

**ORDINANCE 2004**

**04-01**

An ordinance repealing ordinance 90-6, 93-1 and 95-2 concerning membership, appointments, term of office, duties of the emergency telephone system board

**04-2**

An Ordinance to Establish the Names of All Streets, Lanes, Roads, or Highways in the Unincorporated Area of Jackson County, Illinois

**04-03**

An ordinance amending the Jackson County Private Sewage Disposal System Ordinance

**04-04**

An ordinance amending the Jackson County Bed and Breakfast Ordinance

**04-05**

An ordinance amending the Jackson County Food Service Sanitation Ordinance

**04-06**

An Ordinance for the Establishment of an Altered Speed Zone of 45 mph on a portion of County Line Rd. for a total distance of 0.75 miles

**04-07**

An ordinance enacting the state officials and employee ethics act

**04-08**

An Ordinance Providing For and Making the Annual Tax Levy For Jackson County, Illinois for the Year December 1, 2004 through November 30, 2005

**04-09**

An Ordinance Enacting New Subdivision Regulations and the proposed amendments 04-10

**04-10**

The amendment of the Cable Television Ordinance to allow for seven (7) members on the commission (this ordinance was never drafted)

**04-11**

Jackson County Liquor Control Ordinance

**04-12**

An Ordinance to Add Territory to the Jackson County Enterprise Zone (Southern Illinoisan)

**04-13**

An Ordinance to Add Territory to the Jackson County Enterprise Zone (Ward Chrysler)

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**ORDINANCE NO. 2004 - 1**

**AN ORDINANCE REPEALING ORDINANCES 90-6, 93-1, AND 95-2  
CONCERNING MEMBERSHIP, APPOINTMENTS, TERM OF OFFICE,  
AND DUTIES OF THE EMERGENCY TELEPHONE SYSTEM BOARD**

WHEREAS, there exists an Emergency Telephone System Board (ETSB) for Jackson County, Illinois; which was created by the authority of the Jackson County Board pursuant to the Emergency Telephone System Act, 50 ILCS 750 .01 et. seq., as amended; and

WHEREAS, Jackson County Board has adopted ordinances 90-6, 93-1, and 95-2 together which established the ETSB, setting forth its responsibilities and duties, its composition, terms of office, and manner of member appointment; and

WHEREAS, the County Board desires now to repeal ordinances 90-6, 93-1, and 95-2; and

WHEREAS, notwithstanding the present ordinance, it is also intended that nothing herein shall effect any actions of the ETSB, its members, or employees done in reliance on or under the authority of previous ordinances. It is the intent of the County Board that the present ordinance replace, as of the date indicated, the prior ordinances.

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

Section 1. Ordinances 90-6, 93-1, and 95-2 are repealed.

Section 2. Those three ordinances are replaced as follows:

Article One. There is created and established an Emergency Telephone System Board to operate and maintain an Emergency Telephone System, commonly known as a 9-1-1 System.

Article Two. The ETSB shall consist of fourteen (14) members. The individual members of the ETSB shall be appointed by the Chairman of the Jackson County Board, with the advice and consent of the Jackson County Board, in the manner provided herein.

1. Except as indicated below, the term of the members of the ETSB shall be three (3) years, with the terms staggered so as to provide continuity to the performance of the ETSB.

2. The ETSB members shall include the following:

A. The Sheriff of Jackson County; and

B. The Police Chief and the Fire Chief for the City of Carbondale; and

- C. The Police Chief and the Fire Chief for the City of Murphysboro; and
- D. The Director of the Jackson County Ambulance Service; and
- E. The Director of Public Safety for Southern Illinois University - Carbondale; and
- F. Five (5) individuals representative of the Public Safety Agency 9-1-1 users appointed on the basis of their ability or experience with emergency services, four of whom must be representative of the Public Safety Agency 9-1-1 users whose system is located outside of the corporate limits of the City of Carbondale and the City of Murphysboro; and
- G. One (1) individual who is a public member and who is a resident of the local exchange service territory included in the 9-1-1 coverage area; and
- H. One (1) individual who is a member of the Jackson County Board, to be recommended by the Chair of the Jackson County Board, with the advice and consent of the said Board; and

Article Three. The term of office of the individual members of the ETSB shall be as follows:

1. Permanent (Ex-Officio) Members: The Sheriff of Jackson County, the Director of the Jackson County Ambulance Service, the Police Chiefs and Fire Chiefs of the Cities of Carbondale and Murphysboro, and the Director of the Department of Public Safety for SIU-C, and individuals filling these positions on an interim basis, shall all be permanent members of the ETSB. They shall all serve as permanent members of the ETSB until their respective appointment, office, or position is vacant according to law. Their successors shall become automatic permanent members to the ETSB upon being seated into their new appointment, office, or position.
2. Non-Permanent Members:
  - A. Five (5) individual members representative of agencies engaged in emergency services who reside outside of the corporate limits of the City of Carbondale and the City of Murphysboro who shall serve until their term of office expires January 9, 2005; and
  - B. One (1) individual who is a public member who is a resident who is of the local exchange service territory included in the 9-1-1 coverage area who shall serve until their term of office expires March 12, 2006; and
  - C. A member representative of the Jackson County Board shall serve at the pleasure of the Chairman of the County Board, with the advice and consent of the Jackson County Board, who shall serve until their

term of office on the ETSB expires March 14, 2004.

3. Members of the ETSB included in Article Three (3), Section (2), shall continue to serve in office after their respective term of office has expired or terminated in accordance with this ordinance until their successor has been duly appointed, qualified, and seated to the ETSB. It is the intended that the ETSB be a continuous public body.

