

Jackson County  
2015 Ordinances

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**JACKSON COUNTY ORDINANCE NO. 2015 - 1**

**An Ordinance Approving Revisions to the Jackson County Liquor Control Ordinance**

**WHEREAS**, there exists a Jackson County Liquor Control Ordinance – last revised December 2013 - to regulate the sale and consumption of alcoholic liquors in the County; and

**WHEREAS**, the Liquor Advisory Board has recommended two substantive changes to the Ordinance;

**WHEREAS**, The County Board has reviewed the revisions and reasons for the revisions and finds them in order, proper, appropriate and necessary.

**Now, therefore, be it ordained by the Jackson County Board of Jackson County, Illinois as follows:**

Section 1. That the revisions at hand appear throughout the draft copy of the Liquor Control Ordinance and is attached and incorporated hereto and identified as Liquor Attachment No. 1.

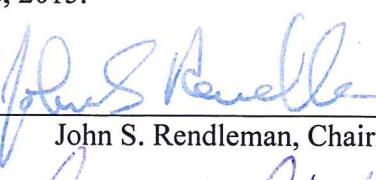
Section 2. That the revisions are adopted and approved; and that the Jackson County Liquor Control Ordinance is hereby revised and becomes effective immediately.

Section 3. That a new revised Ordinance be drafted and produced for the Chairman's signature and County Clerks's attestation.

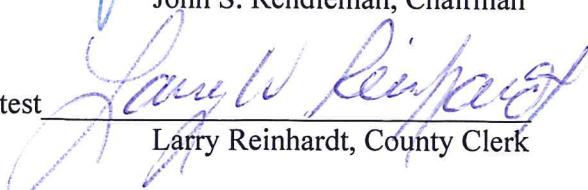
Section 4. The Chairman of the Jackson County Board of Jackson County, Illinois be and is hereby authorized to execute said Ordinance and do any and all things reasonable, necessary and proper to carry out the intent and purposes of the Liquor Control Ordinance.

This Ordinance adopted at a rescheduled regular meeting of the Jackson County Board of Jackson County, Illinois, on the 24<sup>th</sup> day of June, 2015.

Approved

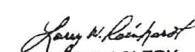
  
John S. Rendleman, Chairman

Attest

  
Larry Reinhardt, County Clerk

SEAL

**FILED**  
JUN 25 2015

  
Larry Reinhardt  
COUNTY CLERK  
JACKSON COUNTY CLERK'S OFFICE

## **JACKSON COUNTY LIQUOR CONTROL ORDINANCE**

WHEREAS, the County Board, Jackson County, Illinois, finds that it is in the interests of the public health, safety, and welfare of the people of Jackson County, Illinois, and pursuant to statutory authority granted in the Illinois Liquor Control Act, that the current version of the Jackson County Liquor Control Ordinance should be adopted; and

WHEREAS, the present ordinance is in no way intended to repeal or abrogate the prior versions of the liquor control ordinance; and

WHEREAS, the terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect; and

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, as follows:

### **ARTICLE I**

#### **General Provisions**

##### **Section 1. Construction**

This ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of Jackson County may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

##### **Section 2. Definitions**

Unless the context otherwise requires, the following word and phrases as used in this Chapter shall be construed according to the definitions set forth below:

- A. **Alcohol.** 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 or wood alcohol.
- B. **Alcoholic Liquor.** Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.
- C. **Beer.** A beverage obtained by the 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.

- D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.
- E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.
- F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- G. Club. An organization formed under the laws of the 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 or 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 such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management 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 of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

- H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.
- I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.
- J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.
- K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.
- L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.
- M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.
- N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.
- O. Restaurant. Any public place 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, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

- P. Retail Sale. The sale for use or consumption and not for resale.
- Q. Sale. Any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means sales made by any person, whether as principal, proprietor, agent, servant, or employee.
- R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed 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.
- S. Change In Interest or Ownership. The phrase change in interest of ownership means:
  - (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
  - (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
  - (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest, or over twenty-five (25%) of the stock thereof.
  - (4) with respect to an entity not covered in (1), (2) or (3) above, the transfer of any actual or beneficial ownership interest of 5% or more.
- T. Tavern. Any public place kept, used, maintained, advertised or held out to be public as a place where alcoholic liquor is served and where food is not served in the form of meals.
- U. Wine. Any alcoholic beverage obtained by or through the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined herein.
- V. Microbrewery. Any person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off premises consumption more than 50,000 gallons per year.

Revised June 2015

**Section 3. Applicability of State Law.**

All provision of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second Sp. Sess., approved Jan. 31, 1934, eff. July 1, 1934. (2351LCS 5/1-1 et seq.), as amended or shall be amended are hereby incorporated and made a part of this Ordinance insofar as the provisions of such state law pertain to this county. In the event of a conflict between state law and any provisions of this Ordinance, the state law shall govern.

**Section 4. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or is held to be otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE II**

**Liquor Control Commissioner**

**Section 1. Commissioner Defined**

The Chairman of the County Board of the County of Jackson, State of Illinois, shall be the Liquor Control Commissioner, and shall act as such in and for that area in the County of Jackson, State of Illinois, which is not within the limits of any city, incorporated town or village.

**Section 2. Compensation**

The Liquor Control Commissioner of Jackson County shall receive compensation in the amount of One Thousand Dollars (\$1000.00) per year for performing his duties of office, said sum shall be paid monthly in equal installments.

**Section 3. Powers and Duties of the Local Liquor Control Commissioner**

The Liquor Control Commissioner of Jackson County, Illinois, shall have the following powers and duties:

- A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.
- B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:
  - (1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

- (2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;
- (3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he 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 (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

- C. To enter, or to authorize any person acting as an agent of the Commissioner, any inspector, law enforcement, or peace officer to enter at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this ordinance have been or are being violated, and, to inspect or examine such premises at the time of entry thereon.
- D. To require that all licensed premises be maintained and operated in a sanitary condition, and, in compliance with all applicable rules and regulations, of the Health Department of the County of Jackson, and, in compliance with all zoning and land use regulations of Jackson County, Illinois, and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the County of Jackson and the State of Illinois; to assure the public safety, welfare, and best interests of people of Jackson County;
- E. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County of Jackson.
- F. To receive complaints from any citizen regarding violation of any of the provisions of this Ordinance or of the Illinois Liquor Control Act, or complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof, and, to act upon such complaints as herein provided.
- G. To receive personally, or through a designated agent, all local license fees and to pay the same forthwith to the County Treasurer.

H. The Liquor Control Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Control Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and, in connection with such examination may issue subpoenas which shall be effective in any part of the State of Illinois. In conducting such examinations, the Liquor Control Commissioner may authorize an agent to act on his behalf.

Section 4. Records

The Liquor Control Commissioner shall maintain or cause to be maintained a complete record of all licenses issued pursuant to this Ordinance.

**ARTICLE III**

**Liquor Advisory Board**

Section 1. Establishment of Liquor Advisory Board

There is hereby established a liquor Advisory Board which shall have the powers and duties as set forth in this Article.

Section 2. Membership

A. The Liquor Advisory Board shall consist of the following members:

- (1) The Sheriff or his/her representative;
- (2) The State's Attorney or his/her representative;
- (3) The Chair of the Health and Safety Committee;
- (4) A representative from the Jackson County Health Department;
- (5) At least one, but not more than three, citizens of the County to be appointed biannually by the Chair of the County Board with the approval of the full County Board.

B. In cases where an application for a new liquor license has been made, the Liquor Advisory Board shall also include, for purposes of reviewing such new application, the two County Board members for the district in which the proposed establishment is to be located.

Section 3. Powers and Duties

The Liquor Advisory Board shall have the following powers and duties:

- A. To review all liquor license applications, both new and renewals;
- B. To meet and discuss liquor license applications with all applicants;
- C. To render an advisory opinion as to the merits or demerits of each liquor license application it reviews;
- D. To receive complaints made against licensees and to inform the Liquor Control Commissioner of those complaints which require further action under this Ordinance;
- E. To monitor all licensees for compliance with state and local law; and
- F. To seek public input and to receive community concerns regarding liquor and liquor licenses.

Section 4. Criteria for Liquor Advisory Board Recommendations

The Liquor Advisory Board shall consider the following criteria in making its recommendations regarding license applications to the Liquor Control Commissioner:

- A. Compliance by the applicant with state laws and local ordinances;
- B. Potential impact upon and demand for public services by the applicant, should the license be granted;
- C. Proximity to and potential impact upon residential property, schools, and religious buildings by the applicant, should the license be granted;
- D. Potential impact upon traffic safety by the applicant, should the license be granted;
- E. Adequacy of street lighting and on-site lighting in the location of the establishment;
- F. Availability and adequacy of parking for the establishment;

- G. Character and nature of the proposed establishment;
- H. Whether live entertainment will be provided by the licensee and the nature of such entertainment;
- I. The manner of operation of the establishment or the proposed manner of operation of the establishment, if a new application, including, but not limited to, staffing levels, the ability and commitment to abide by laws and regulations, and the ability to monitor activities both within the confines of the establishment and upon the real property containing the establishment;
- J. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales and services; and
- K. The health, safety, and welfare of the area in which the establishment is located or proposed to be located.

Section 5. Meetings

- A. The Liquor Advisory Board shall meet not less than semi-annually to carry out its duties.
- B. The Liquor Advisory Board shall establish dates, times, and places for its meetings.
- C. Emergency meetings may be called upon the vote of four (4) members of the Liquor Advisory Board.
- D. Notice of all Liquor Advisory Board meetings shall be provided to all interested parties pursuant to the Open Meetings Act.

**ARTICLE IV**

Licenses

Section 1. License Required

Licenses shall be granted for the sale of alcoholic liquors in all its forms as defined in the statutes of this state, subject to the conditions of this ordinance. No person, either by himself or his agent or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail in the unincorporated areas of the county any alcoholic liquor without first having obtained a license to do so as hereinafter provided; and, it shall likewise be unlawful for any person to sell or offer for sale any intoxicating liquors, in violation of the terms and conditions of such license and this Ordinance and the laws of this state.

Section 2. License Required for Each Place Operated by Licensee

- A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.
- B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

- A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.
- B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.
- C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before November 30 of the year preceding the license year. Applications for a renewal license made on or after December 1 shall be accompanied by a late fee in the amount of \$50.00, in addition to the appropriate license fee as set forth in Article V, Section 2, Subsection A.

Section 4. Persons Ineligible to Hold a License.

- A. A person who is not a bona fide resident of the County of Jackson.
- B. A person who is not of good character and reputation of the County of Jackson.
- C. A person who is not a citizen of the United States.

- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.
- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. 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.
- I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.
- J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.
- K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.
- L. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5) of the stock of such corporation, would not be eligible to receive a license here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.
- M. 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.

- N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.
- O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.
- Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- R. A person under the age of twenty-one (21) years or under any legal disability.

Section 5. Duration

- A. All licenses shall be issued for a term not to exceed one year.
- B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6. Transfer of License

- A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.
- B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.
- C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business

- A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.
- B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.
- C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest-Ownership

Changes in the interest or ownership of any licensed premise are subject to the following requirements:

- A. Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Ordinance, Shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five (25%) of the stock. All such persons shall meet all the requirements of this Ordinance and must otherwise qualify to hold a license.

Revised June 2015

- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.
- C. When a license has been issued to a corporation and a change has taken place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate, effective on the date of said change.

Section 9. Changes in Operation

A license issued under the provisions of this Ordinance shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Ordinance on the particular class of license described therein. Any change or alteration in the operation of the licensed premise, which varies in any manner from that on the date of the issuance of the license, shall be reported in writing to the Liquor Control Commissioner within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license. A licensee who conducts its business through a manager or agent shall notify the Liquor Control Commissioner within seven (7) days of any change in manager or agent.

Section 10. Renewals

The Liquor Control Commissioner may renew a license at the expiration thereof; provided that the applicant makes application for renewal and meets the eligibility requirements of this ordinance and all its provisions.

Section 11. Display

Every licensee under this article shall cause his license to be framed under glass and posted in a conspicuous place within the premises licensed, so that any person entering such premises may easily read the license.

Section 12. Insurance

Every Licensee shall be required to secure and maintain dram shop (Liquor Liability) insurance and general business liability insurance in the amounts so specified.

Dram Shop (Liquor Liability): At least in the amount as dictated by Section 6-21(a) of the Illinois Liquor Control Act.

General Business Liability: In an amount of at least \$100,000 per occurrence.

Revised June 2015

Licensee shall show written proof of such insurance at the request of the Liquor Control Commissioner and at the time of liquor license application to the County. The insurer must be licensed or permitted to do business in Illinois.

Section 13. Emergency Contact

A licensed premise may conduct business by a manager or agent provided the manager or agent is a personage and is readily available to public safety individuals in the event of an emergency and the manager or agent is not otherwise ineligible to possess a liquor license under the laws of this State.

**ARTICLE V**

**Classification and Schedule of Fees**

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eleven (11) classes as follows:

- A. Class A. Class "A" licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- B. Class B. Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- C. Class C. Class "C" licenses shall authorize the retail sale of alcoholic liquors in the original packages and not for consumption on the premises where sold.
- D. Class D. Class "D" licenses shall authorize the retail sale of only beer and/or wine only in the original packages and not for consumption on the premises where sold.
- E. Class E. Class "E" licenses shall authorize the sale of alcoholic liquors on the premises of any club for consumption on the premises. Club shall be as defined in this ordinance.

F. Class F. Class "F" licenses shall authorize the sale of alcoholic liquors by any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. The license shall be valid for no more than five (5) specific events within the twelve (12) month period following the issuance of the license. The license fee must be paid in advance; and notwithstanding anything else to the contrary in this ordinance the license fee shall be non-refundable. The license application must include the specific dates of the event(s) and the specific location(s) of each event. Each day of said license term shall begin no earlier than 6:00 a.m. and end no later than 12:00 midnight of the same calendar date. At the time of application, the applicant shall provide evidence that the organization is duly chartered by the State of Illinois as a not-for-profit corporation or show proof that the organization has tax exempt status. The Liquor Advisory Board may recommend and the Liquor Control Commissioner may require any special conditions that relate to the public health, safety, and welfare including, but not limited to: (a) Limitations on extent or area of the site or premises that liquor may be sold or consumed. (b) Special parking or security requirements. (c) Special or additional sanitary requirements.

G. Class G.

1. A Class "G1" license shall authorize the sale and offer for retail sale of wine for consumption on the premises, as well as other retail sales of such wine in the original package which shall be consumed on or off the premises.
2. A Class "G2" license shall authorize the retail sale alcoholic liquors on the premises of any winery for consumption on the premises, as well as other retail sales of wine in the original package, which shall be consumed on or off the premises.

H. Class H. Class "H" license shall authorize a licensee (under this ordinance) to transfer a portion of its alcoholic liquor inventory from its licensed premises to the premises specified in the license hereby created and to sell or offer for retail sale or consumption, only on the premises specified in the license hereby created, the transferred alcoholic liquor as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. Such license shall be granted only for the following time periods; one day or less, two or more days to a maximum of fifteen days per location in any twelve month period.

- I. Class I. Class "I" license shall authorize a caterer retailer to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. The applicant/licensee shall notify the Jackson County Sheriff's Department and the Jackson County Health Department of the location of each event.
- J. Class J. Class "J" license shall authorize the retail sale of alcoholic liquors on the premises of any microbrewery for consumption on the premises, as well as other retail sales of beer in the original package, which shall be consumed on or off the premises.
- K. Class K. Class "K" license shall authorize the licensee to offer spirits manufactured by the licensee on the premises specified in such license for sale by the glass on the premises and in packaged form at retail on the premises specified in such license for the use or consumption off the premises. The licensee shall also be authorized to conduct tastings of spirits for which remuneration may or may not be received. A single tasting of distilled spirits shall not exceed one-fourth (1/4) of one (1) ounce. No more than three tastings of distilled spirits shall be provided to any person on any day.

Section 2. Fees

- A. The annual license fee for each license shall be as follows:

Class A	\$1,000.00
Class B	\$750.00
Class C	\$1,000.00
Class D	\$250.00
Class E	\$600.00
Class F	\$75.00 for the first event; and \$25 for each additional event
Class G1	\$350.00
Class G2	\$500.00
Class H	\$100.00
Class I	\$1,000.00
Class J	\$350.00
Class K	\$350.00

- B. In the event the initial application is for a period of less than the full license year, the annual fee as set forth in subsection (a) shall be reduced in proportion to the full calendar months, which have elapsed in the license period prior to the issuance of the license.

## **ARTICLE VI**

### **Regulation of Operations**

#### **Section 1. Hours of Operation**

- A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:
  - (1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a. m. of the next day;
  - (2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;
  - (3) Holders of Class "G2," Class "J," and Class "K" licenses shall cease the sale, the offering for sale, the delivering at retail, or the giving away in or upon the licensed premises of any alcoholic liquor after 10:00 p.m. on any day.
- B. It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premise in which alcoholic liquor is sold at retail after 2:00 a.m.
- C. The only persons permitted to remain within the licensed premise after 2:00 a.m. are the licensee, employees, and persons engaged in cleaning and maintenance purposes. No alcoholic liquor shall be consumed by anyone on the premise between the hours of 2:00 a.m. and 7:30 a.m.
- D. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premise after the hours for sale set forth in this section.

#### **Section 2. Gambling**

No gambling devices of any kind or nature, games of chance, punch boards, slot machines, dice or any instrument of gambling shall be permitted or allowed upon any premise licensed for the sale of alcoholic liquors unless permitted by State Statutes. Video gaming and video gaming terminals shall be specifically permitted only when licensed by the Illinois Gaming Board and operated in accordance with the Video Gaming Act (240 ILCS 40/1 et. seq.). There shall be an annual fee of twenty-five dollars (\$25) for each video gaming terminal as defined by and licensed pursuant to the Video Gaming Act.

Section 3. Regulations as to Persons Under the Age of Twenty-One

- A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.
- B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.
- C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor, This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.
- D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.
- E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.
- F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.
- G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

Only the following types of identification shall be accepted for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; State Photo Identification Card for non-drivers; visa or passport.

**Section 5. Restrictions on Entry Into Licensed Premises**

- A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.
- B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.
- C. Subsections A. and B. shall not apply when any of the following conditions are met:
  - (1) The licensed premises is a bowling alley or package liquor store;
  - (2) The person is accompanied by a parent or legal guardian;
  - (3) The licensed premise obtains 51 of the annual gross revenue from the sale of food or other services or commodities.

