

ORDINANCE NO. 742

AN ORDINANCE RELATING TO THE RETAIL SALE OF ALCOHOLIC LIQUOR
IN THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS.

WHEREAS, the City of Nokomis, Montgomery County, Illinois, is in need of a new and complete liquor ordinance; and

WHEREAS, the City of Nokomis, Montgomery County, Illinois, has decided to allow the sale of alcoholic liquor on Sundays; and

WHEREAS, any matter relating to the sale of alcoholic liquor that is not covered in this ordinance, but covered in a prior ordinance, shall remain in full force and effect.

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

Section 1. DEFINITIONS. Terms used in this ordinance mean as follows:

Alcoholic liquor: Any spirits, wine, beer, ale or other liquid containing alcohol which is fit for beverage purposes.

Retail sale: The sale for consumption or use, and not for resale.

Packaged liquor dealer: A person who sells alcoholic liquor at retail in unopened bottles, containers or packages for consumption off of the premises.

Section 2. LICENSE REQUIRED. It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail dealer's license or a packaged liquor dealer's license, or in violation of the terms of such license, or in violation of any provision of this chapter.

Section 3. CLASSES OF LICENSES. Classes of liquor licenses are as follows:

A Class "AA" license shall entitle licensee to sell alcoholic liquor at retail for consumption on premises and package sales at the location specified in the license.

A Class "B" license shall be known as a package liquor dealer's license and shall entitle licensee to sell alcoholic liquor at retail for consumption off the premises of the licensee.

Section 4. NUMBER OF LICENSES. The maximum number of alcoholic liquor licenses which may be issued and in effect at any one time shall be 6 class "AA" licenses and 1 Class "B" license, the latter of which license shall permit sale of such alcoholic liquor at retail only for

consumption off the premises where sold; and when the Clerk shall have issued the number of licenses herein authorized he shall have no authority to issue any other license or licenses.

Section 5. LICENSE FEES. The quarterly fee (3 months) for any license for the sale of alcoholic liquor shall be:

1. For a Class "AA" license the quarterly fee shall be \$100.00 per quarter (every 3 months) plus an additional \$50.00 per quarter (every 3 months) if licensee wishes to sell alcoholic liquor on Sundays.

2. For a Class "B" license the quarterly fee shall be \$75.00 per quarter (every 3 months) plus an additional \$50.00 per quarter (every 3 months) if licensee wishes to sell alcoholic liquor on Sundays.

Section 6. PRORATING FEE. Each liquor license shall terminate each quarter following its issuance. The fee to be paid shall be reduced in proportion to the full calender months which have expired in the quarter prior to the issuance of the license.

Section 7. APPLICATION FOR LICENSE. Application for a liquor license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if corporation, verified by oath or affidavit and shall contain the following information and statements:

1. The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the names and addresses of the persons entitled to share in the profits thereof, and in the case of a corporation for profit, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person.

2. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

3. The length of time the applicant has been a resident of Montgomery County.

4. The location and description of the premises, or place of business which is to be operated under such license.

5. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of this state, or any ordinance of this city.

6. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

7. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the city in the conduct of his place of business.

Section 8. RESTRICTION ON LICENSES. No such license under this ordinance shall be issued to:

1. Any person who is not a resident of Montgomery County at the time he makes application for a license.

2. A person who is not of good character and reputation in the community in which he resides.

3. A person who has been convicted of a felony under any federal or state law.

4. A person who has been convicted of being the keeper or is keeping a house of ill fame.

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

6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.

7. A person whose license issued under this chapter has been revoked for cause.

8. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

9. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

10. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5 per cent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the county.

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

12. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation.

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

14. Any law enforcing public official, any Mayor, or member of the Council or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

15. Any person or co-partnership, or corporation not eligible for a state retail liquor dealer's license.

16. A person who is not a beneficial owner of the business to be operated by the license.

Section 9. DISPOSITION OF FEES. All quarterly license fees shall be paid to the Local Liquor Control Commissioner on February 1, May 1, August 1 and November 1, and shall be turned over to the City Treasurer. In the event the license applied for is granted, then the fee shall be deposited in the city treasury in such fund as the Council shall from time to time, by resolution, direct.

Section 10. LICENSE LIST. The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the City Clerk and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of these officers within 48 hours of such action.

