

ALCOHOLIC BEVERAGES ORDINANCE

I. GENERAL REQUIREMENTS

Section 1-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic Liquor includes alcohol, spirits, wine, beer, ale, or other liquid containing more than one-half of one percent of alcohol by volume, patented or not containing more than one half of one percent of alcohol by volume, which is capable of being consumed as a beverage by a human being.

Licensed premises means the premises specified in a retail alcoholic liquor license on which the holder of the license is authorized to sell at retail alcoholic liquor.

The word premises shall include all parking areas and land contiguous to the building where the sale of alcoholic beverages occurs and belonging to the owner/licensee of the premises.

Licensee means the holder of a retail alcoholic liquor license issued pursuant to this chapter. (Cross reference-Definitions generally, Sections 1-2)

Section 1-2. Adoption of State Law.

All provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), shall be hereby made part of this chapter insofar as the provisions of such law pertain to the county.

Section 1-3. Liquor Control Commissioner.

The chairman of the county board shall be the county liquor control commissioner who shall be charged with the administration of the appropriate provisions of the state law and this chapter.

Section 1-4. Liquor Commission.

(a) Appointment of members. The chairman of the county board shall appoint two of its members to assist him in the exercise of his powers and the performance of the duties of this chapter and state law. Such members, together with the chairman, shall constitute the county liquor commission.

(b) Compensation of members. The members of the liquor control commission shall be paid the prevailing fee or compensation received by them as members of the

county board for each day spent by them in actual performance of their duties under the terms of this chapter and of the state law.

Section 1-5. Evasion of law.

The free dispensing, giving away or delivering of any alcoholic liquor for the purpose of evading any provisions of this chapter or state law or any other shift or device to evade any provision of this chapter shall be held to be an unlawful selling and shall constitute grounds for revocation of a liquor license.

Section 1-6. Prohibited sales generally.

(a) No licensee or employer or agent of the licensee shall sell, offer for sale, or furnish alcoholic liquor to any person except on the licensed premises. No licensee or employee or agent of the licensee shall knowingly permit the consumption of alcoholic liquor in a parked automobile on the licensed premises. No licensee or employee or agent of the licensee shall knowingly permit any person to carry or otherwise transport alcoholic liquor from the licensed premises in an open or unsealed container. Except as provided in subsections (b) and (c) of this section, no licensee or employee or agent of the licensee shall conduct outdoor sales of alcoholic liquor or permit outdoor consumption of alcoholic liquor on the licensed premises.

(b) Class A, C, and E licenses may sell alcoholic liquor for outdoor consumption on the licensed premises provided:

(1) The area in which the outdoor sales and/or consumption of alcoholic liquor takes place is contiguous to the building on the licensed premises in which the licensee primarily conducts the retail sale of alcoholic liquor;

(2) The outdoor sale and consumption area is enclosed by means of a fence; and

(3) Ingress to and egress from the outdoor sale and consumption area is only accessible from and into the building on the licensed premises in which the license primarily conducts the retail sale of alcoholic liquor.

(c) Special license holders may sell alcoholic liquor for outdoor consumption as provided in sections 2- 14(A) and (B).

Section 1-7. Inspection of licensed premises.

It shall be a violation of this chapter for a licensee or an employee or agent of the licensee to at any time refuse to allow a county liquor control commissioner or any law enforcement officer to enter the licensed premises for the purpose of examining

the premises to determine whether any of the provisions of this chapter are being violated.

Section 1-8. Sanitation of licensed premises.

All premises used for the retail sale of alcoholic liquor or the storage of such liquor for sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with all applicable county ordinances and state statutes including, but not limited to, the health codes, zoning codes and building codes.

Section 1-9. Sale; use; possession of drugs and drug paraphernalia.

(a) No licensee or employee of any premises licensed under this chapter shall, on the premises or elsewhere, sell, use, possess or deliver with or without consideration any cocaine, heroin, cannabis, or any other substance whose possession, sale, use or delivery is controlled by 410 ILCS 620/1 et seq.

(b) No licensee or employee of any premise licensed under this chapter shall on the licensed premises sell, keep for sale, offer for sale or delivery for any commercial consideration any drug paraphernalia whose sale or delivery is prohibited by the Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq.