Article Four. The powers and duties of the ETSB shall include, but are not limited to, the following:

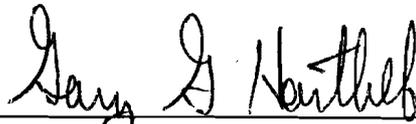
1. Planning a 9-1-1 system; and
2. Coordinating and supervising the implementation, upgrading, and maintenance of the 9-1-1 system, including the establishment of equipment specifications and coding systems; and
3. Receiving monies from the surcharge imposed and from any other source, for deposit into the Emergency Telephone System Fund to be maintained by the Treasurer of Jackson County, Illinois; and
4. Authorizing all disbursements from the Emergency Telephone System Fund in accordance with 50 ILCS 750/15.4(c); and
5. Hiring any staff necessary for the implementation or upgrade of the 9-1-1 system; and
6. Making and entering into any contracts; and
7. Acquiring, holding, and disposing of property; and
8. Incurring debts, liabilities, or obligations necessary for the accomplishment of its purpose; and
9. Taking any and all action necessary and incidental to achieve its purposes; and
10. Obtaining any and all types of insurance to protect itself from all claims, accidents, and losses; and
11. Adopting by-laws, rules, and regulations to govern its internal operations; and
12. Implementing and executing any additional duties as are lawful and in furtherance of the ETSB's purpose.

Section 3. Nothing herein shall effect any actions of the ETSB, its members, or employees done in reliance on or under the authority of previous ordinances. It is the intent of the County Board that the present ordinance replace, as of the date indicated, the prior ordinances.

Section 4. The present ordinance is effective upon its adoption by the Jackson County Board.

ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY MEETING THIS 11 DAY OF Feb., 2004.

By its Chairman,



Gary G. Hartlieb  
Jackson County Board

ATTEST



Larry W. Reinhardt, County Clerk

**FILED**  
FEB 13 2004

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

**AN ORDINANCE TO ESTABLISH THE NAMES OF ALL STREETS, LANES,  
ROADS OR HIGHWAYS IN THE UNINCORPORATED AREA OF  
JACKSON COUNTY, ILLINOIS.**

**WHEREAS**, the Counties Code, 55 ILCS 5/5-1067 (West 2002) provides that county boards may name or may change the name of any street, lane, road or highway in the unincorporated area of the county; and

**WHEREAS**, the County Board of Jackson County has previously approved and enacted Ordinance number 01-12, which Ordinance incorporated certain maps attached to the Ordinance. The maps named or renamed various streets, lanes, roads or highways situated in the unincorporated area of the county; and

**WHEREAS**, in conjunction with implementing and maintaining the emergency telephone system (911) in the county various streets, roads, lanes, and highways situated in the unincorporated area of the county have been named or renamed since the enactment of the previously mentioned County Ordinance number 01-12; and

**WHEREAS**, the Jackson County Board deems it to be in the best interest of the residents of the unincorporated area that these named and renamed streets, roads, lanes, and highways be adopted as provided in this present Ordinance; and

**WHEREAS**, the Jackson County Board believes such naming and renaming of thoroughfares in the unincorporated area of the county is essential to sufficiently provide emergency services and emergency response to the residents of the unincorporated area of the county;

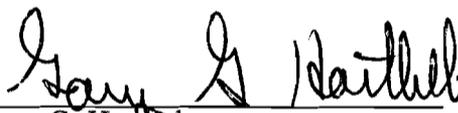
**THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:**

A. Jackson County Ordinance 01-12 is hereby repealed effective upon the passage of this present Ordinance.

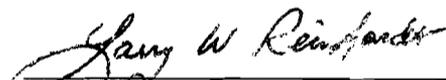
B. All streets, lanes, roads, highways and public ways in the unincorporated area of Jackson County, Illinois are hereby named or renamed, as shown and depicted on the attached Jackson County, Illinois map and road name list. Said map and road name list is incorporated herein and made a part of this ordinance as if fully set out.

C. This present Ordinance shall be effective upon the date of its adoption.

APPROVED AND ADOPTED at the regular meeting of the Jackson County Board on this 10 day of June, 2004.

  
\_\_\_\_\_  
Gary G. Hartleb  
Chairman

ATTEST:

  
\_\_\_\_\_  
Gary Reinhardt, County Clerk

SEAL

**ORDINANCE 04-03**

**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 ordinance is intended to amend, and not repeal, the existing sewage disposal ordinance, and all its amendments; 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 II.2.7.1 is amended as follows (additions are underlined - deletions are struck-out):

2.7.1 There shall be a standard ~~\$125.00~~ \$150.00 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.....	<del>\$100.00</del> <u>\$250.00</u>

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

3. Section II.2.7.2 is amended as follows (additions are underlined - deletions are struck-out):

2.7.2 There shall be a ~~\$125.00~~ \$150.00 fee for the purpose of assessing a private sewage disposal system or water supply system, or both during one site visit to a private residence when requested by the property owner, a prospective buyer, real estate agency, mortgage or loan institution, bank, etc. This fee will cover an initial site visit and one follow-up visit. ~~Additional fees may be charged to offset the cost of any additional site visit.~~ An additional fee of \$30.00 shall be charged to offset the cost of subsequent visits.

4. Section III. 3.3 and 3.3.1 are amended as follows (additions are underlined - deletions are struck-out):

3.3 There shall be an annual registration fee of ~~\$25.00~~ \$30.00 collected from all persons applying for a Jackson County Private Sewage Disposal System Contractor's Registration Certificate.

