

Jackson County
2017 Ordinances

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JACKSON COUNTY ORDINANCE NO. 2017 - 01

An Ordinance Approving Revisions to the Jackson County Liquor Control Ordinance

WHEREAS, there exists a Jackson County Liquor Control Ordinance – last revised September of 2016- to regulate the sale and consumption of alcoholic liquors in the County; and

WHEREAS, the Jackson County Board desires to amend licensing requirements for beer gardens/outdoor cafes and amend a corporation's licensing requirements.

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 clearly marked draft copy of the Liquor Control Ordinance and is attached and incorporated hereto and identified as 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 Clerk's attestation.

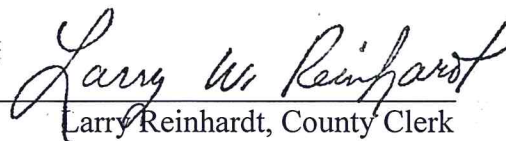
Section 4. The Chairman of the Jackson County Board of Jackson County, Illinois be and is hereby authorized to execute said Ordinance and do any and all things reasonable, necessary and proper to carry out the intent and purposes of the Liquor Control Ordinance.

This Ordinance adopted at a regular meeting of the Jackson County Board of Jackson County, Illinois, on the 17 day of January, 2017.

Approved


John S. Rendleman, Chairman

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, 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.
- W. Bed & Breakfast Establishment - shall mean an operator occupied residence (holding a valid operator's license through the Jackson County Bed and Breakfast

Ordinance) providing accommodations for a charge to the public with no more than five (5) guest rooms for rent.

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. 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 t-e 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.
- L. Class L. Class "L" license shall authorize the retail sale of alcoholic liquors on the premises of any Bed & Breakfast Establishment for consumption only on the licensed premises. Retail sale is only authorized from 8:00 a.m. until noon and from 3:00 p.m. until 11:00 p.m. Retail sale is further limited to registered guests and their invitees, provided the number of guests and invitees does not exceed 10 persons at any one time, or exceed the maximum daily capacity of the establishment's private sewage disposal system or the limits imposed by other applicable codes.

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
Class L \$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. Except as otherwise provided for in this Ordinance, 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 parson.
- 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 license under this Ordinance, other than Class F license holders, 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.


ARTICLE XI

Effective Date

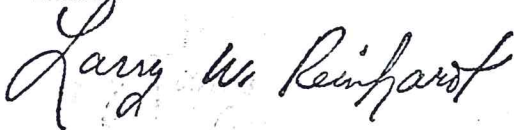
In effect and amended on this 17 day of January, 2017 at a regular meeting of the Jackson County Board.

Adopted by requisite majority of the Jackson County Board members at its regular monthly meeting this 17 day of January, 2017.

By its Chairperson


John S. Rendleman

Attest:



Larry W. Reinhardt
Clerk of the Board

JACKSON COUNTY ORDINANCE NO. 2017-02

**AN ORDINANCE REGULATING
TEMPORARY CAMPGROUNDS**

WHEREAS, the Jackson County Board desires to provide for the health and safety of its residents and visitors and deems it necessary and appropriate to regulate persons or entities that provide entertainment or recreation by accommodating persons in house trailers, recreational vehicles or tents; and

WHEREAS, the Jackson County Board's authority for imposing these measures is found at §5-1059 of the Illinois Counties Code.

THEREFORE, BE IT DECLARED AND ORDAINED AS FOLLOWS:

1. Definitions

The following definitions shall apply:

"County" shall mean the unincorporated areas of Jackson County.

"House Trailer" shall mean and include a trailer coach, house car, or camper.

"Temporary Campground" shall mean and includes in its meaning an area of land set aside for the business of providing entertainment or recreation by accommodating persons in house trailers, recreational vehicles or tents. A tract of land or two or more contiguous tracts of land which provide for permanent habitation for two months or more as a facility for mobile homes shall not be included within such definition for the purposes of this ordinance.

"Tent" shall mean a temporary structure placed and erected for the purpose of accommodating persons for overnight sleeping.

2. It shall be unlawful for any person or business to allow a person or group of persons to occupy, use, rent or lease for monetary gain any area or portion of a Temporary Campground that is located in the County without first registering with the Jackson County Health Department.

3. It is hereby made a duty of the person or business owing or controlling any Temporary Campground to maintain the site in a safe, clean, orderly and sanitary condition at all times and in accordance with the State and local health codes and this ordinance.

