

ORDINANCE NO. 810

AN ORDINANCE REGULATING AND LICENSING THE SALE OF ALCOHOLIC LIQUOR, REPEALING ORDINANCE 808, AS AMENDED, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, existing ordinances of the Village of Teutopolis pertaining to the regulation and licensing of the sale of alcoholic liquor require revision to meet the current needs of the Village of Teutopolis;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS:

Section 1: SHORT TITLE. This ordinance shall be known, may be cited, and is hereafter designated as the “Teutopolis Liquor Control Ordinance.”

Section 2: PURPOSE OF ORDINANCE. 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 liquors shall be fostered and promoted.

Section 3: DEFINITIONS. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this section:

(1) Alcohol. The word “alcohol” means the product 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.

(2) Alcoholic liquor. The phrase “alcoholic liquor” includes 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, 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 apply to alcoholic liquor used in the manufacture, preparation or compounding of such products. 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.

(3) **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.

(4) **Club**. The word "club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and 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 and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for 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 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 other governing body out of the general revenue of the club.

(5) Consumption sale. The phrase “consumption sale” means the sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

(6) Distributor. The word “distributor” means any person, other than a manufacturer, who is engaged in the Village in purchasing, storing, possessing or warehousing any alcoholic liquors for resale.

(7) Illinois Liquor Control Act. The term “Illinois Liquor Control Act” means an act passed by the Fifty-Eighth Illinois General Assembly entitled “An act relating to alcoholic liquors” approved January 31, 1934, as amended.

(8) Illinois Liquor Control Commission; State Commission. The terms “Illinois Liquor Control Commission” and “State Commission” mean the commission created by Article III Section 1 of the Illinois Liquor Control Act.

(9) Importing distributor. The term “importing distributor” means any person who imports or causes to be imported into this state, any alcoholic liquor for sale or resale within the Village.

(10) Licensed premises. The phrase “licensed premises” shall mean the premises described in the application for the license or in the license, as the place where the business is to be carried on.

(11) Manufacturer. The word “manufacturer” means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor or person who fills or refills an original package and any other person engaged in brewing, fermenting, distilling or rectifying alcoholic liquors as above defined.

(12) 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 an alcoholic liquor, to contain and to convey any alcoholic liquor.

(13) Owner; proprietor. The words “Owner” or “proprietor” shall include all persons who are owners 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, stockholders of corporations or otherwise.

(14) Package sale. The phrase “package sale” means the sale or offering for sale at retail of alcoholic liquor, in the original package, and not to be consumed or in fact consumed in whole or in part on the premises where sold.

(15) Person. The word “person”, as used in this ordinance, means any individual, partnership, club, association or corporation.

(16) Public Property. The term “public property, as used in this ordinance shall include (a) any public highway, street, alley, sidewalk or public right of way, (b) all property owned by the United States of America, the State of Illinois, any municipality or any other governmental body or agency, and (c) any property, including private property, which is open to or held out for the use of the public, other than a licensed premises, as defined herein.

(17) Restaurant. The word “restaurant” means any public place having regular menus, which is kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, such space being provided with adequate and separate 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.

(18) Retailer. The word “retailer” means a person who sells, or offers for sale, alcohol for use or consumption and not for resale in any form.

(19) Retail establishment where the sale of alcoholic liquor is not the principal business. The phrase “retail establishment where the sale of alcoholic liquor is not the principal business” means any establishment holding a license for the sale of alcoholic liquor where more than fifty (50) percent of its gross sales or revenues for any calendar month in the preceding twelve (12) months are for items or services other than alcoholic liquors.

(20) 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, servant or employee.

(21) Sell at retail; sale at retail. The phrases “sell at retail” and “sale at retail” refer to and mean sales for use or consumption and not for resale in any form.

(22) Spirits. The word “spirits” means any beverage that contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(23) To sell. The words “to sell” include soliciting or receiving any order for, to keep or expose for sale and keep with intent to sell.

(24) Wine. The word “wine” means any alcoholic beverage obtained by the fermentation of the natural content of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Section 4: LICENSE REQUIRED. No person, within the corporate limits of the Village, shall offer for sale at retail or sell at retail alcoholic liquor without first having obtained a license or permit to do so as provided in this ordinance.

