

AN ORDINANCE OF JACKSON COUNTY, ILLINOIS ASCERTAINING THE
PREVAILING RATE OF WAGES FOR LABORERS, WORKERS AND MECHANICS
EMPLOYED ON PUBLIC WORKS OF SAID COUNTY

WHEREAS, The State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, being Section 39-1 through 39s-12, Chapter 48, Illinois Revised Statutes, 1985, and

WHEREAS, the aforesaid Act requires that the County Board of Jackson County investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said county employed in performing construction of public works, for said county.

NOW THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND THE JACKSON COUNTY BOARD:

Section 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the county is hereby ascertained to be the same as the prevailing rate by the Department of Labor of the State of Illinois as of June 1987 a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

Section 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the county to the extent required by the aforesaid Act.

Section 3: The County Clerk shall publicly post or keep available for inspection by any interested party in the main office of his county this determination of such prevailing rate of wage.

Section 4: The County Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed, or file their names and addresses, requesting copies of

any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

Section 5: The County Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State and the Department of Labor of the State of Illinois.

Section 6: The County Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

Passed this 11th day of June, 1987.

Robert L. Koehn
Robert L. Koehn, Chairman
Jackson County Board

SEAL

ATTEST:

Robert B. Harrell
Robert B. Harrell, County Clerk

STATE OF ILLINOIS)
)
COUNTY OF JACKSON)

CERTIFICATE

I, Robert B. Harrell, DO HEREBY CERTIFY THAT I am the County Clerk in and for the County of Jackson; that the foregoing is a true and correct copy of an Ordinance duly passed by the County Board of Jackson County, Illinois being entitled: "AN ORDINANCE OF JACKSON COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED ON PUBLIC WORKS OF SAID COUNTY," at a regular meeting held on the 10th day of June, 1987, the ordinance being a part of the official records of said county.

DATED: This 11th of June, 1987

Robert B. Harrell
Robert B. Harrell, County Clerk

SEAL

ILLINOIS DEPARTMENT OF LABOR
CONCILIATION AND MEDIATION SERVICE
PREVAILING WAGES FOR CONSTRUCTION TRADES
FOR THE COUNTY OF JACKSON, EFFECTIVE 06/01/87

These Prevailing Wages shall be included in the contracts and their advertised specifications¹ so which any public body, as defined in CHAPTER 40, SECTION 395-2, ILL. REV. STAT., is a party, for the construction, reconstruction, maintenance and/or repair, including painting, redecorating, asbestos abatement, encapsulators or removal, and landscaping of public buildings or public works within the State of Illinois which requires or involves the employment of mechanics, laborers and owner/operators excluding independent contractors. Minimum wages, overtime rate and fringe benefits certified herein shall be paid and the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of work. This determination is the property of the Illinois Department of Labor and shall not be altered without their consent in writing.