4. Every Temporary Campground must meet and maintain the following standards:

a. Potable Water Supply

If potable water is provided at the park, then the provision of potable water in Temporary Campgrounds shall be governed by Sections 800.400, 800.410 and 800.420 of Title 77 of the Illinois Administrative Code.

b. Refuse Containers, Collection and Disposal

Refuse containers shall be made of plastic or metal and have tight fitting lids. They shall be placed within convenient distance to all users. The park shall have a sufficient quantity of sanitary refuse storage capacity on site.

c. Emergency Care

Each Temporary Campground shall have an accessible area designed for emergency medical care and provide at least one sufficiently stocked first aid kit. The nearest hospital location shall be conspicuously posted at the site. Local emergency and park manager telephone numbers shall be conspicuously posted as well.

d. Traffic Safety and Parking

No activity in a Temporary Campground may occur within five feet of any roadway. Off road parking shall be available for all vehicles. No vehicle shall be allowed to park on any public roadway or public easement/right of way.

e. Open Fires

No open fire may be within ten feet of any building, vehicle or tent. Functional and accessible class BC or class ABC fire extinguishers shall also be provided.

f. Toilet and Hand Washing Facilities

Sufficient and sanitary toilet and hand washing facilities shall be provided in accordance with any guidance from the Jackson County Health Department.

g. Sewage Disposal Facilities

Sewage disposal and related facilities shall conform to the Jackson County Private Sewage Disposal System Ordinance; and any guidance on portable sanitation facilities provided by the Jackson County Health Department.

h. Food Service

All food service performed or provided shall conform to the Jackson County Food Service Sanitation Ordinance.

5. Any Temporary Campground, under this ordinance, shall be subject to, at any time, with or without prior notice, inspection by the county health department officials and law enforcement officials.

6. The annual registration fee shall be \$20.00; and payable to the Jackson County Health Department at the time of registration. The registration year shall run from March 1 through February of the following year. The registration shall not be prorated.

7. Registration shall be waived in the case of all publicly-owned recreational park facilities.

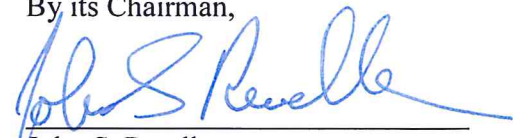
8. This ordinance shall not apply to anyone or any entity required to have a permit issued by the State of Illinois under the authority of the Illinois Campground Licensing and Recreational Area Act.

9. The State's Attorney's Office may by complaint filed in Jackson County Circuit Court pursue violations of the ordinance. Anyone or any entity determined to be in violation of any part of this ordinance shall be subject to a civil fine not to exceed \$1000. Each day shall be considered a separate offense. In lieu of the civil fines, or in combination with the fines, injunctive relief may be sought.

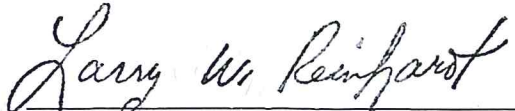
10. This ordinance shall become effective upon its adoption by the County Board.

ADOPTED THIS 21 DAY OF February, 2017.
BY THE JACKSON COUNTY BOARD AT ITS REGULAR BOARD MEETING.

By its Chairman,


John S. Rendleman

ATTEST:


Larry W. Reinhardt, County Clerk

SEAL

JACKSON COUNTY ORDINANCE NO. 2017 - 03

An Ordinance Approving Revisions to the Jackson County Liquor Control Ordinance

WHEREAS, there exists a Jackson County Liquor Control Ordinance – last revised January of 2017- to regulate the sale and consumption of alcoholic liquors in the County; and

WHEREAS, the Jackson County Board desires to amend licensing requirements for “Class L” license holders.

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 clearly marked draft copy of the Liquor Control Ordinance and is attached and incorporated hereto and identified as 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 Clerk’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 regular meeting of the Jackson County Board of Jackson County, Illinois, on the 18 day of April, 2017.

Approved


John S. Rendleman, Chairman

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, 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.
- W. Bed & Breakfast Establishment - shall mean an operator occupied residence (holding a valid operator's license through the Jackson County Bed and Breakfast

Ordinance) providing accommodations for a charge to the public with no more than five (5) guest rooms for rent.

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. 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 t-e 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.
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General Business Liability:	In an amount of at least \$100,000 per occurrence.
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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.
- L. Class L. Class "L" license shall authorize the retail sale of alcoholic liquors on the premises of any Bed & Breakfast Establishment for consumption only on the licensed premises. Retail sale is only authorized from 8:00 a.m. until noon and from 3:00 p.m. until 11:00 p.m. Retail sale is further limited to registered guests and their invitees, provided the number of invitees does not exceed 10 persons at any one time and the number of guests and invitees does not exceed the limits imposed by other applicable codes.

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

Class L \$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. Except as otherwise provided for in this Ordinance, 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 parson.
- 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 license under this Ordinance, other than Class F license holders, 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.

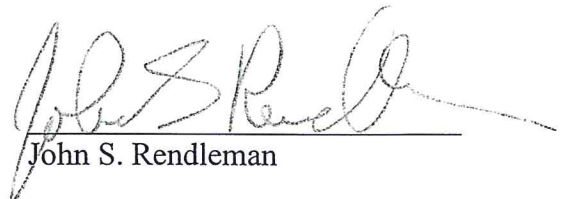
ARTICLE XI

Effective Date

In effect and amended on this 18 day of April, 2017 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 18 day of April, 2017.