For purposes of Subsection C.3 the licensee shall submit to the Commissioner documentation sufficient to prove that 51% of the annual gross revenue is derived from the sale of food, services or commodities other than alcoholic liquor. The Commissioner at his discretion, may request additional documentation or an audit of any establishment's records conducted in accordance with generally accepted accounting procedures, in order to prove compliance with this subsection. The cost of an audit shall be at the expense of the licensee.

- D. The party charged with a violation in any court or administrative hearing shall have the burden of proving that subsections (1), (2), or (3) hereinabove apply.

**Section 6. Consumption of Alcoholic Liquor In Public**

- A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.
- B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

**Section 7. Happy Hours Prohibited**

The provisions of state law concerning "happy hours" as found in 2351LCS 5/6-28, and any future amendments thereto, are hereby adopted and incorporated herein by reference.

## **ARTICLE VII**

### **Beer Gardens/Outdoor Cafes**

#### **Section 1. Approval Required**

No licensee holding a Class A or Class B license under this Ordinance shall operate a beer garden or outdoor cafe as defined by this Ordinance except upon application to and approval by the Liquor Commissioner, subject to the terms, conditions, and restrictions of this Ordinance and of state law.

#### **Section 2. Fees for Beer Garden/Outdoor Cafes**

In addition to any other fees required under this Ordinance, a licensee seeking to operate a beer garden/outdoor cafe shall submit at the time of application the following fees:

- A. Fifty Dollars (\$ 50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor café;
- B. One Hundred Dollars (\$100.00) if the applicant offers or plans to offer entertainment of any type to the patrons of its beer garden/outdoor café.

#### **Section 3. Time of Application**

The application for a beer garden/outdoor cafe shall be filed along with the application for liquor license and with the application for renewal of liquor license. If a licensee wishes to begin operation of a beer garden/outside cafe during the course of a license year, the licensee shall submit an application to the Liquor Commissioner prior to commencing such operation.

#### **Section 4. Contents of Application for Beer Garden/Outdoor Café**

In addition to any other information required by this Ordinance for the issuance of a liquor license, the applicant seeking to operate a beer garden/outdoor cafe, shall also submit a drawing or diagram of the area designated as a beer garden/outdoor cafe. This drawing or diagram shall clearly display:

- A. Any and all lighting and fencing;
- B. The occupancy rate as approved by the State Fire Marshal; and
- C. Seating and serving plans.

Revised June 2015

#### Section 5. Modification by Liquor Commissioner

At the time of the application or at any time during the license year, after consideration of the location of the beer garden/outside cafe, the nature of the business activity conducted in the beer garden/outdoor café, the record of prior violations by the licensee of this Ordinance or state law, and the public health, safety, and welfare, the Liquor Control Commissioner may impose specific requirements upon the licensee in the operation of the beer garden/outdoor cafe which may include, but is not limited to, provisions as to lighting, fencing, the erection of sound barriers, and the prohibition of entertainment.

#### Section 6. Violations of This Article

A violation of this Article or any other applicable provision of this Ordinance or of state law with respect to the operation of the beer garden/outdoor cafe may result in the closure of the beer garden/outdoor café and the prohibition of its re-opening, in addition to any other penalties as authorized by this Ordinance.

### ARTICLE VIII

#### Violations

Any person found to have violated any provisions of this ordinance may be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and every day that such violation is continued shall constitute a separate and distinct offense. In addition thereto, the Jackson County Liquor Control Commissioner may after proper hearing revoke, or suspend for not more than thirty (30) day, any license issued by him under the terms of this ordinance if he determines that the licensee has violated any of the provisions of the ordinance or any provision of the Illinois Liquor Control Act, (Chapter 235 of the Illinois Compiled Statutes); and, when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquors in the premises described in such revoked license. Not more than ten thousand (\$10,000.00) dollars in fines under this Article may be imposed against any licensee during the period of his license.

### ARTICLE IX

#### Hearing Procedures

##### Section 1. Type of Notice Required

- A. Whenever this ordinance requires a hearing before the Liquor Control Commissioner concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall state:

- (1) The time, place, and nature of the hearing.
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (3) A reference to the particular Sections of the ordinances involved.
- (4) A statement informing the licensee that he may respond by presenting evidence and argument.

Section 2. Hearings

A. A hearing required under this ordinance shall be held in accordance with the following rules:

- (1) A hearing shall be held at a reasonable time, date and place.
- (2) No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this article.
- (3) A licensee may present evidence and argument and can be represented by a licensed attorney of this state.
- (4) The Commissioner may limit, but not prohibit, the presentation of evidence and argument.

B. Where a licensee has received the requisite notice under this article and fails to appear at hearing, the Commissioner may act ex parte.

Section 3. Decisions

Any decision, order, or determination rendered by the Commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision.

Section 4. Waiver

Compliance with any or all of the provisions of this Article concerning procedure may be waived by written stipulation of all parties.

Section 5. Continuances for Hearings

A. A request for a continuance of any hearing in any matter before the Liquor Control Commissioner will not be allowed by the Commissioner unless for good and valid reason in writing.

- B. The Liquor Control Commissioner may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

Section 6. Record of Hearing

A complete record of all evidence, testimony and comments before the Liquor Control Commissioner shall be made by certified court reporter or may be electronically taken by tape recording.

Section 7. Witnesses

Witnesses shall be sworn, but in all other respects, hearings shall be informal and the strict rules of evidence shall not apply.

Section 8. Review

- A. Review of the proceedings before the Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
- B. All costs of preparing and transcribing an official record on appeal to the State Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings.

Section 9. Prosecutions of Non-Licensees

Violations of this ordinance allegedly committed by non-licensees shall be prosecuted by the State's Attorney of Jackson County on behalf of the county in the Circuit Court of the First Judicial Circuit, Jackson County, Illinois. Such prosecutions shall be before the court without a jury with the burden of proof upon the County of Jackson. The standard of evidence shall be preponderance of the evidence. Upon convictions for any violation of this ordinance, the Court shall set a fine by a non-licensee pursuant to Article VIII Violations, of this ordinance.

**ARTICLE X**

Savings Clause

The present ordinance shall in no way be construed to repeal or alter, other than as stated in the present ordinance, any other provision of the Jackson County Liquor Ordinance. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect.

Revised June 2015

## ARTICLE XI

### Effective Date

In effect and amended on this 24<sup>th</sup> day of June, 2015 at a rescheduled regular meeting of the Jackson County Board.

Adopted by requisite majority of the Jackson County Board members at its rescheduled regular monthly meeting this 24<sup>th</sup> day of June, 2015.

By its Chairperson



John S. Rendleman

Attest:



Larry W. Reinhardt  
Clerk of the Board

**ORDINANCE 15-02**

**AN ORDINANCE AMENDING JACKSON COUNTY ORDINANCE 2014-05 TO  
PROVIDE FOR AN AMENDED BUDGET FOR THE JACKSON-PERRY COUNTIES  
REGIONAL OFFICE OF EDUCATION**

**WHEREAS**, Jackson County adopted its budget for fiscal year 2015 with Ordinance 2014-05 on November 18, 2014; and

**WHEREAS**, the State of Illinois mandated that the Regional Office of Education be consolidated by adding three additional counties effective July 1, 2015; and

**WHEREAS**, it is necessary that the Regional Office of Education budget be amended to account for the additional counties and the revenue and expenses for the remainder of the fiscal year; and

**WHEREAS**, the amended budget of the Regional Office of Education is attached and incorporated herein by reference; and

**WHEREAS**, the present budget amendment is being made under the authority of Sections 6-1002 and 6-1003 of the Illinois Counties Code that requires a two-thirds majority of the county board members to adopt the present measure; and

**WHEREAS**, the present ordinance shall in no way be construed to repeal, diminish or alter, other than as stated in the present ordinance, any other provision of the county's budget adoption ordinance 2014-05. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect.

**THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD AS FOLLOWS:**

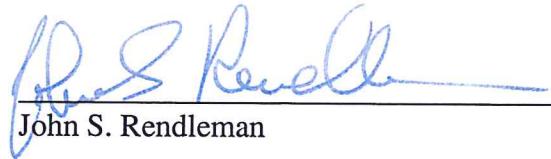
1. The Regional Office of Education's budget for the remainder of fiscal year 2015 is hereby amended as attached and incorporated herein.

2. The present ordinance shall in no way be construed to supersede, repeal, diminish or alter, other than as stated in the present ordinance, any other provision of the county's budget adoption ordinance 2014-05. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect.

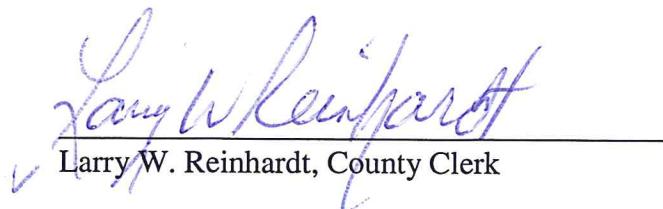
3. The amendments are immediately effective.

**ADOPTED BY THE JACKSON COUNTY BOARD BY THE REQUIRED TWO-THIRDS MAJORITY OF ITS MEMBERS AT ITS REGULAR MONTHLY MEETING THIS 24<sup>TH</sup> DAY OF JUNE, 2015.**

By its Chairman,

  
John S. Rendleman

ATTEST:

  
✓ Larry W. Reinhardt  
Larry W. Reinhardt, County Clerk

SEAL

JACKSON COUNTY ORDINANCE NO. 2015 -3

FILED  
OCT 20 2015

An Ordinance Approving Revisions to the Jackson County Liquor Control Ordinance

Larry W. Reinhardt  
JACKSON COUNTY CLERK  
JACKSON COUNTY CLERK'S OFFICE

WHEREAS, there exists a Jackson County Liquor Control Ordinance – last revised June 2015 - to regulate the sale and consumption of alcoholic liquors in the County; and

WHEREAS, the Jackson County Board, at its September 2015 meeting, by consensus, agreed to mirror the changes to the substantive area of the Happy Hour law as it stated in P.A. 99-0046; and

WHEREAS, it was discussed then that one minor change was necessary in the Ordinance to reflect the County Board's desire and intent to continue to mirror the State of Illinois' Happy Hours law and policy; and

WHEREAS, The County Board has reviewed the revisions and reasons for the revisions and finds them in order, proper, appropriate and necessary.

Now, therefore, be it ordained by the Jackson County Board of Jackson County, Illinois as follows:

Section 1. That the revisions at hand appear throughout the draft copy of the Liquor Control Ordinance and is attached and incorporated hereto and identified as Liquor Attachment No. 1.

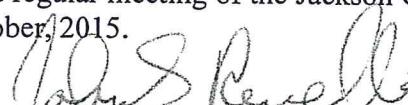
Section 2. That the revisions are adopted and approved; and that the Jackson County Liquor Control Ordinance is hereby revised and becomes effective immediately.

Section 3. That a new revised Ordinance be drafted and produced for the Chairman's signature and County Clerks's attestation.

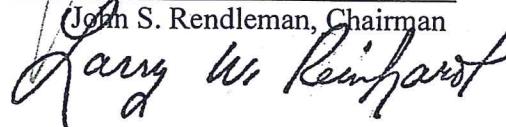
Section 4. The Chairman of the Jackson County Board of Jackson County, Illinois be and is hereby authorized to execute said Ordinance and do any and all things reasonable, necessary and proper to carry out the intent and purposes of the Liquor Control Ordinance.

This Ordinance adopted at a rescheduled regular meeting of the Jackson County Board of Jackson County, Illinois, on the 20<sup>th</sup> day of October, 2015.

Approved

  
John S. Rendleman

Attest

  
Larry Reinhardt, County Clerk

SEAL

## **JACKSON COUNTY LIQUOR CONTROL ORDINANCE**

WHEREAS, the County Board, Jackson County, Illinois, finds that it is in the interests of the public health, safety, and welfare of the people of Jackson County, Illinois, and pursuant to statutory authority granted in the Illinois Liquor Control Act, that the current version of the Jackson County Liquor Control Ordinance should be adopted; and

WHEREAS, the present ordinance is in no way intended to repeal or abrogate the prior versions of the liquor control ordinance; and

WHEREAS, the terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect; and

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, as follows:

### **ARTICLE I**

#### **General Provisions**

##### **Section 1. Construction**

This ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of Jackson County may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

##### **Section 2. Definitions**

Unless the context otherwise requires, the following word and phrases as used in this Chapter shall be construed according to the definitions set forth below:

- A. **Alcohol.** 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 or wood alcohol.
- B. **Alcoholic Liquor.** Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.
- C. **Beer.** A beverage obtained by the 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.

- D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.
- E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.
- F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- G. Club. An organization formed under the laws of the 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 or 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 such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management 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 of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

- H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.
- I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.
- J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.
- K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.
- L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.
- M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.
- N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.
- O. Restaurant. Any public place 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, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

P. Retail Sale. The sale for use or consumption and not for resale.

Q. Sale. Any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means sales made by any person, whether as principal, proprietor, agent, servant, or employee.

R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed 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.

S. Change In Interest or Ownership. The phrase change in interest of ownership means:

- (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
- (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
- (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest, or over twenty-five (25%) of the stock thereof.
- (4) with respect to an entity not covered in (1), (2) or (3) above, the transfer of any actual or beneficial ownership interest of 5% or more.

T. Tavern. Any public place kept, used, maintained, advertised or held out to be public as a place where alcoholic liquor is served and where food is not served in the form of meals.

U. Wine. Any alcoholic beverage obtained by or through the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined herein.

V. Microbrewery. Any person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off premises consumption more than 50,000 gallons per year.

Section 3. Applicability of State Law.

All provision of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second Sp. Sess., approved Jan. 31, 1934, eff. July 1, 1934. (2351LCS 5/1-1 et seq.), as amended or shall be amended are hereby incorporated and made a part of this Ordinance insofar as the provisions of such state law pertain to this county. In the event of a conflict between state law and any provisions of this Ordinance, the state law shall govern.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or is held to be otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

## ARTICLE II

### Liquor Control Commissioner

Section 1. Commissioner Defined

The Chairman of the County Board of the County of Jackson, State of Illinois, shall be the Liquor Control Commissioner, and shall act as such in and for that area in the County of Jackson, State of Illinois, which is not within the limits of any city, incorporated town or village.

Section 2. Compensation

The Liquor Control Commissioner of Jackson County shall receive compensation in the amount of One Thousand Dollars (\$1000.00) per year for performing his duties of office, said sum shall be paid monthly in equal installments.

Section 3. Powers and Duties of the Local Liquor Control Commissioner

The Liquor Control Commissioner of Jackson County, Illinois, shall have the following powers and duties:

- A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.
- B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:
  - (1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

- (2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;
- (3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he 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 (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

C. To enter, or to authorize any person acting as an agent of the Commissioner, any inspector, law enforcement, or peace officer to enter at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this ordinance have been or are being violated, and, to inspect or examine such premises at the time of entry thereon.

D. To require that all licensed premises be maintained and operated in a sanitary condition, and, in compliance with all applicable rules and regulations, of the Health Department of the County of Jackson, and, in compliance with all zoning and land use regulations of Jackson County, Illinois, and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the County of Jackson and the State of Illinois; to assure the public safety, welfare, and best interests of people of Jackson County;

E. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County of Jackson.

F. To receive complaints from any citizen regarding violation of any of the provisions of this Ordinance or of the Illinois Liquor Control Act, or complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof, and, to act upon such complaints as herein provided.

G. To receive personally, or through a designated agent, all local license fees and to pay the same forthwith to the County Treasurer.

H. The Liquor Control Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Control Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and, in connection with such examination may issue subpoenas which shall be effective in any part of the State of Illinois. In conducting such examinations, the Liquor Control Commissioner may authorize an agent to act on his behalf.

Section 4. Records

The Liquor Control Commissioner shall maintain or cause to be maintained a complete record of all licenses issued pursuant to this Ordinance.

**ARTICLE III**

**Liquor Advisory Board**

Section 1. Establishment of Liquor Advisory Board

There is hereby established a liquor Advisory Board which shall have the powers and duties as set forth in this Article.

Section 2. Membership

A. The Liquor Advisory Board shall consist of the following members:

- (1) The Sheriff or his/her representative;
- (2) The State's Attorney or his/her representative;
- (3) The Chair of the Health and Safety Committee;
- (4) A representative from the Jackson County Health Department;
- (5) At least one, but not more than three, citizens of the County to be appointed biannually by the Chair of the County Board with the approval of the full County Board.

- B. In cases where an application for a new liquor license has been made, the Liquor Advisory Board shall also include, for purposes of reviewing such new application, the two County Board members for the district in which the proposed establishment is to be located.

Section 3. Powers and Duties

The Liquor Advisory Board shall have the following powers and duties:

- A. To review all liquor license applications, both new and renewals;
- B. To meet and discuss liquor license applications with all applicants;
- C. To render an advisory opinion as to the merits or demerits of each liquor license application it reviews;
- D. To receive complaints made against licensees and to inform the Liquor Control Commissioner of those complaints which require further action under this Ordinance;
- E. To monitor all licensees for compliance with state and local law; and
- F. To seek public input and to receive community concerns regarding liquor and liquor licenses.

Section 4. Criteria for Liquor Advisory Board Recommendations

The Liquor Advisory Board shall consider the following criteria in making its recommendations regarding license applications to the Liquor Control Commissioner:

- A. Compliance by the applicant with state laws and local ordinances;
- B. Potential impact upon and demand for public services by the applicant, should the license be granted;
- C. Proximity to and potential impact upon residential property, schools, and religious buildings by the applicant, should the license be granted;
- D. Potential impact upon traffic safety by the applicant, should the license be granted;
- E. Adequacy of street lighting and on-site lighting in the location of the establishment;
- F. Availability and adequacy of parking for the establishment;

- G. Character and nature of the proposed establishment;
- H. Whether live entertainment will be provided by the licensee and the nature of such entertainment;
- I. The manner of operation of the establishment or the proposed manner of operation of the establishment, if a new application, including, but not limited to, staffing levels, the ability and commitment to abide by laws and regulations, and the ability to monitor activities both within the confines of the establishment and upon the real property containing the establishment;
- J. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales and services; and
- K. The health, safety, and welfare of the area in which the establishment is located or proposed to be located.

Section 5. Meetings

- A. The Liquor Advisory Board shall meet not less than semi-annually to carry out its duties.
- B. The Liquor Advisory Board shall establish dates, times, and places for its meetings.
- C. Emergency meetings may be called upon the vote of four (4) members of the Liquor Advisory Board.
- D. Notice of all Liquor Advisory Board meetings shall be provided to all interested parties pursuant to the Open Meetings Act.