NAME OF TRADE	RG	TYP	HOURLY RATES		OVERTIME RATE			FRINGE RATES		
			BASIC	FORM	WKDY	SA/SU	SUHL	MLFR	PENSN	VACTN
ASBESTOS WORKERS	BLD		21.450	22.200	1.5	1.5	2.0	1.600	2.240	.000
BOILERMAKERS	BLD		20.350	21.850	1.5	1.5	2.0	2.150	2.800	.000
BRIQUETTES	BLD		15.350	15.850	1.5	1.5	2.0	1.400	.800	.000
CARPENTER	ALL		15.980	16.480	1.5	1.5	2.0	1.470	.900	.000
CEMENT MASON	BLD		16.500	17.000	1.5	1.5	2.0	.000	.000	.000
CEMENT MASON	HWY		17.950	18.300	1.5	1.5	2.0	.000	.000	.000
ELECTRICIANS	BLD		19.360	21.300	1.5	1.5	2.0	1.250	1.940	.000
IRON WORKERS	HWY	ALL	19.500	20.500	1.5	1.5	2.0	1.600	1.050	.000
IRON WORKERS	BLD	SE	15.800	16.300	1.5	1.5	2.0	1.600	1.050	.000
LABORER	ALL		14.250	14.500	1.5	1.5	2.0	1.335	.650	.000
MAINTENANCE WORKERS	BLD		18.100		1.5	1.5	2.0	.000	.470	.000
OPER. ENGINEERS	ALL	1	18.050		1.5	1.5	2.0	1.250	1.500	.000
OPER. ENGINEERS	ALL	2	16.150		1.5	1.5	2.0	1.250	1.500	.000
OPER. ENGINEERS	ALL	3	15.400		1.5	1.5	2.0	1.250	1.500	.000
OPER. ENGINEERS	ALL	4	14.750		1.5	1.5	2.0	1.250	1.500	.000
OPER. ENGINEERS	ALL	5	14.150		1.5	1.5	2.0	1.250	1.500	.000
WELL DRILLERS	ALL	1	17.450		1.5	1.5	2.0	1.700	1.500	.000
WELL DRILLERS	ALL	2	16.250		1.5	1.5	2.0	1.700	1.500	.000
PAINTERS	CON		13.700	14.200	1.5	1.5	2.0	.000	.300	.000
PAINTERS	HWY		15.800	16.300	1.5	1.5	2.0	.000	.300	.000
PAINTERS	IND		15.800	16.300	1.5	1.5	2.0	.000	.300	.000
PLUMBER - FITTERS	BLD		19.400	20.400	2.0	2.0	2.0	1.150	1.700	.000
PLASTERER	BLD		16.500	17.000	1.5	1.5	2.0	.000	.000	.000
SPRINKLER FITTERS	BLD		18.400	19.650	1.5	1.5	2.0	1.850	1.600	.000
ROOFER	BLD		11.750	14.450	1.5	1.5	2.0	1.800	.600	.000
SPECIAL WORKERS	BLD		11.090	17.840	1.5	1.5	2.0	1.550	1.460	1.070
TERRAZZO WORKERS	BLD		18.100	.000	1.5	1.5	2.0	.000	.470	.000
TILE LAYERS	ALL		16.250		1.5	1.5	2.0	1.700	1.305	.000
TRUCK DRIVERS	ALL	1	15.425		1.5	1.5	2.0	2.000	1.525	.000
TRUCK DRIVERS	ALL	2	15.825		1.5	1.5	2.0	2.000	1.525	.000
TRUCK DRIVERS	ALL	3	16.025		1.5	1.5	2.0	2.000	1.525	.000
TRUCK DRIVERS	ALL	4	16.275		1.5	1.5	2.0	2.000	1.525	.000

NOTE:

Owner/operators in any classification shall be paid an amount per hour equal to the sum of the prevailing wage and the amount shown in the latest "Schedule of Average Annual Equipment Ownership License" publication issued by the Illinois Department of Transportation.

1 Such inclusion (including incorporation by reference) in a contract shall not and cannot contradict or affect the interpretation of this determination, no matter what other provisions of such contract or advertisement may say. If any such other provision shall be held to contradict or affect the interpretation of this determination, this determination shall be null and void, thereby rendering the contract null and void. The Department shall be the sole authority as to the interpretation of this determination.

Failure to comply with this determination shall be a material breach of such contracts. "Failure to comply" includes but is not limited to both a failure to keep an accurate record of the names, occupation and actual wages paid, which record shall show the various activities and classifications of work undertaken by each individual, each day, and as well a failure to pay appropriately. A contractor shall show compliance to the public body, (if the Department of Labor has not otherwise investigated compliance) presenting either a notarized statement under penalty of perjury and fraud from an officer of the company following his inspection of payroll and non-payroll records that the contractor has complied with this determination or a verification to the same effect from a certified public accountant following an audit. A failure to present such a verification shall constitute a failure to comply, and shall be the basis for liens by or for all employees and civil and criminal enforcement of the contract and the Prevailing Wage Act. Verifications shall accompany all lien-waivers and other demands for payment. A failure to comply on the part of a contractor followed by contractual payment notwithstanding by a public body, would reveal the determination stipulation as in fact unenforced by the public body, rendering such determination stipulation and contract null and void for purposes of the Prevailing Wage Act.

2 The definitions of owner/operators and independent operators can be found in "Guidelines Concerning the Illinois Prevailing Wage Act".

3 This determination incorporates and includes the Department's "Guidelines Concerning the Illinois Prevailing Wage Act" and the Act itself.

4 Overtime applies as shown to hours after 40 in a week, after eight hours in a day, Saturdays and Sundays. There is no "4-10s" exception. Further, overtime applies to combinations of private and public work. Thus, if an employee works 38 hours of private work in a week before 4 hours of public work, 2 hours of the public work is overtime at

prevailing wage. Thus, too, an employee who works 6 hours in private work and 4 hours on public works, has worked 2 overtime hours at the prevailing wage. Overtime problems often occur regarding supposed before and after work vehicle driving; for a description of the coverage of the Act as to such situations, contact the Superintendent of the Conciliation and Mediation Division for the Department's "Letter on Travel."

5 This electrician classification is subject to a further 3% pension "surcharge" on the hourly rate (including overtime premium). Note that the 3% does not apply to the other hourly fringe rates shown.

TRUCK DRIVERS

EXPLANATION OF CLASSES - BUILDING, HEAVY AND HIGHWAY WORK

Classification of work in the following Counties of Illinois:

Adams, Alexander, Bond, Brown, Bureau, Calhoun, Carroll (South), Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Dewitt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Henry, Jackson, Jasper, Jefferson, Jersey, Johnson, Knox, LaSalle, Lawrence, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, McDonough, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Peoria, Perry, Pratt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, Saline, Sangamon, Schuyler, Scott, Shelby, St. Clair, Stark, Tazewell, Union, Vermillion, Wabash, Warren, Washington, Wayne, White, Whiteside, Williamson; and parts of Ford (except North), Jobavless (West), Lee (except East), McLean (except North), Ogle (South), and Woodford (except East).

Class 1. Drivers on 2 axle trucks hauling less than 9 ton. Air compressor and welding machines and brooms, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and firemen, pickup trucks when hauling materials, tools, or men to and from and on-the-job site, and fork lifts up to 6,000 lb. capacity.

Class 2. Two or three axle trucks hauling more than 9 ton but hauling less than 16 ton. A-frame winch trucks, hydraulic trucks, or similar equipment when used for transportation purposes, fork lifts over 6,000 lb. capacity, winch trucks, four axle combination units, and ticket writers.

Class 3. Two, three or four axle trucks hauling 16 ton or more. Drivers on water pulls, mechanics and working foremen, and dispatchers.

five axle or more combination units.

Class 4. Low boy and Oil Distributors.

OPERATING ENGINEERS

EXPLANATION OF CLASSES - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

Classification of work in the following Counties of Illinois:

Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, White, and Williamson.

Class 1. APSCO or Equal Spreading Machine, backhoe, Backfiller, boom or Winch Cat, Bituminous Mixplane Machine, Blacksmith, Bituminous Surfacing Machine, Bull-Dozer, Crane, Shovel, Dragline, Truck Crane, Pile Driver, Concrete Breaker, Concrete or Pumpcrete Pumps, Dinky or Standard Locomotives, Well or Caisson Drills, Elevating Grader, Fork Lifts, Flexplane, Grapple, Hi-Lift Hoists, Guy-Derrick, Myster, Mechanic Motor Patrol, Mixers 21 cu. ft. or over, Push Cats, Pulls and Scrapers, Two Well Point Pumps, Pulverizer or Tiller, Pugmill, Rubber-Tired Farm Type Tractor with bulldozer/Blade/Auger or hi-lift over 1/2 yd., Jersey Spreader, Tract-Air used with Drill or Hi-Lift, Trenching or Ditching Machines, Wood Chipper w/Tractor, Self-Propelled Muller w/Blade, Equipment Greaser, Self-Propelled bump Grinder on Concrete pavement, Boat Operator.

Class 2. Any type tractor pulling any type roller or disc, Two Air Compressors (220 cu. ft. capacity or over), Two Airfract Drills, Air-Track Drill w/Compressor, Automatic Bins or Scales w/Compressor or Generator, Pipeline Boring Machine, Bulk Cement Plant w/Separate Compressor, Power Operated Bull float, Hyora-Lift w/Single Motor, Straw Mulcher Blower w/Spout, Self-Propelled Roller/Compactor, Back-End man on Bituminous Surfacing Machine.

Class 3. Air Compressor w/valve driving piling, Boom or Winch Type Truck, Two Conveyors, Self-Propelled Concrete Saw, Form Grader, Truck Crane Oiler, Self-Propelled Vibrator, Rubber Tired Farm Type Tractor w/Blade/Bulldozer/Auger/hi-lift - 1/2 yd. or less, Elevator Operator, Self-Propelled Chip Spreader.

Class 4. Air-Track Drill (one), Belt Drag Machine, Power Broom, Mechanical Plasterer Applicator, Trac-Air, Air Compressor (220 cu. ft. or over) One Air Compressor (under 220 cu. ft.) Four, Automatic Bin, Bulk Cement Plant w/Built-in Compressor running off same motor or

electric motor, Fireman or Switchman, Self-Propelled Form Taper, Light Plants (4), Welding Machines (4), Pumps (4), or Combination of four (4) Pumps, Light Plants, Welding Machines, Air-Compressors (under 220 cu. ft.), Mudjacks or Wood Chipper, Mixers - less than 21 cu. ft., Mortar Mixer w/Ship or Pump, Pipeline Tract Jack, One Operating Engineer may operate and maintain any combination of the following pieces of equipment, not to exceed four (4) which shall be within a reasonable distance, such combination may include any equipment in this classification: (Compressors, Light Plants, Generators, Welding Machines, Pumps or Conveyors), One Well-Point Pump, Two Motor Driven Heaters.

Class 5. One Air Compressor (under 220 cu. ft.), One Engine-Driven Conveyor, One Motor Driven Heater, One Light Plant, One Pump, One Welding Machine, One Ulimac or Equal Spreader, Conveyor Operator on Self-Propelled Chip Spreader, Oiler.

Other Classifications of work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If there is no such definition on file, the Bureau of Labor Statistics SIC list will be used. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. Further, if no such neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination.

AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR
JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 1987 THROUGH
NOVEMBER 30, 1988

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, 1987 and ending November 30, 1988;

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$4,396,742 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 \$637,200 is levied pursuant to Illinois Revised Statutes, Chapter 34, Paragraph 406, for general corporate purposes;
2. The sum of \$501,132 is levied pursuant to Illinois revised Statutes, Chapter 34, Paragraph 409.9 for Ambulance purposes;
3. The sum of \$250,000 is levied pursuant to Illinois Revised Statutes, Chapter 85, Paragraph 9-107, for the costs of insurance contracts for tort liability;
4. The sum of \$250,000 is levied pursuant to Illinois Revised Statutes, Chapter 85, Paragraph 9-107, for costs of insurance contracts for worker's compensation;
5. The sum of \$ 0 is levied pursuant to Illinois Revised Statutes, Chapter 85, Paragraph 9-107, to provide for the County's payment and contribution for unemployment insurance;
6. The sum of \$385,000 is levied pursuant to Illinois Revised Statutes, Chapter 108 1/2, Paragraph 7-132, for the County's payment and contribution to the Illinois Municipal Retirement Fund (I.M.R.F.);
7. The sum of \$500,000 is levied pursuant to Illinois Revised Statutes, Chapter 108 1/2, Paragraph 21-124, for the County's payment and contribution to the Social Security System;
8. The sum of \$185,000 is levied pursuant to Illinois Revised Statutes, Chapter 111 1/2, Paragraph 20c10, for Public Health purposes;
9. The sum of \$20,000 is levied pursuant to Illinois Revised Statutes, Chapter 34, Paragraph 5124, for the purpose of treating and caring for those affected with Tuberculosis;

10. The sum of \$230,000 is levied pursuant to Illinois Revised Statutes, Chapter 91 1/2, Paragraph 304, for the operation of the Community Mental Health (708) Board;

11. The sum of \$240,000 is levied pursuant to Illinois Revised Statutes, Chapter 121, Paragraph 5-601, for the County Highway purposes;

12. The sum of \$120,000 is levied pursuant to Illinois Revised Statutes, Chapter 121, paragraph 5-603, for Federal Aid Matching;