By its Chairperson


John S. Rendleman

Attest:



Larry W. Reinhardt
Clerk of the Board

**ORDINANCE 2017-04 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 Jackson County 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 upon a section of Giant City Road (CH 12, FAS 919) as listed below shall be 35 m.p.h.

A 35 mile per hour speed limit beginning at South Church Road and extending northerly for a distance of approximately 0.90 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 May 23, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 23rd^h day of May, 2017



Larry Reinhardt, County Clerk

SEAL

ORDINANCE 2017-05

AN ORDINANCE ESTABLISHING A SYSTEM FOR THE LICENSING OF ORGANIZATIONS TO OPERATE

RAFFLES AND POKER RUNS IN THE COUNTY OF JACKSON, ILLINOIS

WHEREAS, the County Board has determined that it is in the best interest of the welfare and safety of its citizens that the conduct or operation of raffles and poker runs within the County be licensed and regulated; and

WHEREAS, Illinois "Raffles and Poker Runs Act", 230 ILCS 15/0.01 *et seq.* (2014) authorizes the governing body of any county within the State of Illinois to establish a system of licensing of raffles and poker runs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, NOW IN REGULAR SESSION, THAT THE FOLLOWING ORDINANCE TO LICENSE AND REGULATE RAFFLES AND POKER RUNS BE AND HEREBY IS ADOPTED:

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

Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable organization: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational organization: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal organization: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Hardship: A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be organized for the sole purpose of providing

financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

Key location: The location where the poker run concludes and the prize or prizes are awarded.

Labor organization: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Licensee: An organization which has been issue a license to operate a raffle.

Net Proceeds: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

Non-profit: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

Poker run: An event organized by an organization licensed under this chapter in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

Raffle: A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

(1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;

(2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Religious organization: Any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans' organization: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

SECTION II: Requirement of License.

1. It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act".
2. It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act".

SECTION III: Application for a License for a Raffle

1. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the Jackson County Board Office on the forms provided by the County Board Office.
2. Applications for licenses under this Section must contain the following information:
 - (a) The name and address of the applicant organization;
 - (b) The type of organization that is conducting the raffle, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other;
 - (c) The length of existence of the organization and, if incorporated, the date and state of incorporation;
 - (d) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
 - (e) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
 - (f) The maximum retail value of each prize awarded by a licensee in a single raffle;
 - (g) The maximum price which may be charged for each raffle chance issued or sold;
 - (h) The maximum number of days during which chances may be issued or sold;
 - (i) The area in which raffle chances will be sold or issued;
 - (j) The time period during which raffle chances will be sold or issued;
 - (k) The date, time, and name and address of the location or locations at which winning chances will be determined;

(l) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and

(m) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

3. An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable \$5.00 filing fee. Such fee shall be paid by cash or cashier's check. The County Board Office shall refer the application to the Jackson County Liquor Commissioner or his or her designee.

4. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall be \$500,000. The maximum retail value of each prize awarded by a licensee in a single raffle shall be \$500,000. The maximum price which may be charged for each raffle chance issued or sold shall be \$100. The maximum number of days during which chances may be issued or sold shall be until the prize is awarded.

SECTION IV: Application for a License for a Poker Run

1. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the Jackson County Board on the forms provided by the County Board Office.

2. Applications for licenses under this Section must contain the following information:

(a) The name and address of the applicant organization;

(b) The type of organization that is conducting the raffle or poker run, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other;

(c) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(d) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle or poker run;

(e) The name, address, and telephone number of all locations at which the poker run will be conducted;

(f) The time period during which the poker run will be conducted;

(g) The time of determination of winning chances and the location or locations at which the winning chances will be determined;

(h) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and

(i) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

3. An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable \$25 filing fee. Such fee shall be paid by cash or cashier's check. The County Board Office shall refer the application to the Jackson County Liquor Commissioner or his or her designee.

SECTION V: Licensee Qualifications.

1. Raffle licenses and poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the Jackson County Liquor Commissioner or his or her designee determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The Jackson County Liquor Commissioner or his or her designee may waive the 5-year requirement under this subsection for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement. The following are ineligible for any raffle or poker run license:

(a) Any person who has been convicted of a felony;

(b) Any person who is or has been a professional gambler or gambling promoter;

(c) Any person who is not of good moral character;

(d) Any organization in which a person defined in subsection (1), (2), or (3) of this section has a proprietary, equitable, or credit interest or in which such person is active or employed;

(e) Any organization in which a person defined in subsection (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; and

(f) Any organization in which a person defined in subsection (1), (2), or (3) of this section is to participate in the management or operation of a poker run as defined in this section.

SECTION VI: License Issuance.