(c) No licensee or employee of any, premises licensed under this section shall possess on his person or on the licensed premises in those areas controlled solely by the licensee and not generally open to the public any drug paraphernalia whose sale or delivery is prohibited by the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq.

(d) A violation of subsection (a) of this section by a licensee shall result in the revocation of the license, and all fees paid thereon shall be forfeited. A violation of subsection (a), of this section by an employee of a licensee or violation of subsection (b) of this section or subsection (c) of this section by a licensee or employee will result in a suspension or revocation of such license. In the case of revocation all fees paid for the license shall be forfeited.

Section 1-10. Regulations as to drunkards and criminals generally.

(a) It shall be a violation of this chapter for any licensee or employee or agent of the licensee to allow persons in a drunken condition to remain upon or loiter in and around the licensed premises; to harbor, conceal, aid or assist any person who has committed any criminal offense against the laws of the state or to refuse to aid or assist law enforcement officers of the county in the apprehension of persons accused or suspected of committing a crime.

(b) It shall be the personal responsibility and duty of the licensee to maintain peace and order on the licensed premises and to maintain the premises free from rowdiness, rioting, fighting, brawling, shooting, cuttings, stabbings and any and all such related conduct.

Section 1-11. Sales to habitual drunkards.

No licensee shall sell, give or deliver alcoholic liquor to any person known to him to be a habitual drunkard.

Section 1-12. Regulations concerning minors.

(a) No person under 18 years of age shall be employed on a licensed premises while the premise is opened for business, except as provided in subsections (c) and (d) of this section.

(b) No person under 21 years of age shall be employed on licensed premises in any position involving the drawing, pouring, mixing or otherwise dispensing of alcoholic liquors.

(c) It shall not be a violation of this chapter for a person under 18 years of age to be employed on a licensed premises during open business hours if the licensee is or operates a restaurant, club, hotel, bowling alley, as defined in the Liquor Control Act of 1934 (235 ILCS 5/1- 1 et seq.), or a grocery store or other retail establishment which is not used exclusively or primarily for the sale and/or consumption of alcoholic liquor, and the employment does not directly involve the sale, dispensing, or delivery of alcoholic liquor

(d) It shall not be a violation of this chapter for a person under 18 years of age to be employed on a licensed premises during open business hours if the employment is for the purpose of providing entertainment on the licensed premises, and the person under 18 years of age is part of an act in which his parent, parents, or guardian appears.

(e) It shall be a violation of this chapter for any person under 21 years of age to enter upon any licensed premises unless such person is accompanied by his parent or legally appointed guardian, or such person is in the exercise of his legitimate business, trade or employment. This subsection does not apply to restaurants, clubs, or hotels, or to those portions of bowling alleys, grocery stores, drugstores, or other retail establishments which are not used exclusively or primarily for the sale and/or consumption of alcoholic beverages.

(f) It shall be a violation for any person under the age of 21 years to purchase or otherwise obtain or consume alcoholic liquor on licensed premises.

Section 1-13. Hours of operations.

(a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in those sections of the county covered by this chapter between the hours of 2:00 a.m. and 6:00 a.m., except that it shall also be unlawful to sell or offer for sale at retail any alcoholic liquor in those sections of the county covered by this chapter between the hours of 2:00 a.m. Sunday and 11:00 a.m. Sunday.

(b) It shall be unlawful to keep open for business or to admit the public for business or to admit the public to any premises in, or on which alcoholic liquor is sold at retail during the hours of days during which the sale of such liquor is prohibited except that, in the case of restaurants, hotels, grocery stores, and convenience stores selling a combination of groceries and other commodities, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to be consumed by the public during such hours, except in accordance with subsection (a), above.

(c) No licensee shall keep open for business or admit the public to any premises in or on which alcoholic liquor is sold at retail during hours within which the sale of such liquor is prohibited, nor permit or allow any persons to remain in said premises except the licensee and regular employees; no alcoholic liquor may be sold, given to or consumed by the public during such hours.

Section 1-14. Duty of licensee to employ a security officer.

On the licensed premises where dancing is permitted or where, in the judgment of the liquor control commission, it is necessary for the purpose of keeping order, or where in the judgment of the commission the parking or departing of automobiles is obstructing or endangering traffic, it shall be the duty of the licensee, upon the request of the commission, to engage a security officer at the expense of the licensee during such hours as it may be deemed necessary by the commission.

Section 1-15. Illegal activities on or about licensed premises.

It shall be a violation of this chapter for any licensee or employee or agent of the licensee to engage in any activity or conduct, or to allow any other person to engage in any activity or conduct, in, on, or about the licensed premises, which is prohibited by any ordinance of the county, law of the state, or law of the United States.

Section 1-16. Nudity and semi nudity.

It shall be a violation of this chapter for any licensee or employee or agent of the licensee to allow or otherwise participate in any kind of agreement or arrangement which allows or requires any person to appear before or amidst the public in attendance at the licensed premises, in the nude or in any kind of apparel which as

worn or by virtue of its design, fit, or material, makes visible any portions of such person's:

- (1) Genitalia;
- (2) Pubic hair or pubic hair region;
- (3) Anus and/or anal crevice; or
- (4) If such person is a female, her breast at or below, and including the areola.

Section 1-17. Public intoxication.

(a) It shall be unlawful for any person to be in an intoxicated condition upon any street, alley or other public place in the county.

(b) It shall be unlawful for any person to consume alcoholic liquor or possess open liquor in any street or alley in the county.

Section 1-18. Purchases and possession by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase, accept, receive, transport or have in his or her possession any alcoholic liquor.

II. RETAIL LICENSES

Section 2-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canceled license means one that has been voluntarily surrendered by the licensee.

Lapsed license means a complete application for renewal of the license shall not have been filed on or prior to the expiration date of such license.

Revoked license means one that has been made inoperative pursuant to law.

Section 2-2. Required.

It shall be unlawful for any person to manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes in the county in the territory outside the limits of any city or incorporated town or village without having first obtained a retailer's license to do so issued by the county liquor

control commissioner in keeping with the provisions of this chapter and the state liquor control act.

Section 2-3. Application Requirements.

(a) In writing; form; contents. All initial applications, renewal applications, and location transfer applications for licenses from the county liquor control commission shall be made in writing with the county clerk and shall be made under oath and on forms of application furnished by the county clerk. The applications shall contain the information requests and statements as set out in state law for state licenses.

(b) Scale drawing. Each application shall be accompanied by an accurate scale drawing of the site of the premises proposed to be licensed, and of the surrounding area for a distance of at least 200 feet from the boundaries of the site, showing the locations of streets and property lines. This subsection shall not, however, apply to a renewal of any existing liquor license in the same locations or to special license applicants, but shall only apply to initial applications and to renewals or transfers of existing licenses to different or new locations.

(c) Documentation of ownership or lease of premises. Each application shall be accompanied by documentation establishing that the applicant either owns the proposed licensed premises or possesses a bona fide leasehold interest in the proposed licensed premises covering the time period for which the license is being requested.

(d) List of employees; contents. All applications shall be accompanied by a written list, verified by the applicant, stating the name, address, age, length of residence in the county, of all managers to be employed by the applicant in connection with the retail sale of alcoholic liquor on the licensed premises. Holders or liquor licenses issued under this article shall also, within ten days after employment commences, report to the county liquor control commission, in writing, the name, address age length of residence in the county, of all managers who becomes employed by the licensee subsequent to the filing of the employee list referred to in the immediately preceding sentence.

(e) Initial application fee. A non-refundable application fee of \$50 shall be paid to the county clerk at the time of filing an initial application or location transfer. This section shall not apply to special licenses, or renewals as defined in this ordinance.

(f) Payment of license fees in advance. All license fees shall be paid in full in advance and shall accompany the application for such license. If an application is for any reason denied by the county liquor control commission, the license fee shall be refunded to the applicant.

(g) Depositing of fees. The county clerk shall turn over all application fees and license fees to the county treasurer to be deposited in the county's general fund.

Section 2-4. Same-Referral; examination of applicant.

All applications for licenses shall be referred to the county liquor control commission. Such commission is empowered to grant licenses subject to the provisions set forth in the state law and this chapter. It shall be the duty of the commission to check the applicant's record with the county sheriff, and the state's attorney of the county. In addition, the commission shall require the fingerprinting of each applicant and the submission of such fingerprints to the Federal Bureau of Investigation in Washington, D.C. for report. If any applicant for a liquor license shall not have resided in the county for at least ten years immediately prior to his application the commission shall have the duty to inquire of the police department, county sheriff and state's attorney in the county wherein the applicant has resided during the ten years immediately prior to the date of his application.

Section 2-5. Restriction on licenses.

No license of any kind shall be issued by the county liquor control commissioner to:

1. A person who is not a resident of the county.
2. A person who is not of good character and reputation in the county 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/statute.
5. A person who has been convicted of any crime or misdemeanor opposed to decency and morality.
6. A person whose license issued, under this resolution has been revoked for cause.
7. A person who, at the time of application for renewal of any license issued hereunder should not be eligible for such license upon a first application.
8. A co-partnership, if any member thereof would not be eligible to receive a license hereunder for any reason other than the failure to maintain their residence within the county. In order to obtain a license, at least one member of the partnership must maintain his residence within the county.
9. A corporation: if any officer, manager or director thereof or any stockholder or stockholders owning in the aggregate more than five percent of the corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the county.

10. A Limited Liability Company (LLC): if any manager of the LLC or any member owning in the aggregate more than five percent (5%) of the LLC, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the county.

11. A person whose place of business is conducted by a manager or agent who does not possess these qualifications required by the licensee.

12. A person who has been convicted of a violation of any federal or state law concerning the manufacture or sale of alcoholic liquor, or shall have forfeited his or her bond to appear in court to answer charges for any such violation.

13. 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.

14. Any law-enforcing official, including any member of the county board; and no such official shall be interested directly or indirectly in the sale or distribution of alcoholic liquors, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official provided the issuance of such license is approved by the appropriate authorities.

Section 2-6. Rights of licensee when township prohibits sale of liquor.

If a township in the county shall by vote of the people prohibit the sale at retail of alcoholic liquor, no such licenses issued and operating within such territory shall be transferable to other townships, but shall be deemed belonging to such territory and shall remain inoperative until the people by popular vote reestablish the sale of alcoholic liquor in such territory; at which time such licensee shall have priority right to renewal, provided that all provisions of the law and this chapter have been complied with.

Section 2-7. Duration and expiration date; contents; return upon expiration or revocation.

(a) All licenses issued by the commission shall be annual licenses and shall expire on December 31st following their issuance and shall state thereon the name of the licensee and the address and description of the premises for which the license is granted, together with the date of its issuance and expiration. It shall be the duty of the county liquor control commission to see that all licenses are returned to the files of the commission upon expiration or revocation.

(b) Each license shall contain the following clause: "Subject to revocation and under such restrictions and regulations as provided by Illinois Liquor Control Act and

resolutions of the county board regulating the sale at retail of alcoholic liquor and laws and resolutions amendatory thereto."

(c) All applications for renewal of a regular license must be submitted by December 1st of the year prior to the year for which the applicant is making application.

Section 2-8. Execution; renewals to be identical with originals.

All licenses shall be signed by the county liquor control commissioner, and every renewal shall be in all respects identical with the original or first license.

Section 2-9. Control of number of licenses issued.

The county liquor control commission may set from time to time as public welfare seems to warrant, a limit to the total licenses to be issued in the county for any locality neighborhood, or part of the county. The county liquor control commission may in like manner decrease the number of licenses to be issued within its jurisdiction at the termination of the annual license year.

Section 2-10. Effect of issuing new licenses

Nothing by reason of the issuance of a new license or the issuance of a license either in connection with the transfer of a business to a new location or to a new owner at an old location, shall entitle any other applicant to a license for other premises.

Section 2-11. Classes of licenses

The following classification of licenses shall be issued by the county liquor control commissioner for the retail sale of alcoholic liquor pursuant to this ordinance:

A. A Class A license shall be known as a general liquor license authorizing the sale of alcoholic liquor by the drink on the premises of the licensee as well as by the package for purposes of consumption off the premises of the licensee.

B. A Class B license shall be known as the package goods only license authorizing the sale of alcoholic liquor by the package only for consumption off the premises of the licensee.

C. A Class C license shall be known as the by the drink only license authorizing the sale of alcoholic liquor by the drink only. This license shall be issued only to corporations chartered under the Illinois Not-For-Profit Corporation Act, Illinois Compiled Statutes.

D. A Class D license shall be known as the package goods -beer and wine only license authorizing the sale of package beer and wine only, for purposes of consumption off the premises of the licensee.

E. A Class E license shall be known as a vineyard license authorizing the sale of wine only by the drink for consumption on the premises or packaged wine only for consumption off the premises of the licensee.

Section 2-12. License Fee.

The fee for a Class A license shall be \$1400.00.

The fee for a Class B license shall be \$1,050.00.

The fee for a Class C license shall be \$600.00.

The fee for a Class D license shall be \$500.00.

The fee for a Class E license shall be \$600.00.

Section 2.13. Fees non-refundable.

Any fee required by this ordinance shall not be refundable for any reason.

Section 2-14. Special licenses.

Subject to all the terms, conditions and requirements of this ordinance, except where noted, the following special licenses may be issued under the following terms and conditions:

A. A Class X-1 license shall be known as the special not-for-profit organization limited license to be issued only to not-for-profit organizations with the following limitations:

(1) Only beer and wine shall be sold and consumed. All sales, delivery and consumption shall be confined to the internal portion of the premises or a fenced in area, with no more than one point ingress and egress, other than into the internal portion of the licensed premise, provided said point of access is monitored at all times of operation. Any such fence to be provided, installed and maintained by the licensee.

(2) That said not-for-profit organization shall be open for business no earlier than 12:00 o'clock noon and shall close no later than 2:00 A.M.

(3) That said not-for-profit organization shall employ sufficient help to maintain the fences in the area in good condition, adequately police the area and provide such persons as are required to maintain order.

(4) That the license fee shall be \$50.00 for the first day and \$25.00 for each consecutive day thereafter.

B. Class X-2 license shall be known as private or public organization limited license to be issued only to private or public organizations other than not-for-profit organizations with the following limitations:

(1) That this license shall permit the sale of alcoholic beverages by the drink only and that no packaged alcoholic beverages shall be sold and that all said beverages by the drink shall be consumed within the confines of the premises being occupied by said organization during the term of this license

(2) All sales, delivery, and consumption shall be confined to the internal portion of the premises or a fenced in area, with no more than one point, of ingress and egress, other than into the internal portion of any license premise, provided said point of access is monitored at all times of operation. Any such fence is to be provided, installed and maintained by the licensee.

(3) That said private or public organization shall employ sufficient help to maintain said premises in a good, clean condition, adequately police the area and shall furnish such persons; as are required to maintain order.

(4) That this license shall be issued for a maximum period of twelve consecutive hours beginning no earlier than 12:00 o'clock noon and ending no later than 2:00 A.M.

(5) That the license fee shall be \$50.00.

Section 2.15. Proration of fees.

The license fee for an initial license, where application is made and the retail license is granted during the first six months of each license year, shall be the entire fee required by this article for the annual license year. Where application is made and license granted during the last six months of any license year, the license fee shall be one-half of the entire fee required for the annual license year. Where application is made and the retail license granted during the last three months of any license year, the license fee shall, be one-fourth of the entire fee required for the annual license

year, provided that the benefit granted this section shall not be allowed to any person who has been a licensee for the annual license year or part thereof preceding the application for a license.

Section 2-16. Privilege granted by license; nature as property; not subject to attachment, garnishment or execution; transferability; refund or fee.

(a) A license shall be purely a personal privilege good for not to exceed one year after issuance unless sooner revoked, as provided in this article, and shall not constitute property; nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

(b) Such license shall not descend by the laws of testate or intestate devolution; but shall cease upon the death of the licensee, provided that executors or, administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, which such estate consists in part of alcoholic liquor, under the order of the appropriate court, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but no longer than six months after the death, bankruptcy or insolvency of such licensee.

(c) Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose; and provided further, that the renewal privilege provided in this section for shall not be construed as a vested right which shall in any case prevent the county liquor control commission from decreasing the number of licenses to be issued within its jurisdiction.

Section 2-17. Display.

It shall be the duty of any person conducting a licensed business under this chapter to keep his license posted at all times in a prominent and conspicuous place on the premises used for such business.

Section 2-18. View from street.