3.3.1 In addition to the annual registration fee in Subsection 3.3 there shall be an annual inspection fee of ~~\$25.00~~ \$30.00 for each vehicle used for the collection and transportation of septage except that this inspection and fee may be waived if the vehicle has been properly inspected by another local health department in Illinois.

5. The present amending ordinance shall be effective on the first day of the month following its adoption by the Jackson County Board; further

6. The Chairman of the County Board shall be authorized to sign this present ordinance.

ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY MEETING THIS 8 DAY OF Sept, 2004.

BY ITS CHAIRMAN,

Gary G. Harlieb  
Gary G. Harlieb

ATTEST:

Larry W. Reinhardt  
Larry W. Reinhardt  
Jackson County Clerk

ORDINANCE 04-04

**AN ORDINANCE AMENDING THE JACKSON COUNTY  
BED AND BREAKFAST ORDINANCE**

**WHEREAS**, there exists a Jackson County Bed and Breakfast Ordinance, regulating and licensing Bed and Breakfast establishments located in Jackson County, Illinois; and

**WHEREAS**, commensurate with the authority of the Jackson County Board to adopt certain ordinances regulating and licensing 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 Bed and Breakfast Ordinance; and

**WHEREAS**, the Jackson County Bed and Breakfast Ordinance has established a license fees for Bed and Breakfast establishments which need to be revised from time to time; and

**WHEREAS**, the amendments made by this present amending ordinance are for the purpose of establishing new fees to more proportionately distribute the cost of the food safety program ; and

**WHEREAS**, the amendments made by this present amending ordinance are for the purpose of revising fees 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 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 Bed and Breakfast Ordinance, as amended, as if originally part of the Bed and Breakfast Ordinance; further

2. Article II. Section 2(C) is added as follows (additions are underlined):

C. A fee of \$75.00 shall be assessed for review of the application and any inspections necessary to complete the review of the application.

3. Article V. is amended as follows (additions are underlined - deletions are struck-out):

The annual fees for a Bed and Breakfast license shall be ~~\$50.00~~ \$100.00. Fees for licenses issued after June 30 of each year shall be reduced by one-half of the entire fee.

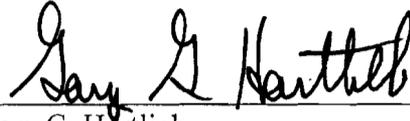
All licenses shall expire on December 31 of the year in which they were issued pursuant to Article II, Section 3.C. of this Ordinance.

4. The present amending ordinance shall be effective on the first day of the month following its adoption by the Jackson County Board; further

5. The Chairman of the County Board shall be authorized to sign this present ordinance.

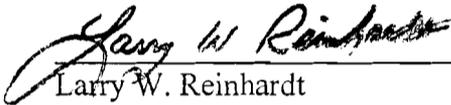
ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR MONTHLY MEETING THIS 8 DAY OF Sept., 2004.

BY ITS CHAIRMAN,



Gary G. Hartlieb

ATTEST:



Larry W. Reinhardt  
Jackson County Clerk

**ORDINANCE 04-05**

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

**WHEREAS**, there exists a Jackson County Food Service Sanitation Ordinance, as amended, regulating and licensing 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 licensing 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 license fees for food service establishments and retail food stores which need to be revised from time to time; and

**WHEREAS**, the amendments made by this present amending ordinance are for the purpose of establishing new categories and fees to more proportionately distribute the cost of the food safety program ; and

**WHEREAS**, the amendments made by this present amending ordinance are for the purpose of incorporating the definition of a new license category to said ordinance; and

**WHEREAS**, the amendments made by this present amending ordinance are for the purpose of revising fees 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 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

The annual license fee for a retail food store shall be determined by "square footage" and risk category. Establishments are reviewed annually in accordance with Illinois Department of Public Health guidelines to determine if they are a Category I, II, or III establishment as defined in Section 750.10 of the Food Service Sanitation Code (77 Illinois Administrative Code 750). These definitions may be revised time to time in the Food Service Sanitation Code, but generally indicate that a Category I establishment presents a high relative risk, Category II establishment presents a medium relative risk, and Category III establishment presents a low relative risk of causing foodborne illness. Category I and II establishments require additional inspections since they present a higher relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and other factors. The "Special High Risk" category are establishments where 3 or more additional inspections, or more than 5 recheck inspections, were needed during the previous annual license period. The application fee for a plan review shall be determined by "square footage." The following fee schedule shall apply:

<u>Square Footage</u>	<u>Annual Fees for Category III Establishments</u>	<u>Annual Fees for Category II Establishments</u>	<u>Annual Fees for Category I Establishments</u>	<u>Special High Risk Estab.</u>	<u>Plan Review Application Fees</u>
<u>1 to 4,999</u>	<u>\$85.00</u>	<u>\$100.00</u>	<u>\$125.00</u>	<u>\$250.00</u>	<u>\$50.00</u>
<u>5,000 to 15,000</u>	<u>\$135.00</u>	<u>\$150.00</u>	<u>\$175.00</u>	<u>\$350.00</u>	<u>\$100.00</u>
<u>over 15,000</u>	<u>\$235.00</u>	<u>\$250.00</u>	<u>\$275.00</u>	<u>\$550.00</u>	<u>\$150.00</u>

<u>Square Footage</u>	<u>Annual Fees for Category III Establishments</u>	<u>Annual Fees for Category II Establishments</u>	<u>Annual Fees for Category I Establishments</u>	<u>Special High Risk Estab.</u>	<u>Plan Review Application Fees</u>
<u>1 to 4,999</u>	<u>\$95.00</u>	<u>\$110.00</u>	<u>\$135.00</u>	<u>\$275.00</u>	<u>\$75.00</u>
<u>5,000 to 15,000</u>	<u>\$150.00</u>	<u>\$165.00</u>	<u>\$190.00</u>	<u>\$385.00</u>	<u>\$125.00</u>
<u>over 15,000</u>	<u>\$260.00</u>	<u>\$275.00</u>	<u>\$300.00</u>	<u>\$605.00</u>	<u>\$175.00</u>

The annual license fee for a Fleet license shall be determined by the number of vehicles operating in Jackson County at any given time during the year. The following fee schedule shall apply:

<u>Fleet license</u>	<u>Fee</u>
<u>2 to 5 trucks</u>	<u>\$500</u>
<u>6 to 10 trucks</u>	<u>\$850</u>

The Fleet License category shall include, by definition, only non-fixed mobile retail units where food is sold to the public.