1. The Jackson County Liquor Commissioner or his or her designee shall review all raffle license applications and all poker run license applications. The Jackson County Liquor Commissioner or his or her designee, within thirty (30) days from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Jackson County Liquor Commissioner or his or her designee will issue a raffle license and/or poker run license in accordance with the provisions of this Ordinance.
2. A raffle license or poker run license shall specify:
 - (a) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
 - (b) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
 - (c) The time of determination of winning chances and the location or locations at which the winning chances will be determined.
3. Any license issued under this Ordinance shall be non-transferrable.
4. A license shall be valid for one raffle event or one poker run only, unless the Jackson County Liquor Commissioner or his or her designee specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed one year.
5. A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Ordinance or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.
6. Prominent Display of License:
 - (a) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
 - (b) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.
7. Miscellaneous Provision for Poker Run License: Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

SECTION VII: Conduct of Raffles and Poker Runs

1. The operation and conduct of raffles and poker runs are subject to the following restrictions:

(a) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(b) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.

(c) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(d) A licensee may rent premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Ordinance. Premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(e) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

(f) A person under the age of eighteen (18) years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

2. If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

SECTION VIII: Manager-Bond.

1. All operations of and conduct of raffles and poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle or poker run must be a bona fide member of the organization holding the license for such a raffle or poker run and may not receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

2. The manager shall give a fidelity bond in the sum of \$5000.00 conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the County not less than thirty (30) days prior to its cancellation.
3. The Jackson County Liquor Commissioner or his or her designee is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Ordinance, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

SECTION IX: Records.

- (1) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (2) Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.
- (3) Each organization licensed to conduct raffles or poker runs shall report monthly to its membership, and to the County Board of Jackson County, Illinois, its gross receipts, expenses and net proceeds from raffles or poker runs, and the distribution of net proceeds itemized as required by this Section.
- (4) Records required by this Section shall be preserved for three (3) years, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.
- (5) The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, 50 ILCS 205/1 *et seq.*

SECTION X: Limited Construction

Nothing in this Ordinance shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

SECTION XI: Severability

The articles, provisions, and sections of this Ordinance shall be deemed to be separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION XII: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed by the County Board this 18 day of July, 2017.

AYES:

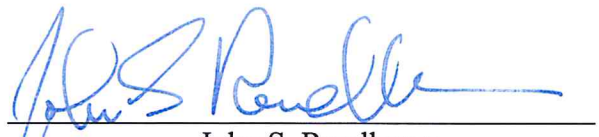
NAYS:

PRESENT:

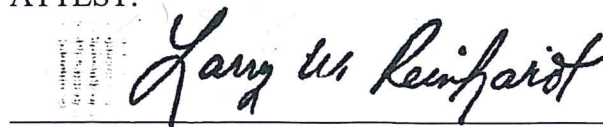
ABSTAIN/ABSENT:


COUNTY CLERK

Passed and Approved this 18 day of July, 2017.


John S. Rendleman
CHAIRMAN, JACKSON COUNTY BOARD

ATTEST:


COUNTY CLERK

Ordinance 2017-06

AN ORDINANCE TO ADD TERRITORY
TO THE JACKSON COUNTY ENTERPRISE ZONE
(JACKSON COUNTY)

WHEREAS, the Jackson County Board established an Enterprise Zone through Ordinance No. 90-2, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act": P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Economic Opportunity, and subject to the provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Jackson, Illinois (hereinafter "County") and the Cities of Carbondale and Murphysboro (hereinafter collectively "Cities"), through which the governments designated certain areas, and any areas subsequently certified from time to time, as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Jackson County – Murphysboro – Carbondale Enterprise Zone; and

WHEREAS, the Jackson County – Murphysboro – Carbondale Enterprise Zone was approved by the Illinois Department of Commerce and Economic Opportunity, effective March 1, 1990; and

WHEREAS, a request has been made to expand the current Enterprise Zone area through the addition of certain parcels of property, pursuant to authority of the Act, and subject to approval by the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, the designating units of government through their designated zone administrator, and pursuant to statute, conducted at least one public hearing within the Enterprise Zone area.

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-42 and B-42 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

AN ORDINANCE TO ADD TERRITORY
TO THE JACKSON COUNTY ENTERPRISE ZONE
PAGE 2

SECTION 4. That it is the intention of the Jackson County Board that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

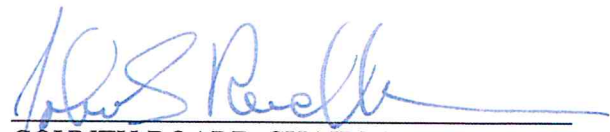
SECTION 5. That the Jackson County Board finds that the subject matter of this Ordinance pertains to the government and affairs of Jackson County and is passed pursuant to authorities granted it by State statute and the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance 2017-XX of Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Economic Opportunity has approved the application for amendment to the Enterprise Zone in Jackson County, Illinois.