Section 5: CLASSIFICATION OF LICENSES. Licenses to sell alcoholic liquor at retail shall be of the following classes:

(1) Class A. A Class A license shall entitle the licensee to make consumption sales and package sales of alcoholic liquor, except that this classification shall not be construed so as to permit package sales without also making consumption sales.

(2) Class B. A Class B license shall entitle the licensee to make consumption sales of alcoholic liquor and package sales of wine; provided, however, that package sales of wine shall only be made incidental to a wine-tasting that must be conducted as a private event not open to the public. This classification of license may only be issued to a licensee defined as a Club.

(3) Class C. A Class C license shall entitle the licensee to make package sales of alcoholic liquor not to be consumed or in fact consumed in whole or in part on the premises where sold.

(4) Class D. A Class D license shall entitle the licensee to sell only beer and wine by the drink and in the original package for consumption on the premises where sold. This classification of license may only be issued for a location defined as a restaurant.

(5) Temporary Permit. A temporary permit shall entitle the permittee to sell at retail only beer and wine at any banquet, picnic, bazaar, fair or similar private or public assembly where food or drink is sold, served or dispensed. Such temporary permit shall be issued only to a club, church, society, fraternal or benevolent organization that has been organized not for pecuniary profit. Such temporary permit shall permit the sale of beer and wine for a period of not more than seven (7) days, and not more than one temporary permit shall be granted to any such club, church, society, fraternal or benevolent organization in any one period of thirty (30) days. Such temporary permit shall permit the sale of beer and wine only for

consumption upon the premises where sold or served and shall not permit the sale of beer and wine in the original package or upon any premises which are not within the Village.

Section 6: SEPARATE LICENSE REQUIRED FOR EACH LOCATION. A separate license must be obtained for each location desired by the applicant for a license under the provisions of this ordinance.

Section 7: APPLICATION FOR LICENSE; INFORMATION TO BE SHOWN. Any person desiring a license authorized by this ordinance shall make application therefor to the Local Liquor Control Commissioner. A separate application shall be made for each license desired by the applicant. Such application shall be in writing upon forms prepared and furnished by the Village Clerk. Each application for a license shall be signed by the applicant and verified by the applicant by oath or affidavit, and shall be filed with the Village Clerk. In case the applicant is a partnership, all partners must sign and verify the application. In case the applicant is a corporation or club, all officers and directors, and any stockholders owning more than five (5) percent of the stock of such corporation, must sign and verify the application and indicate their official position. In case any other person is to conduct the place of business as manager or agent of the licensee, that person must also sign and verify the application. The information requested in the application form must be furnished as to each person signing the application. Each application shall contain the following information and statements:

(1) **Name, age and address.** The name, age and address of the applicant in the case of an individual; in the case of a partnership, the names and addresses of the persons entitled to share in the profits thereof; in the case of a corporation or club, the objects for which organized, and the names and addresses of the officers and directors, and of any stockholder owning more than five (5) percent of the stock of such corporation; and, in any case, the name and address of the manager or agent who is to conduct the place of business for which the license

is sought. A club shall attach to its application one (1) copy of a list of the names and residences of its members.

(2) Citizenship. The citizenship of the applicant, and if a naturalized citizen, the time and place of his naturalization.

(3) Location. The location where the applicant proposes to engage in the business for which the application was submitted, and whether or not the proposed location is within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for war veterans, their wives or children, or of any military or naval station.

(4) Sale of food. Whether food for human consumption is to be sold in such place of business if the application is allowed.

(5) Ownership of premises; name of landlord. Whether the applicant owns the premises for which a license is sought, and if not, the name of the landlord and the term of the lease.

(6) Disposition of other applications. Whether the applicant has made application for a similar or other license on premises other than those described in this application and the disposition of such other application.

(7) Suspension or revocation of previous licenses. Whether or not any license issued to the applicant under this or previous ordinances relating to alcoholic liquor has ever been suspended or revoked.

(8) Former convictions relative to decency or morality. Whether or not the applicant has ever been convicted of being the keeper or an inmate of a house of ill fame, of pandering or of any other crime or misdemeanor opposed to decency or morality.

(9) Connection with houses of ill fame. A statement that the applicant is not at the time of making the application, connected with a house of ill fame.

