Special Events" licenses shall be issued for any one date.

(d) Any license issued contrary to and in violation of this section shall have no

force, effect or validity whatsoever and shall be unconditionally void.

(e) The owner or owners of any establishment which is duly licensed by the county for the sale of any alcoholic liquor when it is annexed to the Village may apply to the local liquor commissioner for a license to continue the operation of his establishment subject to all the pertinent provisions of this Ordinance. An applicant shall pay the fee applicable to sale of those alcoholic liquors which his county license has theretofore permitted him to sell, and one (1) additional license shall be added to the number of licenses allowed for that classification under Paragraph (c).

(f) A license shall become null and void when the premises for which it has been issued has not been used for the sale of alcoholic liquor for a period of six (6) months.

**Section 19.** Investigation; rejection or approval of application.

Upon the filing of an application for a license to the local liquor commissioner, as provide in this Ordinance, the local liquor commissioner shall investigate the applicant for a license and shall, upon such investigation, approve or reject the application and present his/her recommendation to the Board of Trustees for approval.

**Section 20.** No vested interest created; transfer prohibited; death of licensee.

A license shall not be construed as creating any vested interest or property interest in the licensee and shall not be subject to execution or to being encumbered. A license shall not be subject to transfer or assignment from the licensee to any other person. A license shall not descend by the laws of testate or intestate succession and shall cease upon the death of the licensee. Provided, however, that the representative of the estate of a deceased licensee may continue the business of sale of alcoholic liquor under a decedent's license for purposes of sale of such alcoholic liquor as was owned by the decedent at the time of his death. A refund shall be made of the portion of the license fee paid for any period in which the business cannot be operated because of the provisions of this section.

**Section 21.** Renewal.

(a) Any licensee under this Ordinance may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes. Applications for renewal of licenses issued under this Ordinance shall be filed with the local liquor commissioner on or before the last Monday in November of the calendar year during which such licenses were issued. The local liquor commissioner shall report the names of all applicants for renewal of licenses to the village clerk within forty-eight (48) hours after the presentation of such application for renewal, together with the location of the places of business of such applicants and the amount of license fees payable upon the renewal of such licenses, and whether or not any written complaint has been filed as to the manner in which the

applicant for such renewal of a license has carried on the business authorized hereby.

(b) An application for renewal of any license upon its expiration shall not be granted, if written complaint has been filed with the local liquor commissioner as to the manner in which the applicant for such license renewal has carried on the business authorized by such license, until a public hearing has been held on such complaint, where the person making such complaint shall be entitled to be heard and to bring in witnesses, if so desired, and the person against whom such complaint has been made shall be entitled to bring in witnesses and to appear in defense thereof.

(c) Any licensee who fails to file an Application for Renewal by the last Monday in November of the calendar year in which said license was issued (see paragraph (a) above) must reapply for a liquor license and pay a \$250.00 re-application fee.

Any licensee who fails to complete the license renewal process in the manner, form and time frame set forth in this Section, when such failure results in the expiration of the current license, shall be prohibited from selling alcohol, until such time as they apply for and receive a new liquor license from the Village of Chapin.

**Section 22. Issuance of duplicates.**

Every person licensed in accordance with the provisions of this division shall immediately post and keep posted while in force, in a conspicuous place on the licensed premises, the license so issued. Whenever such license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the local liquor commissioner.

**Section 23. Employee lists.**

Except for the licensee of a Class "A" license, each licensee shall submit to the local liquor commissioner a list of his/her employees working upon the licensed premises. Upon the effective date of any change in that list due to departure of an employee or hiring a new employee, the licensee shall submit a revised employee list to the local liquor commissioner, which list shall contain only the names of the licensee's then-employees and which list shall bear its effective date.

**Section 24. Record keeping required.**

The local liquor commissioner shall keep, or cause to be kept, a complete record of all licenses issued under this division and shall furnish the clerk, treasurer and chief of police each with a copy thereof. Upon the issuance of any new license, the renewal of any license, or the revocation or suspension of any old license, the local liquor commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.

**Section 25.** Disposition of fees.

All fees received under this division shall be paid to the local liquor commissioner at the time of application and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund, or in such other fund as shall have been theretofore designated by the Village Board by proper action.

**Section 26.** Local Liquor Commission.

(a) The Local Liquor Commissioner shall use the Public Safety Committee of the Village of Chapin, to be called upon from time to time to assist him/her in the exercise of his/her duties in the manner hereinafter set forth. The Public Safety Committee and the Local Liquor Commissioner shall be known as the Local Liquor Commission, and shall serve in an advisory capacity.