**ARTICLE IV**

Licenses

Section 1. License Required

Licenses shall be granted for the sale of alcoholic liquors in all its forms as defined in the statutes of this state, subject to the conditions of this ordinance. No person, either by himself or his agent or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail in the unincorporated areas of the county any alcoholic liquor without first having obtained a license to do so as hereinafter provided; and, it shall likewise be unlawful for any person to sell or offer for sale any intoxicating liquors, in violation of the terms and conditions of such license and this Ordinance and the laws of this state.

Section 2. License Required for Each Place Operated by Licensee

- A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.
- B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

- A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.
- B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.
- C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before November 30 of the year preceding the license year. Applications for a renewal license made on or after December 1 shall be accompanied by a late fee in the amount of \$50.00, in addition to the appropriate license fee as set forth in Article V, Section 2, Subsection A.

Section 4. Persons Ineligible to Hold a License.

- A. A person who is not a bona fide resident of the County of Jackson.
- B. A person who is not of good character and reputation of the County of Jackson.
- C. A person who is not a citizen of the United States.

- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.
- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. 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.
- I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.
- J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.
- K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.
- L. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5) of the stock of such corporation, would not be eligible to receive a license here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.
- M. 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.

- N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.
- O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.
- Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- R. A person under the age of twenty-one (21) years or under any legal disability.

Section 5. Duration

- A. All licenses shall be issued for a term not to exceed one year.
- B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6. Transfer of License

- A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.
- B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.
- C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business

- A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.
- B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.
- C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest-Ownership

Changes in the interest or ownership of any licensed premise are subject to the following requirements:

- A. Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Ordinance, Shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five (25%) of the stock. All such persons shall meet all the requirements of this Ordinance and must otherwise qualify to hold a license.

- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.
- C. When a license has been issued to a corporation and a change has taken place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate, effective on the date of said change.

Section 9. Changes in Operation

A license issued under the provisions of this Ordinance shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Ordinance on the particular class of license described therein. Any change or alteration in the operation of the licensed premise, which varies in any manner from that on the date of the issuance of the license, shall be reported in writing to the Liquor Control Commissioner within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license. A licensee who conducts its business through a manager or agent shall notify the Liquor Control Commissioner within seven (7) days of any change in manager or agent.

Section 10. Renewals

The Liquor Control Commissioner may renew a license at the expiration thereof; provided that the applicant makes application for renewal and meets the eligibility requirements of this ordinance and all its provisions.

Section 11. Display

Every licensee under this article shall cause his license to be framed under glass and posted in a conspicuous place within the premises licensed, so that any person entering such premises may easily read the license.

Section 12. Insurance

Every Licensee shall be required to secure and maintain dram shop (Liquor Liability) insurance and general business liability insurance in the amounts so specified.

Dram Shop (Liquor Liability): At least in the amount as dictated by Section 6-21(a) of the Illinois Liquor Control Act.

General Business Liability: In an amount of at least \$100,000 per occurrence.

Licensee shall show written proof of such insurance at the request of the Liquor Control Commissioner and at the time of liquor license application to the County. The insurer must be licensed or permitted to do business in Illinois.

Section 13. Emergency Contact

A licensed premise may conduct business by a manager or agent provided the manager or agent is a personage and is readily available to public safety individuals in the event of an emergency and the manager or agent is not otherwise ineligible to possess a liquor license under the laws of this State.

**ARTICLE V**

**Classification and Schedule of Fees**

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eleven (11) classes as follows:

- A. Class A. Class "A" licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- B. Class B. Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- C. Class C. Class "C" licenses shall authorize the retail sale of alcoholic liquors in the original packages and not for consumption on the premises where sold.
- D. Class D. Class "D" licenses shall authorize the retail sale of only beer and/or wine only in the original packages and not for consumption on the premises where sold.
- E. Class E. Class "E" licenses shall authorize the sale of alcoholic liquors on the premises of any club for consumption on the premises. Club shall be as defined in this ordinance.

F. Class F. Class "F" licenses shall authorize the sale of alcoholic liquors by any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. The license shall be valid for no more than five (5) specific events within the twelve (12) month period following the issuance of the license. The license fee must be paid in advance; and notwithstanding anything else to the contrary in this ordinance the license fee shall be non-refundable. The license application must include the specific dates of the event(s) and the specific location(s) of each event. Each day of said license term shall begin no earlier than 6:00 a.m. and end no later than 12:00 midnight of the same calendar date. At the time of application, the applicant shall provide evidence that the organization is duly chartered by the State of Illinois as a not-for-profit corporation or show proof that the organization has tax exempt status. The Liquor Advisory Board may recommend and the Liquor Control Commissioner may require any special conditions that relate to the public health, safety, and welfare including, but not limited to: (a) Limitations on extent or area of the site or premises that liquor may be sold or consumed. (b) Special parking or security requirements. (c) Special or additional sanitary requirements.

G. Class G.

1. A Class "G1" license shall authorize the sale and offer for retail sale of wine for consumption on the premises, as well as other retail sales of such wine in the original package which shall be consumed on or off the premises.
2. A Class "G2" license shall authorize the retail sale alcoholic liquors on the premises of any winery for consumption on the premises, as well as other retail sales of wine in the original package, which shall be consumed on or off the premises.

H. Class H. Class "H" license shall authorize a licensee (under this ordinance) to transfer a portion of its alcoholic liquor inventory from its licensed premises to the premises specified in the license hereby created and to sell or offer for retail sale or consumption, only on the premises specified in the license hereby created, the transferred alcoholic liquor as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. Such license shall be granted only for the following time periods; one day or less, two or more days to a maximum of fifteen days per location in any twelve month period.

- I. Class I. Class "I" license shall authorize a caterer retailer to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. The applicant/licensee shall notify the Jackson County Sheriff's Department and the Jackson County Health Department of the location of each event.
- J. Class J. Class "J" license shall authorize the retail sale of alcoholic liquors on the premises of any microbrewery for consumption on the premises, as well as other retail sales of beer in the original package, which shall be consumed on or off the premises.
- K. Class K. Class "K" license shall authorize the licensee to offer spirits manufactured by the licensee on the premises specified in such license for sale by the glass on the premises and in packaged form at retail on the premises specified in such license for the use or consumption off the premises. The licensee shall also be authorized to conduct tastings of spirits for which remuneration may or may not be received. A single tasting of distilled spirits shall not exceed one-fourth (1/4) of one (1) ounce. No more than three tastings of distilled spirits shall be provided to any person on any day.

Section 2. Fees

- A. The annual license fee for each license shall be as follows:

Class A	\$1,000.00
Class B	\$750.00
Class C	\$1,000.00
Class D	\$250.00
Class E	\$600.00
Class F	\$75.00 for the first event; and \$25 for each additional event
Class G1	\$350.00
Class G2	\$500.00
Class H	\$100.00
Class I	\$1,000.00
Class J	\$350.00
Class K	\$350.00

- B. In the event the initial application is for a period of less than the full license year, the annual fee as set forth in subsection (a) shall be reduced in proportion to the full calendar months, which have elapsed in the license period prior to the issuance of the license.

## **ARTICLE VI**

### **Regulation of Operations**

#### **Section 1. Hours of Operation**

- A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:
  - (1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a.m. of the next day;
  - (2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;
  - (3) Holders of Class "G2," Class "J," and Class "K" licenses shall cease the sale, the offering for sale, the delivering at retail, or the giving away in or upon the licensed premises of any alcoholic liquor after 10:00 p.m. on any day.
- B. It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premise in which alcoholic liquor is sold at retail after 2:00 a.m.
- C. The only persons permitted to remain within the licensed premise after 2:00 a.m. are the licensee, employees, and persons engaged in cleaning and maintenance purposes. No alcoholic liquor shall be consumed by anyone on the premise between the hours of 2:00 a.m. and 7:30 a.m.
- D. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premise after the hours for sale set forth in this section.

#### **Section 2. Gambling**

No gambling devices of any kind or nature, games of chance, punch boards, slot machines, dice or any instrument of gambling shall be permitted or allowed upon any premise licensed for the sale of alcoholic liquors unless permitted by State Statutes. Video gaming and video gaming terminals shall be specifically permitted only when licensed by the Illinois Gaming Board and operated in accordance with the Video Gaming Act (240 ILCS 40/1 et. seq.). There shall be an annual fee of twenty-five dollars (\$25) for each video gaming terminal as defined by and licensed pursuant to the Video Gaming Act.

Section 3. Regulations as to Persons Under the Age of Twenty-One

- A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.
- B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.
- C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor, This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.
- D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.
- E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.
- F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.
- G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

Only the following types of identification shall be accepted for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; State Photo Identification Card for non-drivers; visa or passport.

Section 5. Restrictions on Entry Into Licensed Premises

- A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.
- B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.
- C. Subsections A. and B. shall not apply when any of the following conditions are met:
  - (1) The licensed premises is a bowling alley or package liquor store;
  - (2) The person is accompanied by a parent or legal guardian;
  - (3) The licensed premise obtains 51 of the annual gross revenue from the sale of food or other services or commodities.

For purposes of Subsection C.3 the licensee shall submit to the Commissioner documentation sufficient to prove that 51% of the annual gross revenue is derived from the sale of food, services or commodities other than alcoholic liquor. The Commissioner at his discretion, may request additional documentation or an audit of any establishment's records conducted in accordance with generally accepted accounting procedures, in order to prove compliance with this subsection. The cost of an audit shall be at the expense of the licensee.

- D. The party charged with a violation in any court or administrative hearing shall have the burden of proving that subsections (1), (2), or (3) hereinabove apply.

Section 6. Consumption of Alcoholic Liquor In Public

- A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.
- B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Prohibited Happy Hours

The provisions of state law concerning "happy hours" as found in 2351LCS 5/6-28, and any future amendments thereto, are hereby adopted and incorporated herein by reference.

## **ARTICLE VII**

### **Beer Gardens/Outdoor Cafes**

#### **Section 1. Approval Required**

No licensee holding a Class A or Class B license under this Ordinance shall operate a beer garden or outdoor cafe as defined by this Ordinance except upon application to and approval by the Liquor Commissioner, subject to the terms, conditions, and restrictions of this Ordinance and of state law.

#### **Section 2. Fees for Beer Garden/Outdoor Cafes**

In addition to any other fees required under this Ordinance, a licensee seeking to operate a beer garden/outdoor cafe shall submit at the time of application the following fees:

- A. Fifty Dollars (\$ 50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor café;
- B. One Hundred Dollars (\$100.00) if the applicant offers or plans to offer entertainment of any type to the patrons of its beer garden/outdoor café.

#### **Section 3. Time of Application**

The application for a beer garden/outdoor cafe shall be filed along with the application for liquor license and with the application for renewal of liquor license. If a licensee wishes to begin operation of a beer garden/outside cafe during the course of a license year, the licensee shall submit an application to the Liquor Commissioner prior to commencing such operation.

#### **Section 4. Contents of Application for Beer Garden/Outdoor Café**

In addition to any other information required by this Ordinance for the issuance of a liquor license, the applicant seeking to operate a beer garden/outdoor cafe, shall also submit a drawing or diagram of the area designated as a beer garden/outdoor cafe. This drawing or diagram shall clearly display:

- A. Any and all lighting and fencing;
- B. The occupancy rate as approved by the State Fire Marshal; and
- C. Seating and serving plans.

**Section 5. Modification by Liquor Commissioner**

At the time of the application or at any time during the license year, after consideration of the location of the beer garden/outside cafe, the nature of the business activity conducted in the beer garden/outdoor café, the record of prior violations by the licensee of this Ordinance or state law, and the public health, safety, and welfare, the Liquor Control Commissioner may impose specific requirements upon the licensee in the operation of the beer garden/outdoor cafe which may include, but is not limited to, provisions as to lighting, fencing, the erection of sound barriers, and the prohibition of entertainment.

**Section 6. Violations of This Article**

A violation of this Article or any other applicable provision of this Ordinance or of state law with respect to the operation of the beer garden/outdoor cafe may result in the closure of the beer garden/outdoor café and the prohibition of its re-opening, in addition to any other penalties as authorized by this Ordinance.

**ARTICLE VIII**

**Violations**

Any person found to have violated any provisions of this ordinance may be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and every day that such violation is continued shall constitute a separate and distinct offense. In addition thereto, the Jackson County Liquor Control Commissioner may after proper hearing revoke, or suspend for not more than thirty (30) day, any license issued by him under the terms of this ordinance if he determines that the licensee has violated any of the provisions of the ordinance or any provision of the Illinois Liquor Control Act, (Chapter 235 of the Illinois Compiled Statutes); and, when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquors in the premises described in such revoked license. Not more than ten thousand (\$10,000.00) dollars in fines under this Article may be imposed against any licensee during the period of his license.

**ARTICLE IX**

**Hearing Procedures**

**Section 1. Type of Notice Required**

- A. Whenever this ordinance requires a hearing before the Liquor Control Commissioner concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall state:

- (1) The time, place, and nature of the hearing.
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (3) A reference to the particular Sections of the ordinances involved.
- (4) A statement informing the licensee that he may respond by presenting evidence and argument.

Section 2. Hearings

A. A hearing required under this ordinance shall be held in accordance with the following rules:

- (1) A hearing shall be held at a reasonable time, date and place.
- (2) No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this article.
- (3) A licensee may present evidence and argument and can be represented by a licensed attorney of this state.
- (4) The Commissioner may limit, but not prohibit, the presentation of evidence and argument.

B. Where a licensee has received the requisite notice under this article and fails to appear at hearing, the Commissioner may act ex parte.

Section 3. Decisions

Any decision, order, or determination rendered by the Commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision.

Section 4. Waiver

Compliance with any or all of the provisions of this Article concerning procedure may be waived by written stipulation of all parties.

Section 5. Continuances for Hearings

A. A request for a continuance of any hearing in any matter before the Liquor Control Commissioner will not be allowed by the Commissioner unless for good and valid reason in writing.

- B. The Liquor Control Commissioner may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

Section 6. Record of Hearing

A complete record of all evidence, testimony and comments before the Liquor Control Commissioner shall be made by certified court reporter or may be electronically taken by tape recording.

Section 7. Witnesses

Witnesses shall be sworn, but in all other respects, hearings shall be informal and the strict rules of evidence shall not apply.

Section 8. Review

- A. Review of the proceedings before the Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
- B. All costs of preparing and transcribing an official record on appeal to the State Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings.

Section 9. Prosecutions of Non-Licensees

Violations of this ordinance allegedly committed by non-licensees shall be prosecuted by the State's Attorney of Jackson County on behalf of the county in the Circuit Court of the First Judicial Circuit, Jackson County, Illinois. Such prosecutions shall be before the court without a jury with the burden of proof upon the County of Jackson. The standard of evidence shall be preponderance of the evidence. Upon convictions for any violation of this ordinance, the Court shall set a fine by a non-licensee pursuant to Article VIII Violations, of this ordinance.

**ARTICLE X.**

Savings Clause

The present ordinance shall in no way be construed to repeal or alter, other than as stated in the present ordinance, any other provision of the Jackson County Liquor Ordinance. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect.

Revised October 2015

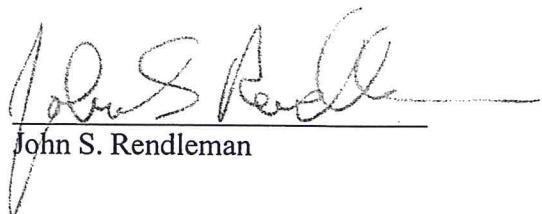
## ARTICLE XI

### Effective Date

In effect and amended on this 20<sup>th</sup> day of October, 2015 at a regular meeting of the Jackson County Board.

Adopted by requisite majority of the Jackson County Board members at its regular monthly meeting this 20<sup>th</sup> day of October, 2015.

By its Chairperson



John S. Rendleman

Attest:



Larry W. Reinhardt

Larry W. Reinhardt  
Clerk of the Board

FILED  
OCT 20 2015  
JACKSON COUNTY CLERK'S OFFICE  
Gary W. Campbell  
COUNTY CLERK

JACKSON COUNTY LIQUOR CONTROL ORDINANCE

WHEREAS, the County Board, Jackson County, Illinois, finds that it is in the interest of the public health, safety, and welfare of the people of Jackson County, Illinois, and pursuant to statutory authority granted in the Illinois Liquor Control Act, that the current version of the Jackson County Liquor Control Ordinance should be adopted; and

WHEREAS, the present ordinance is in no way intended to repeal or abrogate the prior versions of the liquor control ordinance; and

WHEREAS, the terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect; and

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, as follows:

**ARTICLE I**

**General Provisions**

**Section 1. Construction**

This ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of Jackson County may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

**Section 2. Definitions**

Unless the context otherwise requires, the following word and phrases as used in this Chapter shall be construed according to the definitions set forth below:

- A. **Alcohol.** 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 or wood alcohol.
- B. **Alcoholic Liquor.** Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.
- C. **Beer.** A beverage obtained by the 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.

- D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.
- E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.
- F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- G. Club. An organization formed under the laws of the 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 or 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 such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management 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 of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

- H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.
- I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.
- J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.
- K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.
- L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.
- M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.
- N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.
- O. Restaurant. Any public place 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, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

- P. Retail Sale. The sale for use or consumption and not for resale.
- Q. Sale. Any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means sales made by any person, whether as principal, proprietor, agent, servant, or employee.
- R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed 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.
- S. Change In Interest or Ownership. The phrase change in interest of ownership means:
  - (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
  - (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
  - (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest, or over twenty-five (25%) of the stock thereof.
  - (4) with respect to an entity not covered in (1), (2) or (3) above, the transfer of any actual or beneficial ownership interest of 5% or more.
- T. Tavern. Any public place kept, used, maintained, advertised or held out to be public as a place where alcoholic liquor is served and where food is not served in the form of meals.
- U. Wine. Any alcoholic beverage obtained by or through the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined herein.
- V. Microbrewery. Any person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off premises consumption more than 50,000 gallons per year.

Section 3. Applicability of State Law.

All provision of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second Sp. Sess., approved Jan. 31, 1934, eff. July 1, 1934. (2351LCS 5/1-1 et seq.), as amended or shall be amended are hereby incorporated and made a part of this Ordinance insofar as the provisions of such state law pertain to this county. In the event of a conflict between state law and any provisions of this Ordinance, the state law shall govern.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or is held to be otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

## ARTICLE II

**Liquor Control Commissioner**

Section 1. Commissioner Defined

The Chairman of the County Board of the County of Jackson, State of Illinois, shall be the Liquor Control Commissioner, and shall act as such in and for that area in the County of Jackson, State of Illinois, which is not within the limits of any city, incorporated town or village.