PASSED this 18 day of July, 2017

APPROVED this 18 day of July, 2017

JACKSON COUNTY BOARD


COUNTY BOARD CHAIRMAN

ATTESTED:


COUNTY CLERK

LEGAL DESCRIPTION

CONNECTING STRIP

CONNECTING THE PROPOSED DEVELOPMENT WITH THE ENTERPRISE ZONE

DETAILED DESCRIPTION

Commencing at the southwest corner of Lot One of Whipkey's Subdivision of Section 33, Township 8 South, Range 2 West of the Third Prime Meridian, thence easterly 268 feet, more or less, to a point, along the southern line of said lot to the easterly right of way line for North Seventh Street; thence in a northerly direction along the eastern right-of-way line for North Seventh Street, a distance of 16 feet, more or less, to a point; thence westerly a distance of 268 feet, more or less, to a point; thence southerly 16 feet to the place of beginning. This contains only property that is currently platted as right-of-way.

PROPOSED PROPERTY TO BE ADDED TO THE JACKSON
COUNTY ENTERPRISE ZONE

DETAILED DESCRIPTION

Commencing at the southwest corner of Lot One of Whipkey's Subdivision of Section 33, Township 8 South, Range 2 West of the 3rd P. M., thence North 99 feet, more or less, along the West line of said lot to the South line of a Tract of ground conveyed to Jos. J. Connelly May 31, 1932 and recorded in Book 111, at page 273 of Warranty Deeds, thence West 930 feet, more or less, along the South line of said tract to the East line of State Highway #13, thence in a Southerly direction 364 feet, more or less, along the East line of said highway to the North line of a tract of ground conveyed to Edward Wolff and Charlotte Wolff, April 4, 1921, and recorded in Book 91, at page 471 of Warranty Deeds, thence East 1100 feet, more or less, along the North line of said tract to the West line of a tract of land conveyed to Henry Johnson, August 1924, and recorded in Book 90, at page 554 of Quit-Claim Deeds, thence North 265 feet, more or less, along the West line of said tract to the South line of Lot One of Whipkey's Subdivision described above, thence West 143 feet, more or less, along the South line of said lot to the place of beginning, containing 7 acres, more or less, EXCEPT all coal, gas, oil, and other minerals, SUBJECT to existing easements.

Karen Lavender (9.10 Acres)



ORDINANCE NUMBER 2017 - 7

AN ORDINANCE TO REGULATE THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS NEAR THE SOUTHERN ILLINOIS AIRPORT

WHEREAS, there exists the Southern Illinois Airport (hereinafter referred to as the "Airport") located in Jackson County, Illinois, and organized and operated in accordance with the Illinois Airport Authorities Act, 70 ILCS 5/0.01 *et. seq.*; and

WHEREAS, unprecedented advances in Unmanned Aircraft System technology (also known as drones) have empowered realtors, inspectors, hobbyists, biologists and preservationists, farmers and agricultural researchers, photographers and others to document the world around them in ways that oftentimes replace more hazardous operations; and

WHEREAS, a portion of the unincorporated areas of the County falls within a Federal Aviation Administration (hereinafter referred to as the "FAA") established five (5) mile "Class D" airspace of the Southern Illinois Airport radius (hereinafter referred to as the "Airspace Radius"), the fifth busiest airport in the State of Illinois and home of the Southern Illinois University Aviation program; and

WHEREAS, the FAA recognizes the safety concerns of the Airspace Radius as this area consists of the aircraft approaches and take off airways into and from the Southern Illinois Airport; and

WHEREAS, the County recognizes that legitimate concerns raised by drones regarding safety, privacy, nuisance, and trespass, can be addressed largely through existing laws. To further and enhance and ensure, however, the safety of incoming and outgoing air traffic of the Southern Illinois Airport, additional measures are necessary; and

WHEREAS, the difficulty of identifying drone operators raises concerns regarding enforcement of existing laws and connecting Unmanned Aircraft operators to their systems and drones; and

WHEREAS, the FAA has declared that State and local governments have historically been able to regulate the take-offs and landings of aircraft within their boundaries; and

WHEREAS, the County has the power to locate, establish, manage and improve airports and landing fields and approaches and prevent and remove hazards thereto by authority of §§1 and 5 of the General County Airport and Landing Field Act, 620 ILCS 40/0.01 *et. seq.*, and generally declare and abate nuisances in accordance with 720 ILCS 5/47-5; and

WHEREAS, the County hereby declares the operation of any Unmanned Aircraft or Unmanned Aircraft System not in accordance with this Ordinance to be a hazard and a nuisance; and

WHEREAS, Unmanned Aircraft are part of an Unmanned Aircraft System that is operated from land; and

WHEREAS, the FAA's Micro UAS (flight over people) task force has recommended that Unmanned Aircraft operators coordinate with State and local officials; and

WHEREAS, the FAA has declared that, depending on the specific nature of the small Unmanned Aircraft operation, the remote pilot in command may need to comply with State and local trespassing rules; and

WHEREAS, the FAA has declared that "laws traditionally related to State and local police power-including land use, zoning, privacy, trespass, and law enforcement operations-generally are not subject to Federal regulation"; and

WHEREAS, the FAA has declared that the operation of Unmanned Aircraft near or over the perimeter or interior of certain locations may violate State or local trespassing laws; and

WHEREAS, the FAA has declared that they lack the resources and willingness to investigate drone related accidents involving less than \$500 worth of damage or injuries that do not require hospitalization; and

WHEREAS, the National Telecommunications and Information Administration (NTIA) best practices for UAV transparency and accountability recommend drone operators should not operate Unmanned Aircraft operations over or within private property without consent of the property owner or without appropriate legal authority; and

WHEREAS, public safety professionals have expressed significant concerns regarding the risks posed by Unmanned Aircraft to, and the difficult of identifying drone operators who interfere with, public safety operations; and

WHEREAS, other units of local government within the Airspace Radius have adopted similar Ordinances as the present one and may also have to be consulted for the safe and lawful operation of Unmanned Aircraft and Unmanned Aircraft Systems.