The license fee for a temporary food service establishment shall be \$25.00.

The license fee for a temporary food service establishment shall be \$40.00. An additional \$20 fee per incident may be billed (payable at time of inspection) if the vendor is not prepared for inspection within 1 hour after the appointed inspection time.

**AN ORDINANCE FOR THE ESTABLISHMENT  
OF AN ALTERED SPEED ZONE**

04-6

**IT IS HEREBY DECLARED** by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-604 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 this Board has caused to be made an engineering and traffic investigation upon 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 absolute maximum speed limit upon a section of North County Line Road (Carbondale Twp. Maintenance, Williamson Co. TR # 4) as listed below shall be 45 m.p.h.

**A 45 mile per hour speed limit beginning at Cardinal Road extending southerly, ending at Sacramento Road for a total distance of 0.75 miles.**

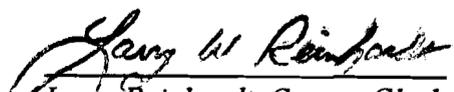
**BE IT FURTHER DECLARED** that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

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

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*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 10-13, 2004.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 13 day of Oct, 2004.*

  
Larry Reinhardt, County Clerk

SEAL



## INDUCEMENT AND MAINTENANCE AGREEMENT

This agreement is made and entered into this 9<sup>th</sup> day of July, 2004, by and between Knight Hawk Coal, LLC, having offices at 984 East Sugar Creek Road, Ava, Illinois 62907 (hereinafter referred to as "KNIGHT HAWK"), and the County of Jackson, Illinois, acting by and through its County Board having offices at the Jackson County Courthouse, Murphysboro, Illinois 62966 (hereinafter referred to as the "COUNTY").

**WHEREAS**, KNIGHT HAWK is the operator of a surface coal mine within Jackson County, Illinois, situated in Sections 2, 3, 10, 11, 14, and 15, Township 7 South, Range 3 West of the 3<sup>rd</sup> P.M., Jackson County, Illinois; and

**WHEREAS**, the operation of the mine will require that trucks travel on County Highway 2 (commonly known as Mudline Road) beginning at a point 0.65 miles south of County Highway 8 (commonly known as Beaucoup Road) southerly to Illinois Route 4, said road so described is hereinafter referred to as the "HIGHWAY" and shown on the attached map; and

**WHEREAS**, the location and routes of the HIGHWAY may be changed, altered, or modified by mutual written agreement of the COUNTY AND KNIGHT HAWK; and

**WHEREAS**, the HIGHWAY is maintained by the Jackson County Highway Department an agency of the COUNTY; and

**WHEREAS**, the PARTIES recognize and acknowledge that the operations of the mine by KNIGHT HAWK may negatively and severely impact the condition of the HIGHWAY thereby requiring more intensive maintenance and more frequent repairs; and

**WHEREAS**, the PARTIES hereto have determined that it is in the best interest of KNIGHT HAWK and the COUNTY that the PARTIES enter into an Agreement concerning the maintenance and repair of said HIGHWAY; and

**WHEREAS**, 605 ILCS 5/6-310 (2002) and 605 ILCS 5/5-101.7 (2002) authorizes Inducement Agreements such as this Agreement regarding County Highways in Illinois, and

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, and other good and valuable consideration, the PARTIES, hereto agree as follows:

Section 1. During the term of this Agreement the COUNTY shall maintain and repair said HIGHWAY at the sole expense of KNIGHT HAWK. Said maintenance and repair shall insure the HIGHWAY is maintained in good condition comparable to that as was determined to be on the Inspection Date - July 14, 1998.

Section 2. KNIGHT HAWK shall be exclusively responsible for the expense of the upkeep, maintenance, and repair of the HIGHWAY irrespective of damage done by third parties.

Section 3. When upkeep, maintenance, or repair is required on the HIGHWAY as determined by the COUNTY, the work shall be performed by the COUNTY or its assigns at the sole expense of KNIGHT HAWK. Payment to the COUNTY for reimbursement of expenses incurred by the COUNTY shall be made by KNIGHT HAWK within 30 days of the billing date.

Section 4. KNIGHT HAWK shall take adequate measures to insure that no trash, litter, dirt, mud, or other debris is carried onto or deposited on the surface or right-of-way of the HIGHWAY from trucks or other equipment entering and exiting the mine. This will require, but is not limited to, placing and maintaining a crushed stone or higher type surface on the mine's entrance road from the HIGHWAY. In the event that trash, litter, dirt, mud, or other debris is deposited on the HIGHWAY surface or right-of-way, KNIGHT HAWK shall take immediate measures and clean the HIGHWAY of the material. In addition, KNIGHT HAWK shall take adequate measures to insure that no vehicles including hauling trucks are parked, waiting, or immobile on the right-of-way of the HIGHWAY.