Section 2. Compensation

The Liquor Control Commissioner of Jackson County shall receive compensation in the amount of One Thousand Dollars (\$1000.00) per year for performing his duties of office, said sum shall be paid monthly in equal installments.

Section 3. Powers and Duties of the Local Liquor Control Commissioner

The Liquor Control Commissioner of Jackson County, Illinois, shall have the following powers and duties:

- A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.
- B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:
  - (1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

- (2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;
- (3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he 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 (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.
- C. To enter, or to authorize any person acting as an agent of the Commissioner, any inspector, law enforcement, or peace officer to enter at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this ordinance have been or are being violated, and, to inspect or examine such premises at the time of entry thereon.
- D. To require that all licensed premises be maintained and operated in a sanitary condition, and, in compliance with all applicable rules and regulations, of the Health Department of the County of Jackson, and, in compliance with all zoning and land use regulations of Jackson County, Illinois, and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the County of Jackson and the State of Illinois; to assure the public safety, welfare, and best interests of people of Jackson County;
- E. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County of Jackson.
- F. To receive complaints from any citizen regarding violation of any of the provisions of this Ordinance or of the Illinois Liquor Control Act, or complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof, and, to act upon such complaints as herein provided.
- G. To receive personally, or through a designated agent, all local license fees and to pay the same forthwith to the County Treasurer.

H. The Liquor Control Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Control Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and, in connection with such examination may issue subpoenas which shall be effective in any part of the State of Illinois. In conducting such examinations, the Liquor Control Commissioner may authorize an agent to act on his behalf.

Section 4. Records

The Liquor Control Commissioner shall maintain or cause to be maintained a complete record of all licenses issued pursuant to this Ordinance.

**ARTICLE III**

**Liquor Advisory Board**

Section 1. Establishment of Liquor Advisory Board

There is hereby established a liquor Advisory Board which shall have the powers and duties as set forth in this Article.

Section 2. Membership

A. The Liquor Advisory Board shall consist of the following members:

- (1) The Sheriff or his/her representative;
- (2) The State's Attorney or his/her representative;
- (3) The Chair of the Health and Safety Committee;
- (4) A representative from the Jackson County Health Department;
- (5) At least one, but not more than three, citizens of the County to be appointed biannually by the Chair of the County Board with the approval of the full County Board.

Section 2. License Required for Each Place Operated by Licensee

- A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.
- B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

- A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.
- B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.
- C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before November 30 of the year preceding the license year. Applications for a renewal license made on or after December 1 shall be accompanied by a late fee in the amount of \$50.00, in addition to the appropriate license fee as set forth in Article V, Section 2, Subsection A.

Section 4. Persons Ineligible to Hold a License.

- A. A person who is not a bona fide resident of the County of Jackson.
- B. A person who is not of good character and reputation of the County of Jackson.
- C. A person who is not a citizen of the United States.

- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.
- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. 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.
- I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.
- J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.
- K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.
- L. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5) of the stock of such corporation, would not be eligible to receive a license here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.
- M. 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.

- N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.
- O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.
- Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- R. A person under the age of twenty-one (21) years or under any legal disability.

Section 5.

Duration

- A. All licenses shall be issued for a term not to exceed one year.
- B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6.

Transfer of License

- A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.
- B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.
- C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business

- A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.
- B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.
- C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest-Ownership

Changes in the interest or ownership of any licensed premise are subject to the following requirements:

- A. Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Ordinance, Shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five (25%) of the stock. All such persons shall meet all the requirements of this Ordinance and must otherwise qualify to hold a license.

- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.
- C. When a license has been issued to a corporation and a change has taken place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate, effective on the date of said change.

Section 9. Changes in Operation

A license issued under the provisions of this Ordinance shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Ordinance on the particular class of license described therein. Any change or alteration in the operation of the licensed premise, which varies in any manner from that on the date of the issuance of the license, shall be reported in writing to the Liquor Control Commissioner within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license. A licensee who conducts its business through a manager or agent shall notify the Liquor Control Commissioner within seven (7) days of any change in manager or agent.

Section 10. Renewals

The Liquor Control Commissioner may renew a license at the expiration thereof; provided that the applicant makes application for renewal and meets the eligibility requirements of this ordinance and all its provisions.

Section 11. Display

Every licensee under this article shall cause his license to be framed under glass and posted in a conspicuous place within the premises licensed, so that any person entering such premises may easily read the license.

Section 12. Insurance

Every Licensee shall be required to secure and maintain dram shop (Liquor Liability) insurance and general business liability insurance in the amounts so specified.

Dram Shop (Liquor Liability): At least in the amount as dictated by Section 6-21(a) of the Illinois Liquor Control Act.

General Business Liability: In an amount of at least \$100,000 per occurrence.

Licensee shall show written proof of such insurance at the request of the Liquor Control Commissioner and at the time of liquor license application to the County. The insurer must be licensed or permitted to do business in Illinois.

Section 13. Emergency Contact

A licensed premise may conduct business by a manager or agent provided the manager or agent is a personage and is readily available to public safety individuals in the event of an emergency and the manager or agent is not otherwise ineligible to possess a liquor license under the laws of this State.

**ARTICLE V**

**Classification and Schedule of Fees**

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eleven (11) classes as follows:

- A. Class A. Class "A" licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- B. Class B. Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- C. Class C. Class "C" licenses shall authorize the retail sale of alcoholic liquors in the original packages and not for consumption on the premises where sold.
- D. Class D. Class "D" licenses shall authorize the retail sale of only beer and/or wine only in the original packages and not for consumption on the premises where sold.
- E. Class E. Class "E" licenses shall authorize the sale of alcoholic liquors on the premises of any club for consumption on the premises. Club shall be as defined in this ordinance.

F. Class F. Class "F" licenses shall authorize the sale of alcoholic liquors by any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. The license shall be valid for no more than five (5) specific events within the twelve (12) month period following the issuance of the license. The license fee must be paid in advance; and notwithstanding anything else to the contrary in this ordinance the license fee shall be non-refundable. The license application must include the specific dates of the event(s) and the specific location(s) of each event. Each day of said license term shall begin no earlier than 6:00 a.m. and end no later than 12:00 midnight of the same calendar date. At the time of application, the applicant shall provide evidence that the organization is duly chartered by the State of Illinois as a not-for-profit corporation or show proof that the organization has tax exempt status. The Liquor Advisory Board may recommend and the Liquor Control Commissioner may require any special conditions that relate to the public health, safety, and welfare including, but not limited to: (a) Limitations on extent or area of the site or premises that liquor may be sold or consumed. (b) Special parking or security requirements. (c) Special or additional sanitary requirements.

G. Class G.

1. A Class "G1" license shall authorize the sale and offer for retail sale of wine for consumption on the premises, as well as other retail sales of such wine in the original package which shall be consumed on or off the premises.
2. A Class "G2" license shall authorize the retail sale alcoholic liquors on the premises of any winery for consumption on the premises, as well as other retail sales of wine in the original package, which shall be consumed on or off the premises.

H. Class H. Class "H" license shall authorize a licensee (under this ordinance) to transfer a portion of its alcoholic liquor inventory from its licensed premises to the premises specified in the license hereby created and to sell or offer for retail sale or consumption, only on the premises specified in the license hereby created, the transferred alcoholic liquor as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises. Such license shall be granted only for the following time periods; one day or less, two or more days to a maximum of fifteen days per location in any twelve month period.

- I. Class I. Class "I" license shall authorize a caterer retailer to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. The applicant/licensee shall notify the Jackson County Sheriff's Department and the Jackson County Health Department of the location of each event.
- J. Class J. Class "J" license shall authorize the retail sale of alcoholic liquors on the premises of any microbrewery for consumption on the premises, as well as other retail sales of beer in the original package, which shall be consumed on or off the premises.
- K. Class K. Class "K" license shall authorize the licensee to offer spirits manufactured by the licensee on the premises specified in such license for sale by the glass on the premises and in packaged form at retail on the premises specified in such license for the use or consumption off the premises. The licensee shall also be authorized to conduct tastings of spirits for which remuneration may or may not be received. A single tasting of distilled spirits shall not exceed one-fourth (1/4) of one (1) ounce. No more than three tastings of distilled spirits shall be provided to any person on any day.

Section 2. Fees

- A. The annual license fee for each license shall be as follows:

Class A	\$1,000.00
Class B	\$750.00
Class C	\$1,000.00
Class D	\$250.00
Class E	\$600.00
Class F	\$75.00 for the first event; and \$25 for each additional event
Class G1	\$350.00
Class G2	\$500.00
Class H	\$100.00
Class I	\$1,000.00
Class J	\$350.00
Class K	\$350.00

- B. In the event the initial application is for a period of less than the full license year, the annual fee as set forth in subsection (a) shall be reduced in proportion to the full calendar months, which have elapsed in the license period prior to the issuance of the license.

## ARTICLE VI

### Regulation of Operations

#### Section 1. Hours of Operation

- A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:
  - (1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a.m. of the next day;
  - (2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;
  - (3) Holders of Class "G2," Class "J," and Class "K" licenses shall cease the sale, the offering for sale, the delivering at retail, or the giving away in or upon the licensed premises of any alcoholic liquor after 10:00 p.m. on any day.
- B. It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premise in which alcoholic liquor is sold at retail after 2:00 a.m.
- C. The only persons permitted to remain within the licensed premise after 2:00 a.m. are the licensee, employees, and persons engaged in cleaning and maintenance purposes. No alcoholic liquor shall be consumed by anyone on the premise between the hours of 2:00 a.m. and 7:30 a.m.
- D. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premise after the hours for sale set forth in this section.

#### Section 2. Gambling

No gambling devices of any kind or nature, games of chance, punch boards, slot machines, dice or any instrument of gambling shall be permitted or allowed upon any premise licensed for the sale of alcoholic liquors unless permitted by State Statutes. Video gaming and video gaming terminals shall be specifically permitted only when licensed by the Illinois Gaming Board and operated in accordance with the Video Gaming Act (240 ILCS 40/1 et. seq.). There shall be an annual fee of twenty-five dollars (\$25) for each video gaming terminal as defined by and licensed pursuant to the Video Gaming Act.

Section 3. Regulations as to Persons Under the Age of Twenty-One

- A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.
- B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.
- C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor, This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.
- D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.
- E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.
- F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.
- G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

Only the following types of identification shall be accepted for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; State Photo Identification Card for non-drivers; visa or passport.

Section 5. Restrictions on Entry Into Licensed Premises

- A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.
- B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.
- C. Subsections A. and B. shall not apply when any of the following conditions are met:
  - (1) The licensed premises is a bowling alley or package liquor store;
  - (2) The person is accompanied by a parent or legal guardian;
  - (3) The licensed premise obtains 51 of the annual gross revenue from the sale of food or other services or commodities.

For purposes of Subsection C.3 the licensee shall submit to the Commissioner documentation sufficient to prove that 51% of the annual gross revenue is derived from the sale of food, services or commodities other than alcoholic liquor. The Commissioner at his discretion, may request additional documentation or an audit of any establishment's records conducted in accordance with generally accepted accounting procedures, in order to prove compliance with this subsection. The cost of an audit shall be at the expense of the licensee.

- D. The party charged with a violation in any court or administrative hearing shall have the burden of proving that subsections (1), (2), or (3) hereinabove apply.

Section 6. Consumption of Alcoholic Liquor In Public

- A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.
- B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Prohibited Happy Hours Prohibited

The provisions of state law concerning "happy hours" as found in 2351LCS 5/6-28, and any future amendments thereto, are hereby adopted and incorporated herein by reference.

## **ARTICLE VII**

### **Beer Gardens/Outdoor Cafes**

#### **Section 1. Approval Required**

No licensee holding a Class A or Class B license under this Ordinance shall operate a beer garden or outdoor cafe as defined by this Ordinance except upon application to and approval by the Liquor Commissioner, subject to the terms, conditions, and restrictions of this Ordinance and of state law.

#### **Section 2. Fees for Beer Garden/Outdoor Cafes**

In addition to any other fees required under this Ordinance, a licensee seeking to operate a beer garden/outdoor cafe shall submit at the time of application the following fees:

- A. Fifty Dollars (\$ 50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor café;
- B. One Hundred Dollars (\$100.00) if the applicant offers or plans to offer entertainment of any type to the patrons of its beer garden/outdoor café.

#### **Section 3. Time of Application**

The application for a beer garden/outdoor cafe shall be filed along with the application for liquor license and with the application for renewal of liquor license. If a licensee wishes to begin operation of a beer garden/outside cafe during the course of a license year, the licensee shall submit an application to the Liquor Commissioner prior to commencing such operation.

#### **Section 4. Contents of Application for Beer Garden/Outdoor Café**

In addition to any other information required by this Ordinance for the issuance of a liquor license, the applicant seeking to operate a beer garden/outdoor cafe, shall also submit a drawing or diagram of the area designated as a beer garden/outdoor cafe. This drawing or diagram shall clearly display:

- A. Any and all lighting and fencing;
- B. The occupancy rate as approved by the State Fire Marshal; and
- C. Seating and serving plans.

Section 5. Modification by Liquor Commissioner

At the time of the application or at any time during the license year, after consideration of the location of the beer garden/outside cafe, the nature of the business activity conducted in the beer garden/outdoor café, the record of prior violations by the licensee of this Ordinance or state law, and the public health, safety, and welfare, the Liquor Control Commissioner may impose specific requirements upon the licensee in the operation of the beer garden/outdoor cafe which may include, but is not limited to, provisions as to lighting, fencing, the erection of sound barriers, and the prohibition of entertainment.

Section 6. Violations of This Article

A violation of this Article or any other applicable provision of this Ordinance or of state law with respect to the operation of the beer garden/outdoor cafe may result in the closure of the beer garden/outdoor café and the prohibition of its re-opening, in addition to any other penalties as authorized by this Ordinance.

## ARTICLE VIII

Violations

Any person found to have violated any provisions of this ordinance may be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and every day that such violation is continued shall constitute a separate and distinct offense. In addition thereto, the Jackson County Liquor Control Commissioner may after proper hearing revoke, or suspend for not more than thirty (30) day, any license issued by him under the terms of this ordinance if he determines that the licensee has violated any of the provisions of the ordinance or any provision of the Illinois Liquor Control Act, (Chapter 235 of the Illinois Compiled Statutes); and, when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquors in the premises described in such revoked license. Not more than ten thousand (\$10,000.00) dollars in fines under this Article may be imposed against any licensee during the period of his license.

## ARTICLE IX

Hearing Procedures

Section 1. Type of Notice Required

A. Whenever this ordinance requires a hearing before the Liquor Control Commissioner concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall state:

- (1) The time, place, and nature of the hearing.
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (3) A reference to the particular Sections of the ordinances involved.
- (4) A statement informing the licensee that he may respond by presenting evidence and argument.

Section 2. Hearings

- A. A hearing required under this ordinance shall be held in accordance with the following rules:
  - (1) A hearing shall be held at a reasonable time, date and place.
  - (2) No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this article.
  - (3) A licensee may present evidence and argument and can be represented by a licensed attorney of this state.
  - (4) The Commissioner may limit, but not prohibit, the presentation of evidence and argument.
- B. Where a licensee has received the requisite notice under this article and fails to appear at hearing, the Commissioner may act ex parte.

Section 3. Decisions

Any decision, order, or determination rendered by the Commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision.

Section 4. Waiver

Compliance with any or all of the provisions of this Article concerning procedure may be waived by written stipulation of all parties.

Section 5. Continuances for Hearings

- A. A request for a continuance of any hearing in any matter before the Liquor Control Commissioner will not be allowed by the Commissioner unless for good and valid reason in writing.

- B. The Liquor Control Commissioner may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

Section 6. Record of Hearing

A complete record of all evidence, testimony and comments before the Liquor Control Commissioner shall be made by certified court reporter or may be electronically taken by tape recording.

Section 7. Witnesses

Witnesses shall be sworn, but in all other respects, hearings shall be informal and the strict rules of evidence shall not apply.

Section 8. Review

- A. Review of the proceedings before the Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
- B. All costs of preparing and transcribing an official record on appeal to the State Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings.

Section 9. Prosecutions of Non-Licensees

Violations of this ordinance allegedly committed by non-licensees shall be prosecuted by the State's Attorney of Jackson County on behalf of the county in the Circuit Court of the First Judicial Circuit, Jackson County, Illinois. Such prosecutions shall be before the court without a jury with the burden of proof upon the County of Jackson. The standard of evidence shall be preponderance of the evidence. Upon convictions for any violation of this ordinance, the Court shall set a fine by a non-licensee pursuant to Article VIII Violations, of this ordinance.

## ARTICLE X

### Savings Clause

The present ordinance shall in no way be construed to repeal or alter, other than as stated in the present ordinance, any other provision of the Jackson County Liquor Ordinance. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect.

Revised June 2015

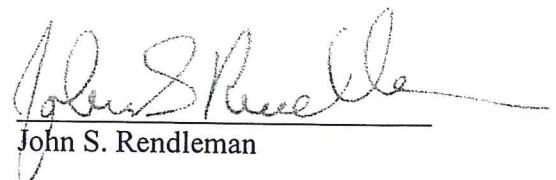
## ARTICLE XI

### Effective Date

In effect and amended on this 24<sup>th</sup> 20<sup>th</sup> day of June October, 2015 at a ~~rescheduled~~ regular meeting of the Jackson County Board.

Adopted by requisite majority of the Jackson County Board members at its ~~rescheduled~~ regular monthly meeting this 24<sup>th</sup> 20<sup>th</sup> day of June October, 2015.