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

SECTION 1: PURPOSE

The County encourages the safe and responsible use of Unmanned Aircraft and Unmanned Aircraft Systems. This Ordinance is designed to empower innovation while protecting and promoting the health, safety, and welfare of its citizens.

SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. An "Unmanned Aircraft" and "Unmanned Aircraft Systems" shall mean an aircraft operated without the possibility of direct human intervention from within or on the aircraft. This definition includes devices commonly referred to as drones, remote controlled aircraft, and model aircraft.
- B. "Airspace Radius" shall refer to the unincorporated areas of the county encompassed with the FAA established five (5) mile "Class D" airspace (Map Attached).

SECTION 3: NOTICE OF INTENDED OPERATION

A. To ensure operations are accountable, no Unmanned Aircraft or Unmanned Aircraft Systems weighing more than 250 grams shall take-off from, land upon, or be operated from any land within the boundaries of the Airspace Radius of the Southern Illinois Airport without the operator first notifying the Southern Illinois Airport of the intended operation of the device or system. The Airport may require additional information from the operator at the time of notification to the Airport. Such notification shall, at a minimum, contain the following information:

- 1. The name, address, and telephone number of the person or corporation filing the notice and the telephone number at which the operator can be contacted during the operation;
 - 2. The take-off and landing location of the operation;
 - 3. The expected start and end time of the operation (if the operator intends to take-off and land multiple times in the same location, one notice for multiple operations may suffice, so long as the duration of the combined operations does not exceed 4 hours, after which a new notice must be filed);
 - 4. The purpose of the operation;
 - 5. A statement affirming that the operator has consulted relevant Federal, State and local laws and rules and intends to abide by them;
 - 6. Such other information as the Airport shall deem reasonably necessary to inform it whether the takeoff, landing, or operation will endanger the health, safety, or welfare of persons located within the Airspace Radius, and if such use is inconsistent with this ordinance or any other law.
- B. Once notice has been given, the operation may commence without any need for action or approval by the Airport, so long as such operation is consistent with this Ordinance and all other laws and rules that govern such operation.

SECTION 4: NO RECKLESS OPERATION

No person or entity may operate an Unmanned Aircraft or Unmanned Aircraft System in a reckless manner that may create (a) a substantial risk of serious physical injury to another or (b) a substantial risk of damage to the property of another or (c) in violation of any other federal, State or local law.

SECTION 5 - INVESTIGATION OF VIOLATIONS AND PENALTIES

A person or entity that operates an Unmanned Aircraft or Unmanned Aircraft System without first filing notice with the Airport in accordance with this Ordinance or for violating any other provision of the Ordinance, may be:

1. Punished by a fine, not to exceed \$500; and
2. Subject to injunctive relief.

The Jackson County Sheriff's Office shall investigate any alleged violations of this Ordinance. Violations of this Ordinance 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.

SECTION 6: EXCEPTION REGARDING PUBLIC USE

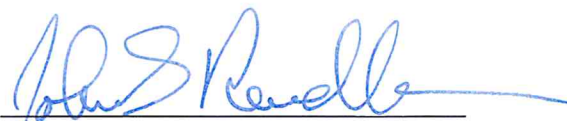
This Ordinance does not apply to an Unmanned Aircraft or Unmanned Aircraft System that is operated by, or on behalf of, the County, or by any other public agency for government related purposes in compliance with all federal laws and regulations and operated in compliance with applicable policies.

SECTION 7: EFFECTIVE IMMEDIATELY

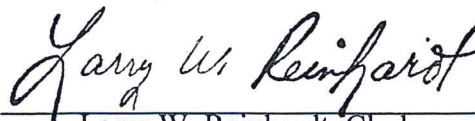
This Ordinance is effective immediately upon its adoption.

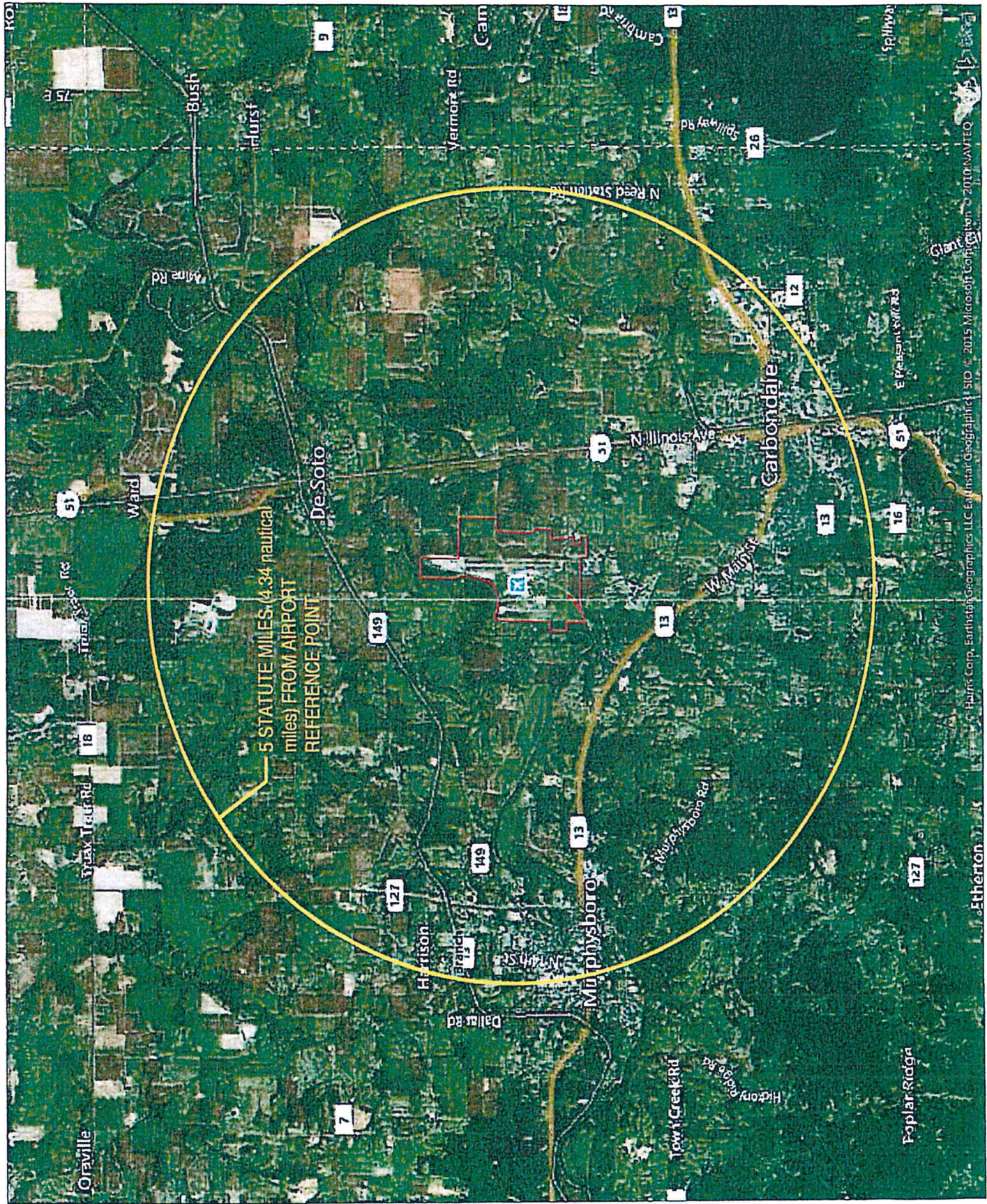
Adopted in regular monthly meeting of the Jackson County Board on this 19th day of September 2017.

APPROVED:


John S. Rendleman, Chairman

(Corporate Seal)

ATTEST: 
Larry W. Reinhardt, Clerk



ORDINANCE NO. 2017-8

**An Ordinance Authorizing Execution of the
Illinois Public Works Mutual Aid Network Agreement (IPWMAN)**

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

WHEREAS, the *"Intergovernmental Cooperation Act"*, 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and,

WHEREAS, Section 5 of the *"Intergovernmental Cooperation Act"*, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

WHEREAS, the County Board Chair and the County Board of Jackson County have determined that it is in the best interests of Jackson County and its residents to enter into an intergovernmental agreement to secure to each the benefits of mutual aid in public works and the protection of life and property from an emergency or disaster and to provide for public works assistance, training and other necessary functions to further the response and recovery from said emergency or disaster. The principal objective of the public works mutual aid assistance being the response to and recovery from any emergency or disaster and the return of the community to as near normal as quickly as possible.

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


SECTION ONE: That the County Engineer be and is hereby authorized to execute an Agreement for participation in the **Illinois Public Works Mutual Aid Network (IPWMAN)**, and is hereby authorized to request, offer, or provide aid and assistance pursuant to the Agreement for participation in the **Illinois Public Works Mutual Aid Network (IPWMAN)**, a copy of said Agreement being attached hereto and being made a part hereof.

STATE OF ILLINOIS
COUNTY OF JACKSON

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Jackson County Board at the meeting held on the 19 day of September, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 20 day of September, 2017.