(10) Former conviction of felony, etc. Whether or not the applicant has ever been convicted of a felony, and whether or not the applicant is disqualified to receive the license sought by reason of any manner or thing contained in the laws of this state or this ordinance.

(11) Agreement not to violate ordinances, etc. A statement that the applicant agrees not to violate any provision of this ordinance or other ordinances of this Village or any law of the United States or of this state in the conduct of the business, and that in the event such promise is broken or if any statement contained in the application is not true, that the license applied for may be immediately suspended or revoked.

(12) Residence in Village. Whether or not the applicant, if an individual, or whether each partner, in the case of a partnership, is a *bona fide* resident of the Village.

(13) Agreement to testify under oath and, as required, allow record of fingerprints. A statement that the applicant will testify under oath to all relevant and material questions propounded to him, in any hearing conducted by the Local Liquor Control Commissioner, either before or after the issuance of a license to the applicant, and that the applicant's failure to so testify shall be sufficient reason for the refusal to issue any such license to the applicant, or the renewal thereof, or for the suspension or revocation of any license which has been issued to the applicant; and, a statement that the applicant, if requested by the Local Liquor Control Commissioner, will permit a record of the applicant's fingerprints to be made by the police department of the Village for the purpose of additional investigation to determine whether the application should be granted.

(14) Statement as to receipt of money or credit from manufacturers or distributors. A statement that the applicant has not accepted, received or borrowed money, or anything else of value, or accepted or received credit (other than merchandising credit in the ordinary course of business for a period not to exceed thirty days) directly or indirectly from any

manufacturer, importing distributor or wholesaler of alcoholic liquor, or from any stockholder or officer of any corporation engaged in, or any other person connected with any such business.

(15) Connection with Police Department. Whether or not the applicant, his or her spouse, or any member of the applicant’s household is a member or employee of the police department of the Village and whether or not any member or employee of the police department of the Village is interested in any way, either directly or indirectly, in the license applied for, the premises, or the profits or proceeds from the sale of alcoholic liquor under the license applied for.

Section 8: NUMBER OF LICENSES. The number of issued liquor licenses of each class shall be as follows:

<u>Classification</u>	<u>Licenses</u>
Class A	4
Class B	2
Class C	4
Class D	1

Notwithstanding the foregoing, any person holding a valid license on the effective date hereof may renew its license in accordance with the provisions of Section 14.

Section 9: LICENSE FEES.

(1) The following annual license fee shall be paid by each licensee for the following license classifications:

<u>Classification</u>	<u>Annual Fee</u>
Class A	\$1,000.00
Class B	\$ 500.00
Class C	\$ 750.00

Class D \$ 500.00

(2) No license fee for a temporary permit shall be charged.

(3) The fees provided for in this section shall be collected from all initial applicants after the effective date of this ordinance and from all other licensees commencing on May 1, 1987. This section shall not be construed to alter the fee of any licensee during the term for which such license was issued, until time for renewal of such license.

Section 10: PAYMENT OF LICENSE FEES. All fees for all classes of licenses provided in this ordinance shall be paid in full in advance of the issuance of said license.

Section 11: TERM. Each license, other than a temporary permit, shall terminate on the 30th day of April next following its issuance, unless sooner revoked.

Section 12: DISPOSITION OF FEES. All fees shall be paid to the Local Liquor Control Commissioner at the time application is made 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 designated by the Board of Trustees of the Village after proper action of that body.

Section 13: RESTRICTIONS UPON ISSUANCE OF LICENSES. No license authorized by this ordinance shall be issued to:

(1) Nonresidents. A person, or in the case of a partnership, a partner who is not a resident of the Village prior to the date of the application.

(2) Persons not of good character. A person who is not of good character and reputation in the community in which he or she resides.

(3) U.S. Citizenship. A person who is not a citizen of the United States.

(4) Persons convicted of a felony. A person who has been convicted of a felony under the laws of any state or of the United States.

(5) Persons convicted of keeping house of ill fame. A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) Persons convicted of pandering, etc. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) Revocation of former license. A person whose license issued under this ordinance, or any prior ordinance, has been revoked for any cause.

(8) Ineligibility upon first application. 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.

(9) Co-partnerships. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

(10) Corporations. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five 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, and unless such corporation is incorporated in Illinois, unless it is a foreign corporation which is qualified to transact business in Illinois.