By its Chairperson



John S. Rendleman

Attest:



Larry W. Reinhardt

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Larry W. Reinhardt  
Clerk of the Board

**ORDINANCE 15-04**

**AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR  
JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 2015  
THROUGH NOVEMBER 30, 2016**

**WHEREAS**, the Jackson County Board is authorized and required by law to levy and collect taxes annually for various purposes; and

**WHEREAS**, the Jackson County Board has heretofore adopted a budget for the fiscal year beginning December 1, 2015 and ending November 30, 2016;

**NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$12,300,146.00 is hereby levied upon all taxable property in Jackson County, Illinois, as equalized or assessed by the Department of Revenue, for the purpose of meeting and defraying the necessary expenses and liabilities as set forth in the aforesaid annual budget and the budgets of the County agencies referred to herein. The following levies are hereby made and adopted:**

- 1. The sum of \$ 5,860,843.00 is levied pursuant to 55 ILCS 5/5 - 1024, for general corporate purposes;**
- 2. The sum of \$ 925,922.00 is levied pursuant to 55 ILCS 5/5 - 1028, for Ambulance purposes;**
- 3. The sum of \$ 340,972.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of tort liability protection;**
- 4. The sum of \$ 121,776.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of insurance contracts for worker's compensation;**
- 5. The sum of \$ 31,314.00 is levied pursuant to 745 ILCS 10/9 -107, to provide for the County's payment and contribution for unemployment insurance;**
- 6. The sum of \$ 1,368,717.00 is levied pursuant to 40 ILCS 5/7 - 171 & 5/7 - 132, for the County's payment and contribution to the Illinois Municipal Retirement Fund (I.M.R.F.);**
- 7. The sum of \$ 497,719.00 is levied pursuant to 40 ILCS 5/21 - 110, 5/21 -110.1, for the County's payment and contribution to the Social Security System;**
- 8. The sum of \$ 725,000.00 is levied pursuant to 55 ILCS 5/5 - 25003, for Public Health purposes;**
- 9. The sum of \$ 71,500.00 is levied pursuant to 55 ILCS 5/5 - 23029, 23030, 23039, 23040, for the purpose of treating and caring for those affected with Tuberculosis;**

10. The sum of \$ 294,547.00 is levied pursuant to 405 ILCS 20/4 - 5, 6, for the operation of the Community Mental Health (708) Board;

11. The sum of \$ 839,900.00 is levied pursuant to 605 ILCS 5/5 - 601, for the County Highway purposes;

12. The sum of \$ 367,700.00 is levied pursuant to 605 ILCS 5/5 - 603, for Federal Aid Matching;

13. The sum of \$ 56,600.00 is levied pursuant to 605 ILCS 5/5 - 602, for the County Bridge Funds;

14. The sum of \$ 65,000.00 is levied pursuant to 55 ILCS 5/5 - 1034, for the purpose of social services for senior citizens;

15. The sum of \$ 143,349.00 is levied pursuant to 505 ILCS 45/8, for support of the Jackson County Cooperative Extension Service.

16. The sum of \$ 216,296.00 is levied pursuant to 55 ILCS 5/5-1012 and 30 ILCS 350/17.5, for the purpose of debt service payments on an indebtedness owed the county on general obligation bonds issued for the purpose of river levee improvements.

17. The sum of \$ 372,991.00 is levied pursuant to 55 ILCS 5/5-21001, for the purpose of maintaining and operating the County Nursing Home.

The Jackson County Clerk of Jackson County is directed to extend and the Ex-Officio Collector of taxes for Jackson County is directed to collect the foregoing amounts pursuant to law.

Approved at this special meeting of the Jackson County Board on the 17th day of November 2015.



John S. Rendleman, Jackson County Board Chairman  
ATTEST:



Larry Reinhardt  
Jackson County Clerk & Recorder

TRUTH IN TAXATION  
CERTIFICATE OF COMPLIANCE

I, the undersigned, hereby certify that I am the presiding officer of the Jackson County Board, and as such presiding officer I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with sections 18-60 through 18-85 of the Truth in Taxation law of the State of Illinois.

Notice and hearing requirements of Sections 18-70 through 18-85 of the Truth in Taxation Act are applicable

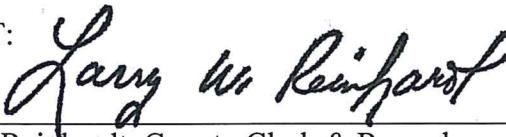
This certificate applies to the 2015-2016 levy.

Date: November 17, 2015.

Presiding Officer:

  
John S. Rendleman, Chairman  
Jackson County Board

ATTEST:

  
Larry E. Reinhardt, County Clerk & Recorder

2015 - 5

# SUBDIVISION ORDINANCE OF JACKSON COUNTY, ILLINOIS

## ARTICLE I

### SCOPE AND PURPOSE

#### Section 100.0 SCOPE AND LEGAL AUTHORITY

FILED  
DEC 15 2015

*Tony W. Kempf*  
COUNTY CLERK  
JACKSON COUNTY CLERK'S OFFICE

For the purpose of controlling future development of the County of Jackson and for the promotion of public health, safety, comfort, and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained shall govern the subdividing and platting of lands lying within the area of jurisdiction of the County of Jackson.

The authority of this ordinance is found in 55 ILCS 5/5-1041, 55 ILCS 5/3-5029, and 765 ILCS 205/1 et. seq.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the county as permitted by State Statutes. In the event of overlapping jurisdiction within the project area, the extent of jurisdiction shall be determined and agreed upon between the county and the municipality or municipalities concerned. This ordinance does not intend to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this ordinance or with restrictive covenants running with the land. Where this ordinance imposes a greater restriction upon the land than is imposed or required by such existing provision of law, ordinance, or restrictive covenants, the provisions of this ordinance shall control.

#### Section 101.0 TITLE

This ordinance may be known, referred to and cited as "The Subdivision Ordinance of Jackson County, Illinois."

#### Section 102.0 APPLICATION/EXCEPTION OF ORDINANCE

No plat of any subdivision shall be valid nor entitled to record unless and until same has been approved by the Jackson County Board, in accordance with the procedure hereinafter provided, and no plat of any subdivision shall be approved without compliance with the standards of design and improvements required as hereinafter set forth. The exercise of plat approval power by the County Board is subject to exception where a municipality, with an adopted subdivision ordinance and operating under a comprehensive plan that has been filed with the County Recorder, shall approve all subdivision plats within one and one-half miles of the corporate limits. Until approved by the corporate authorities, no subdivision plat shall be recorded in Jackson County or have any validity whatsoever (65 ILCS 5/11-15-1 and 11-12-12). No lot in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according to the requirements and provisions of this ordinance and recorded in the office of the Jackson County Recorder of Deeds.

## **Section 103.0 INTENT AND PURPOSE**

This ordinance is intended for the purposes of coordinated, efficient, economic development of the county, providing adequate services and utilities, safe and convenient access, and desirable and attractive living environment, through good subdivision design. In achieving these purposes, the county shall utilize development standards which are directed toward reasonable costs for initial development and continuing maintenance; such standards shall include the following:

- a) The proper locations, width of streets, and the proper location of building setback lines, easements, open space, recreational areas and public lands.
- b) The avoidance of conditions which would lead to the creation of blighted areas.
- c) The avoidance of overcrowding of population and congestion of vehicular traffic.
- d) The proper grading and improvement of streets, and provisions for water, sewer, storm water and other utility services.
- e) The provisions of adequate space for traffic and utility facilities; for access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth, and area of lots; for adequate light and air; and for a proper distribution of population.
- f) The avoidance of unnecessary and unmitigated damage to the environment.
- g) The avoidance of off-site damages to water quality, air quality, land, improvements, public or private property.

## **Section 104.0 ADMINISTRATION**

This ordinance shall be administered by an Administrative Officer designated by the Jackson County Board.

## **Section 105.0 INSTANCES WHEN PLATS WILL NOT BE REQUIRED**

The provisions of these regulations do not apply and no plat is required in any of the following instances:

- a) The division or subdivision of land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access provided that no lot will be created that would violate any zoning ordinance;
- b) The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access, provided that no lot will be created that would violate any zoning ordinance;
- c) The sale or exchange of parcels of land between owners of adjoining and contiguous land, provided that no lot will be created that would violate any zoning ordinance;

- d) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- e) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- f) Conveyance made to correct description in prior conveyances;
- g) The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new street or easements of access;
- h) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- i) The division and distribution of land pursuant to law or court order;
- j) The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a licensed professional land surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of October 1, 1973, provided that no lot will be created that would violate any zoning ordinance;
- k) Any other instance where the State of Illinois does not require filing of plat, as per the Illinois Plat Act.

## **Section 106.0 MINIMUM STANDARDS AND SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT**

A. The design and improvement standards set forth in this ordinance shall be deemed the minimum requirements for public health, safety, and general welfare. Nothing contained in this ordinance shall be construed to mean that the subdivider cannot construct additional improvements or improvements of higher quality.

B. Any tract of land that is unsuitable for development due to probable flooding, poor drainage, rough topography, adverse soil conditions or other conditions which, in the opinion of the County, will prove harmful to the health, safety, or general welfare of the future inhabitants of that tract or adjacent parcels shall not be subdivided unless the subdivider formulates plans or methods which the County deems adequate to solve the potential problems engendered by the adverse land conditions.

C. No subdivision, unless otherwise excluded, shall be approved until after all requisite site assessments have been conducted by the following units of government, agencies, departments, and officials:

1. Jackson County Soil and Water Conservation District; and
2. Jackson County Health Department; and
3. Jackson County Highway Department; and
4. Emergency Telephone System Board; and
5. Jackson County Flood Plain Administrator; and
6. Any other local, state, or federal unit of government, agency, department, or official with jurisdiction or as deemed appropriate and necessary by the County.

## **ARTICLE II**

### **DEFINITIONS**

#### **Section 200.0 GENERAL STATEMENT**

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word 'building' shall include the word 'structure'; the word 'may' is permissive.

#### **Section 201.0 DEFINITIONS**

For the purpose of the Ordinance, the terms used herein are defined as follows:

**ADMINISTRATIVE OFFICER:** The person appointed by the County Board to administer the provisions of this ordinance. Where no Administrative Officer has been designated by the Jackson County Board, the Chairman of the Land Use Committee shall serve as the Administrative Officer.

**ADT or AVERAGE DAILY TRAFFIC:** The calculation of average traffic volumes in both directions of travel in a time period greater than one day and less than one year and divided by the number of days in that time period.

**ALLEY:** A minor way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**AREA, GROSS:** The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

**AREA, NET:** The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

**BLOCK:** An area of land entirely bounded by streets, highways or barriers (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, or

highway) or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines or waterways, or corporate boundary lines.

BOARD: The Jackson County Board

BUILDING LINE: See SETBACK LINE

COUNTY: Jackson County, Illinois

COUNTY ENGINEER: May mean either the County Highway Engineer or such other licensed professional engineer designated by the County Board to conduct business or perform defined professional engineering services for the County in his place instead.

DENSITY, GROSS: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

DENSITY, NET: The total number of dwelling units divided by the project area, less area for street rights-of-ways.

DESIGN: The arrangement of uses of the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade, and width of these elements.

DRAINAGE WAY: A water course, gully, dry stream, creek, or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.

EASEMENT: A right to use another person's property, but only for a limited and specifically named purpose.

HILLSIDE AREA: An area with an average slope of fifteen (15%) percent or more.

IMPROVEMENT: Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Includes the furnishing of all materials, equipment, work and services such as engineering, staking, and supervision, necessary to construct all the improvements required in this Ordinance or any other improvements that may be provided by the subdivider.

IMPROVEMENT PLANS: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the subdivision.

LESA: Land Evaluation and Site Assessment program, as determined by Jackson County, or Soil and Conservation Service.

LOT: A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT DEPTH: The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT LINE, FRONT: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

LOT LINE, REAR: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

LOT LINE, SIDE: Any lot line other than front or rear lot line. A corner lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT WIDTH: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

OWNER: A person having sufficient proprietary interest in the land sought to be subdivided. This includes any person or entity having either the dominion and title to the land, a beneficial interest, an equitable interest, or a mortgagor's lien to the land sought to be subdivided.

PARKING LANE: An auxiliary lane or street and primarily used for vehicular parking.

PERFORMANCE GUARANTEE OR BOND: Any security in cash or equivalent approved by the County Board to guarantee installation of any improvements.

PERSON: Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

PLANNING COMMISSION: The Greater Egypt Regional Planning and Development Commission.

PLANS: All of the drawings including plats, general plans, cross sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this ordinance.

PLAT: The maps, drawings, charts, and other documents complying with all applicable provisions of this ordinance which constitute the plan for subdivision.

PLATS, PRELIMINARY: As completed and certified by a licensed professional land surveyor, providing information as specified in Section 302.0. It is subject to approval by the Administrative Officer and the Land Use Committee. PLATS, FINAL: A formal, detailed map completed and certified by a licensed professional land surveyor. It must conform substantially

to the preliminary plat which has been approved by the Land Use Committee. The final plat legally establishes the individual lots and streets. It is submitted to the County Recorder of Deeds for recording after approval by the County Board.

**PROJECT AREA:** That territory intended to be subdivided or developed and portrayed and defined in the Preliminary and Final Plats.

**RESTRICTIVE COVENANTS OR CONTRACTS:** Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**RE-SUBDIVISION:** See SUBDIVISION

**RIGHT-OF-WAY (ROW):** A strip of land over which the owner, by dedication or otherwise, has granted the right of use for street, alleys or other public purposes. Right-of-way is also a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, planting strip, underground and sometimes above-ground utilities.

**ROADWAY:** The entire improved portion of the street, including shoulders, parking lanes, travel ways, curbs, and gutter.

**SETBACK LINE:** A line that is usually parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

**SOIL AND WATER CONSERVATION DISTRICT:** The Jackson County Soil and Water Conservation District.

**SPECIFICATIONS:** The Standard Specifications for Road, Bridge, Sewer, and Water Construction, Road and Street Naming, and Flood Control Management prepared by the Department of Transportation, Department of Public Health and the Environmental Protection Agency of the State of Illinois, Jackson County Health Department, Emergency Telephone System Board, Jackson County Highway Department, and Federal, State and County Emergency Management Agencies, as adopted and amended by said agencies, which are in effect at the time the area is being subdivided. Any terms in such specifications referring to state departments or officials or to persons contracting with the State shall be deemed to refer to applicable departments, officials, or persons in the County of Jackson, and the term "contractor" shall specifically apply to the subdivider who is responsible for installing all of the improvements required in this ordinance even though the subdivider may enter into agreements for such installing by other persons, firms or corporations.

**STREET:** A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way. It shall also include such other designation for a Street as: a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, land, place, drive, court or otherwise designated, but excluding an alley or a way for pedestrian use only.

STREET, CUL-DE-SAC: A short, land access street, having only one open end providing access to another street; the closed end provides a turn-around circle for vehicles, no other street intersects between the two ends, and property front on both sides of the street.

STREET, DEAD-END: Land access street similar to Cul-de-sacs except that they provide no turn-around circle at their closed end, and are not permitted in any proposed subdivision.

STREET, LAND ACCESS: A land access street providing access to abutting properties having a relatively short travel distance, serving a limited (Post Development ADT less than or equal to 400) amounts of residential traffic, and having low travel speeds. Land access streets conduct traffic to and from dwelling units within a subdivision to other streets. Post Development ADT = Present ADT + 10 x (number of proposed dwelling units).

STREET, AREA SERVICE HIGHWAY: Area service highways interconnect collectors and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide direct access to major traffic generators, provide secondary service to small communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds. Area service highways include county roads, township roads or state highways.

STREET, MARGINAL ACCESS OR SERVICE ROAD: A land access street parallel and adjacent to area service highways providing access to abutting properties.

STREET, COLLECTOR: Collector streets interconnect the principal street system with land access street; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume design capacity and travel speeds.

STRUCTURE: Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

SUBDIVIDE: SEE SUBDIVISION.

SUBDIVISION: (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental, or building development or use(s) other than agricultural use or production; or (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

SUBDIVISION, MINOR: A division of land into two (2) but not more than six (6) lots, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements and improvements, or other provisions for public areas and facilities.

TRAVEL WAY: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

## **ARTICLE III**

### **GENERAL REGULATIONS**

#### **Section 300.0 PRE-APPLICATION CONFERENCE**

Before submitting a preliminary plat, the applicant is encouraged to confer with the County Administrative Officer to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plats, surveys and other data. The applicant is further encouraged to consult with city officials, county officials, soil and water conservation districts, public utility companies, school districts, levee districts, road districts and other agencies or districts concerning the availability of services and facilities in the area proposed to be subdivided.

At the direction of the Administrative Officer, the applicant shall request a Land Evaluation Site Assessment (LESA) pursuant to the Jackson County Land Evaluation Site Assessment system, heretofore adopted by the Jackson County Board. This request shall be presented to the Administrative Officer, who shall in turn request the Jackson County Soil and Water Conservation District to conduct the study and file its report within 90 days of receipt of such request with the Administrative Officer and the applicant. The Administrative Officer shall be authorized to give final approval to the site selection only if the Soil and Water Conservation District assigns less than 200 points to the site under the LESA system. If more than 200 points are assigned, or if the Administrative Officer in his or her sole discretion otherwise declines to approve the site, based on information provided by the Jackson County Soil and Water Conservation District or other agency with expertise in soil suitability, then the Administrative Officer shall and present the matter in writing to the Land Use Committee, who will make a final ruling on the suitability of the site, with due consideration to the LESA.

#### **Section 301.0 PRELIMINARY PLAT PROCEDURES**

After the LESA study has been completed, the applicant desiring to subdivide a tract of land shall file an application with the Administrative Officer. Such application shall include the following:

- a) A written request to the Administrative Officer for preliminary review of such subdivision and general description of the location and size of the tract to be platted; the intent as to character type and use of the property and structures to be developed; the deed restrictions proposed, if any; a statement of mineral rights; the extent and character of the improvements to be made by the subdivider; and any unique hardship or difficulty limiting the physical development of the property under consideration and a description of any past history of the property under consideration which is pertinent thereto.
- b) Six (6) copies of the preliminary plat and other necessary documentation in accordance with the requirements of Section 302.0 of this Article.
- c) Review fees shall be paid prior to initiation of review process.

301.1 Review: The various units of government, agencies, departments, and officials shall review and respond to the preliminary plat within ninety (90) days from the date of application or the filing by the subdivider of the last item of required supporting data. If comments are not received within ninety (90) days, it shall be assumed these units of government, agencies, departments, and officials have no objections to the proposed preliminary plat. The Administrative Officer or Land Use Committee shall determine whether the preliminary plat shall be approved as submitted, disapproved, or approved subject to certain conditions or modifications.

301.2 Administrative Action: The action of the Administrative Officer shall be noted in writing and, if such preliminary plat is disapproved or is conditionally approved, the Administrative Officer shall furnish written notice of such action to the applicant setting forth the reasons for disapproval or conditional approval and specifying with particularity the aspects in which the preliminary plat fails to conform to the County's Ordinances.

301.3 Appeal: If the subdivider is not in agreement with a decision of the Administrative Officer, he may appeal any such decision as specified in Article VI to the Land Use Committee.

301.4 Filing: Six (6) copies of the approved preliminary plat shall be filed with the Administrative Officer and a signed copy of the approved preliminary plat shall be returned to the subdivider.

301.5 Rights and Privileges: Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

- a) That the preliminary plat approval will remain in effect for a one (1) year period. The applicant may, during this period, submit all of or parts of said preliminary plat; for final approval. In the event that the subdivision is being developed in stages, the applicant may by written mutual agreement with the Administrative Officer, have final approval of the last part of the plat delayed for a period not to exceed five (5) years from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one block in length.
- b) That the general terms and conditions under which the preliminary plat approval were granted will not be changed.
- c) The applicant may also proceed with the preparation of any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may not commence prior to final plat approvals or as provided for in Section 513.

