

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2080

**AN ORDINANCE AMENDING SECTION 21-3-1 OF THE REVISED CODE OF
ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGULATING THE SALE OF
ALCOHOLIC LIQUORS**

ADOPTED BY THE

CITY COUNCIL

OF THE CITY OF NOKOMIS, ILLINOIS

THIS 2ND DAY OF JULY, 2021

Published in pamphlet form by the authority of the City Council
of the City of Nokomis, Montgomery County, Illinois,
this 6th day of July, 2021.

CITY OF NOKOMIS, ILLINOIS

Ordinance No. 2080

AN ORDINANCE AMENDING SECTION 21-3-1 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGULATING THE SALE OF ALCOHOLIC LIQUORS

WHEREAS, the City of Nokomis, Illinois (the "City") is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, states, "[t]he corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities"; and

WHEREAS, the City, pursuant to Section 4-1 of Liquor Control Act of 1934, 235 ILCS 5/4-1, has the power by general ordinance to establish such further regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City heretofore has adopted Section 21-3-1 of the Revised Code of Ordinances to establish closing hours for all liquor licensees in the City of Nokomis; and

WHEREAS, the corporate authorities have determined that the best interests of the City are served by amending said Section 21-3-1 to allow Class "A" licensees to have extended hours for Nokomis Homecoming upon written request to and approval by the liquor control commissioner, allowing such licensees to close at 3:00 a.m. instead of 2:00 a.m. on Saturday morning and/or Sunday morning, provided that such licensees provide proof of dram shop insurance coverage during that additional hour.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the Mayor and City Council of the City of Nokomis, Illinois.

SECTION 2: Section 21-3-1 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to read as follows, with underlined portions to be added and stricken portions to be deleted:

21-3-1 HOURS.

(a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City between the hours of:

Sunday	2:00 A.M.	until	7:00 A.M.
Monday	12:00 A.M.	until	7:00 A.M.
Tuesday	12:00 A.M.	until	7:00 A.M.
Wednesday	12:00 A.M.	until	7:00 A.M.
Thursday	12:00 A.M.	until	7:00 A.M.
Friday	12:00 A.M.	until	7:00 A.M.
Saturday	2:00 A.M.	until	7:00 A.M.
Special: New Year's Day	2:00 A.M.	until	7:00 A.M.
Special: Thanksgiving	2:00 A.M.	until	7:00 A.M.

(b) A possessor of a Class "A" license may, upon written application to and written approval of the Nokomis Liquor Control Commissioner, extend its hours of sale by one (1) hour during the Saturday morning and/or Sunday morning of Nokomis Homecoming, in which case it shall be unlawful to sell or offer for sale at retail any alcoholic liquor on the licensed premises between the hours of:

Saturday	3:00 A.M.	until	7:00 A.M.
Sunday	3:00 A.M.	until	7:00 A.M.

Proof of dram shop insurance covering the hours of 2:00 a.m. until 3:00 a.m. must be provided to the Nokomis Liquor Control Commissioner with the licensee's written application.

(c) No patron shall remain or be permitted to remain or be admitted to any Class "A" licensed premises after the sale of alcoholic liquors is prohibited, as provided hereinabove, for the remainder of the closed hours described therein.

(d) Consumption of liquor is prohibited, without exception, including employees or agents of the licensee, at any time while the sale of alcoholic liquor is prohibited as provided hereinabove.

(e) The doors of each licensed premises shall be locked and no person not in the employ of the licensee shall be admitted to or remain upon the premises during the times when patrons are prohibited from being on the licensed premises.

(f) During the hours when the public is denied access to a licensed premises in accordance with the provisions hereinabove, investigators, inspectors, and police officers of the City shall have the right of entry for inspection of the licensed premises in the event that person(s) are present within the establishment to determine if any provisions of this Chapter or any state laws pertaining to the consumption, sale, or distribution of alcoholic liquors have been or are being violated.

SECTION 3: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent that they may conflict.

SECTION 4: In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 5: This Ordinance shall take effect immediately.

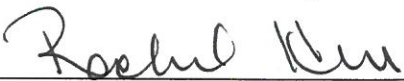
SECTION 6: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 7: The City Clerk shall see to inclusion of this Ordinance in the next update of the City Code of Ordinances.

Adopted this 2nd day of July, 2021, by roll call votes as follows:

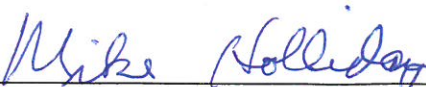
AYE:	<u>5</u>
NAY:	<u>0</u>
ABSENT:	<u>0</u>
PRESENT:	<u>5</u>

ATTEST:



CITY CLERK

APPROVED by the Mayor of the City of Nokomis, Illinois this 2nd day of July, 2021.



MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2080 of said City and that said Ordinance, which is:

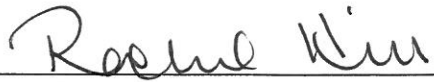
AN ORDINANCE AMENDING SECTION 21-3-1 OF THE REVISED
CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS
REGULATING THE SALE OF ALCOHOLIC LIQUORS

was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 2nd day of July, 2021; that said Ordinance was signed by the Mayor on the 2nd day of July, 2021 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify that the pamphlet form of Ordinance No. 2080, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 6th day of June, 2021, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 6th day of July, A.D., 2021.

(SEAL)



City Clerk

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2080

**AN ORDINANCE AMENDING SECTION 21-3-1 OF THE REVISED CODE OF
ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGULATING THE SALE OF
ALCOHOLIC LIQUORS**

ADOPTED BY THE

CITY COUNCIL

OF THE CITY OF NOKOMIS, ILLINOIS

THIS 2ND DAY OF JULY, 2021

Published in pamphlet form by the authority of the City Council
of the City of Nokomis, Montgomery County, Illinois,
this 6th day of July, 2021.