(11) Former conviction of federal or state law relative to alcoholic liquor. 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 July 12, 1937, or shall have forfeited his bond to appear in court to answer charges for any such violation.

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

(13) Public officials. Any law enforcing public official, any President of the Village or any other public official prohibited by the Illinois Liquor Control Act from possessing a license; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(14) Ineligibility for state license. Any person not eligible for a state retail liquor license.

(15) Manager. A person whose place of business is conducted by a manager or agent who would not be eligible to receive a license hereunder.

(16) Failure to furnish information. A person who fails to furnish the information or to make the statements required in the application for license as set forth in this ordinance.

Section 14: RENEWAL OF LICENSE. Any licensee may renew its license at the expiration thereof; provided, that it is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for the purpose; provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall in any case prevent the Village Board of Trustees from limiting or decreasing the number of licenses to be issued within the Village. The requirements for and the procedure for obtaining the renewal of a license shall be the same as that provided for in the case of an original application for a license.

Section 15: PRIVILEGE GRANTED BY LICENSE. A license shall be purely a personal privilege, good for not to exceed one year after issuance or until the following April

30th, whichever time is shorter, unless sooner revoked as provided in this ordinance. It shall not constitute property, nor shall it be subject to attachment, garnishment or execution, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall terminate upon the death of the licensee; provided, that the executor of the will, administrator of the estate of any deceased licensee or guardian of any disabled licensee, and the trustee or debtor in possession of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of alcoholic liquor under order of any court, and may exercise the privileges of the deceased, disabled, insolvent or bankrupt licensee until the expiration of such license or until six months after the death, disability, insolvency or bankruptcy of such licensee, whichever is the shorter period of time.

Section 16: TRANSFER OF LICENSE. All licenses issued under this ordinance shall be considered personal and no license may be transferred to any person.

Section 17: CHANGE OF LOCATION. Any license issued under this ordinance shall be for a single and particular location. Upon application being filed with the Village Clerk for a change of location, the Local Liquor Control Commissioner may allow the location authorized by the particular license to be changed. The form of application shall be substantially similar to that required of an original applicant for license. After investigation, the change of location may be approved or rejected, as in the case of original license applications; and, if approved, the authorized change of location shall be shown by endorsement upon the face of the existing license. Nothing herein contained shall be construed to permit any licensee to change the locations of its business to, or operate its business, or a portion thereof, as a sub-tenant or otherwise at a location which under this ordinance would be prohibited or denied to an original applicant.

Section 18: ANNEXATION OF LICENSED PREMISES. Whenever the Village of Teutopolis annexes land upon which a licensed premises is situated, the Local Liquor Control Commissioner may issue a license of substantially the same classification as the license that the licensee of the annexed premises had prior to annexation, provided that the licensee and the licensed premises meet the requirements of all laws and ordinances applicable to the regulation of the sale of alcoholic liquors, except that no annual license fee shall be charged for that period of time for which said licensee has previously paid any other local governmental jurisdiction.

Section 19: LOCAL LIQUOR CONTROL COMMISSIONER DESIGNATED; ENFORCEMENT OF STATE LAW, ORDINANCES, ETC. The President of the Village shall be the Local Liquor Control Commissioner, and shall be charged with the administration of the appropriate provisions of the Illinois Liquor Control Act, of this ordinance, and of such ordinances, resolutions, rules and regulations relating to alcoholic liquor as hereinafter may be adopted. Whenever in this ordinance the Local Liquor Control Commissioner shall be referred to, it shall include such other persons as may be appointed by the Local Liquor Control Commissioner to assist him or her in the performance of the duties herein provided for him or her.

Section 20: LOCAL LIQUOR CONTROL COMMISSIONER; POWERS AND DUTIES.

(1) The President of the Village shall serve as the Local Liquor Control Commissioner and shall be charged with the administration of the Teutopolis Liquor Control Ordinance and of such other ordinances relating to alcoholic liquor as may be, from time to time, enacted by the Village Board.

(2) The Local Liquor Control Commissioner shall have the following powers and duties with respect to local liquor licenses:

(a) To grant, or to suspend for not more than thirty (30) days or to revoke for cause, all local licenses issued to persons or entities for premises within the Village.