301.6 Subdivision Near Municipality: Any subdivision lying within one and one-half (1 and 1/2) miles of the corporate limits of any municipality that has adopted and filed with the municipal Clerk an official comprehensive plan, which plan has been implemented by ordinance as provided by State Statutes, the plat shall be submitted to the municipality for approval. The County Engineer shall also notify the Township Highway Commissioner in writing whenever the preliminary plat contains roads or streets that are less than the specifications and regulations provided herein.

## **SECTION 302.0 PRELIMINARY PLAT REQUIREMENTS**

The preliminary plat, to be provided by the subdivider, shall include the following specifications:

- a) Name under which the proposed subdivision is to be recorded and location;
- b) Names and addresses of the owner, subdivider, and the registered land surveyor who prepared the preliminary plat;
- c) Streets or alleys and rights-of way on and adjoining the site of the proposed subdivision; showing the names and including street roadway and right of way widths;
- d) Tract boundary lines, showing their lengths and directions according to available information and references to lines of the public land survey and of other major land divisions;
- e) All lot lines adjacent to and abutting the subdivision and identification of adjoining lots;
- f) Layout of proposed lots, showing their approximate dimensions, numbers and their approximate or minimum area, showing an identifying number for each lot, and stating any zone districts classification(s) of the proposed subdivision;
- g) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, and the use(s) of the area to be subdivided;
- h) Easements, existing and proposed, showing locations, widths, and purposes;
- i) The preliminary plat shall be drawn to a scale of not more than one hundred (100) feet to one (1) inch, provided, however, that if the resulting drawing would be over thirty-six (36) inches in the longest dimension, two or more sheets shall be used instead, such that no sheet shall exceed thirty-six (36) inches in the longest dimension; if the plat is shown on two or more sheets, an index drawing shall be provided on each sheet;
- j) North arrow and date;
- k) A statement to the effect that "the plat is not for record" shall be printed or stamped upon all copies of the preliminary plat.

## **Section 303.0 IMPROVEMENT PLANS PROCEDURE**

The Administrative Officer shall certify to the County Board any improvement plans which are in conformance with the regulations and requirements of this ordinance. Variance from the regulations and requirements of this ordinance are permitted only when approved by County Board action.

A. To secure formal action on the improvement plans, the developer shall file six (6) blue line prints of the improvements plans with the Administrative Officer.

B. The Administrative Officer, with the assistance of the County Engineer, shall review the proposed improvement plans and notify the Land Use Committee of the County Board, in writing, of his approval, conditional approval, or denial. The Administrative Officer shall notify the applicant that a copy of his report is available to the applicant stating approval, conditional approval, or denial.

- 1) Certification means the applicant is now authorized to produce the final plat.
- 2) Denial means disapproval of improvement plans. For further consideration the developer must rework his plans to conform to the requirements, and then resubmit the reworked plans to the Administrative Officer as though they were a completely new set of plans. Re-submission will be charged the same fees as the initial submission.

## **Section 304.0 IMPROVEMENT PLAN REQUIREMENTS**

After the preliminary plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the Administrative Officer for review. Improvement plans shall be prepared on an exhibit not to exceed forty-eight (48) inches by forty-eight (48) inches and shall contain the following information:

- 1) Title page, which shall include key map showing the relationship of the area to be subdivided to the project area and which shall reflect portions of the project area previously subdivided plus adjacent streets;
- 2) North arrow and graphic scale;
- 3) Title block showing name and address of the developer and engineering firms, as well as the engineer's seal;
- 4) One or more bench marks, in or near the subdivision to which the subdivision is referenced. The elevation shall be based on the sea level datum;
- 5) List of the standards and specifications followed, citing volume, section, page or other reference;
- 6) Paving details;
- 7) Plans, profiles, and cross sections of streets showing right-of-way and surface widths, elevations, paving details, grades, names, curbs and gutter, catch basins, sidewalks and any other improvements to be constructed or placed within the street right-of-way;
- 8) Plans and profiles of streets and sewers, scale not less than one inch equals one hundred feet ( $1'' = 100'$ ) horizontal; and one inch equals ten feet ( $1'' = 10'$ ) vertical.

Plan of any water supply system (serving more than one property) showing locations, pipe sizes, pump stations (size, capacity, and type), hydrant and valve locations. If a private water supply system (serving more than one property) is proposed, then all information required either by the Illinois Environmental Protection Agency for supplies with ten (10) or more connections or by the Jackson County Health Department for supplies with less than ten (10) connections, shall be submitted with the improvement plans;

- 9) Existing and proposed survey monuments on streets plans or on submitted copy of plans to be on proposed record plat. Plan on any sewage disposal system (serving more than one property) showing pipe locations, sizes, force mains, invert elevations, slope, manhole locations, lift stations (size, capacity, and type) points of discharge. If area is subject to flooding or inundation, any additional provisions shall be shown (i.e., anchoring, special pipe, ground water information, etc.). If a private sewage treatment system (serving more than one property) is proposed, then all information required by the Illinois Environmental Protection Agency, Illinois Department of Public Health, and the Jackson County Health Department shall be submitted with the improvement plans (i.e., treatment proposed, size, type, capacity, locations, outfall points, etc.);
- 10) As-built drawings must be furnished if changes are made in the approved improvement plans. Plan of drainage systems including watershed outlines with drainage computations, retention basins showing drainage areas, locations of storm sewers, culverts, drainage channels, swales, indicating slopes, pipe sizes, invert elevations, underground drains, outlet locations, and velocity reductions techniques;
- 11) A dated estimate by the engineer preparing the improvement plans of the cost of the improvement;
- 12) Grading plans showing finished grades;
- 13) Soil information and soil map, when required by Jackson County Soil and Water Conservation District;
- 14) Flood plain information and maps, when required by the Jackson County Flood Plain
- 15) Administrator;
- 16) Plan for erosion and sediment control;
- 17) Small key map showing the relation of the proposed subdivision to section of U.S. survey lines and to platted subdivisions and dedicated streets within three hundred (300) feet of the proposed subdivision. The key map shall show the location of any corporate limits of any municipality lying within one and one half (1 1/2) miles or less of the subdivision;
- 18) Location and size of existing public utilities and drainage ways or facilities within or

adjoining the proposed subdivision and the location and size of nearest water trunk mains, interceptor sewer lines and other pertinent utilities;

- 19) Location, type and approximate size of utility improvements to be installed;
- 20) The gross and net area of the proposed subdivision, the area of street rights-of-way, and the area of any parcels reserved for the common use of the property owners within the subdivision or for public use;
- 21) The plan of public utilities and drainage ways or facilities in the proposed subdivision shall show contour lines at not greater than ten (10) foot intervals. Contour lines shall be shown for all hillside areas and all other areas of significant slope;
- 22) Location of major water courses, ponding area, natural drainage ways and flood hazards areas;
- 23) Whenever a large tract is intended to be developed in stages, and only a part of that tract is to be submitted for final approval, a preliminary plat for subdivision of the entire tract shall be submitted with notation made of the part to be next submitted for final approval;
- 24) Tentative written approval of the street names and house numbers by the Emergency Telephone System Board shall accompany the improvement plans. Duplication of street names, within the County's jurisdiction shall be prohibited;
- 25) Drainage certification in accordance with Section 405 of this ordinance.

## **Section 305.0 FINAL PLAT PROCEDURES**

The final plat shall be filed with the Administrative Office and shall include all plans and specifications and a statement as to which form of guarantee or performance bond is to be used.

### **305.1 Review:**

A. Review fees shall be paid prior to initiation of review process.

B. The Administrative Officer shall take action on the final plat after the subdivider files the last required document or their supporting data. The Administrative Officer may confer with the Land Use Committee on any final plat under review. The action of the Administrative Officer, whether approval or disapproval of the final plat as well as the date of said action, shall be noted in writing and attached to the final plat; if the final plat is disapproved, the reason why shall be stated.

### **305.2 Administrative Action:**

The Administrative Officer shall review the final plat and documentation and transmit his report on findings and recommendations to the Land Use Committee.

### 305.3 Land Use Committee Review and Action:

The Land Use Committee shall review the Final Plat and documentation and shall recommend final approval by the Jackson County Board. The County Board shall not approve a Final Plat unless the following conditions are met:

- a) The Final Plat meets the design standards and specifications set forth herein;
- b) The Final Plat meets all requirements of the laws of the State of Illinois;
- c) The subdivider or applicant agrees to post a performance guarantee or bond with the County equal to the estimated cost of all improvements to be dedicated to the County, Township, or any public body for maintenance and operations.

### 305.4 Other Units of Government, Agency, Department, or Official Review:

The Land Use Committee may request other appropriate units of government, agencies, departments, and officials to review the Final Plat.

### 305.5 Certification of Action:

The County Clerk shall attach to a copy of the Final Plat a certified copy of the County Board's Resolution certifying approval or disapproval.

- a) If the Final Plat is disapproved, the reasons for such action and specific instances where said Plat is not in conformance with the requirements herein shall be noted.
- b) If the Final Plat is approved, the Chairman of the County Board shall be authorized to affix his/her signature to the Plat and attach thereto a notation that the Plat has received final approval of the County Board. The County Clerk shall then attest the signature of the Chairman and affix the County Seal thereto. The approved Final Plat shall be held by the Administrative Officer until such time as the subdivider or applicant pays the recording fee and submits any required performance guarantee or bond as set forth in Section 514.0 which shall be posted within ninety (90) days from the date of approval, unless such time is extended by written mutual consent of the subdivider and the County Board. Upon receiving the recording fee and required performance bond or other guarantee as mentioned herein, the County Recorder of Deeds shall record the Plat within ten (10) days thereof.

## Section 306.0 FINAL PLAT REQUIREMENTS

The final plat to be provided by the subdivider shall meet the following specifications:

- a) The final plat may include all or only a part of the project area portrayed on the preliminary plat which has received approval.
- b) The final plat shall be drawn on print media of suitable quality and durability with waterproof black ink to a scale as appropriate to density. No final plat shall

be recorded unless said plat is at least 8 1/2 inches by 14 inches but not more than 30 inches by 36 inches. Two or more sheets may be used provided that an index drawing is provided on each sheet. Five (5) black or blue line prints shall be provided by the subdivider.

- c) All dimensions shall be shown in feet and decimals of a foot.
- d) The final plat shall be prepared under the active and personal direction of an Illinois Licensed Professional Land Surveyor, who shall certify that the Plat correctly shows the results of his survey of the boundaries and platting of parcels within the subdivision.
- e) The final plat shall portray or present the following:
  - 1. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than on (1) foot to five thousand (5,000) feet.
  - 2. Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.
  - 3. Reference to known and permanent monuments from which future surveys may be made; and the Surveyor must, at the time of making his survey, establish permanent monuments, set in such a manner that they will not be moved by frost, which mark the external boundaries of the tract to be divided and must designate upon the plat the locations where they may be found.
  - 4. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - 5. Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearing and curve data, including radii, arcs and chords, points of tangency, and central angles.
  - 6. Name and right-of-way width for each proposed street or other right-of-way.
  - 7. Location and dimensions of any easement and a statement of purpose for each easement.
  - 8. Number to identify each lot or site.
  - 9. Purpose for which sites, other than residential lots, are dedicated or reserved.
  - 10. Lot dimensions and areas of each lot, and building or setback lines and dimensions.
  - 11. Location, type, material and size of all monuments and lot markers.

12. Certification, before a Notary Public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referenced to in all future conveyances of lots in the subdivision. In addition, the dedication or reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat shall be shown.
13. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
14. Name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and north arrow, scale and date drawn. The scale must be in graphic form.
15. Certification by Licensed Professional land surveyor with registration numbers and seal affixed to all final documents prepared by the surveyor. Said certificate shall further certify that no lot is subject to flooding or inundation from internal drainage or is subject to the Corps of Engineers projected one hundred (100) year flood. If any lot is subject to flooding, subject to inundation or subject to the Corps of Engineers projected one hundred (100) year flood, then this information must be plainly printed on each plat.
16. Certification of dedication of all public areas.
17. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
18. Certification that all taxes have been paid.
19. Certification of approval by the County Board Chair.
20. Certification by a Licensed Professional Land Surveyor and registered engineer with registration numbers and seal affixed to all final documents prepared by them.

## **Section 307.0 MINOR SUBDIVISION**

Minor subdivisions may be exempted with written approval of the Administrative Officer from the procedures and requirements for preliminary plat, and the subdivider may proceed to file the final plat for review. Final plat procedures and requirements shall be as specified in Sections 305.0 and 306.0.

All such subdivisions shall be subject to review by other appropriate units of government, agencies, departments, and officials as deemed by the Administrative Officer.

## **Section 308.0 RECORDING**

The County Board shall not approve a final plat for filing with the County Recorder of Deeds unless the following conditions are met:

- a) The final plat conforms to all requirements specified by the engineering specifications set forth herein.
- b) The final plat meets all requirements of the laws of the State of Illinois.
- c) The subdivider or applicant establishes sufficient proof of his intent and ability to post a guarantee or performance bond or bonds with the county equal to the estimated construction cost of all improvements intended to be dedicated to the county or road district, as the case may be such guarantee or performance bond or bonds shall be posted prior to recording the plat.

308.1 Plat Certification: No subdivision plat or re-plat shall be filed for record or recorded in the Office of the Recorder of Deeds of Jackson County, Illinois, unless and until the approval of the County Board Chairman is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been filed for record in the Office of the Recorder of Deeds of Jackson County, Illinois, as herein provided. The Recorder of Deeds shall certify that all taxes have been paid and that the Jackson County Board has approved said plat before affixing his signature thereto.

308.2 Filing: The subdivider shall file the approved final plat with the Jackson County Recorder of Deeds not more than ninety (90) days after the Chairman of the Jackson County Board has affixed his signature thereto. The developer shall give one copy of the final plat to the Administrative Officer bearing the official stamp of the Jackson County Recorder attesting its recording within twenty (20) days of such action.

308.3 Approval: It shall be unlawful for the County Recorder of Jackson County to accept for recording any plat of a subdivision within the unincorporated area of Jackson County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat or as otherwise provided herein.

308.4 Public Improvements: The County Board shall not permit any public improvements under its jurisdiction to be constructed or maintained within the area that has been subdivided after the adoption of this ordinance unless such subdivision has been approved in accordance with the requirements contained herein.

## **Section 309.0 FEES**

All fees collected by the County Clerk for the Administrative Officer, shall be deposited in the general corporate fund of Jackson County. The following fees shall apply:

- a) The review fee for the preliminary plat shall be Twenty Dollars (\$20.00) plus two Dollars (\$2.00) per lot or dwelling unit, whichever is greater. The fee shall be collected

by the County Clerk prior to initiation of review process. The County Clerk shall notify the Administrative Officer that said fee has been collected.

b) All public improvements proposed to be made under the provisions of this ordinance may be inspected during the course of construction by the county's duly designated representatives. The fees connected with such inspections and in reviewing improvement plans and specifications shall be paid by the developer. The fee shall be one percent (1%) of the total estimated cost of all public improvements or as determined by the Jackson County Board.

c) The above fees do not cover fees which maybe assessed by soil districts, public health, planning commission or other state or local agencies.

## **ARTICLE IV**

### **MINIMUM STANDARDS OF DESIGN**

#### **Section 400.00 GENERAL STATEMENT**

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the following minimum standards of design.

400.1 Best Use: The County Board, in their review of the preliminary plat, will take into consideration the requirements of the county and the best use of the land being subdivided.

#### **Section 401.0 STREET DESIGN**

The arrangement, character, extent, width and location of all streets shall be considered in their relation to the following factors: existing and planned streets, reasonable circulation of traffic, topographic conditions, runoff of storm water, public convenience and safety, and their appropriate relation to the proposed uses of the land to be served by such streets. Whenever-possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. In no case shall access be denied to any parcel or part of a parcel of land by the subdividing of land. Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting. No strip area shall be reserved along any portion of a street, half-street or alley which would prevent adjacent property owner's access thereto. However, wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted if deemed necessary by the Administrative Officer.

401.1 Street Access:

- a) Frequency of street access:
  - i) All subdivision streets onto an existing township road, county road or state highway:
    - (201 to 750 ADT) shall not be closer than three hundred (300) feet.
    - (751 ADT and more) shall not be closer than one eight (1/8) mile (660 feet).
  - ii) All lots with private entrances immediately adjacent to any township road, county road or state highway:
    - (200 ADT or less) must have at least one hundred (100) feet of road frontage,
    - (201 to 750 ADT) must have at least three hundred (300) feet of road frontage,
    - (751 ADT and more) must have at least one eight (1/8) mile (660 feet) of road frontage, along said township road, county road, or state highway.
- b) If any tract of land proposed to be subdivided (or any part thereof) lies adjacent to any public highway, and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the subdivider shall be required to obtain and submit to the Administrative Officer a written permit from the appropriate highway authority (County Engineer regarding County Highways, Township Highway Commissioner regarding Road District Roads, appropriate State or Federal authority regarding State or Federal Highways) granting him permission to construct such access way in advance.
- c) Whenever the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation (or I.D.O.T.) or of the County of Jackson, the Administrative Officer, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way of not less than sixty (60) feet, which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the Administrative Officer and the Illinois Department of Transportation.

401.2 Street Requirements: Unless otherwise specifically mentioned the minimum specifications contained in this Ordinance are applicable to residential Local Access Streets. A Land Access Street is a street providing access to abutting properties having a relatively short travel distance, serving limited (Post Development ADT less than or equal to 400) amounts of residential traffic, and having low travel speeds. Land Access Streets conduct traffic to and from dwelling units within a subdivision to other streets. (Post Development ADT = Present ADT + 10 x (number of proposed dwelling units)) All other streets should be designed in accordance with Illinois Department of Transportation design policies based upon detailed traffic analysis. But, in no case, shall the specifications be less than those contained in this ordinance. The dimensions as shown in Table 401-1 are the minimum requirements provided under the terms of this ordinance; however, the Administrative Officer may increase any of these because of limitations imposed by topography and/or other physical factors and specific design requirements. The reference numbers provided for each item in the Table 401-1 refer to the appropriate sections in the text.

- a) Terrain Classification Definitions:
  - i. Level – grade of 0% to 8%.
  - ii. Rolling – grade of 8.1% to 15%.

iii. Hilly – grade of over 15%.

b) Development Density:

- i. Low - 2 or fewer dwelling units per gross acre.
- ii. Medium – 2.1 to 6.0 dwelling units per gross acre.
- iii. High – more than 6 dwelling units per gross acre.

c) Right-of-Way Width: The dimensions as shown in Table 401-1 are the minimum Right-of-Way width requirements provided under the terms of this ordinance. However, the Administrative Officer may increase Right-of-Way width because of limitations imposed by topography and/or other physical factors and specific design requirements.