S E A L


Larry W. Reinhardt, County Clerk

ORDINANCE 17-10

**AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR
JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 2017
THROUGH NOVEMBER 30, 2018**

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, 2017 and ending November 30, 2018;


NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$12,726,048.00 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 \$ 6,677,851.00 is levied pursuant to 55 ILCS 5/5 - 1024, for general corporate purposes;**
- 2. The sum of \$ 670,922.00 is levied pursuant to 55 ILCS 5/5 - 1028, for Ambulance purposes;**
- 3. The sum of \$ 250,000.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of tort liability protection;**
- 4. The sum of \$ 275,000.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of insurance contracts for worker's compensation;**
- 5. The sum of \$ 100,000.00 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 \$ 1,000,000.00 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 \$ 900,000.00 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 \$ 739,500.00 is levied pursuant to 55 ILCS 5/5 - 25003, for Public Health purposes;**

9. The sum of \$ 73,500.00 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 \$ 339,933.00 is levied pursuant to 405 ILCS 20/4 - 5, 6, for the operation of the Community Mental Health (708) Board;
11. The sum of \$ 860,000.00 is levied pursuant to 605 ILCS 5/5 - 601, for the County Highway purposes;
12. The sum of \$ 381,700.00 is levied pursuant to 605 ILCS 5/5 - 603, for Federal Aid Matching;
13. The sum of \$ 58,000.00 is levied pursuant to 605 ILCS 5/5 - 602, for the County Bridge Funds;
14. The sum of \$ 69,000.00 is levied pursuant to 55 ILCS 5/5 - 1034, for the purpose of social services for senior citizens;
15. The sum of \$ 148,402.00 is levied pursuant to 505 ILCS 45/8, for support of the Jackson County Cooperative Extension Service.
16. The sum of \$ 182,240.00 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.

The 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 21st day of November 2017.


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 2017-2018 levy.

Date: November 21, 2017.

Presiding Officer:



John S. Rendleman, Chairman
Jackson County Board

ATTEST:



Larry E. Reinhardt, County Clerk & Recorder

AN ORDINANCE FOR THE ESTABLISHMENT

OF AN ALTERED SPEED ZONE

2017-09

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 Murphysboro 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 Hickory Ridge Road as listed below shall be 45 m.p.h.

A 45 mile per hour speed limit beginning at Town Creek Road and extending southerly to Poplar Ridge Road for a distance of approximately 3.8 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 19, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 19th day of December, 2017


Larry Reinhardt, County Clerk

SEAL

ESTABLISHMENT OF SPEED ZONE
DISTRICT 9

ROUTE: TR 190 Hickory Ridge Rd FROM: Town Creek Rd
TO: Poplar Ridge LENGTH: 3.8 miles
CITY: _____ COUNTY: Jackson

I SPOT SPEED STUDIES (Attached)

CHECK NO.	85TH %	UPPER LIMIT 10 MPH PACE
	<u>44.7</u>	<u>42.4</u>

V ACCESS CONFLICTS

RESIDENTIAL DRIVES: _____ x 1 = _____
SMALL BUSINESS DRIVES: _____ x 5 = _____
LARGE BUSINESS DRIVES: _____ x 10 = _____
ACCESS CONFLICT NO. TOTAL: _____
_____(DCN) = N/A
MILES CONFLICT NO./MILE

II TEST RUNS

RUN NO.	AVERAGE SPEED MPH NB or WB SB or EB
1	<u>45</u> <u>45</u>
2	
3	
4	
5	

VI MISCL. FACTORS

PEDESTRIAN VOLUME: N/A
CRASH RATE RATIO:
STATEWIDE AVG. = _____
ROUTE
PARKING PERMITTED: _____ YES ☒ NO

III PREVAILING SPEED

85TH % AVG.: 44.7 MPH
UPPER LIMIT OF
10 MPH PACE: 42.4 MPH
TEST RUN AVG.: 45 MPH
PREVAILING SPD: 44 MPH

VII PREVAILING SPEED ADJUSTMENT

DRIVEWAY ADJUSTMENT: _____ %
PEDESTRIAN ADJUSTMENT: _____ %
CRASH ADJUSTMENT: _____ %
TOTAL (Max. 20%): 0 %
____MPH x _____% = 0
(Prevailing Spd) (Adjust.) (Max. 9 MPH)
ADJUSTED PREVAILING SPEED: 45

IV EXISTING SPEED LIMIT

ZONE BEING STUDIED: _____ MPH
VIOLATION RATE: _____ %
ADJACENT ZONE N or W: _____ MPH
LENGTH: _____ MILES
ADJACENT ZONE S or E: _____ MPH
LENGTH: _____ MILES

VIII REVISED SPEED LIMIT

RECOMMENDED SPEED LIMIT: 45 MPH
ANTICIPATED VIOLATION RATE: _____ %
RECOMMENDED BY: John Doe
DATE: 12-1-17
APPROVED BY: [Signature]
DATE: 12-1-17