(b) To enter or to authorize any law enforcing officer or other Village employee designated by the Village Clerk to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law or Village ordinance or any rules or regulations adopted by the Village or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(c) To receive complaints from any citizen within the Village that any provision of the state law or of this Ordinance has been or is being violated and to act upon any such complaints in the manner provided by law.

(d) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee, and to hear testimony and take evidence for use in the performance of the Commissioner's duties, and for the information of the Commissioner to issue subpoenas which shall be effective in any part of this state. Other persons may be designated by the Commissioner to take action for the purpose of obtaining any of the information desired by the Commissioner under this section.

(e) To appoint any other member of the Village Board to serve as Deputy local Liquor Control Commissioner, which person shall have full authority to exercise, in the absence of the Local Liquor Control Commissioner, any of the powers and duties enumerated herein, except as the Commissioner may specifically exclude by such appointment.

(f) To report to the Village Board from time to time actions which have been taken to grant or deny liquor licenses or to penalize licensees.

(3) The Local Liquor Control Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of state law pertaining to the sale of alcohol or of any valid ordinance or resolution enacted by the Village Board or any applicable rule or regulations established by the Local Liquor Control Commissioner or the State Commission which is not inconsistent with law. In addition or as an alternative to the suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this paragraph may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the Village. However, no such license shall be so revoked or suspended, and no fine shall be imposed, except after a public hearing by the Local Liquor Control Commissioner with at least three (3) days' prior written notice, to the licensee, as provided in the Illinois Liquor Control Act, as now or hereafter amended, affording the licensee an opportunity to appear and defend. If the licensee fails to appear for such public hearing after receiving notice as provided in the Illinois Liquor Control Act, a default judgment may be entered and the Local Liquor Control Commissioner may revoke or suspend the license, and/or impose a fine.

(4) If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Commissioner may, upon the issuance of a written order stating the reason for such conclusion,

and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period. Provided, if such licensee shall also be engaged in the conduct of another business on the licensed premises, such order shall not be applicable to such other business.

(5) In determining the appropriate penalty for violating any of the provisions of this ordinance or any state law pertaining to the sale of alcohol, the Local Liquor Control Commissioner may consider such matters and information as the Local Liquor Control Commissioner deems are relevant including, but not limited to, the nature and circumstances surrounding the violation, the past record of the licensee and the penalties previously imposed by the Local Liquor Control Commissioner for similar violations. The past record shall include the record of the current licensee as well as the record of any other existing or prior licensee where there is, or was, substantial common identity between the owners of the current licensee and the owners of such other licensee. Where the licensee under consideration, or such other prior or existing licensee, is a business entity such as a corporation or partnership, the ownership interest includes the equity holdings of the stockholder or partner. The consideration of the past record of such other or prior licensee shall only include that time period when such common identity is found.

(6) The Local Liquor Control Commissioner shall, as promptly as practicable and in any event within five (5) days after such hearing, if the Local Liquor Control Commissioner determines after such hearing that the license should be revoked or suspended, and/or a fine should be imposed, state the reasons for such determination in a written order of revocation or suspension, and/or a fine should be imposed and shall serve a copy of such order upon the licensee.

Section 21: HEARINGS. For the purpose of administering and enforcing the provisions of this ordinance, the Local Liquor Control Commissioner may, in his or her discretion, hold public hearings at any time within the Village concerning any matters embraced within this ordinance.

Section 22: DUTIES OF VILLAGE CLERK. The Village Clerk shall receive all license applications, and issue all licenses when directed to do so by the Local Liquor Control Commissioner, and perform such other duties and functions as are assigned by this ordinance. The Village Clerk shall also furnish routine stenographic services to the Local Liquor Control Commissioner upon request.

Section 23: LICENSE TO BE POSTED. Every licensee under the provisions of this ordinance shall cause its license to be framed and hung in plain view in a conspicuous place on the licensed premises.

Section 24: MISCELLANEOUS PROVISIONS.

(1) **Closing hours.** It shall be unlawful to sell, or offer for sale at retail, any alcoholic liquor in the Village of Teutopolis before 6:00 o'clock A.M. on each day except Sunday, and before 8:30 o'clock A. M. on each Sunday. The closing hour for each day of the week shall be 12:00 o'clock midnight on that day, except for:

(a) Friday and Saturday, which shall be 1:00 o'clock A.M. on each following day, respectively;

(b) Teutopolis Alumni Homecoming, celebrated on the Wednesday before each Thanksgiving Day, which shall be 1:00 o'clock A.M. on that following Thanksgiving Day; and

(c) New Year's Eve, which shall be 1:00 o'clock A.M. on that following New Year's Day.