Wherever any highway, under the jurisdiction of any State or Federal Agency traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width from the centerline of such highway as approved by the appropriate State or Federal highway authority.

Wherever any highway, under the jurisdiction the County of Jackson or under the jurisdiction of a public Road District, traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a minimum width from the centerline of such highway as hereby set forth:

<u>Post Development ADT</u>	<u>R.O.W. width from Center Line</u>
$\leq 400$	25 feet
401 -1000	30 feet
$> 1000$	40 feet

\*Post Development ADT = Present ADT + (10 x (number of proposed dwelling units))

d) Pavement Width: The dimensions as shown in Table 401-1 are the minimum pavement width requirements provided under the terms of this ordinance; however, the Administrative Officer may increase street pavement width because of limitations imposed by topography and/or other physical factors and specific design requirements.

e) Alleys: Alleys shall be avoided in low and medium density residential subdivisions except as required by Article IV Section 401.0. Alleys however, may be required in high density residential subdivisions and commercial and industrial districts unless other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent and adequate for the use proposed.

Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead end, or where such dead end alleys provide the only access to off-street parking or loading spaces.

Alleys, where provided, shall meet the same minimum requirements as Local Streets except alleys may have a right-of-way of not less than forty (40) feet, and a minimum

pavement width of eighteen (18) feet.

f) Off-Street Parking: The pavement widths shown in Table 401-1 are the minimum widths provided that sufficient off-street parking is provided. Sufficient off-street parking shall be considered as 2 parking spaces per dwelling unit for duplexes and one bedroom apartments. Single family homes and duplexes and apartments with two or more bedrooms shall provide a minimum of 3 parking spaces per dwelling unit.

g) Streets shall intersect, as nearly as possible, at right angles.

h) Curb Radii at intersections: Where required (See Table 401-1) Local Street curb intersections shall be rounded by radii of at least fifteen (15) feet; intersections involving non-residential streets shall have radii of not less than thirty (30) feet.

i) Street jogs at intersections with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.

j) Land Access Streets shall be designed so as to discourage through traffic.

k) For maximum grades see Table 401-1. For adequate drainage, the minimum grade of any curbed street shall not be less than one-half ( $\frac{1}{2}$ ) of one (1) percent, as shown by profile.

l) No street shall be approved which will be subject to frequent inundation or flooding.

m) Intersection of more than two (2) streets at one (1) point shall be prohibited.

n) Wherever the Illinois Department of Transportation or the County of Jackson or a township road district has designated the relocation and/or the construction of a new highway or whenever a municipality has duly recorded with the county a comprehensive plan and/or adopted an official map defining the location of streets, the subdivider shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments and widths as prescribed by the appropriate jurisdictional agency.

401.3 Private Streets: Private roads and streets shall be permitted only when the subdivider submits sufficient evidence to the County Board that there can be no public interest in such private road or street.

a) The deed to each of said lots must clearly show that said private streets are not dedicated to the public but shall remain private, to be maintained by the adjoining lot owners.

b) Private road and street design shall conform to the requirements of Table 401.1, except the "Surface Type and Thickness" requirement shall be waived.

c) When such a private street is provided, the location and width must be shown on the plat.

TABLE 401-1  
MINIMUM RESIDENTIAL LAND ACCESS STREET REQUIREMENTS

Ordinance Section	Terrain Classification	Level						Rolling			Hilly		
		Low	Medium	High									
401.2 a	Development Density	50	60	60	50	60	60	50	60	60	50	60	60
401.2 b	Right-of-Way (feet)	20	28	30	20	28	30	20	28	30	20	28	30
401.2 c	Pavement Width (feet)	8"	8"	8"	8"	8"	8"	8"	8"	8"	8"	8"	8"
401.2 d,f	Base Course Thickness (inches)	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.
502.0 b	Surface Type and Thickness	A-3	A-3	3" Bit.	A-3	A-3	3" Bit.	A-3	A-3	A-3	A-3	A-3	A-3
Table only	Shoulder Width (feet)	2	4	---	2	4	---	2	4	---	2	4	---
Table only	Shoulder Type	earth	earth	---									
502.0 c	*Curb & Gutter Required	no	no	yes									
Table only	Sidewalk width (feet)	---	5	5	---	5	5	5	5	5	5	5	5
Table only	Sidewalk distance from Curb Face (feet)	---	5	5	---	5	5	5	5	5	5	5	5
Table only	***Stopping Sight Distance (feet)	200	200	200	155	155	155	155	155	155	125	125	125
Table only	Roadway Crown (%)	1.5-3	1.5-3	1-2	1.5-3	1.5-3	1-2	1.5-3	1.5-3	1.5-3	1.5-3	1.5-3	1-2
401.2 k	**Maximum Grades (%)	4	4	4	8	8	8	15	12	15	12	12	8
Table only	***Maximum Cul-de-Sac Length (feet)	1500	1000	700	1500	1000	700	1500	1000	700	1500	1000	700
Table only	Cul-de-Sac Surface Radius (feet)	50	50	50	50	50	50	50	50	50	50	50	50
Table only	Cul-de-Sac R.O.W. Radius (feet)	60	60	60	60	60	60	60	60	60	60	60	60
401.2e	Alley Policy and Width	See Discussion											
Table only	***Design Speed (mph)	30	30	30	25	25	25	20	20	20	20	20	20
Table only	***Minimum Horizontal Curve Radius(feet)	300	300	300	180	180	180	100	100	100	100	100	100
Table only	***Tangent between reverse curves	50	50	50	50	50	50	50	50	50	50	50	50
401.2 f	Off Street Parking	See Discussion											
401.3	Private Streets	See Discussion											

\* Where no curb and gutter is provided; roadside ditches with minimum 18" depth, V-bottom and 3:1 front and back slopes shall be provided.

\*\* Length of maximum grade sections to be limited to 300 feet.

\*\*\* Recommended

d) No additional subdivision may be developed using such a private street as a means of access to a public road or street.

e) The plat must contain a properly executed certificate by the subdivided containing the following:

---

#### Sample Certificate

I, \_\_\_\_\_ owner of tract \_\_\_\_\_ and the private road or street shown on the plat hereon do hereby declare that said private road or street is not dedicated to the public but shall remain private, to be maintained by and for the adjoining lot owners until such time that said street(s) are accepted for dedication by the appropriate township or Jackson County, Illinois.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

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#### Section 402.0 EASEMENTS

Easements of not less than seven and one-half (7 ½) feet in width shall be provided on each side of all rear lot lines, and alongside water, sewer and/or other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary of the extensions of main sewers or other utilities or where both water and sewer lines are located in the same easements.

a) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be as approved by the Administrative Officer.

b) No tree, shrub, or building shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any street, except at the owner's risk as to all costs for demolition, removal or reconstruction, and the beneficiaries of the easement rights may have free access to and use of the easements at any time.

c) Adequate private easements may be utilized for access and utilities to an individual subdivided parcel. If a variance is requested to allow more than one parcel to use a private easement for access, then a recorded road maintenance agreement in form suitable to the County Board must be signed by the easement grantor and grantee. No additional subdivision may be developed using such easement as a means of access to any public road or street.

## **Section 403.0 LOTS**

Lot area and dimensions shall conform to the requirements of the applicable district of any county zoning ordinance in effect.

- a) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography, land stability, and the character of surrounding development.
- b) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines except where a vacation of this rule will provide a better street and lot design.
- c) All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land.
- d) Lots serviced by private sewage disposal systems shall meet the requirements of Section 508.2. Lots serviced by public or community sewage disposal systems and public water supply shall have an area of not less than twelve thousand (12,000) square feet and a minimum width of one hundred (100) feet at the building line.
- e) Lots with double frontage should be avoided where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building or setback lines on the adjoining streets.
- f) The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.
- g) Lots shall be graded by the developer so as to provide drainage away from building locations with due regard for natural resources.
- h) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will attract, safety and stability to the proposed development.
- i) Lots shall provide for a minimum setback of all structures of twenty-five (25) feet from the lot lines parallel to frontage streets, twenty-five (25) feet from lot lines parallel to side streets, and ten (10) feet from all other property lines, easement lines or alleys.
- j) Lots shall be numbered consecutively throughout all phases of additions of the subdivision.

## **Section 404.0 PUBLIC RESERVATIONS**

Whenever reasonably required, and consistent with the law, and pursuant to this ordinance the County Board may require that specified areas within the proposed subdivision be reserved or dedicated for public purposes.

## **Section 405.0 DRAINAGE**

No plat shall be approved for any subdivision which is subject to flooding unless said plat conforms to the applicable requirements of this ordinance, the County's Floodplain Ordinance and any other State and Federal Regulations. A drainage plan showing profiles and elevations for surface water shall be required.

- a) No plat shall be approved for any subdivision or part thereof which is subject to periodic flooding or which contains inadequate drainage facilities or which makes adequate drainage of the streets impossible. However, if the subdivider agrees in writing to make improvements at his expense which will, in the opinion of the County, make the area safe for human occupancy and use, and further provides adequate drainage for streets, then the preliminary and final plat may be approved.
- b) The drainage code of the Illinois Compiled Statutes shall apply to storm water drainage.
- c) No existing ditch, stream, drain or drainage channel shall be deepened, widened, rerouted or filled without written permission from the Administrative Officer.
- d) Channels shall be designed to insure hydraulic adequacy, capacity, velocity, adequate outlet and minimal channel erosion. Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.
- e) The drainage system, including all inlet boxes, storm sewers and culverts, shall be designed in accordance with "Administrative Policy Manual" of the I.D.O.T. Bureau of Local Roads and Streets. Storm Sewers shall be designed to accommodate a 10-year design storm. Bridges and culverts shall be designed to accommodate a 25-year design storm. No cross-road culvert shall be less than fifteen (15) inches in diameter. No entrance culvert shall be less than twelve (12) inches in diameter.
- f) The volume and rate of storm water runoff leaving the subdivision shall not substantially exceed what occurred under natural, undeveloped conditions. If it appears that, existing or potential, downstream development may be damaged by greater or faster flow, the developer shall be required to install storm water detention facilities in the subdivision. Such facilities shall be designed in accordance with generally accepted engineering practices.
- g) The drainage system shall be installed and operational as quickly as possible during construction.
- h) The natural drainage system shall be used as far as is feasible for the flow of runoff within the subdivision.
- i) Additional requirements: The Jackson County Board shall not approve the final plat unless in addition to the requirements of 306.0 above, the topographical and profile studies to be submitted with the subdivision plat have on their face the certification of a Licensed Professional Engineer, and the owner of the land or his duly authorized attorney. Said certification shall state if effect that to the best of their knowledge and belief:
  - 1. the drainage of surface waters will not be changed by subdivision construction; or
  - 2. if surface drainage will be changed, adequate provision has been made for

collecting such water into designated public areas or approved drains. In addition, certification must be made that such water will not cause damage to adjoining properties because of subdivision construction.

- j) These topographical and profile studies shall not be recorded but shall be filed as a public document.

## ARTICLE V

### MINIMUM STANDARDS OF IMPROVEMENT

#### **Section 500.0 GENERAL STATEMENT**

Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.

No final plat shall be approved for recording unless (1) the improvements required in this Article have been completed and approved prior to such approval, or (2) the subdivider shall file a performance guarantee or bond as provided in Section 514.0.

All new streets shall be dedicated for public use, except as provided in Section 401.3. The developer shall build the street to the applicable standards when the development is 50% complete. Percentage of completion shall be defined as the percentage of lots on which there are structurally completed houses. Responsibility for the maintenance of the street may be turned over to the Township Highway Commissioner, one (1) year after all roadway improvements have been completed and a certificate of completion in accordance with Section 513.1.B. of these regulations has been submitted by a Licensed Professional Engineer.

#### **Section 501.0 REFERENCE MONUMENTS**

Two permanent monuments shall be placed at opposite ends of the Subdivision. The monuments shall be of concrete or an equivalent commercially available metal monument suitable for the application. They shall be a minimum of 4" X 4" square or a minimum diameter of 2.5" with a length of at least 30". A one-half inch diameter ferrous rod shall be cast in the center of the monument with a cap bearing the name and registration number of the surveyor. All lot corners, angle points on a line and the beginning and end of a curve shall be monumented with a rod and attached cap bearing the name and registration number of the surveyor. The rod shall be of ferrous metal and have a minimum diameter of one-half inch and a minimum length of 30".

#### **Section 502.0 STREET IMPROVEMENTS**

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be constructed using materials and methods according to the Standard Specifications for

Road and Bridge Construction adopted by the Department of Transportation of the State of Illinois, as the same are in effect at the time the preliminary plat and plans for such improvement work are submitted for approval, except as otherwise provided herein.

- a) Grading, Excavation and Embankment, Seeding, Erosion and Sediment Control: All new streets shall be graded, drained and surfaced in accordance with the minimum requirements herein set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision. All excavation and embankments shall be constructed in accordance with Sections 202 and 205 of the Standard Specifications for Road and Bridge Construction. Any unpaved areas shall be seeded in accordance with Section 250 of the Standard Specifications for Road and Bridge Construction.  
The Illinois Environmental Protection Agency (IEPA) requires developers to obtain a National Pollution Discharge Elimination System (NPDES) permit for construction activities involving land disturbances of 1 acre or more. Erosion and sediment control shall be installed and maintained in accordance with the requirements of all applicable federal, state, and local laws and regulations. The developer shall assume responsibility for maintaining the roadway, including the seeding, the removal of earth, crushed stone or other debris from the roadway pavement and other drainage facilities until acceptance by the appropriate Township Authorities.
- b) Pavement: The minimum Base Course Thickness, Surface Type and Thickness specified in Table 401-1 are for post development ADT less than or equal to 400. If ADT is expected to be greater than 400, the thickness and type of the base and surface shall be determined in accordance with the Illinois Department of Transportation design policies. The minimum pavement shall consist of a compacted subgrade, aggregate base course Type A, and surface as specified in TABLE 401-1 and described below.
  - i. Subgrade preparation shall be in accordance with Section 301 of the Standard Specifications for Road and Bridge Construction. A sub-base may be required to compensate for poor soil conditions.
  - ii. Aggregate Base Course: All materials and methods associated with this work shall be in accordance with Section 351 of the Standard Specifications for Road and Bridge Construction.
  - iii. Bituminous Surface Treatment Class A-3: All materials and methods associated with this work shall be in accordance with Section 403 of the Standard Specifications for Road and Bridge Construction.
  - iv. Bituminous Concrete shall consist of one lift of Bituminous Concrete Binder Course at least 2" thick and one lift of Bituminous Concrete Surface Course, Class I at least 1" thick. All materials and methods associated with this work shall be in accordance with Section 406 of the Standard

Specifications for Road and Bridge Construction.

v. Portland Cement Concrete Pavement shall be designed in accordance with I.D.O.T. Design Policy. All materials and methods associated with this work shall be in accordance with the applicable sections of the Standard Specifications for Road and Bridge Construction.

- c) Combination, Concrete Curb and Gutter: Combination concrete curb and gutter, where required, shall be constructed in accordance with the Standard Specifications for Road and Bridge Construction and the details shown on I.D.O.T. Highway Standard 606001-02 or its most current revision. The minimum distance from face to face of curbs shall not be less than the pavement width provided in Table 401-1.
- d) Roadside Barrier Systems: Guardrail and terminal end sections shall be provided where warranted according to I.D.O.T. policy. All materials and methods associated with this work shall be in accordance with the applicable sections of the Standard Specifications for Road and Bridge Construction and the details shown on I.D.O.T. Highway Standards.

**Section 503.0 STORM SEWERS AND OTHER DRAINAGE APPURTENANCES**

Storm sewers may be required if necessary to provide adequate drainage along any street. Such storm sewers, manholes, catch basins, inlets and outlets shall be constructed with materials and methods in accordance with the applicable sections of the Standard Specifications for Road and Bridge Construction and the details shown on I.D.O.T. Highway Standards. The flow line of any storm sewer shall have a fall of at least  $\frac{1}{2}$  foot per one hundred (100) lineal feet. The materials and installation shall be subject to the approval of the Administrative Officer and the Township Highway Commissioner.

The storm water drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with the drainage laws of the State of Illinois. The plans and specifications for the disposing of storm water shall be approved by the Administrative Officer.

**Section 504.0 PIPE CULVERTS**

All cross-road culverts and entrance culverts shall be constructed with materials and methods in accordance with the applicable sections of the Standard Specifications for Road and Bridge Construction. No cross-road culvert shall be less than fifteen (15) inches in diameter. No entrance culvert shall be less than twelve (12) inches in diameter.

The materials and installation shall be subject to the approval of the Administrative Officer and the Township Highway Commissioner.

**Section 505.0 ELECTRICAL POWER, TELEPHONE, AND CABLE ANTENNA TELEVISION (CATV)**

Electrical, telephone, and CATV service lines shall be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services within any public right-of-way shall be approved by the Administrative Officer.

## **Section 506.0 PUBLIC UTILITY ENGINEERING REQUIREMENTS**

All proposed water and sanitary sewage facilities shall comply with the minimum requirements and recommendations of the Environmental Protection Agency of the State of Illinois. When a proposed subdivision is reasonably accessible to a public sewage system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewage system and/or water distribution system, when a permit can be secured from the public agency.

506.1 Illinois Environmental Protection Agency: Whenever the subdivider provides a community system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Environmental Protection Agency and shall be approved by said agency and the Administrative Officer. Such community systems are strongly encouraged by the Jackson County Health Department and will be required when discharges from private sewage disposal systems have the potential to endanger public health or when required by State regulations.

506.2 Illinois Department of Public Health: Whenever individual private sewage systems are utilized, the system shall comply with applicable county ordinances or regulations of the Illinois Department of Public Health, whichever is more stringent. Any such individual private sewage system need not be constructed until the principal building or residence is erected on the lot.

## **Section 507.0 SANITARY SEWERS**

Each lot in the subdivision shall be provided at the property line with a connection to the community or public sanitary sewage system, where such system is provided. The construction of the sewage system shall conform to the approved plans and specifications and all work shall be inspected and approved by the Administrative Officer. Sewage collection lines shall not be smaller than eight (8) inches in diameter.