Section 5. KNIGHT HAWK customers, contractors, and hauling vehicles (unless otherwise permitted by the COUNTY) will be limited to legal highway loads as set forth in 625 ILCS 5/15-111 (2002) and shall be further limited to 80,000 pounds gross weight for a 5-axle combination with not less than 44 feet between extreme axles.

Section 6. The term of this Agreement shall be for five (5) years commencing on the date stated above and terminating on \_\_\_\_\_, 2009. This Agreement, however, will automatically renew for additional five (5) year time periods and on the same terms and conditions unless either party sends to the other party, at least thirty (30) days before the expiration date of the initial or any subsequent renewal time period, by certified mail, return receipt requested, a written notice of termination. The COUNTY also reserves the right to terminate this Agreement thirty (30) days following written notice by the COUNTY to KNIGHT HAWK of any breach of any terms or conditions stated herein by KNIGHT HAWK which remains uncured for thirty (30) days following written notice. Such termination shall be effective twenty-four (24) hours after written notice is sent by the COUNTY to KNIGHT HAWK of the termination.

Section 7. KNIGHT HAWK shall abide by and obey all applicable federal, state, and local statutes, ordinances rules and regulations in the exercise of their privileges and duties arising under this Agreement.

Section 8. KNIGHT HAWK shall deposit with the COUNTY a \$50,000 performance bond in form satisfactory to the COUNTY, as security for KNIGHT HAWK's obligations pursuant to this Agreement. In the event KNIGHT HAWK defaults on any of its obligations pursuant to this Agreement, the COUNTY may attach as much of such security as may be required to satisfy the terms of this Agreement. Should KNIGHT HAWK fail to obtain and deposit such bond with the

COUNTY or should they allow such bond to expire or terminate without replacement, the COUNTY is expressly authorized to obtain such bond at the expense of KNIGHT HAWK.

Section 9. KNIGHT HAWK also agrees to defend and indemnify the COUNTY, its officers; employees and agents, against any and all claims, losses, damages or lawsuits for damages, arising from, allegedly arising from, or related to the obligations of KNIGHT HAWK as set forth in this Agreement. Nothing herein shall obligate KNIGHT HAWK with regard to vehicle accidents or other incidents occurring on the HIGHWAY which are unrelated to the obligations of KNIGHT HAWK under this agreement. KNIGHT HAWK shall obtain comprehensive general liability insurance in the aggregate amount of \$2,000,000.00, in manner and form acceptable to the COUNTY. The policy shall name the COUNTY, its officers, employees and agents as additional insured and shall be maintained throughout the term of this Agreement. KNIGHT HAWK shall provide to the COUNTY proof of insurance that it has obtained the requisite insurance. Should KNIGHT HAWK fail to obtain such insurance coverage or allow such insurance coverage to expire without replacement, the COUNTY is expressly authorized to obtain such insurance coverage at the expense of KNIGHT HAWK.

Section 10. Each section of this Agreement is and shall be considered separable. Should any court of competent jurisdiction declare any section or provision of this Agreement void, such declaration shall not affect the remainder of this Agreement.

Section 11. This Agreement constitutes the entire Agreement by and between the parties hereto. This Agreement supersedes any and all prior agreements, understandings and negotiations, whether in writing or oral.

Section 12. Notices required under this Agreement shall be addressed as follows:

To the COUNTY:	Chairman, Jackson County Board Jackson County Courthouse Murphysboro, IL 62966
To KNIGHT HAWK	Knight Hawk Coal, LLC 984 East Sugar Creek Road Ava, IL 62907

---

Executed on the date first state above.

COUNTY OF JACKSON

By: \_\_\_\_\_  
Chairman, Jackson County Board

Attest:

Larry Reinhardt  
Larry Reinhardt, County Clerk

KNIGHT HAWK COAL, LLC

By: Steve Carter

Its: Manager/Member

Attest:

[Signature]

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF JACKSON    )

I, the undersigned, Notary Public, in and for the said County, in the State aforesaid do hereby certify that STEVE A. CARTER, personally known to me to be the MANAGER/MEMBER of Knight Hawk Coal, LLC, and JOSHUA J. CARTER personally known to me to be the VICE PRESIDENT, of said corporation, and personally known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such STEVE A. CARTER and JOSHUA J. CARTER he/they signed and delivered the said instrument as MANAGER/MEMBER and VICE PRESIDENT of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said corporation as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this 9<sup>th</sup> day of JULY, 2004.

Jean A. Coleman  
Notary Public



SEAL

**ORDINANCE NO. 2004 -**

04-7

**AN ORDINANCE ENACTING THE STATE OFFICIALS  
AND EMPLOYEE ETHICS ACT**

**WHEREAS**, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

**WHEREAS**, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

**WHEREAS**, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

**WHEREAS**, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

**WHEREAS**, the County of Jackson previously adopted Ordinance 99-01 on June 9, 1999, banning gifts in certain situations to various county personnel officials; and

**WHEREAS**, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

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

**SECTION 1: DEFINITIONS**

For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or

Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the County of Jackson, whether on a full time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the County of Jackson.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund raiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## **SECTION 2: PROHIBITED POLITICAL ACTIVITIES**

Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the County of Jackson in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

### **SECTION 3: GIFT BAN**

1. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

2. Exceptions. Section 3-1 is not applicable to the following:

(A) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fund-raising event in support of a political organization or candidate.

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father,

mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100. Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**SECTION 4: PENALTIES**

1. A person who intentionally violates any provision of Section 2 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

2. A person who intentionally violates any provision of Section 3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

4. A violation of Section 2 this Ordinance shall be prosecuted as a criminal offense by an attorney for the County of Jackson by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Section 3 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the County of Jackson, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

5. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 2 or Section 3 of this Ordinance is subject to discipline or discharge.