It shall be unlawful to keep open for business or admit the public to any licensed premises where alcoholic liquor is sold at retail during the hours the sale of such liquor is prohibited; provided, however, that in the case of restaurants, clubs, hotels, motels, bowling alleys and other separate businesses conducted on said premises, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours.

(2) Sales to any person under the age of twenty-one years, intoxicated persons, etc.; identification cards.

(a) No licensee, its agent or employee, shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years, or to any intoxicated person or to any person known by it to be an habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

(b) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase, or accept a gift or delivery of alcoholic liquor from any licensee, or any agent or employee of a licensee, or on any licensed premises, nor shall any such person have alcoholic liquor in his or her possession. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one years except in the performance of a religious ceremony or service, or under the direct supervision and approval of the parents or parent of such person in the privacy of a home.

(c) It shall be unlawful for any person under the age of twenty-one years to represent that he or she is of the age of twenty-one years for the purpose of gaining eligibility status under this ordinance or for the purpose of evading its age restriction. No person shall transfer, alter or deface an identification card, obtain an identification card by means of

false information, or use the identification card of another, for the purpose of violating this ordinance.

(3) Employment of minors. No licensee, agent or employee shall permit any person under the age of eighteen years to draw, pour or mix any alcoholic liquor in said premises either as an employee or gratuitously. No licensee, its agent or employee shall permit any person under the age of eighteen years to attend any bar, to serve or dispense, or in any other way to handle alcoholic liquor, including packaged liquor, upon its licensed premises.

(4) Approval of sales. Every licensee operating under the provisions of this ordinance shall so conduct its licensed premises that every sale of alcoholic beverages is approved on behalf of the licensee by a competent adult person so designated by the licensee.

(5) Employees. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with, or a carrier of any such disease, to work in, or about any such premises or to engage in any way in handling, preparation or distribution of such liquor.

(6) Sanitary facilities. Every holder of a Class A, B or D license shall provide separate toilets and washstands for male and female patrons, and shall maintain the same in a clean and sanitary condition.

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

(8) Zoning. Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms and provisions of any zoning or similar ordinances of the Village of Teutopolis.

(9) Peddling. It shall be unlawful to peddle alcoholic liquor within the corporate limits of the Village of Teutopolis.

(10) Drinking on a public way. No person shall consume any alcoholic liquor on any public way, public right-of-way or public property (including but not limited to public highways, streets, alleys, parking lots or sidewalks) within the corporate limits of the Village of Teutopolis. Nothing herein shall be construed to prohibit the consumption of alcoholic liquor by patrons of the permittee having a temporary permit at any banquet, picnic, bazaar, fair or similar private or public assembly where food or drink is sold, served or dispensed, so long as such consumption occurs exclusively on property that is licensed for that particular event.

(11) Required warning signs. Every licensee under the provisions of this ordinance shall cause the following warning message to be posted in a conspicuous place on the licensed premises at or adjacent to any cash register:

In every place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows:

WARNING

IF YOU ARE UNDER TWENTY-ONE YEARS OF AGE, YOU MAY BE GUILTY OF A CLASS A MISDEMEANOR AND YOU ARE SUBJECT TO A FINE OF UP TO \$1,000.00 IF YOU ATTEMPT TO PURCHASE ALCOHOLIC LIQUOR, PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR. OFFICIAL GOVERNMENT-ISSUED PHOTO IDENTIFICATION WILL BE REQUIRED TO PROVE AGE BEFORE PURCHASE.

WARNING TO SERVERS & SELLERS OF ALCOHOLIC LIQUOR

IF YOU SELL, GIVE OR DELIVER ALCOHOLIC LIQUOR TO A PERSON LESS THAN TWENTY-ONE YEARS OF AGE, YOU ARE SUBJECT TO A MINIMUM FINE OF \$200.00 UNDER THE TEUTOPOLIS LIQUOR CONTROL ORDINANCE. OFFICIAL GOVERNMENT-ISSUED PHOTO IDENTIFICATION SHOULD BE REQUESTED FROM PATRONS TO PROVE AGE BEFORE MAKING A PURCHASE.