## **Section 508.0 SEWERS, INDIVIDUAL SYSTEMS**

The design of a private sewage disposal system shall take into consideration location with respect to wells or other sources of water supply, topography, existing private sewage disposal systems on adjacent properties, water table, soil characteristics, available area, expected volume of domestic sewage, and shall comply with all applicable County ordinances and regulations as well as those of the Illinois Department of Public Health. Installation of sewage disposal facilities requiring soil absorption systems are prohibited where such systems will not function due to high groundwater, flooding, or unsuitable soil

characteristics.

508.1 Lot Sizes and Density: Individual private sewage systems shall be installed on at least one (1) acre of suitable land and in accordance with all applicable County ordinances and regulations as well as those of the Illinois Department of Public Health and the general mandates set forth in Section 106 of this ordinance.

508.2 Design Standards: The “Private Sewage Disposal Licensing Code” as adopted, amended and enforced by the Jackson County Health Department shall be followed in the design and installation of private sewage disposal systems.

## **Section 509.0 WATER**

Each lot in the subdivision shall be provided at the property line with a connection to the private or public water system, where such system is provided. The construction of the water system shall conform to the plans and specifications as approved by the environmental protection agency and the water district having jurisdiction. All work shall be properly inspected, and a certificate of completion, as required by Section 513.1 of these regulations, shall be submitted by a Licensed Professional Engineer.

## **Section 510.0 FIRE PROTECTION**

When fire protection is provided, the system shall be designed such that fire flows and facilities are in accordance with the requirements of the State Insurance Services Office, and the most recent edition of the 10 State Standard Recommended Standards for Waterworks (available from Health Education Services, P.O. Box 7126, Albany, NY 12224 or at [www.hes.org](http://www.hes.org)), and all other applicable state and local laws, ordinance, and regulations. No fire hydrant shall be placed on a main smaller than six (6) inches in diameter. Hydrants installed shall be of the type approved by the Fire Chief and/or water department superintendent of the district having jurisdiction.

## **Section 511.0 STREET MARKERS AND TRAFFIC SIGNS**

A street marker shall be placed at each intersection designating the names of the streets entering said intersection. Said names and house numbering system shall meet the approval of the Emergency Telephone System Board. Signs shall be installed and paid for by the developer and shall meet all requirements of the Manual on Uniform Traffic Control Devices (MUTCD), the Township Road Commissioner and the Emergency Telephone System Board.

## **Section 512.0 PROVISIONS FOR MAINTENANCE AND OPERATION**

When a subdivision contains sewers, sewage treatment plants, water supply systems, park area, or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health and the

Commerce Commission of the State of Illinois and the Environmental Protection Agency, where applicable.

## **Section 513.0 PERFORMANCE GUARANTEE, BOND, OR ESCROW AGREEMENT**

Final plats shall be neither approved by the County Board nor recorded by the County Clerk unless the applicable following conditions are met:

- 1) The improvements intended to be reserved or dedicated for public purposes have been completed, inspected, and accepted prior to such approval; or
- 2) A performance guarantee or bond shall be posted by the applicant with the County Clerk before construction of the improvements is started. Such performance guarantee or bond shall be in an amount determined necessary to conform to the standards of this ordinance. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the county, other public body or approved private legal entity shall be within two years of the date of approval of the final plat, unless such time is extended by written agreement between the applicant and the County Board. If such improvements are not satisfactorily installed within the time period specified or required, then such guarantee or bond shall be forfeited by the applicant, and the surety shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein; or
- 3) An escrow agreement shall provide that there shall be deposited with the county to be held in a special escrow account by the County Treasurer or agreed upon financial institution:

A cash amount which shall be not less than the amount specified in subparagraph (4); or An irrevocable letter of credit or commitment from a lending institution to the county guaranteeing to the county the availability, from time to time upon demand, of a sum which shall be not less than the amount specified in subparagraph (4); or Certificates of deposits, treasury bills or other readily negotiable instruments, the type of which has been approved by the County Treasurer, endorsed to the county and the cash value of which shall be in an amount not less than the amount specified in subparagraph (4); or This amount shall be specified by the Administrative Officer in his estimate of the cost of improvements as reflected by the approved improvement plans and such inspection fees as are required.

### **513.1 Release:**

- A. The bond shall remain in effect or the escrowed sum shall be held in the escrow account until such time when the administrative officer is satisfied that all improvements have been completed in a satisfactory manner, and the Certificate of Completion, as required in these regulations, has been submitted by a Licensed Professional Engineer. The administrative officer shall then notify the County Clerk in writing that written authorization may be given to the County Treasurer to release the surety from the obligation of the bond or the County Treasurer from his obligation to retain the escrowed sum in the escrowed account.

Whenever improvements are to be dedicated to another authority, school district, road district, park or other government, such improvements shall be accepted or approved before release is granted.

B. Certificate of Completion: Upon the completion of the public improvements, one copy of the improvement plans shall be filed with the County Engineer accompanied by a Licensed Professional Engineer's Certificate which states that the improvements have been constructed in accordance with the plans and specifications as set forth herein.

513.2 Terms: The term of the performance bond or the escrow agreement shall not exceed two (2) years in duration subject to the following:

A. If at the end of the two (2) year period, all the improvements reflected by the approved improvement plan(s) have not been completed, the County Board may extend the terms of the performance bond or the escrow agreement for a period not to exceed one (1) additional year at each extension if, after review, such longer period is necessary to facilitate adequate and coordinated provisions for transportation water, sewage, schools, parks, playgrounds, or other public requirements. If said improvements have not been completed at the end of the two (2) year period or as extended, the Administrative Officer may recommend that the County Board:

1. Require the surety to perform on the bond and pay to the county such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not theretofore released; or
2. Require the escrow agent to remit to the county in cash or negotiable instruments constituting escrow sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the developer; or
3. Require the developer to submit a new performance bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.
4. b) If the surety fails to perform on the bond within thirty (30) days after written request, the County Board shall direct the State's Attorney to take immediate action to require performance by the surety under the bond to secure the amount required.

513.3 Eligible Surety: To be eligible, all sureties shall be approved by the County Treasurer. All sureties shall be subject to spot audits by the county under the supervision of the County Treasurer. If the surety fails to comply with any of the provisions of the performance bond, the surety shall not thereafter be allowed to act surety for any subdivision improvement within the jurisdiction of the county for period of two (2) years.

## **ARTICLE VI**

### **VARIANCES**

## Section 600.0 ~~LAND USE REAL PROPERTY~~ COMMITTEE

All requests for variances shall be heard by the ~~Land Use Real Property~~ Committee.

The meetings of the ~~Land Use Real Property~~ Committee shall be held at the call of the chairman or at such other times as the ~~Land Use Real Property~~ Committee in its rules of procedure may specify.

## Section 601.0 CONDITIONS OF VARIANCE

The ~~Land UseReal Property~~ Committee may grant a variance from the provisions of Article IV of this ordinance except Section 404.0 of said Article provided. In each case, the following conditions are met:

- a) Any variance or exception shall comply which would alleviate the hardship.

## Section 602.0 VARIATION PROCEDURE

The following procedures shall be utilized to process a variance:

- a. The subdivider shall apply writing for such a variance or exception upon filing the preliminary plat with the Administrative Officer.
- b. The Administrative Officer shall notify the chairman of the ~~Land Use-Real Property~~ Committee, within five county working days of receipt of request for variance, in order to set a meeting date, and shall submit the plat and variance request along with his written opinion to said ~~Land Use-Real Property~~ Committee.
- c. The ~~Land Use-Real Property~~ Committee shall meet and make its decision within thirty (30) calendar days from the date of notification by the Administrative Officer. All meetings shall be open to the public and the ~~Land Use-Real Property~~ Committee may invite expert testimony, as the case may be.
- d. Any variance granted shall be in writing and clearly state all conditions requiring the variance and shall set forth the exact terms of the variance; a copy of which shall be attached to the preliminary and final plats and subject to final approval or disapproval by the ~~Land Use-Real Property~~ Committee and, subsequently, by the County Board.

## ARTICLE VII

### MISCELLANEOUS

#### Section 700.0

This ordinance may be amended, supplemented or repealed by a majority vote of the Jackson County Board.

## **Section 701.0 JUDICIAL REMEDY BY A LOCAL COURT**

Any person or persons, jointly or severally, aggrieved by any decision of the Jackson County Board or any officer, bureau, department or agency of the governing body may apply to the local court of record for judicial relief within thirty (30) calendar days after rendition of the decision by the Jackson County Board.

## **Section 702.0 VALIDITY**

If any section, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portion of this ordinance.

## **Section 703.0 REPEAL OF CONFLICTING REGULATIONS**

The Jackson County Subdivision Ordinance adopted on or about August 11, 1982 and all its subsequent amendments are hereby repealed. The terms and conditions under which preliminary and final plats were approved prior to the adoption of this present ordinance shall be binding and in effect. The rights and privileges conferred upon the subdivider in Section 301.4 of ARTICLE III herein shall be applicable.

### **Section 704.0 PENALTIES**

It shall be unlawful for any person to sell, or offer for sale, lease, or offer for lease, while this ordinance is in effect, any lot or block(s) within the jurisdiction of the County, or any re-subdivision of any lot or block(s) thereon, before the requirements of this ordinance have been met.

It shall be the duty of the Administrative Officer to bring to the attention of State's Attorney of Jackson County any violations or lack of compliance.

**FINES:** Any person who has been found to sell or offer for sale, lease or offer for lease, while this ordinance is in effect, any lot or block(s), within the area of jurisdiction of the county, or any re-subdivision of any block(s) or lot therein, before all of the requirements of this ordinance have been complied with, shall be guilty of a petty offense and be fined not less than Five Hundred Dollars (\$500.00) for each lot, block or part thereof so sold, offered for sale, leased or offered for lease, plus the costs of the action. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violations. Nothing stated in this Section shall prevent the County from taking any other or additional legal measures and remedies to prevent or to punish violations of this ordinance.

## **Section 705.0 PLAT VACATION**

Any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument to which a copy of the plat is attached, declaring it to be vacated. If there are public service facilities in the highways, streets, alleys and other public

ways and in easements shown on said plat, the instrument shall reserve to the public body or public utility owning such facilities, the property, rights-of-way and easements necessary for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction of the same.

705.1 Submittal Documents: The written vacation instrument shall be accompanied by the following plats and plans:

- a) Two (2) copies of the plat of subdivision, on which there shall be shown the part thereof, or street, alley, easement, or part thereof to be vacated.
- b) A certificate signed by the County Clerk of Jackson County certifying that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the property to be vacated.
- c) When lots have been sold, the written vacation instrument shall be signed by all of the owners of lots in the plat.
  - a. Approval Required: The vacation request must be approved by the appropriate following person(s) or agency(s):
    - i. Jackson County Board;
    - b. Township Highway Commissioner having jurisdiction;
    - c. Jackson County Engineer;
    - d. District Engineer of the Illinois Department of Transportation

#### **Section 706.0 EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately after its passage.

2015 - 6  
AN ORDINANCE FOR THE ESTABLISHMENT  
OF AN ALTERED SPEED ZONE

**IT IS HEREBY DECLARED** by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Levan and Ora Townships have maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

**BE IT FURTHER DECLARED** that this Board has caused to be made an engineering and traffic investigation upon the highway listed below; and,

**BE IT FURTHER DECLARED** that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper maximum speed limit on Marlboro Road as listed below shall be 45 m.p.h.

A 45 mile per hour speed limit beginning at Ava Road and extending northerly to Illinois Route 4 for a distance of approximately 4.1 miles.

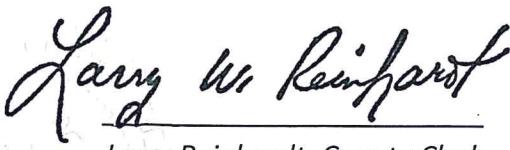
**BE IT FURTHER DECLARED** that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Manual on Uniform Traffic Control Devices.

**BE IT FURTHER DECLARED** that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limit.

\*\*\*

*I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on December 15, 2015.*

**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this**  
**15<sup>th</sup> day of December, 2015**



*Larry Reinhardt, County Clerk*

**SEAL**

JACKSON COUNTY  
DEPARTMENT OF HIGHWAYS

ESTABLISHMENT OF SPEED ZONES

ZONE NO. \_\_\_\_\_

ROUTE TR 120/95 (MARLBORO ROAD)  
TO IL RTE 4  
IN ORA AND LEVAN

I. SPOT SPEED STUDIES (ATTACHED)

DATE	85 <sup>th</sup> %	10 MPH PACE UPPER LIMIT
1	44.5	42.0

FROM AVA ROAD  
A DISTANCE OF 4.1 MILES  
TOWNSHIP(S), JACKSON COUNTY, IL

V. ACCESS CONFLICTS

RESIDENTIAL DRIVES 34 x 1.0 = 34  
SMALL BUSINESS DRIVES 3 x 5.0 = 15  
LARGE BUSINESS DRIVES \_\_\_\_\_ x 10.0 = \_\_\_\_\_  
ACCESS CONFLICT NUMBER TOTAL 49  
49 (A.C.N.) = 12 A.C.N.  
4.1 MILES = MILE

VI. MISCL. FACTORS

PEDESTRIAN VOLUME \_\_\_\_\_

ACCIDENT RATE RATIO: #/MILLION VEHICLE MILES

STATEWIDE AVG. = 0.897

ROUTE = \_\_\_\_\_

PARKING PERMITTED  YES  NO

VII. PREVAILING SPEED ADJUSTMENT

DRIVEWAY ADJUSTMENT 0 %

PEDESTRIAN ADJUSTMENT 0 %

ACCIDENT ADJUSTMENT 0 %

PARKING ADJUSTMENT 0 %

TOTAL (MAX 20%) 0 %

44 MPH - % 44  
PREVAILING SPEED X ADJUSTMENT = (Max. 9 MPH)

ADJUSTED PREVAILING SPEED: 44 MPH

VIII. REVISED SPEED LIMIT

RECOMMEND SPEED LIMIT 45 MPH

RECOMMENDED BY: GRANT C. GUTHMAN

ZONE BEING STUDIED \_\_\_\_\_ MPH  
VIOLATION RATE \_\_\_\_\_ %  
ADJACENT ZONES N. OR W. \_\_\_\_\_ MPH  
LENGTH \_\_\_\_\_ MILES  
S. OR E. \_\_\_\_\_ MPH  
LENGTH \_\_\_\_\_ MILES

STUDY BY JOSHUA J. COX Jackson Co. Dept. of Hwys  
DATE: 11/30/15  
ORDINANCE #: \_\_\_\_\_ DATE PASSED: \_\_\_\_\_

2015 - 7

AN ORDINANCE FOR THE ESTABLISHMENT  
OF AN ALTERED SPEED ZONE

**IT IS HEREBY DECLARED** by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Ora Township has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

**BE IT FURTHER DECLARED** that this Board has caused to be made an engineering and traffic investigation upon the highway listed below; and,

**BE IT FURTHER DECLARED** that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper maximum speed limit on Thompson Road as listed below shall be 25 m.p.h.

A 25 mile per hour speed limit beginning at Marlboro Road and extending northerly for a distance of approximately 0.25 mile.

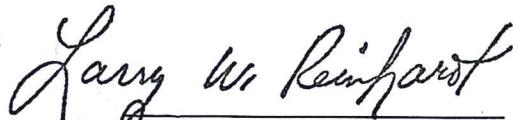
**BE IT FURTHER DECLARED** that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Manual on Uniform Traffic Control Devices.

**BE IT FURTHER DECLARED** that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limit.

\*\*\*

*I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on December 15, 2015.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 15<sup>th</sup> day of December, 2015*

  
Larry Reinhardt, County Clerk

SEAL

JACKSON COUNTY  
DEPARTMENT OF HIGHWAYS

ESTABLISHMENT OF SPEED ZONES

ROUTE TR 120 (THOMPSON ROAD)  
TO 1/4 MILE NORTH  
IN ORA

I. SPOT SPEED STUDIES (ATTACHED)

DATE	85 <sup>th</sup> %	10 MPH PACE UPPER LIMIT
1	28.1	27.6

II. TEST RUNS

RUN NO.	AVERAGE SPEED MPH	DIRECTION NB,SB,EB OR WB
1	22	N/B

III. PREVAILING SPEED

85<sup>th</sup> PERCENTILE AVG. 28.1 MPH  
10 MPH PACE UPPER LIMIT AVG. 27.6 MPH  
TEST RUN AVG. 25 MPH  
PREVAILING SPEED: 26.9 MPH

IV. EXISTING SPEED LIMITS - NONE

ZONE BEING STUDIED	_____	MPH
VIOLATION RATE	_____	%
ADJACENT ZONES N. OR W.	_____	MPH
LENGTH	_____	MILES

S. OR E. \_\_\_\_\_ MPH

LENGTH \_\_\_\_\_ MILES

ZONE NO. \_\_\_\_\_  
FROM MARLBORO ROAD  
A DISTANCE OF 0.25 MILES  
TOWNSHIP(S), JACKSON COUNTY, IL

V. ACCESS CONFLICTS

RESIDENTIAL DRIVES	<u>3</u>	x	1.0	=	<u>3</u>
SMALL BUSINESS DRIVES	<u>1</u>	x	5.0	=	<u>5</u>
LARGE BUSINESS DRIVES	_____	x	10.0	=	_____
ACCESS CONFLICT NUMBER TOTAL					<u>8</u>
8 (A.C.N.)	=	<u>32</u>	A.C.N.		
.25 MILES					MILE

VI. MISCL. FACTORS

PEDESTRIAN VOLUME	_____
ACCIDENT RATE RATIO: #/MILLION VEHICLE MILES	_____
STATEWIDE AVG. =	<u>0.897</u>
ROUTE =	_____
PARKING PERMITTED	<input type="checkbox"/> YES <input type="checkbox"/> NO

VII. PREVAILING SPEED ADJUSTMENT

DRIVEWAY ADJUSTMENT	<u>0</u>	%
PEDESTRIAN ADJUSTMENT	<u>—</u>	%
ACCIDENT ADJUSTMENT	<u>—</u>	%
PARKING ADJUSTMENT	<u>—</u>	%
TOTAL (MAX 20%)	<u>0</u>	%
26.9 MPH	x <u>—</u> %	= <u>26.9</u>
PREVAILING SPEED		(Max. 9 MPH)
ADJUSTED PREVAILING SPEED:	<u>26.9</u>	MPH

VIII. REVISED SPEED LIMIT

RECOMMEND SPEED LIMIT	<u>25</u>	MPH
RECOMMENDED BY:	<u>GRANT C. GUTHMAN</u>	Co. Engr.
STUDY BY:	<u>JOSHUA J. COX</u>	Jackson Co. Dept. of Hwys
DATE:	<u>11/23/15</u>	
ORDINANCE #:		DATE PASSED: