

ORDINANCES 2013

13-01

An ordinance for the establishment of an altered speed zone (a 30mph limit on Neunert Rd. beginning at the intersection with W. Jacob Rd. extending southerly for a distance of 0.10 mile

13-02

Ordinance for the Establishment of an Altered Speed Zone of 25MPH on Heritage Road beginning at S. Illinois Ave. and extending southwesterly for a distance of approximately 0.476 mile to Blue Moon Road

13-3

Amended Liquor Control Ordinance **(05-21-13)**

This was inadvertently presented as an ordinance.
Presented at the board meeting as language change.

13-4

Amended Liquor Control Ordinance **(08-20-13)**

13-5

An ordinance setting County Clerk and Recorder's Fees pursuant to 55 ILCS 5/4-4001

13-6

An ordinance authorizing the County Clerk & Recorder to change an additional fee for the purpose of implementing and maintaining a Geographic Information System

13-7

The amended ordinance setting Sheriff's fees pursuant to 55 ILCS 5/4-5001

13-8

Animal Control Ordinance

13-9

The FY2013-2014 Levy Ordinance

13-10

Food Service Sanitation Ordinance

13-11

Private Sewage Disposal System Ordinance

13-12

Amended Liquor Control Ordinance **(12-17-13)**

AN ORDINANCE FOR THE ESTABLISHMENT
OF AN ALTERED SPEED ZONE

13-1

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 on Neunert Road as listed below shall be 30 m.p.h.

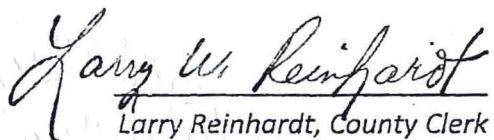
A 30 mile per hour speed limit on Neunert Road beginning at the intersection with W. Jacob Road and extending southerly for a distance of 0.10 mile

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 February 19, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 19th day of February, 2013


Larry Reinhardt, County Clerk

SEAL

AN ORDINANCE FOR THE ESTABLISHMENT
OF AN ALTERED SPEED ZONE

13-2

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 Carbondale Township has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

BE IT FURTHER DECLARED that the Carbondale Township Highway Commissioner 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 Heritage Road as listed below shall be 25 m.p.h.

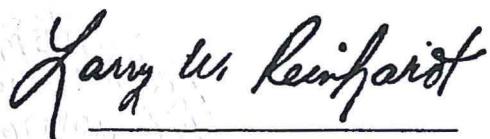
A 25 mile per hour speed limit beginning at South Illinois Avenue and extending southwesterly for a distance of approximately 0.476 mile to Blue Moon Road.

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 March 19, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 19th day of March, 2013


Larry Reinhardt

Larry Reinhardt, County Clerk

SEAL

2013-3

JACKSON COUNTY LIQUOR CONTROL ORDINANCE

AMENDED MAY 2013

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 amendments to the Jackson County Liquor Control Ordinance should be adopted; and

WHEREAS, the present amending ordinance is in no way intended to repeal or abrogate the prior versions of the liquor control ordinance, except as stated below; 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 amending ordinance shall be binding and in effect; and

WHEREAS, the purpose of this present amendment is to modify liquor license classifications and license fees.

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance is hereby amended as follows:

ARTICLE I

General Provisions

Section 1. Construction

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

Section 2. Definitions

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

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

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

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

D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.

E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.

F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

G. Club. An organization formed under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building or such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body, chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.

I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.

J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.

K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.

L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.

M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.

N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

O. Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

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

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

R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed water or other substance in solution and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

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

- (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
- (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
- (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest, or over twenty-five (25%) of the stock thereof.

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

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

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

Section 3. Applicability of State Law.

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

Section 4. Severability.

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

ARTICLE II

Liquor Control Commissioner

Section 1. Commissioner Defined

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

Section 2. Compensation

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

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

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

A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.

B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:

(1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

(2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;

(3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the

licensed premises closed for not more than seven (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

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

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

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

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

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

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

Section 4. Records

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

ARTICLE III

Liquor Advisory Board

Section 1. Establishment of Liquor Advisory Board

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

Section 2. Membership

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

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

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

Section 3. Powers and Duties

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

- A. To review all liquor license applications, both new and renewals;
- B. To meet and discuss liquor license applications with all applicants;
- C. To render an advisory opinion as to the merits or demerits of each liquor license application it reviews;
- D. To receive complaints made against licensees and to inform the Liquor Control Commissioner of those complaints which require further action under this Ordinance;

- E. To monitor all licensees for compliance with state and local law; and
- F. To seek public input and to receive community concerns regarding liquor and liquor licenses.

Section 4. Criteria for Liquor Advisory Board Recommendations

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

- A. Compliance by the applicant with state laws and local ordinances;
- B. Potential impact upon and demand for public services by the applicant, should the license be granted;
- C. Proximity to and potential impact upon residential property, schools, and religious buildings by the applicant, should the license be granted;
- D. Potential impact upon traffic safety by the applicant, should the license be granted;
- E. Adequacy of street lighting and on-site lighting in the location of the establishment;
- F. Availability and adequacy of parking for the establishment;
- G. Character and nature of the proposed establishment;
- H. Whether live entertainment will be provided by the licensee and the nature of such entertainment;
- I. The manner of operation of the establishment or the proposed manner of operation of the establishment, if a new application, including, but not limited to, staffing levels, the ability and commitment to abide by laws and regulations, and the ability to monitor activities both within the confines of the establishment and upon the real property containing the establishment;
- J. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales and services; and
- K. The health, safety, and welfare of the area in which the establishment is located or proposed to be located.

Section 5. Meetings

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

ARTICLE IV

Licenses

Section 1. License Required

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

Section 2. License Required for Each Place Operated by Licensee

A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.

B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.

B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.

C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before November 30 of the year preceding the license year. Applications for a renewal license made on or after December 1 shall be accompanied by a late fee in the amount of \$50.00, in addition to the appropriate license fee as set forth in Article V, Section 2, Subsection A.

Section 4. Persons Ineligible to Hold a License.

A. A person who is not a bona fide resident of the County of Jackson.

B. A person who is not of good character and reputation of the County of Jackson.

C. A person who is not a citizen of the United States.

D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.

E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.

F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.

G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.

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

I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.

J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.

K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.

L. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5) of the stock of such corporation, would not be eligible to receive a license here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.

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

N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.

O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.

Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

R. A person under the age of twenty-one (21) years or under any legal disability.

Section 5. Duration

A. All licenses shall be issued for a term not to exceed one year.

B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6. Transfer of License

A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.

B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.

C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business

A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.

B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.

C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest-Ownership

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

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

B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.

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

Section 9. Changes in Operation

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

Section 10. Renewals

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

Section 11. Display

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

ARTICLE V

Classification and Schedule of Fees

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eight (8) 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" licenses shall authorize the sale of alcoholic liquors by community associations or groups which are not for profit organizations any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. Said licenses shall be effective only from one (1) to three (3) days duration. 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. The applicant for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law.

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 for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law. 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.

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

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

ARTICLE VI

Regulation of Operations

Section 1. Hours of Operation

A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:

- (1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a.m. of the next day;
- (2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;
- (3) Holders of Class "G2" and Class "J" 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.

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

A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.

B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.

C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.

D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.

E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.

F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.

G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

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

Section 5. Restrictions on Entry Into Licensed Premises

A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.

B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.

C. Subsections A. and B. shall not apply when any of the following conditions are met:

- (1) The licensed premises is a bowling alley or package liquor store;
- (2) The person is accompanied by a parent or legal guardian;
- (3) The licensed premise obtains 51 of the annual gross revenue from the sale of food or other services or commodities.

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

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

Section 6. Consumption of Alcoholic Liquor In Public

A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.

B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Happy Hours Prohibited

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

Section 8. Noise Restrictions

No noise from the interior of the Licensed Premise shall be heard 100 feet or more from the perimeter of the Licensed Premise before 10:00 p.m., and 50 feet or more from the perimeter of the Licensed Premise after 10:00 p. m.

ARTICLE VIII

Beer Gardens/Outdoor Cafes

Section 1. Approval Required

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

Section 2. Fees for Beer Garden/Outdoor Cafes

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

A. Fifty Dollars (\$ 50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor cafe;

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 cafe.

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. Limits on Entertainment

If the licensee offers or plans to offer entertainment in the area designated as a beer garden/outside café, such entertainment shall not be heard 100 feet or more from the exterior perimeter of the beer garden/outside garden before 10:00 p.m. and shall not be heard 50 feet or more from the exterior perimeter of the beer garden/outdoor cafe after 10:00 p.m.

Section 6. 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 7. 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 IX

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 X

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 VI Violations, of this ordinance.

ARTICLE XI

Savings Clause

The present amending ordinance shall in no way be construed to repeal or alter, other than as stated in the present amending 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 amending ordinance shall be binding and in effect.

ARTICLE XII

Effective Date

In effect and amended on this 21st day of May, 2013 at a regular meeting of the Jackson County Board.

JACKSON COUNTY LIQUOR CONTROL ORDINANCE
8-20-13
AMENDED MAY 2013

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 amendments to the Jackson County Liquor Control Ordinance should be adopted; and

WHEREAS, the present amending ordinance is in no way intended to repeal or abrogate the prior versions of the liquor control ordinance, except as stated below; 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 amending ordinance shall be binding and in effect; and

WHEREAS, the purpose of this present amendment is to modify liquor license classifications and license fees.

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance is hereby amended as follows:

ARTICLE I

General Provisions

Section 1. Construction

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

Section 2. Definitions

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

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

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

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

D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.

E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.

F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

G. Club. An organization formed under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building or such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body, chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.

I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.

J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.

K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.

L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.

M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.

N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

O. Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

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

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

R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed water or other substance in solution and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

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

- (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
- (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
- (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest, or over twenty-five (25%) of the stock thereof.

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

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

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

Section 3. Applicability of State Law.

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

Section 4. Severability.

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

ARTICLE II

Liquor Control Commissioner

Section 1. Commissioner Defined

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

Section 2. Compensation

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

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

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

A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.

B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:

(1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.

(2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;

(3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the

licensed premises closed for not more than seven (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

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

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

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

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

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

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

Section 4. Records

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

ARTICLE III

Liquor Advisory Board

Section 1. Establishment of Liquor Advisory Board

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

Section 2. Membership

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

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

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

Section 3. Powers and Duties

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

- A. To review all liquor license applications, both new and renewals;
- B. To meet and discuss liquor license applications with all applicants;
- C. To render an advisory opinion as to the merits or demerits of each liquor license application it reviews;
- D. To receive complaints made against licensees and to inform the Liquor Control Commissioner of those complaints which require further action under this Ordinance;

- E. To monitor all licensees for compliance with state and local law; and
- F. To seek public input and to receive community concerns regarding liquor and liquor licenses.

Section 4. Criteria for Liquor Advisory Board Recommendations

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

- A. Compliance by the applicant with state laws and local ordinances;
- B. Potential impact upon and demand for public services by the applicant, should the license be granted;
- C. Proximity to and potential impact upon residential property, schools, and religious buildings by the applicant, should the license be granted;
- D. Potential impact upon traffic safety by the applicant, should the license be granted;
- E. Adequacy of street lighting and on-site lighting in the location of the establishment;
- F. Availability and adequacy of parking for the establishment;
- G. Character and nature of the proposed establishment;
- H. Whether live entertainment will be provided by the licensee and the nature of such entertainment;
- I. The manner of operation of the establishment or the proposed manner of operation of the establishment, if a new application, including, but not limited to, staffing levels, the ability and commitment to abide by laws and regulations, and the ability to monitor activities both within the confines of the establishment and upon the real property containing the establishment;
- J. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales and services; and
- K. The health, safety, and welfare of the area in which the establishment is located or proposed to be located.

Section 5. Meetings

A. The Liquor Advisory Board shall meet not less than semi-annually to carry out its duties.

B. The Liquor Advisory Board shall establish dates, times, and places for its meetings.

C. Emergency meetings may be called upon the vote of four (4) members of the Liquor Advisory Board.

D. Notice of all Liquor Advisory Board meetings shall be provided to all interested parties pursuant to the Open Meetings Act.

ARTICLE IV

Licenses

Section 1. License Required

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

Section 2. License Required for Each Place Operated by Licensee

A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.

B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.

B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. The information recited in the application shall be under oath or affirmation as to each person signing the application.

C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before November 30 of the year preceding the license year. Applications for a renewal license made on or after December 1 shall be accompanied by a late fee in the amount of \$50.00, in addition to the appropriate license fee as set forth in Article V, Section 2, Subsection A.

Section 4. Persons Ineligible to Hold a License.

- A. A person who is not a bona fide resident of the County of Jackson.
- B. A person who is not of good character and reputation of the County of Jackson.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.
- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.

J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.

K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.

L. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5) of the stock of such corporation, would not be eligible to receive a license here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.

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

N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.

O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.

Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

R. A person under the age of twenty-one (21) years or under any legal disability.

Section 5. Duration

A. All licenses shall be issued for a term not to exceed one year.

B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6. Transfer of License

A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.

B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.

C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business

A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.

B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.

C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest-Ownership

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

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

B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.

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

Section 9. Changes in Operation

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

Section 10. Renewals

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

Section 11. Display

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

ARTICLE V

Classification and Schedule of Fees

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eight (8) 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" licenses shall authorize the sale of alcoholic liquors by community associations or groups which are not for profit organizations any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. Said licenses shall be effective only from one (1) to three (3) days duration. 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. The applicant for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law.

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 for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law. 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.

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

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

ARTICLE VI

Regulation of Operations

Section 1. Hours of Operation

A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:

- (1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a.m. of the next day;
- (2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;
- (3) Holders of Class "G2" and Class "J" 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.

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

A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.

B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.

C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.

D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.

E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.

F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.

G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

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

Section 5. Restrictions on Entry Into Licensed Premises

A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.

B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.

C. Subsections A. and B. shall not apply when any of the following conditions are met:

- (1) The licensed premises is a bowling alley or package liquor store;
- (2) The person is accompanied by a parent or legal guardian;
- (3) The licensed premise obtains 51 of the annual gross revenue from the sale of food or other services or commodities.

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

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

Section 6. Consumption of Alcoholic Liquor In Public

A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.

B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Happy Hours Prohibited

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

Section 8. Noise Restrictions

No noise from the interior of the Licensed Premise shall be heard 100 feet or more from the perimeter of the Licensed Premise before 10:00 p.m., and 50 feet or more from the perimeter of the Licensed Premise after 10:00 p. m.

ARTICLE VIII

Beer Gardens/Outdoor Cafes

Section 1. Approval Required

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

Section 2. Fees for Beer Garden/Outdoor Cafes

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

A. Fifty Dollars (\$ 50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor café;

B. One Hundred Dollars (\$100.00) if the applicant offers or plans to offer entertainment of any type to the patrons of its beer garden/outdoor café.

Section 3. Time of Application

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

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

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

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

Section 5. Limits on Entertainment

~~If the licensee offers or plans to offer entertainment in the area designated as a beer garden/outside café, such entertainment shall not be heard 100 feet or more from the exterior perimeter of the beer garden/outside garden before 10:00 p.m. and shall not be heard 50 feet or more from the exterior perimeter of the beer garden/outdoor cafe after 10:00 p.m.~~

Section 6. 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 7. 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 IX

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 X

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 VI Violations, of this ordinance.

ARTICLE XI

Savings Clause

The present amending ordinance shall in no way be construed to repeal or alter, other than as stated in the present amending 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 amending ordinance shall be binding and in effect.

ARTICLE XII

Effective Date

In effect and amended on this 21st day of May, 2013 at a regular meeting of the Jackson County Board.

F. Class F. Class "F" licenses shall authorize the sale of alcoholic liquors by community associations or groups which are not for profit organizations. Said licenses shall be effective only from one (1) to three (3) days duration.

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. The applicant for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law.

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 for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law. 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.

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
Class G1	\$350.00
Class G2	\$500.00
Class H	\$100.00
Class I	\$1,000.00
Class J	\$350.00

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

ARTICLE VI

Regulation of Operations

Section 1. Hours of Operation

A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:

- (1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a. m. of the next day;
- (2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;

Class F. Class "F" licenses shall authorize the sale of alcoholic liquors by community associations or groups which are not for profit organizations any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. Said licenses shall be effective only from one (1) to three (3) days duration. 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.

Article V, Section 2 Fees must also be amended to change the Class F fees.

ORDINANCE NO. 13 - 05

**AN ORDINANCE SETTING COUNTY CLERK AND RECORDER'S
FEES PURSUANT TO 55 ILCS 5/4-4001**

WHEREAS, 55 ILCS 5/4-4001 provides that the statutory County Clerk and Recorder's fees may be increased by the County Board if an increase is 'justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/4-4001) are not sufficient to cover the costs of providing the services'; and

WHEREAS, 55 ILCS 5/4-4001 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part hereof) and cost analysis by MAXIMUS has been prepared; and

WHEREAS, based on the Fiscal Choice Consulting LLC study, the County Board recommends the County Clerk and Recorder's fees be set and increased in accordance with this Ordinance; and

WHEREAS, the County Board has previously adopted other ordinances that address certain other County Clerk and Recorder's fees and reimbursement. The present Ordinance is not intended to effect those prior ordinances - and those prior ordinances shall continue to be in full force and effect, except to the extent they are inconsistent with the present Ordinance.

NOW, THEREFORE, BE IT ORDAINED as follows:

1. Effective December 1, 2013 the following fees, as enumerated in Section 5/4-4001, shall apply:
 - a. Cancelling tax sale and issuing and sealing certificates of redemption shall be \$38.00.
 - b. For each civil union or marriage license issued shall be \$30.00.
 - c. For each assumed business name registration and certificate shall be \$30.00.

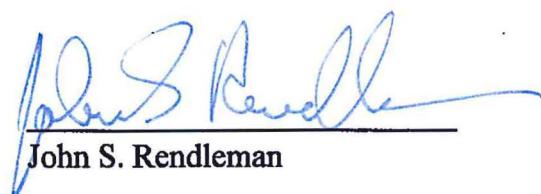
d. For each notary public registration shall be \$10.00.

2. The cost study prepared by Fiscal Choice Consulting LLC shall be attached hereto and become a part of the present Ordinance.

3. The present Ordinance shall not effect those prior ordinances that address certain other County Clerk and Recorder's fees and reimbursements.

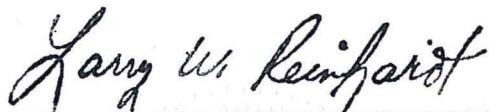
APPROVED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS
REGULAR MONTHLY MEETING THIS 19th DAY OF NOVEMBER, 2013.

By its Chairman



John S. Rendleman

ATTEST:



Larry W. Reinhardt

Larry W. Reinhardt, County Clerk

SEAL



ORDINANCE NO. 2013 - 04

**AN ORDINANCE AUTHORIZING THE COUNTY RECORDER TO CHARGE
AN ADDITIONAL FEE FOR THE PURPOSE OF IMPLEMENTING AND
MAINTAINING A GEOGRAPHIC INFORMATION SYSTEM**

WHEREAS, Public Act 91-791, effective June 9, 2000, amended Section 3-5018 of the Counties Code. The amendment authorizes the County Board to impose and charge an additional \$3 for the filing of every instrument, paper, or notice of record in order to defray the cost of implementing or maintaining the county's Geographic Information System (GIS); and

WHEREAS, on the 14th of May 2003 the Jackson County Board, pursuant to the above Public Act, did pass and adopt Resolution No. 2003-18 authorizing and directing the County Recorder's Office to charge a \$6.50 recording fee for every instrument, paper, or notice that is filed for the purpose of implementing and maintaining the County's GIS; and

WHEREAS, Section 3-5018 provides that the statutory GIS fee may be increased by the County Board if an increase is justified by an acceptable cost study showing that the fee allowed by this Section (55 ILCS 5/3-5018) is not sufficient to cover the costs of providing the services; and

WHEREAS, Section 3-5018 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part hereof) and cost analysis by Fiscal Choice Consulting LLC has been prepared; and

WHEREAS, based on the Fiscal Choice Consulting study, the County Board recommends the County Clerk and Recorder's fees be set and increased in accordance with this Resolution; and

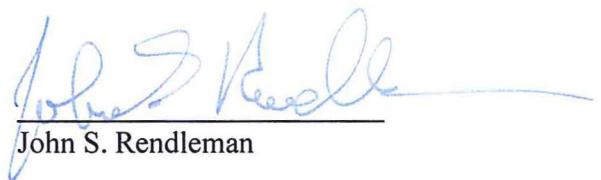
WHEREFORE, be it ordained as follows:

1. Henceforth for every instrument, paper, or notice for record that is recorded in the Jackson County Recorder's Office a \$13.00 fee shall be charged and collected in addition to all other fees or costs already imposed.
2. \$12.00 of the fee shall be deposited into the County Treasurer's GIS special fund. The monies shall be used only for the purposes set forth in P.A. 91-791 (55 ILCS 5/3-5018).
3. The remaining \$1 of the \$13.00 fee shall be deposited into the County Recorder's special fund created under Section 3-5005.4 of the Counties Code and used only for the purposes set forth in the law.

4. This present ordinance shall become effective December 1, 2013.
5. Resolution No. 2003-18 shall be repealed as of the effective date of the present Ordinance.

**ADOPTED AND ORDAINED BY THE JACKSON COUNTY BOARD AT
ITS REGULAR MONTHLY MEETING THIS 19th DAY OF NOVEMBER, 2013.**

By its Chairman,



John S. Rendleman

Attest:



Larry W. Reinhardt
Larry W. Reinhardt, County Clerk

ORDINANCE NO. 13 - 07

AN ORDINANCE SETTING SHERIFF'S FEES PURSUANT TO 55 ILCS 5/4-5001

WHEREAS, 55 ILCS 5/4-5001 provides that the statutory Sheriff fees may be increased by the County Board if an increase is justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/4-5001) are not sufficient to cover the costs of providing the services; and

WHEREAS, 55 ILCS 5/4-5001 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part hereof) and cost analysis by Fiscal Choice Consulting LLC has been prepared; and

WHEREAS, based on the Fiscal Choice Consulting study, the County Board recommends the Sheriff's fees be set and increased in accordance with this Ordinance; and

WHEREAS, the County Board has previously adopted other ordinances that also address certain Sheriff's fees and reimbursement. The present Ordinance is not intended to effect those prior ordinances - and those prior ordinances shall continue to be in full force and effect, except to the extent they are inconsistent with the present Ordinance.

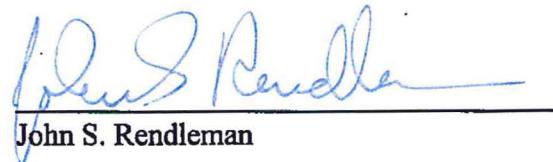
NOW, THEREFORE, BE IT ORDAINED as follows:

1. Effective December 1, 2013 the following fees, as enumerated in Section 5/4-5001, shall apply:
 - a. Process Service in each civil case shall be \$40.00.
 - b. Serving or attempting to serve each Warrant of Arrest shall be \$57.00 hourly, payable upon conviction.
 - c. Returning a defendant from outside of the State of Illinois shall be \$57.00 hourly, payable upon conviction.
 - d. Taking all bonds on each legal process, civil and criminal, shall be \$57.00.
2. In certain cases the above fees shall be in addition to the mileage fees allowed and enumerated in Section 5/4-5001.
3. The cost study prepared by Fiscal Choice Consulting LLC shall be attached hereto and become a part of the present Ordinance.

4. The present Ordinance shall not effect those prior ordinances that address certain other Sheriff's fees and reimbursements.

APPROVED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY MEETING THIS 19th DAY OF NOVEMBER 2013.

By its Chairman


John S. Rendleman

ATTEST:


Larry W. Reinhardt
Larry W. Reinhardt, County Clerk

SEAL



ORDINANCE NO. 13-8

FILED
DEC 11 2013

Jerry W. Finkenfuss
JACKSON COUNTY CLERK
JACKSON COUNTY CLERK'S OFFICE

AN ORDINANCE PROVIDING FOR
ANIMAL CONTROL IN JACKSON
COUNTY, ILLINOIS

This Ordinance shall be known as and referred to as the JACKSON COUNTY ANIMAL CONTROL ORDINANCE.

WHEREAS, the Jackson County Board has heretofore established an Ordinance providing for a rabies inoculation tag and animal control pursuant to State law; and,

WHEREAS, 55 ILCS 5/5-1070, 5-1071, 5-1072 and 510 ILCS 5/1 et. seq. (hereinafter referred to as the Illinois Animal Control Act) gives the County the power to regulate and prohibit the running at large of dogs in certain areas of the County; and,

WHEREAS, the intent of the present changes is to replace all prior ordinances pertaining to animal control and inoculation; but preserve any prior actions, decisions, legal status as a result of those prior ordinances; and,

WHEREAS, the Jackson County Board desires to raise certain fees for the impoundment and boarding of animals, as well as other changes;

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

1. REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS. The present ordinance shall supplant all prior ordinances pertaining to animal control and inoculation. Nothing, however, from this ordinance's passage shall change, void, supersede, or affect any decision, right, action, or privilege taken or relied upon resulting or arising from the prior ordinances.

2. DEFINITIONS. As used in this Ordinance, the following items shall have the following meanings:

- a. Administrator means a veterinarian licensed by the State of Illinois and appointed pursuant to this Ordinance.
- b. Animal Control Officer means any person hired by the Administrator to perform the duties assigned to that person by the Animal Control Act, the Jackson County Animal Control Ordinance, or the Administrator.
- c. Board means the Jackson County Board.

d. Deputy Administrator means a veterinarian licensed by the State of Illinois, appointed by the Administrator and approved by the Board.

e. Dog means all domestic dogs belonging to the species *Canis familiaris* and all breeds or mixed breeds thereof.

f. Leash means a cord, rope, strap, chain, or frame which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

g. Owner means any person having a right of property in a dog or other animal, or who has a dog or other animal in his care, or acts as its custodian or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him.

h. Oversight Committee means that committee of the Jackson County Board delegated with the responsibility of overseeing the administration of the Jackson County Animal Control Program.

i. Stray Dog means any dog not on the premises of the dog's owner or under control by leash.

3. PERSONNEL. The Chairman of the Jackson County Board shall appoint with the advice and consent of the Board, an Animal Control Administrator. The appointment shall be for two years. The Administrator's compensation and expenses shall be set annually by the Board and incorporated in the annual budget. The Administrator, with the advice and consent of the Board, may appoint a Deputy Administrator and Animal Control Officers at such compensation and with such expenses as shall be set annually by the Board and incorporated in the annual budget. Such appointments shall be from a list of eligible candidates for those positions kept by the Board. Any other personnel shall be assigned to work for the Animal Control Program by the Board at the discretion of the Board. The Administrator, Deputy Administrator and Animal Control Officers, may be removed by the Board for cause. Other personnel assigned to work in the Animal Control Program may be reassigned at the discretion of the Board and may be dismissed by the Board for cause.

4. DUTIES OF THE ADMINISTRATOR. It shall be the duty of the Administrator to control and prevent the spread of rabies through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary. The

Administrator shall also have the following duties:

- a. Administrator of the Animal Control Program in Jackson County;
- b. Develop written job descriptions for all personnel working in the Jackson County Animal Control Program;
- c. Draft written rules and regulations for the operation of the Jackson County Animal Control Program;
- d. Prepare an annual budget for the operation of the Jackson County Animal Control Program;
- e. Direct the activities of and assign duties to the personnel working in the Jackson County Animal Control Program;
- f. Approve all bills before submission to the oversight committee who will submit said bills for Board authorized payment.
- g. Make such reports as are required by the Director of the Department of Agriculture of the State of Illinois his duly appointed representative, the oversight committee or the Board.

It shall also be the duty of the Administrator to investigate and substantiate all claims made on the Animal Control Fund and to approve all expenditures under the Animal Control Program for Board authorized payment.

5. POLICE POWERS. The Administrator, Deputy Administrators, and Animal Control Officers, for the purpose of enforcing of the Illinois Animal Control Act and the Jackson County Animal Control Ordinance, have the power of police officers in Jackson County and as peace officers in Jackson County for the purpose of enforcing the provisions of the Illinois Animal Control Act or the Jackson County Animal Control Ordinance, including the issuance and service of citations, summonses, and orders as well as executing and serving all warrants and processes issued by any circuit court.

The Jackson County Animal Control Officers be allowed to carry mace, a tranquilizer gun and a 12, 16, or 20 gauge shotgun (to be carried in the truck and used only the case of an emergency.)

6. RABIES CERTIFICATES AND TAG FEES. The Administrator shall provide licensed veterinarians with rabies inoculation certificates in a form approved by the Board, which shall be signed by the veterinarian administering the rabies inoculation vaccines. The original of said certificate shall be issued to the owner of the dog which has been inoculated and a copy of the certificate shall be returned to the Administrator or his designated representative.

The board shall provide rabies inoculation tags at the fee of \$5.00 per year or \$12.00 per three years. Rabies inoculation tags shall be in a form and color prescribed by the Illinois Department of Agriculture. The method of distributing said tags and collection of fees for said tags shall be determined by the Administrator.

All fees collected for the issuance of rabies inoculation tags shall be remitted to the County Treasurer, who shall place such monies in the Animal Control Fund.

7. ANIMAL CONTROL FUND. The Animal Control Fund is an account administered by the County Treasurer for the purpose of paying the cost of the Animal Control Program. One third (1/3) of all fees collected for the issuance of rabies inoculation tags shall be retained in the fund until the first Monday in the March of each calendar year for the purpose of paying claims for loss of livestock or poultry. The remaining two thirds (2/3) shall be used in paying the cost of operating the Animal Control Program.

8. DOG BITES: Any individual having knowledge that a person has been bitten by a dog or other animal and who fails to report such incident to the Administrator is in violation of this Ordinance. It is the duty of any person conducting or operating a medical facility or any physician or nurse to report to the local law enforcement agency or the Administrator when a person is treated for any injury resulting from an animal bite. It is the duty of any law enforcement personnel to report to the Administrator any reports which are received concerning a person being bitten by an animal.

When the Administrator received information that a person other than a family member has been bitten by a dog or other animal, the Administrator or his authorized representative shall have such dog or other animal quarantined with a licensed veterinarian for a period of ten (10) days or for animals that are currently vaccinated against Rabies, quarantine can be done at the owner's residence provided a visual inspection of the premises is

deemed satisfactory by an Animal Control Officer. When a dog or other animal is quarantined for biting a person, the following steps shall be followed:

- a. The Administrator or his authorized representative shall attempt to determine from the owner of the dog or animal to be quarantined, at which veterinarian's office said owner would prefer to have their dog or animal quarantined. If such a determination is impossible or quarantine at the designated veterinarian is impossible, veterinarians who maintain quarantine facilities in the county shall be used on a rotating basis.
- b. The Administrator or his authorized representative shall, in writing, notify the owner of the dog or animal to be quarantined that the owner is responsible for all quarantine costs and if the dog or animal is not retrieved in ten (10) days the all costs be paid at that time, the animal shall be humanely destroyed.
- c. The veterinarian observing the quarantined dog or other animal shall report the clinical condition of the dog or other animal immediately to the Administrator with conformation in writing within twenty-four (24) hours giving the owner's name, address, date of confinement, breed, description, age, and sex of such dog or other animal on forms approved by the Illinois Department of Agriculture.
- d. At the end of the quarantine period, the veterinarian observing the quarantined dog or other animal shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on forms approved by the Illinois Department of Agriculture.

9. INOCULATION REQUIREMENT. Every owner of a dog four months or more of age shall cause such dog to be inoculated against rabies by a licensed veterinarian annually or every three years depending on the type of vaccine used.

10. COLLAR AND IDENTIFICATION REQUIREMENTS. Every owner of a dog four months of age or more shall cause a current, valid rabies inoculation tag to be attached to a collar or harness and worn by the dog to which such tag was issued at all times. Every owner of a dog under four months of age shall have a tag specifying the owner's name, address, and telephone number attached to a collar or harness which shall be worn by the dog at all times.

11. CONTROL BY OWNER. Every owner of a dog shall keep such dog from leaving the premises occupied by said owner unless the dog is accompanied or supervised by its owner or on leash.

12. IMPOUNDMENT. The Animal Control Officers shall and any peace officer may apprehend and impound the following dogs:

- a. Dogs which have bitten a person;
- b. Dogs four months or more of age which have not been inoculated against rabies by a licensed veterinarian;
- c. Dogs four months or more of age not on the premises of their owner and which do not have current, valid rabies inoculation tag attached to their collar or harness;
- d. Dogs under four months of age not on the premises of their owner and which do not have an identification tag specifying the owner's name, address, and telephone number attached to their collar or harness;
- e. Dogs wearing a current valid rabies inoculation tag or identification tag which are not on the premises occupied by the dog's owner and are not accompanied or supervised by the owner and are not on leash when a written complaint has been received by the Animal Control Officers.

When a dog whose owner is known is impounded, notice shall be immediately given to the owner by the Administrator or his authorized representative. Notice shall be mailed to the owner at the last known mailing address and attempt to serve a copy of that notice personally on the owner. If the copy of the notice cannot be served personally on the owner, the copy shall be left with any person thirteen (13) years or older residing at the last known mailing address of the owner or by attaching the notice to the main entrance to the owner's residence. An affidavit or testimony of the Administrator or his authorized representative who mails the notice shall be *prima facie* evidence of the receipt of such notice by the owner. In the case of dogs impounded pursuant to the Paragraphs 13a through 13d of this Ordinance, if the dog is not redeemed within seven (7) days from the date the notice was mailed or the dog impounded, if the owner is unknown, the impounded dog shall be humanely dispatched, offered for adoption, or otherwise disposed of by the impounding facility as a stray dog in accordance with the laws that exist or may hereafter exist.

13. REDEMPTION. When the owner of any dog impounded pursuant to Paragraphs 12a through 12d of this Ordinance desires to redeem the dog, the following procedure shall be following:

At the time of impoundment the Animal Control Officer shall prepare an impoundment form to be approved by the Administrator indicating the impoundment fee of \$30.00 with space provided for the total amount of board; and

The impounding authority shall place on the impoundment form previously prepared by the Animal Control Officer, a charge of \$15.00 per day for boarding for each day or part thereof which the dog was impounded; and

At the time of release, the owner shall present a current rabies inoculation certificate. If no current rabies inoculation certificate is available a warning ticket is to be issued and the owner must sign the warning ticket acknowledging ownership of the dog.

All amounts collected by the County Treasurer pursuant to this paragraph shall be placed in the Animal Control Fund and shall be used in paying the cost of operating the Animal Control Program.

14. APPREHENSION AND INVESTIGATION. For the purpose of carrying out the provisions of this Ordinance, the Administrator or his authorized representative or any peace officer may enter onto private property to apprehend a dog or other animal thought to be infected with rabies; to apprehend a straying dog or other animal; or, to apprehend a dog or other animal that has bitten any person. At the request of the owner or occupier of private property the Administrator or his authorized representative may enter onto such property to apprehend any dog whether or not said dog is wearing a rabies inoculation tag or an identification tag.

15. CITATIONS. Animal Control Officers and peace officers of the county may issue citations to the owners of dogs for violations of Paragraph 9, 10 and 11 of this Ordinance in lieu of or in addition to impounding the dog. The penalty for violation of paragraphs 9, 10 and or 11 shall be in addition to any other fee, charges, or penalties payable pursuant to this ordinance. When such a citation is issued an appearance date of not less than ten (10) days and

not more than forty-five (45) days shall be entered by the officer of the citation.

The owner of the dog receiving the citation may plead guilty to the offense charged in the citation prior to the scheduled appearance date by so indicating on the citation and paying a fine of \$25.00 for the first offense; \$50.00 for the second offense; \$75.00 for the third offense; and \$500.00 for each additional offense plus costs to the Circuit Clerk.

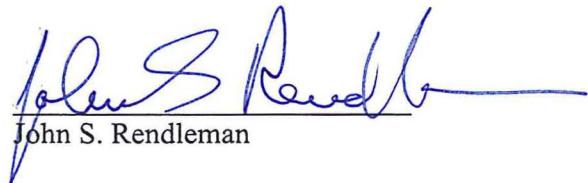
16. PENALTIES. Any person violating any provision of this Ordinance, or counterfeiting or forging any rabies inoculation certificate shall be guilty of a petty offense and upon conviction thereof be fined in an amount not less than \$25.00 and not more than \$500.00.

17. SEVERABILITY. The invalidity of provision or parts of provisions of this Ordinance or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Ordinance.

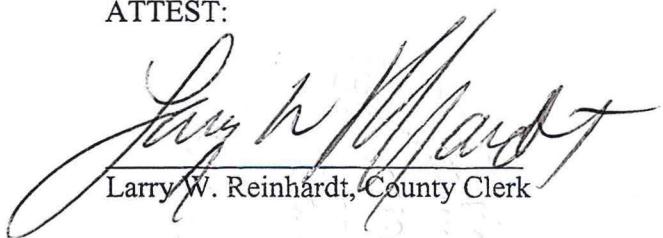
EFFECTIVE DATE. This Ordinance shall take effect upon adoption by the Jackson County Board.

Passed at the regular monthly meeting of the Jackson County Board held on
November 19, 2013.

By its Chairman,


John S. Rendleman

ATTEST:


Larry W. Reinhardt, County Clerk

ORDINANCE 13-09

**AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR
JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 2013
THROUGH NOVEMBER 30, 2014**

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, 2013 and ending November 30, 2014;

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$11,566,160.00 is hereby levied upon all taxable property in Jackson County, Illinois, as equalized or assessed by the Department of Revenue, for the purpose of meeting and defraying the necessary expenses and liabilities as set forth in the aforesaid annual budget and the budgets of the County agencies referred to herein. The following levies are hereby made and adopted:

- 1. The sum of \$ 5,060,029.00 is levied pursuant to 55 ILCS 5/5 - 1024, for general corporate purposes;**
- 2. The sum of \$ 947,402.00 is levied pursuant to 55 ILCS 5/5 - 1028, for Ambulance purposes;**
- 3. The sum of \$ 350,001.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of tort liability protection;**
- 4. The sum of \$ 125,041.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of insurance contracts for worker's compensation;**
- 5. The sum of \$ 32,045.00 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 \$ 1,477,177.00 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 \$ 665,031.00 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 \$ 736,768.00 is levied pursuant to 55 ILCS 5/5 - 25003, for Public Health purposes;**
- 9. The sum of \$ 59,614.00 is levied pursuant to 55 ILCS 5/5 - 23029, 23030, 23039, 23040, for the purpose of treating and caring for those affected with Tuberculosis;**

10. The sum of \$ 294,215.00 is levied pursuant to 405 ILCS 20/4 - 5, 6, for the operation of the Community Mental Health (708) Board;

11. The sum of \$ 782,231.00 is levied pursuant to 605 ILCS 5/5 - 601, for the County Highway purposes;

12. The sum of \$ 387,920.00 is levied pursuant to 605 ILCS 5/5 - 603, for Federal Aid Matching;

13. The sum of \$ 72,019.00 is levied pursuant to 605 ILCS 5/5 - 602, for the County Bridge Funds;

14. The sum of \$ 60,000.00 is levied pursuant to 55 ILCS 5/5 - 1034, for the purpose of social services for senior citizens;

15. The sum of \$ 135,120.00 is levied pursuant to 505 ILCS 45/8, for support of the Jackson County Cooperative Extension Service.

16. The sum of \$0 is levied pursuant to 55 ILCS 5/5-1012, for the purpose of debt service payments on an indebtedness owed the county on general obligation bonds issued for the purpose of river levee improvements.

17. The sum of \$ 381,547.00 is levied pursuant to 55 ILCS 5/5-21001, for the purpose of maintaining and operating the County Nursing Home.

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

Approved at this special meeting of the Jackson County Board on the 19th day of November 2013.



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 2013-2014 levy.

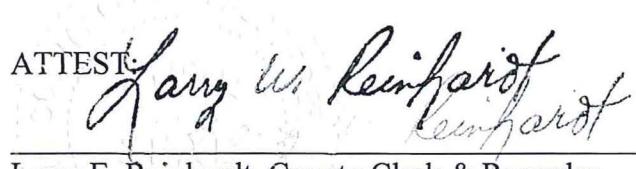
Date: November 19, 2013.

Presiding Officer:



John S. Rendleman, Chairman
Jackson County Board

ATTEST:


Larry E. Reinhardt

Larry E. Reinhardt, County Clerk & Recorder

ORDINANCE 13- 10

**AN ORDINANCE AMENDING THE JACKSON COUNTY
FOOD SERVICE SANITATION ORDINANCE**

WHEREAS, there exists a Jackson County Food Service Sanitation Ordinance, as amended, regulating and permitting certain food establishments located in Jackson County, Illinois; and

WHEREAS, commensurate with the authority of the Jackson County Board to adopt certain ordinances regulating and permitting such establishments, from time to time, amendments to the existing ordinance are necessary; and

WHEREAS, the present amending ordinance is intended to amend, and not repeal, the Jackson County Food Service Sanitation Ordinance, and all its amendments; and

WHEREAS, the Jackson County Food Service Sanitation Ordinance has established permit fees for food service establishments and retail food stores which need to be revised from time to time to cover the increasing costs of the Jackson County food safety program and to further supplement tax and grant monies also used to support this program; and

WHEREAS, the amendments made by this present amending ordinance clarify when a plan review fee is required, and establishing an application fee for new permits; and

WHEREAS, the Health Authority is responsible for enforcement of the Smoke Free Illinois Act (410 ILCS 82/); and

WHEREAS, the present amending ordinance has been duly approved by the Jackson County Board of Health.

**THEREFORE, THE JACKSON COUNTY BOARD ORDAINS AND ADOPTS
THE FOLLOWING:**

1. The present amending ordinance shall be incorporated into the existing Jackson County Food Service Sanitation Ordinance, as amended, as if originally part of the Food Service Sanitation Ordinance; further

2. Section E is amended as follow (additions are underlined):

8. SMOKE FREE FACILITIES: Each food-service establishment and retail food store shall be held responsible for compliance with the Smoke Free Illinois Act (410 ILCS 82/).

3. Section H, Paragraph (g) is amended as follows (additions are underlined - deletions are struck-out):

g. FEES: The following fees shall be required for food service establishments and retail

ORDINANCE 13- 11

**AN ORDINANCE AMENDING THE JACKSON COUNTY PRIVATE
SEWAGE DISPOSAL SYSTEM ORDINANCE**

WHEREAS, there exists an ordinance, as amended, regulating and permitting the construction, repair and installation of private sewage disposal systems in Jackson County, Illinois (hereinafter referred to as "sewage disposal ordinance"); and

WHEREAS, the present amending ordinance is intended to merely amend the referenced ordinance; and not in any way repeal or rescind the referenced ordinance except as expressed herein; and

WHEREAS, the present amending ordinance is adopted by virtue of the authority of the Jackson County Board, Jackson County, Illinois; and

WHEREAS, the Jackson County Private Sewage Disposal System Ordinance has established fees which need to be revised from time to time; and

WHEREAS, the amendment made by this present amending ordinance is for the purpose of revising fees to cover the increasing costs of the Jackson County private sewage program and to further supplement tax and grant monies also used to support this program; and

WHEREAS, the present amending ordinance has been duly approved by the Jackson County Board of Health.

THEREFORE, THE JACKSON COUNTY BOARD ORDAINS AND ADOPTS THE FOLLOWING:

1. The amendments made and adopted by this present amending ordinance shall be incorporated into the existing Jackson County sewage disposal ordinance, as amended, as if originally part of it; further
2. Section I Definitions is amended as follows (additions are underlined)

SUBDIVISION PLAN REVIEW: The consideration of plans, documents and other information which support the proposed division of land into two or more parcels and results in the Health Department issuing an opinion or recommendations in relation to the location or placement of existing or potential private sewage disposal systems.

3. Section II.2.7.1 is amended as follows (additions are underlined - deletions are struck-out):
 - 2.7.1 There shall be a standard ~~\$200.00-\$210.00~~ permit fee charged for the issuance of a permit authorizing the construction, alteration or extension of any private sewage disposal system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Health Department fund. If a permit is denied, the fee shall be returned to the applicant. In addition, the following fee schedule shall apply for other specific services rendered.
 1. Design of plans..... \$25.00
 2. Percolation test (reading only)..... \$25.00
 3. Subdivision plan review..... ~~\$250.00~~ \$100.00

A fee waived permit may be issued to non-profit organizations.