**SECTION 5:** Ordinance 99-01 adopted June 9, 1999, is hereby repealed.

**SECTION 6:** This Ordinance shall be in effect upon its passage and approval as provided by law.

**BE IT ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD BY THE REQUISITE MAJORITY VOTE AT ITS REGULAR MONTHLY MEETING THIS 13th DAY OF OCTOBER, 2004.**

By its Chairman,

ATTEST:

Mary "Mickey" Koranda (Via  
Gary G. Hartlieb

Larry W. Reinhardt  
Larry W. Reinhardt, County Clerk



04-08

NOV 18 2004

**AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR  
JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 2004  
THROUGH NOVEMBER 30, 2005**

JACKSON COUNTY CLERK'S OFFICE

**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, 2004 and ending November 30, 2005;**

**NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$6,739,050.00 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 \$1,294,480.00 is levied pursuant to 55 ILCS 5/5 - 1024, for general corporate purposes;**
- 2. The sum of \$1,062,109.00 is levied pursuant to 55 ILCS 5/5 - 1028, for Ambulance purposes;**
- 3. The sum of \$246,966.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of tort liability protection;**
- 4. The sum of \$166,457.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of insurance contracts for worker's compensation;**
- 5. The sum of \$51,588.00 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 \$588,447.00 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 \$712,218.00 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 \$479,437.00 is levied pursuant to 55 ILCS 5/5 - 25003, for Public Health purposes;**

9. The sum of \$65,300.00 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 \$385,848.00 is levied pursuant to 405 ILCS 20/4 - 5, 6, for the operation of the Community Mental Health (708) Board;
11. The sum of \$479,437.00 is levied pursuant to 605 ILCS 5/5 - 601, for the County Highway purposes;
12. The sum of \$239,718.00 is levied pursuant to 605 ILCS 5/5 - 603, for Federal Aid Matching;
13. The sum of \$239,718.00 is levied pursuant to 605 ILCS 5/5 - 602, for the County Bridge Funds;
14. The sum of \$64,500.00 is levied pursuant to 55 ILCS 5/5 - 1034, for the purpose of social services for senior citizens;
15. The sum of \$171,600.00 is levied pursuant to 505 ILCS 45/8, for support of the Jackson county Cooperative Extension Service.
16. The sum of \$11,790.00 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 \$479,437.00 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 18<sup>th</sup> day of November 2004.

  
\_\_\_\_\_  
Gary G. Hartlieb, Chairman  
Jackson County Board

ATTEST:

Larry Reinhardt  
Jackson County Clerk & Recorder

ORDINANCE NO. 2004 - 09

AN ORDINANCE ENACTING NEW  
SUBDIVISION REGULATIONS

WHEREAS, the Jackson County Board intends to adopt the attached document titled "SUBDIVISION ORDINANCE OF JACKSON COUNTY, ILLINOIS;" and

WHEREAS, the attached document is intended to fully replace the subdivision ordinance adopted on or about August 11, 1982 and its subsequent amendments.

THEREFORE, be it adopted and ordained as follows:

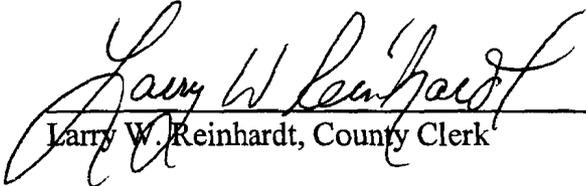
1. The attached document titled "SUBDIVISION ORDINANCE OF JACKSON COUNTY, ILLINOIS," shall replace, as more fully explained in that document, the prior subdivision ordinance adopted on or about August 11, 1982, and subsequently amended;
2. The new document becomes effective immediately.

ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD, BY THE REQUISITE MAJORITY, THIS 29<sup>TH</sup> DAY OF NOVEMBER, 2004, AT A SPECIAL MEETING CALLED FOR THIS PURPOSE.

By its Chair

  
\_\_\_\_\_  
Gary G. Hartlieb, Chairman  
Jackson County Board

ATTEST:

  
\_\_\_\_\_  
Larry W. Reinhardt, County Clerk

**04-10**

The amendment of the Cable Television Ordinance to allow for seven (7) members on the commission (this ordinance was never drafted)

ORDINANCE NO. 2004 - 11  
JACKSON COUNTY LIQUOR CONTROL ORDINANCE  
AMENDED DECEMBER 8, 2004

**FILED**  
DEC 09 2004  
*Alvin W. Rain*  
COUNTY CLERK  
JACKSON COUNTY CLERK

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, an amended Liquor Control Ordinance should be adopted; and

WHEREAS, there exists Jackson County Liquor Control Ordinance adopted May 14, 2003, and the present amending ordinance is in no way intended to repeal or abrogate the May 2003 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 add a caterer retailer definition, a caterer retailer license classification and associated license fee.

THEREFORE, BE IT ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance adopted in 2003, and, all resolutions of the County Board of Jackson County which may have been enacted pursuant thereto be, are hereby amended.

THEREFORE, BE IT FURTHER ORDAINED by the County Board of Jackson County, Illinois, that the Jackson County Liquor Control Ordinance of 2003 be, and 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.

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. ( 235 ILCS 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 that 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, fo 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:

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- 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 be 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.

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#### **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 September 30 of the year preceding the license year.

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 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 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 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.
- S. Any person who, if issued a license, would utilize said license in such a way as to adversely affect the health, safety and welfare of the general public.

**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 (5%) 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.

**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. 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. Class "G" 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.
- 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.

Section 2. Fees.