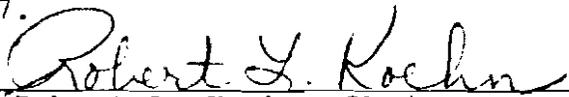
13. The sum of \$120,000 is levied pursuant to Illinois Revised Statutes, Chapter 121, Paragraph 5-602, for the County Bridge Funds;

14. The sum of \$125,000 is levied pursuant to Illinois Revised Statutes, Chapter 85, Paragraph 1048, to pay the annual rent payable to the Public Building Commission for the Jackson County Nursing Home;

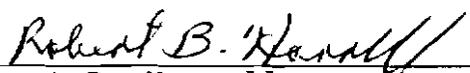
15. The sum of \$833,410 is levied pursuant to Illinois Revised Statutes, Chapter 85, Paragraph 1048, to pay the annual rent payable to the Public Building Commission for the property on which the new Jackson County Jail is to be constructed;

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

Approved at this special meeting of the Jackson County Board on the 23rd day of November, 1987.


Robert L. Koehn, Chairman
Jackson County Board

ATTEST:


Robert B. Harrell
Jackson County Clerk & Recorder

Jackson County
Liquor Control Ordinance

FILED

DEC 10 1987

Robert B. Howell
COUNTY CLERK
JACKSON COUNTY CLERK'S OFFICE

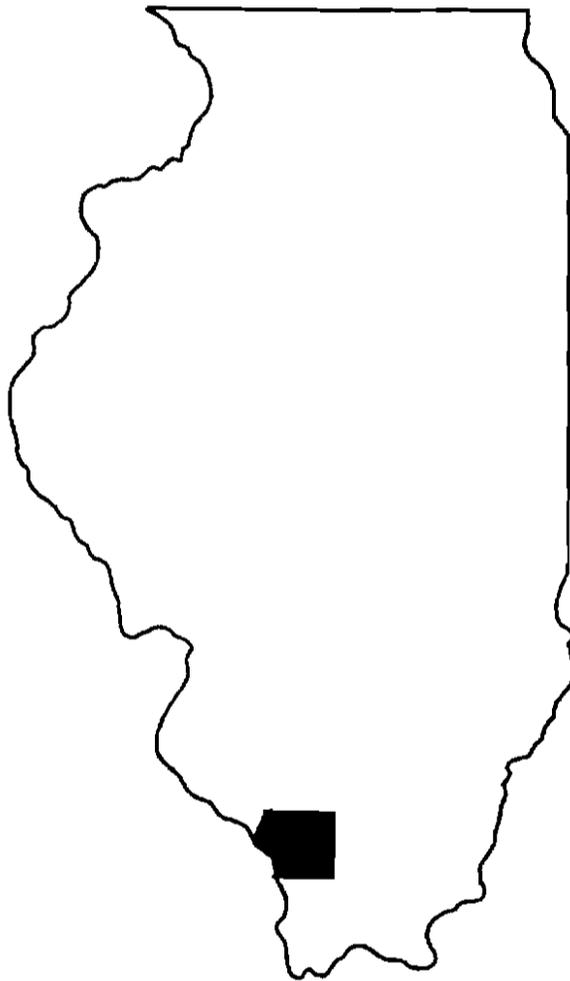


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JACKSON COUNTY LIQUOR CONTROL ORDINANCE

Adopted December 9 , 1987

WHEREAS, the County Board, Jackson County, Illinois, finds that it is in the best interests of the citizens of Jackson County, Illinois, that all existing Liquor Control Ordinances or amendments thereto should be repealed, and

WHEREAS, the County Board, Jackson County, Illinois, further finds that 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, a new Liquor Control Ordinance should be adopted.

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance of 1980, and, all resolutions of the County Board of Jackson County which may have been enacted pursuant thereto be, and all amendments thereto are hereby repealed.

THEREFORE, BE IT FURTHER ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance of 1987 be, and is hereby enacted as follows:

ARTICLE I

Construction

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 words 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. 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.

E. 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 accomodation 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.

F. Control Premise. The total area of the premise which the licensee controls or is responsible and shall include but not be limited to licensed premise and parking lots.

G. 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.

H. 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.

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

J. Licensed Premise. That area as described in the application where alcoholic liquor is served, stored or sold and areas internally or externally connected thereto by doorway which areas are integrally related to the operation of the licensed establishment.