CITY OF NOKOMIS, ILLINOIS

Ordinance No. 2080

AN ORDINANCE AMENDING SECTION 21-3-1 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGULATING THE SALE OF ALCOHOLIC LIQUORS

WHEREAS, the City of Nokomis, Illinois (the "City") is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, states, "[t]he corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities"; and

WHEREAS, the City, pursuant to Section 4-1 of Liquor Control Act of 1934, 235 ILCS 5/4-1, has the power by general ordinance to establish such further regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City heretofore has adopted Section 21-3-1 of the Revised Code of Ordinances to establish closing hours for all liquor licensees in the City of Nokomis; and

WHEREAS, the corporate authorities have determined that the best interests of the City are served by amending said Section 21-3-1 to allow Class "A" licensees to have extended hours for Nokomis Homecoming upon written request to and approval by the liquor control commissioner, allowing such licensees to close at 3:00 a.m. instead of 2:00 a.m. on Saturday morning and/or Sunday morning, provided that such licensees provide proof of dram shop insurance coverage during that additional hour.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the Mayor and City Council of the City of Nokomis, Illinois.

SECTION 2: Section 21-3-1 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to read as follows, with underlined portions to be added and stricken portions to be deleted:

21-3-1 HOURS.

(a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City between the hours of:

Sunday	2:00 A.M.	until	7:00 A.M.
Monday	12:00 A.M.	until	7:00 A.M.
Tuesday	12:00 A.M.	until	7:00 A.M.
Wednesday	12:00 A.M.	until	7:00 A.M.
Thursday	12:00 A.M.	until	7:00 A.M.
Friday	12:00 A.M.	until	7:00 A.M.
Saturday	2:00 A.M.	until	7:00 A.M.
Special: New Year's Day	2:00 A.M.	until	7:00 A.M.
Special: Thanksgiving	2:00 A.M.	until	7:00 A.M.

(b) A possessor of a Class "A" license may, upon written application to and written approval of the Nokomis Liquor Control Commissioner, extend its hours of sale by one (1) hour during the Saturday morning and/or Sunday morning of Nokomis Homecoming, in which case it shall be unlawful to sell or offer for sale at retail any alcoholic liquor on the licensed premises between the hours of:

Saturday	3:00 A.M.	until	7:00 A.M.
Sunday	3:00 A.M.	until	7:00 A.M.

Proof of dram shop insurance covering the hours of 2:00 a.m. until 3:00 a.m. must be provided to the Nokomis Liquor Control Commissioner with the licensee's written application.

(c) No patron shall remain or be permitted to remain or be admitted to any Class "A" licensed premises after the sale of alcoholic liquors is prohibited, as provided hereinabove, for the remainder of the closed hours described therein.

(d) Consumption of liquor is prohibited, without exception, including employees or agents of the licensee, at any time while the sale of alcoholic liquor is prohibited as provided hereinabove.

(e) The doors of each licensed premises shall be locked and no person not in the employ of the licensee shall be admitted to or remain upon the premises during the times when patrons are prohibited from being on the licensed premises.

(f) During the hours when the public is denied access to a licensed premises in accordance with the provisions hereinabove, investigators, inspectors, and police officers of the City shall have the right of entry for inspection of the licensed premises in the event that person(s) are present within the establishment to determine if any provisions of this Chapter or any state laws pertaining to the consumption, sale, or distribution of alcoholic liquors have been or are being violated.

SECTION 3: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent that they may conflict.

SECTION 4: In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 5: This Ordinance shall take effect immediately.

SECTION 6: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 7: The City Clerk shall see to inclusion of this Ordinance in the next update of the City Code of Ordinances.

Adopted this 2nd day of July, 2021, by roll call votes as follows:

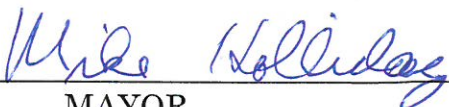
AYE:	<u>5</u>
NAY:	<u>0</u>
ABSENT:	<u>0</u>
PRESENT:	<u>5</u>

ATTEST:



CITY CLERK

APPROVED by the Mayor of the City of Nokomis, Illinois this 2nd day of July, 2021.



MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2080 of said City and that said Ordinance, which is:


AN ORDINANCE AMENDING SECTION 21-3-1 OF THE REVISED
CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS
REGULATING THE SALE OF ALCOHOLIC LIQUORS

was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 2nd day of July, 2021; that said Ordinance was signed by the Mayor on the 2nd day of July, 2021 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

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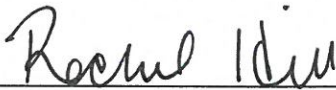
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SECTION 7: The City Clerk shall see to inclusion of this Ordinance in the next update of the City Code of Ordinances.

Adopted this 2nd day of July, 2021, by roll call votes as follows:

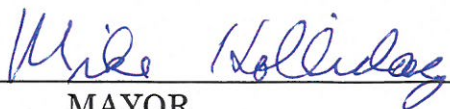
AYE:	<u>5</u>
NAY:	<u>0</u>
ABSENT:	<u>0</u>
PRESENT:	<u>5</u>

ATTEST:



CITY CLERK

APPROVED by the Mayor of the City of Nokomis, Illinois this 2nd day of July, 2021.



MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

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DATED at Nokomis, Illinois, this 6th day of July, A.D., 2021.

(SEAL)



City Clerk