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

Class A	\$ 900.00
Class B	\$ 675.00
Class C	\$ 900.00
Class D	\$ 180.00
Class E	\$ 540.00
Class F	\$ 50.00
Class G	\$ 300.00

Class H	\$ 75.00
Class I	\$1000.00

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 12:00 p.m. on Sunday until 2:00 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 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.

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 Licensed Premise, other than in a Beer Garden/Outdoor Café 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 235 ILCS 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 café 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 café 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 café 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 café 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 café, shall also submit a drawing or diagram of the area designated as a beer garden/outdoor café. 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 café 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 café, 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 café 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 café 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

This ordinance shall be in force and effect on December 9, 2004, following its adoption by the County Board of Jackson County.

Approved and enacted this 8th day of December, 2004 at a regular meeting of the Jackson County Board.



Gary Hartleb  
Jackson County Board Chairman

Attest:



Larry Reinhardt  
County Clerk

ORDINANCE NO. 04-12

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

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

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

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

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

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

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

SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-27 and B-27 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

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

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

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

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

SECTION 6. That this Ordinance shall be known as Ordinance No. 04-12 of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Economic Opportunity has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

PASSED this 3 day of Dec, 2004.

APPROVED this 3 day of Dec, 2004.

JACKSON COUNTY BOARD

Gary G. Harthel  
COUNTY BOARD CHAIRMAN

ATTESTED:

Gary W. Rainbolt  
COUNTY CLERK

**EXHIBIT A-27  
SOUTHERN ILLINOISAN**

**LEGAL DESCRIPTION**

**GENERAL DESCRIPTION**

Part of Section 16, Township 9 South, Range 1 West, Third Principal Meridian, Jackson County, Illinois.

**DETAILED DESCRIPTION**

Commencing at the southeasterly corner of Block 13 in the revised plat of community addition to the City of Carbondale, Jackson County, Illinois, as shown by the recorded plat thereof in book 6 of plats on page 19 in the recorder's office of Jackson County, Illinois;

thence easterly, along the northerly right-of-way line of Willow Street (said line coterminous with northern boundary line of an existing enterprise zone), a distance of 13.1 feet to a point of intersection with westerly right-of-way line of Illinois Avenue;

thence northerly, with a deflection angle to the left of 76 degrees 33', a distance of 225.0 feet to a point of intersection in the westerly right-of-way line of the Illinois Central Gulf Railroad Company;

thence northwesterly with a deflection angle to the left of 44 degrees 28' along the said westerly right-of-way line of the Illinois Central Gulf Railroad Company a distance of 121.10 feet to a point;

thence southwesterly with a deflection angle to the left of 93 degrees 40' 18", a distance of 19.39 feet to a survey pin and cap set at a point located in the present westerly right-of-way line F.A.P. Route 718 (U.S. Route 51), and the point of beginning for this line description: from said point of beginning

thence continuing southwesterly along the last described course, the back tangent projected a distance of 38.16 feet to a point;

thence southeasterly with a deflection angle to the left of 90 degrees 00', a distance of 1.50 feet to a point being a "V" cut on the concrete footing of a building;

thence southwesterly with a deflection angle to the right of 90 degrees 00', a distance of 100.32 feet to a point;

thence northwesterly with a deflection angle to the right of 90 degrees 00', a distance of 1.50 feet to a point;

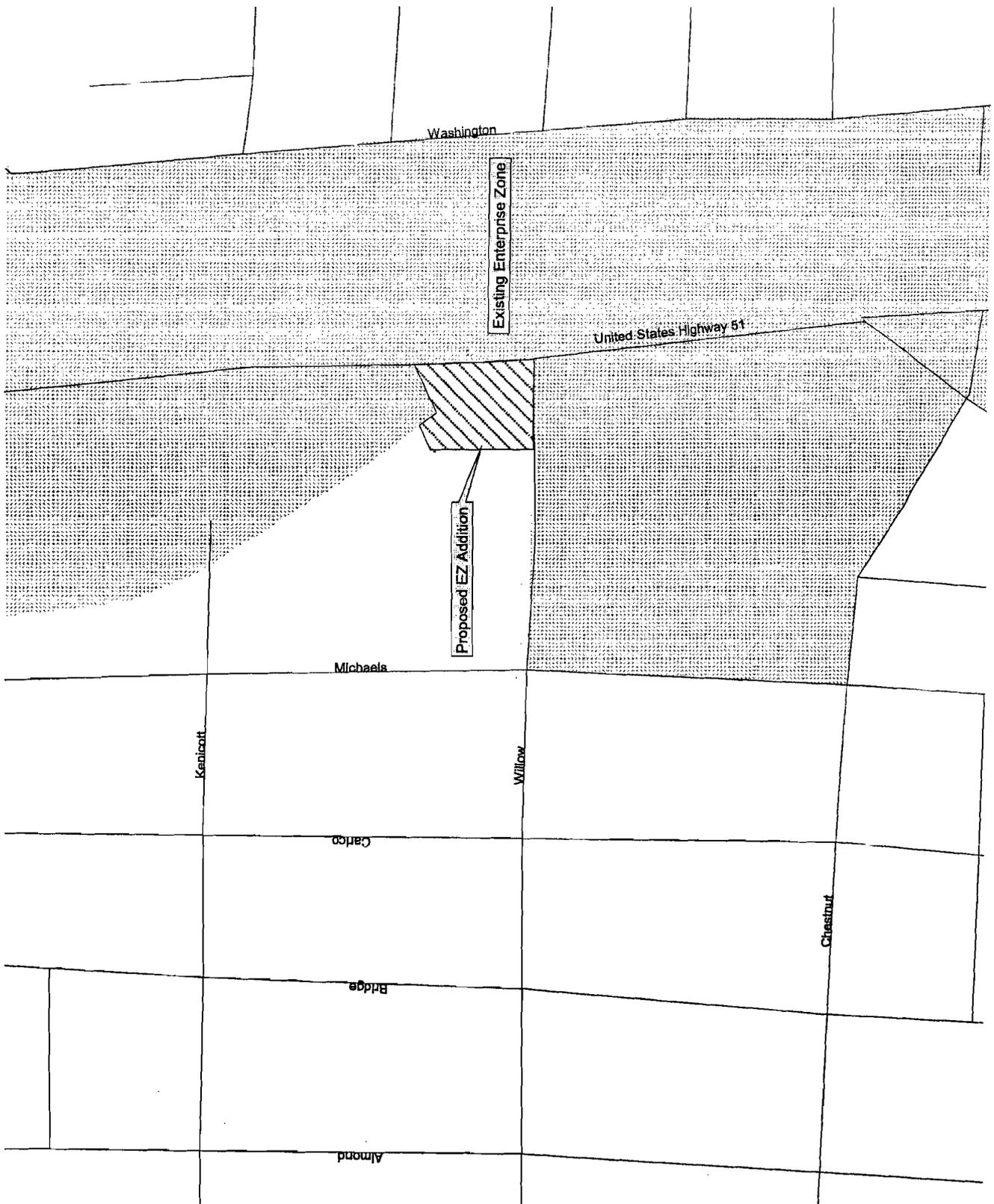
thence southwesterly with a deflection angle to the left of 90 degrees 00', a distance of 25.83 feet to a survey pin and cap set in the northeasterly side of aforesaid block 13;