Section 11. NATURE OF LICENSE; TRANSFER. A license shall be purely a personal privilege, good for not to exceed three months after issuance unless sooner revoked and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased of insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but not longer than 6 months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

Section 12. RENEWAL OF LICENSE. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive his license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Council from decreasing the number of licenses to be issued within the city.

Section 13. CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the ordinances of the city.

Section 14. PEDDLING. It shall be unlawful to peddle alcoholic liquor in the city.

Section 15. SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

Section 16. EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

Section 17. CLOSING HOURS. (a) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the city between the following designated hours:

1. Monday through Friday-12:00 A.M. through 7:00 A.M.
2. Saturday and Sunday-1:00 A.M. through 7:00 A.M.
3. New Years Day-2:00 A.M. through 7:00 A.M.
4. For any Class "AA" or Class "B" license holders who do not pay the additional license fee that allows them to remain open on Sundays per section 5, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the city between the hours of 1:00 A.M. on Sunday and 7:00 A.M. on Monday in addition to the hours designated above.

(b) It shall be unlawful, during the hours when the sale of liquor is prohibited as aforesaid, for any licensee to permit his establishment to be open or to admit any individual or individuals on the licensed premises, excepting the licensee's employees; and the doors leading to and from any such premises shall be locked promptly at the closing hours specified as aforesaid and shall remain locked during the time the sale of liquor is prohibited.

(c) No patron or other individual other than the licensee's employee shall remain, or be permitted to remain on any premises licensed for the sale of alcoholic liquor during the hours when the sale of liquor is prohibited as aforesaid.

Section 18. DISORDERLY CONDUCT. No person licensed to sell alcoholic liquor at retail shall suffer or permit any loud or boisterous talking, or any obscene or profane language, quarreling, fighting, or other disturbance in or about his place of business.

Section 19. VIEW FROM STREET. In premises upon which the sale of alcoholic liquor from consumption on the premises is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, nor inside the said premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.

In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee or or by him wilfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Local Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

Section 20. SALE TO MINORS, DRUNKARDS, ETC. (a) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, except as hereinafter provided in this chapter or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service, except as hereinafter provided.

(b) It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor, including beer and wine, in any tavern or any other place in the city where alcoholic liquor is sold.

(c) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(d) If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age issued by a public officer in the performance of his official duties.

(e) No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card or obtain identification by means of false information. No person shall purchase, accept, deliver or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this section.

(g) Every tavern or other place in the city where alcoholic liquor is sold for beverage purposes shall display at all times in a prominent place a printed card which shall be issued by the City Clerk and which shall read substantially as follows:

"WARNING TO MINORS--You are subject to a fine up to \$200.00, under the ordinances of the City of Nokomis, Illinois, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."

(h) No holder of a retail liquor dealer's license, or his agent or employee, shall suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which such licensed premises is located. This paragraph shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor.

(i) Any minor who violates this section shall be subject to a fine of not more than \$200.00.

(j) Any other person who violates this section shall be subject to a fine of not less than \$100.00 nor more than \$500.00.

(k) Nothing in this section shall excuse or relieve the owner, proprietor, or person in charge of any tavern, drug store or other place in the city where alcoholic liquor is sold, from the restrictions and requirements of any other ordinance of the city or of the Illinois Revised Statutes.

Section 21. SUSPENSION OR REVOCATION OF LICENSE BY LOCAL LIQUOR CONTROL COMMISSIONER. Any license issued under this chapter may be suspended or revoked by the Local Liquor Control Commissioner may be suspended or revoked by the Local Liquor Control Commissioner for any one or more of the following reasons:

1. Violation of the laws of the State of Illinois or of any of the provisions of this chapter.
2. The wilful making of any false statement as to a material fact in application for a license.
3. Permitting any illegal, disorderly or immoral practices upon the licensed premises.

Section 22. SUPERSEDER AND EFFECTIVE DATE. All ordinances, resolutions and orders, or parts thereof, in conflict herewith, be and the same are hereby repealed and that this ordinance be in full force and effect forthwith upon its adoption, approval and publication, as provided by law.

Placed on File December 10, 1984.

Adopted January 14, 1985.

AYES: 3 - Commissioners, Spengel and Petty - Mayor Adden
Abstained 1 - Commissioner Miles
NAYS: 1 - Commissioner Barnstable
ABSENT: None

APPROVED: January 14, 1985.

APPROVED:

Gene Adden
Mayor