K. 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.

L. 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.

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

N. 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.

O. 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.

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

Q. Wine. Any alcoholic beverage obtained by 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 above defined.

R. Change In Interest or Ownership. The phrase change in interest or 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.

Section 3. Applicability of State Law.

All provisions of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second sp. sess., approved Jan. 31, 1934, eff. July 1, 1934. (Ill. Rev. Stat. 1985, Ch. 43, §93, 9 et seq.) as amended or shall be amended are hereby incorporated and made a part of this chapter insofar as the provisions of such state law pertain to this county. In the event of a conflict between state law and any provision of this chapter, 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, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE II

Local Liquor Control Commissioner

Section 1. Commissioner Defined

The Chairman of the County Board of the County of Jackson, State of Illinois, shall be the Local 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 Commissioner of Jackson County, Illinois, shall have the following powers and duties:

A. The local 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.

B. 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.

C. 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;

D. 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.

E. To receive complaints for any citizen regarding violations 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.

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

G. The Local Liquor 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 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 Commissioner may authorize his agent to act on his behalf.

Section 4. Records

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

ARTICLE III

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 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.

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.

Section 4. Persons Ineligible To Hold A License.

No license shall be issued to:

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 in 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 morality 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 Commission determines, within its 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 and 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 members 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 hereunder 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 prescribed by subsections (a) (3) through (a) (10) of Section 28-1 of, or as prescribed by Section 28-3 of the Criminal Code of 1961, approved July 28, 1961, as heretofore or hereafter amended or as proscribed by statute replaced by the aforesaid statutory provisions.

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 Section 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 State statutes 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 Local Liquor 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 ordinance, 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 (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Local 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 Chapter 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 Chapter shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Chapter 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 Local Liquor Commissioner within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license.

Section 10. Renewals.

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

Section 11. Display.

A. 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 IV

Classification And Schedule Of Fees

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into six (6) 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 community associations or groups which are not for profit organizations. Said licenses shall be effective only from one (1) to three (3) days duration.

Section 2. Fees.

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

Class A	\$600.00
Class B	\$450.00
Class C	\$600.00
Class D	\$120.00
Class E	\$360.00
Class F	\$ 36.00

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 V

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 4:00 a.m. of the next day;
2. From 12:00 p.m. on Sunday until 4:00 a.m. on Monday;

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 4:00 a.m.

C. The only persons permitted to remain within the licensed premise after 4:00 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 4:00 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 of age.

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) 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) 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 5.

G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 5 of this section which contains a birthdate. 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.
 - a) 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 establishment.

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.

ARTICLE VI

Violations

Violations

Any person found to have violated any provision of this ordinance may be fined not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) 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 Local 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 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 43 of the Illinois Revised Statutes) and when a license shall have been revoked or 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) dollars in fines under this section may be imposed against any licensee during the period of his license.

ARTICLE VII

Hearing Procedures

Section 1. Type of Notice Required

A. Whenever this ordinance requires a hearing before the Local 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 a 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 Commissioner will not be allowed by the Commissioner unless for good and valid reason in writing.

B. The Commission 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 Local 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 Local 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 a preponderance of the evidence. Upon conviction for any violation of this ordinance, The court shall set a fine by a non-licensee pursuant to Article VI Violations, of this ordinance.

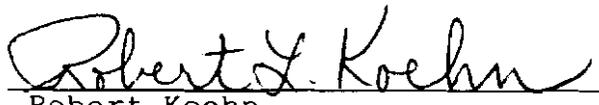
ARTICLE VIII

Effective Date

Effective Date

All ordinances heretofore adopted, and as amended, pertaining to the sale at retail of alcoholic beverages in Jackson County are hereby repealed, and, all resolutions of the County Board of Supervisors of Jackson County, Illinois, and all resolutions of the County Board of Jackson County, Illinois, which are in conflict with any of the provisions of this ordinance, are hereby repealed. This ordinance shall be in force and effect on January 1, 1988 following its adoption by the County Board of Jackson County.

Approved and enacted this 9th day of December, 1987
at a regular meeting of the Jackson County Board.


Robert Koehn
Jackson County Board Chairman

Attest:


Robert B. Harrell
County Clerk