thence northwesterly with a deflection angle to the right of 90 degrees 21' 36", along said line, a distance of 53.10 feet to a point;

thence southwesterly with a deflection angle to the left of 90 degrees 07' 47", a distance of 49.47 feet to a survey pin and cap set; at the point of intersection with the westerly line of said block 13, said point also being a point in the easterly right-of-way line of Normal Avenue (now vacated);

thence westerly with a deflection angle to the right of 35 degrees 07' 35", a distance of 25.00 feet to an iron pin and cap found at the end of said surveyed line.

Southern Illinoisan - Enterprise Zone Addition



ORDINANCE NO. 04-13

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

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

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

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

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

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

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

SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-28 and B-28 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

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

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

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

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

SECTION 6. That this Ordinance shall be known as Ordinance No. 04-13 of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Economic Opportunity has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

PASSED this 8 day of Dec, 2004.

APPROVED this 8 day of Dec, 2004.

JACKSON COUNTY BOARD

Gary G. North  
COUNTY BOARD CHAIRMAN

ATTESTED:

Gary W. Reinhardt  
COUNTY CLERK

**LEGAL DESCRIPTION**

**CONNECTING STRIP  
LINKING THE PROPOSED DEVELOPMENT WITH THE ENTERPRISE ZONE**

**GENERAL DESCRIPTION**

Strip within Sections 20 and 21, Township 9 South, Range 1 West, of the Third Principal Meridian, Jackson County, Illinois. Strip linking the proposed addition of property to the Carbondale Enterprise Zone.

**DETAILED DESCRIPTION**

Beginning at the intersection of the south Right-of-Way (ROW) line of West Main Street with the west line of Lot 1 in Clyde M. Brooks Subdivision, Section 21, Township 9 South, Range 1 West, of the Third Principal Meridian, this being the point of beginning for the proposed connecting strip;

thence west along the south ROW of West Main Street to its intersection with the southward extension of the west ROW line of North Williams Street;

thence north along said west ROW line of North Williams Street to its intersection with the north ROW of West Main Street;

thence westerly along said north ROW line of West Main Street, a distance of 700 feet more or less to the southeast corner of Lot 27 of Block E in Park Place Addition to the City of Carbondale, Illinois, being a subdivision of the northwest quarter of the northeast quarter of Section 20, Township 9 South, Range 1 West of the Third Principal Meridian;

this point being the end of description for the connecting link.

**GENERAL DESCRIPTION OF PROPERTY**

Part of Section 20, Township 9 South, Range 1 West, of the Third Principal Meridian, Jackson County, Illinois.

**DETAILED DESCRIPTION OF PROPERTY**

Parcel 1 (37,809 sq. ft.):

Lots numbered 27, 28, 29, 30, 31, and 32 of Block E in Park Place Addition to the City of Carbondale, Illinois. Being a subdivision of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 20, Township 9 South, Range 1 West of the Third Principal Meridian, Jackson County, Illinois, except that part lying southerly of the northerly right-of-way line of F.A. Route 14 (West Main Street).

Parcel 2 (80,070 sq. ft.):

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 2 in Miller and Ellis First Subdivision of Lots in Park Place Addition to the City of Carbondale, Illinois, as shown by the recorded plat thereof in Book 7 of Plats on page 25 in the Recorder's Office of Jackson County, Illinois, except 25 feet parallel in width off the east end of Lots 1, 2, 3, 4, 5 and 6 in said Block 2; and the vacated Ellis Street right-of-way, said right-of-way having been duly vacated by City of Carbondale Ordinance No. 2004-79.

Parcel 3 (21,380 sq. ft.):

Lots 31, 32 and 16 2/3 feet off the east side of Lot 33 in Block C in Park Place Addition to the City of Carbondale, Illinois, as shown by the recorded plat thereof in Book 5 of Plats at page 17 in the Recorder's Office of Jackson County, Illinois.

Ward Chrysler - Enterprise Zone Addition