Posters for displaying the warning message shall be furnished to each licensee by the Village Clerk.

Section 25: ADOPTION OF STATE LAW. All of the provisions of the Illinois Liquor Control Act, as now or hereafter amended, and of the rules and regulations issued by the Illinois Liquor Control Commission, which are or may hereafter be in force, which are applicable to the Village, are hereby incorporated into and declared to be a part of this ordinance the same as if they were expressly set forth herein.

Section 26: PENALTY. Any person or entity violating any provision of this Ordinance shall, upon conviction, be subject to punishment for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person or entity, other than a licensee, violating any provision of this ordinance shall be fined not less than \$100.00 and not more than \$500.00, for each offense. In addition to any other penalty, a licensee convicted of violating any provision of this Ordinance may be subject to having its license revoked, suspended or not renewed by the local Liquor Control Commissioner. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this ordinance, by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him or her personally.

Section 27: REPEAL. Ordinance No. 808, and all amendments thereof, shall be repealed and become null and void upon the taking effect of this ordinance; and all other ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance, are, to the extent of such conflict or inconsistency, hereby repealed.

Section 28: PENDING ACTION. The repeal of the ordinances or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinances or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of the passage of this ordinance.

Section 29: INVALIDITY OF ANY SECTIONS OR PROVISIONS; SEVERABILITY. It is the intent of the Village Board of Trustees that this ordinance, and every provision thereof, shall be considered separable; and should any section, clause, provision, or part or portion of any section, clause, provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 30: PUBLICATION. This ordinance shall be published in booklet or pamphlet form; and, the Village Clerk be and he or she is hereby authorized and directed to make such publication, three of which shall at all times be kept on file in the office of the Village Clerk and made available for public use and examination in the said office.

Section 31: EMERGENCY. For the reasons appearing in this ordinance, this ordinance is declared to be necessary and urgent for the immediate preservation of the public peace, health and safety, and shall therefore take effect and be in full force from and after its passage and approval as provided by law.

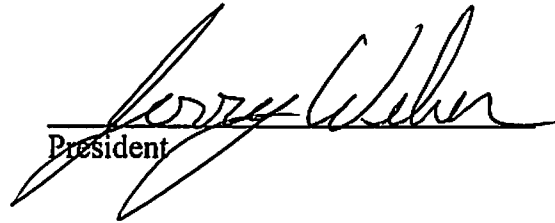
Presented, read and passed by the Board of Trustees of the Village of Teutopolis,
Effingham County, Illinois on October 19, 2011.

AYES: 5

NAYS: 0

ABSENT: 1

Approved on October 19, 2011.



President

ATTEST:



Clerk

Published on October 19, 2011.

STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

CERTIFICATE

I, Sharon Will, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files and seal of said Village.

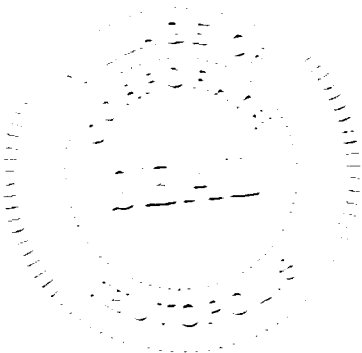
I further certify that on October 19, 2011, the President and Board of Trustees of such municipality passed and approved Ordinance No. 810, entitled "AN ORDINANCE REGULATING AND LICENSING THE SALE OF ALCOHOLIC LIQUOR, REPEALING ORDINANCE 808, AS AMENDED, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF." which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 810 was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on October 20, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Teutopolis, Illinois, on October 19, 2011.

Sharon Will
Village Clerk

(SEAL)



STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

I, Sharon Will, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files and seals of said Village. I do also certify that the foregoing is a true and complete copy of:

Ordinance No. 810 " AN ORDINANCE REGULATING AND LICENSING THE SALE OF ALCOHOLIC LIQUOR, REPEALING ORDINANCE 808 AS AMENDED, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

The aforesaid Ordinance was passed by the President and Board of Trustees of the Village by aye and nay vote at a meeting of the Board of Trustees held on October 19, 2011, as the same appears from the records and files in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Village of Teutopolis, Illinois, on October 19, 2011.

Sharon Will
Village Clerk

(SEAL)