(b) Upon the receipt by the Local Liquor Commissioner of any written report or written complaint alleging a violation which could result in disciplinary action as set forth in this Ordinance, the Local Liquor Commissioner shall either: (1) at his discretion, schedule a meeting of the Local Liquor Commission to consider said report or complaint; at the meeting of the Local Liquor Commission, the Local Liquor Commissioner shall receive the advice and recommendation of the Local Liquor Commission members as to whether any disciplinary action should be taken against the licensee and, if so, what such action should be; or (2) take such action as he (the Local Liquor Commissioner) deems appropriate under the circumstances, without a meeting of the Local Liquor Commission.

(c) The Local Liquor Commissioner shall then either:

- (1) Take no disciplinary action;
- (2) Issue a written reprimand to the licensee;
- (3) Inform the licensee in writing of the proposed disciplinary action; or
- (4) Schedule a public hearing as provided in Section 27 upon the report or complaint.

A written notice of proposed disciplinary action shall inform the licensee of his right to a hearing, as provided in Section 27, to contest the imposition of such proposed disciplinary action. If the licensee does not request such a hearing within the time allowed in the written notice, which shall be not less than three (3) days after the licensee's receipt of the written notice, then the proposed disciplinary action shall be imposed.

**Section 27. Public Hearings before Local Liquor Commission.**

(a) A licensee shall receive not less than three (3) days' written notice of the date and place of any public hearing provided for in this Section. At such hearings, witnesses shall be sworn, and the strict rules of evidence shall apply. No public hearing shall be held unless the Local Liquor Commissioner and at least one (1) other member of the Local Liquor Commission are present, and a scheduled public hearing may be continued to a later time or date if necessary to permit the attendance of one (1) or more members of the Local Liquor Commission.

(b) Following the public hearing, the Local Liquor Commissioner shall receive the advice and recommendation of the other Local Liquor Commission members as to whether any disciplinary action should be taken against the licensee and, if so, what such action should be. The Local Liquor Commissioner shall then make a written order stating what, if any, disciplinary action is to be imposed upon the licensee.

**Section 28. Disciplinary action.**

(a) The disciplinary actions set forth in sub-paragraph (b) may be imposed by the Local Liquor Commissioner for any one of the following reasons:

- (1) Violation by the licensee, or by his employee or agent, of any of the provisions of this Chapter.
- (2) Violation by the licensee of any law of the State of Illinois or of the United States.
- (3) Violation by any employee or agent of the licensee of any law of the State of Illinois or of the United States, if such violation occurred in whole or in part when the employee or agent was upon the licensed premises.
- (4) The licensee's or his agent's or employee's permitting illegal, disorderly or immoral practice upon the licensed premises.

(b) The Local Liquor Commissioner may impose any one of the following disciplinary actions against the licensee upon finding that one of the violations as set forth in sub-paragraph (a) has occurred:

- (1) A written reprimand.
- (2) Suspension of the license for not more than thirty (30) days.
- (3) Revocation of the license, after which no license shall be granted to any

person for one (1) year thereafter for the sale of alcoholic liquor in the licensed premises.

- (4) A fine not to exceed One Thousand Dollars (\$1,000.00) for each violation, with each day on which a violation occurs to constitute a separate offense; provided, however, that no more than Fifteen Thousand Dollars (\$15,000.00) in fines may be imposed against the license during the one (1) year period of his license.

In addition to any one of the foregoing, the Local Liquor Commissioner may also order the licensee to pay the reasonable attorney's fees incurred by the Village or the Local Liquor Commission or the Local Liquor Commissioner in the proceedings.

**Section 29.** Appeal of Liquor Commission Findings Limited to the Record.

All appeals by a liquor licensee of a decision, order, or action by the Local Liquor Commissioner or designee having the effect of fining a licensee, suspending or revoking the Village liquor license shall be to the State Liquor Control Commission and shall be filed within twenty (20) days of receipt of the decision. The appeal shall be limited to a review of the official record of the formal proceedings before the Commissioner. The appeal shall be governed by the provisions of the Section 7-9 of the State Liquor Control Act.

**Section 30.** All ordinances and resolutions, or parts of ordinances or resolutions, in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

**Section 31.** This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form.

Passed and Approved by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, on the 13 day of November, 2013.

  
Bryce McGernick, Village President

ATTEST:

Rhea Drake

Rhea Drake, Village Clerk

AYES: 4

NAYES: 0

ABSENT: 2

STATE OF ILLINOIS )

) SS.

CERTIFICATION

COUNTY OF MORGAN )

I, Rhea Drake, the duly appointed Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that the foregoing and attached copy of Ordinance No. 2013-11 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Chapin at a regular meeting of said Board of Trustees held on the 13 day of November, 2013, as appears from the original ordinance now on file in my office.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of the Village of Chapin, this 13 day of November, 2013.

  
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Rhea Drake, Village Clerk

(SEAL)