In any premises upon which the sale or offer of sale of alcoholic liquor upon the premises is licensed, no screen, blind, curtain, partition, article or any other obstruction shall be permitted in the windows or upon the doors of such premises nor inside such premises which shall prevent a clear view into the interior of such premises from the street, lot or sidewalk, at all times; and no booth, screen, partition or other obstruction nor any area of lights or lighting shall be permitted in and upon the interior of such premises which shall prevent a full view of the entire interior of

such premises from the street, lot or sidewalk, and such premises must be so located that there shall be full view of the entire interior of such premises from the street, road or sidewalk.

Section 2-19. Licenses in certain areas prohibited.

No license shall be issued for the sale at retail of any alcoholic liquor within five hundred (500) feet of any church, school, hospital, home for the aged or for indigent persons or for veterans.

Section 2-20, Operation of business under assumed name; change in ownership.

Every licensee under this article who does, conducts or transacts business under an assumed name shall be required to comply with the terms and provisions of the Assumed Business Name Act, 806 ILCS 405/1 et seq. If one or more members of a firm or partnership withdraw from such business, the business may be continued by the remaining persons or partners under the liquor license for the remainder of the period for which the license was issued to the licensee. The change in ownership, however, shall be reported immediately to the county liquor control commission, and the change shall be shown immediately on the original license application then in effect filed the office of the county clerk. The failure by any licensee under this article to comply with the provisions of any part of this section shall be considered and deemed cause for the revocation and cancellation of the liquor license issued under this article by the county liquor control commission.

Section 2-21. Sales in places other than shown in application for license, change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license.

III. ENFORCEMENT

Section 3-1. Suspension or revocation

(a) If any licensee or agent or employee of the licensee shall violate any of the provisions of this chapter, or any law of the state, relating to liquor control, or shall make any false statement in obtaining a license, such license may be revoked by the county liquor control commission, with all fees paid thereon forfeited.

(b) The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any provisions of the ordinance or any provision of the Liquor Control Act of 1934 (235 ILCS 5 et seq.) In lieu of suspension or revocation, the Liquor Commissioner may instead levy a fine against the licensee' for such violation.

Any suspension imposed shall be for a period not exceeding 30 days. Any fine imposed shall be for an amount not to exceed \$1,000.00 for each violation; each day on which a violation continues shall constitute a separate violation.

Section 3-2. Notice of violation; Imposition of penalties:

(a) No license shall be revoked or suspended and no licensee shall be fined except after a public hearing by the Liquor Commission with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. Following such hearing, the commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. The commissioner shall, within 5 days after such hearing, if he determines that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order to be served upon the licensee.

(b) The Commissioner may, if he has reason to believe that any continued operation of particular licensed premises will immediately threaten the welfare of the community, upon the issuance of a written order, stating his reasons close the premises for a period not to exceed 7 days. In such cases the licensee shall be given opportunity to be heard during the seven (7) day period. In the event said license shall also be engaged in the conduct of another business on the licensed premises such order shall not be applicable to such other businesses.

Section 3-3. Hearing:

Any licensee having received written notice of a violation of this ordinance shall be entitled to a hearing before the liquor control commission to contest the findings and recommendations of the liquor control commissioner.

To demand a hearing, the licensee must file his written request for hearing with the County Clerk within five (5) days of receiving his notice of violation.

The liquor control commission shall schedule a hearing within fourteen (14) days of receiving the request for hearing.

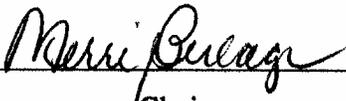
At the hearing the county shall be represented by the State's Attorney. Both the county and the licensee shall be entitled to present evidence and witnesses. The liquor control commission shall render its decision within five (5) days of the close of the hearing.

Section 3-4. Appeals from orders of county liquor control commission.

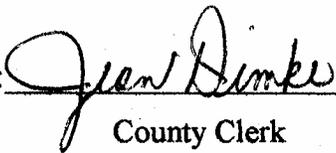
(a) All appeals of decisions of the Liquor Control Commission shall follow the procedure set forth in section 5/7-9 of the Liquor Control Act of 1934 (235 ILCS 5/7-9).

(b) An appeal from any order of the county liquor control commission to the state liquor control commission shall be limited to a review of the official record of the proceedings of the county liquor control commission.

Passed this 12th day of August, 2003.



Chairperson

Attest: 

County Clerk