JACKSON COUNTY LIQUOR CONTROL ORDINANCE**AMENDED DECEMBER 2013**

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 amendments to the Jackson County Liquor Control Ordinance should be adopted; and

WHEREAS, the present amending ordinance is in no way intended to repeal or abrogate the prior versions of the liquor control ordinance, except as stated below; 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 amending ordinance shall be binding and in effect; and

WHEREAS, the purpose of this present amendment is to make clerical corrections.

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance is hereby amended as follows:

ARTICLE I**General Provisions****Section 1. Construction**

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

Section 2. Definitions

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

- A. **Alcohol.** The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured or wood alcohol.
- B. **Alcoholic Liquor.** Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.

- C. Beer. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- D. Beer Gardens/Outdoor Cafes. Any open-air area, which is part of the licensed premise of a Class A or Class B licensee under this Ordinance, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.
- E. Bowling Alley. An establishment or premise, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins is played.
- F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- G. Club. An organization formed under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building or such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body, chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.

I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.

J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.

K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests.

L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.

M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.

N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

O. Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations; such space being provided with an adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

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

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

R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed water or other substance in solution and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

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

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

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

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

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

Section 3. Applicability of State Law.

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

Section 4. Severability.

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

ARTICLE II

Liquor Control Commissioner

Section 1. Commissioner Defined

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

Section 2. Compensation

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

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

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

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

(2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;

(3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

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

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

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

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

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

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

Section 4. Records

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

ARTICLE III

Liquor Advisory Board

Section 1. Establishment of Liquor Advisory Board

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

Section 2. Membership

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

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

B. In cases where an application for a new liquor license has been made, the Liquor Advisory Board shall also include, for purposes of reviewing such

new application, the two County Board members for the district in which the proposed establishment is to be located.

Section 3. Powers and Duties

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

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

Section 4. Criteria for Liquor Advisory Board Recommendations

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

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

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

Section 5. Meetings

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

ARTICLE IV

Licenses

Section 1. License Required

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

Section 2. License Required for Each Place Operated by Licensee

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

Section 3. Application

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

Section 4. Persons Ineligible to Hold a License.

- A. A person who is not a bona fide resident of the County of Jackson.
- B. A person who is not of good character and reputation of the County of Jackson.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control

Commissioner determines, within his or her sole discretion, that such person now warrants the public trust.

- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- I. Any law enforcing public official, any member of the County Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.
- J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.
- K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.
- L. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5) of the stock of such corporation, would not be eligible to receive a license here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.
- M. A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.

- O. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period.
- Q. A corporation if the corporation or any officer, manager or director thereof or any stockholder owning in the aggregate more than 5% of the stock of said corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- R. A person under the age of twenty-one (21) years or under any legal disability.

Section 5. Duration

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

Section 6. Transfer of License

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

Section 7. Cessation of Business

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

Section 8. Changes in Interest-Ownership

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

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

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

Section 9. Changes in Operation

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

Section 10. Renewals

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

Section 11. Display

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

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. The applicant for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law.

- 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 for the license hereby created must submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and that such license request is not otherwise prohibited by law. The applicant/licensee shall notify the Jackson County Sheriff’s Department and the Jackson County Health Department of the location of each event.
- J. Class J. Class “J” license shall authorize the retail sale of alcoholic liquors on the premises of any microbrewery for consumption on the premises, as well as other retail sales of beer in the original package, which shall be consumed on or off the premises.

K. Class K. Class "K" license shall authorize the licensee to offer spirits manufactured by the licensee on the premises specified in such license for sale by the glass on the premises and in packaged form at retail on the premises specified in such license for the use or consumption off the premises. The licensee shall also be authorized to conduct tastings of spirits for which remuneration may or may not be received. A single tasting of distilled spirits shall not exceed one-fourth (1/4) of one (1) ounce. No more than three tastings of distilled spirits shall be provided to any person on any day.

Section 2. Fees

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

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

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

ARTICLE VI

Regulation of Operations

Section 1. Hours of Operation

A. It shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:

(1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 2:00 a. m. of the next day;

(2) From 10:00 a.m. on Sunday until 2:00 a.m. on Monday;

(3) Holders of Class "G2," Class "J," and Class "K" licenses shall cease the sale, the offering for sale, the delivering at retail, or the giving away in or upon the licensed premises of any alcoholic liquor after 10:00 p.m. on any day.

B. It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premise in which alcoholic liquor is sold at retail after 2:00 a.m.

C. The only persons permitted to remain within the licensed premise after 2:00 a.m. are the licensee, employees, and persons engaged in cleaning and maintenance purposes. No alcoholic liquor shall be consumed by anyone on the premise between the hours of 2:00 a.m. and 7:30 a.m.

D. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premise after the hours for sale set forth in this section.

Section 2. Gambling

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

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

A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.

B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.

C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming

alcoholic liquor. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.

- D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.
- E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.
- F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.
- G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

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

Section 5. Restrictions on Entry Into Licensed Premises

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

(3) The licensed premise obtains 51 of the annual gross revenue from the sale of food or other services or commodities.

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

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

Section 6. Consumption of Alcoholic Liquor In Public

A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.

B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Jackson County outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Happy Hours Prohibited

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

ARTICLE VII

Beer Gardens/Outdoor Cafes

Section 1. Approval Required

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

Section 2. Fees for Beer Garden/Outdoor Cafes

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

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

Section 3. Time of Application

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

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

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

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

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 amending ordinance shall in no way be construed to repeal or alter, other than as stated in the present amending 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 amending ordinance shall be binding and in effect.

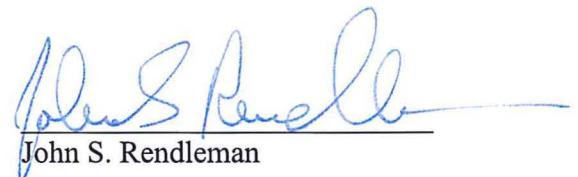
ARTICLE XI

Effective Date

In effect and amended on this 17th day of December, 2013 at a regular meeting of the Jackson County Board.

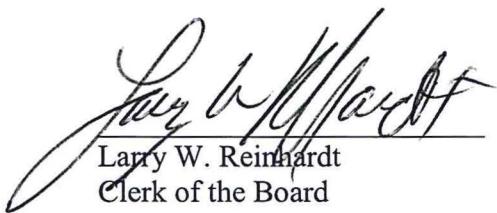
Adopted by requisite majority of the Jackson County Board members at its regular monthly meeting this 17th day of December, 2013.

By its Chairperson



John S. Rendleman

Attest:



Larry W. Reinhardt
Clerk of the Board