



WOODFORD COUNTY

ORDINANCE 2015/16 - 006

LIQUOR CONTROL ORDINANCE

WHEREAS, the Liquor Commission of the County Board of Woodford County has recommended that the Woodford County Liquor Control Ordinance be revised, and

WHEREAS, the Liquor Commission has also recommended that certain amendments be incorporated into such revision, and

WHEREAS, the County Board of Woodford County deems it necessary and proper to revise and amend the Woodford County Liquor Control Ordinance, now, therefore,

BE IT ORDAINED that the following Liquor Control Ordinance for the territory of Woodford County, Illinois, outside the corporate limits of an incorporated city, town or village, be and hereby is adopted.

ARTICLE 1 DEFINITIONS

The following definitions shall apply to the words when used within this ordinance.

Alcoholic Beverages - Spirits, wine, beer, ale, whiskey, gin, brandy, rum or any distilled or fermented liquid containing more than one-half of one percent alcohol by volume, but for human consumption.

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

Club - A patriotic or veteran's society organized under the laws of the United States or the State of Illinois or a corporation organized under the laws of the United States or the State of Illinois but not-for profit affiliated with a national club or organization in all 50 states.

Completely Enclosed Building - A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.

Hours - Shall mean either Central Standard Time or Central Daylight Time, whichever is in effect in Woodford County.

Premises - The completely enclosed permanent building wherein the sale and consumption of alcoholic beverages by Class A, B, C, and D licenses occur.

Retail Sale - Sale for use or consumption and not for resale.

Resale - Sale of alcoholic beverages in original containers not to be consumed on such premises where sold.

Sale - Transfer, exchange or barter for consideration, including any sale made by any person including principal, proprietor, agent, servant or employee, and includes, but is not limited to, all of the following acts when done for consideration:

- (A) the selling of alcoholic beverages;
- (B) the giving away of alcoholic beverages
- (C) the dispensing of alcoholic beverages
- (D) the providing of mix, ice, water, containers, cups, glasses or soft drinks for the purpose of mixing drinks containing alcoholic beverages for consumption on the premises;
- (E) the pouring of alcoholic beverages;
- (F) the providing of "set up establishments";
- (G) the storage of any alcoholic beverages.

Set Up Establishment - means any public or private place that:

- (A) Does not hold a liquor license pursuant to this Ordinance but which sells, gives away, provides, pours, stores, or otherwise dispenses alcoholic beverages and/or mix, ice, water, containers, cups, glasses, and soft drinks for the purpose of consumption of alcoholic beverages on the premises, or

(B) Holds a liquor license and after the hours which it is permitted to be in operation, engages in any of the activities in the immediately preceding subsection.

Sell - The act of making a sale, receiving an order for exposing to the public for the purpose of selling or keeping with the intent to sell.

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

Woodford County Elected Official- Includes those individuals having been elected to or appointed to fill and serve the vacancy in an elected office for Clerk of the Circuit Court, Coroner, County Clerk & Recorder, State's Attorney, County Treasurer, or County Board.

ARTICLE 2 LIQUOR CONTROL COMMISSIONER AND COMMISSION

LIQUOR CONTROL COMMISSIONER; The Chairman of the County Board of Woodford County, Illinois shall be the Liquor Control Commissioner and shall head the Liquor Control Commission.

LIQUOR CONTROL COMMISSION; The Chairman, from one of the three county districts, shall appoint two members of the Woodford County Board, one each from the remaining two districts, to serve as primary deputy commissioners. The Chairman shall appoint three additional members of the Woodford County Board to serve as alternate deputy commissioners. One alternate deputy commissioner will be selected from each district. After the appointments are made, the Chairman of the County Board shall designate the Chief Deputy Liquor Control Commissioner, from the primary deputy commissioners, who shall have the powers and duties of the Commissioner in his absence.

ACTION AT CONVENED MEETING; The Commission by majority vote at a convened meeting may issue, revoke or suspend any retail dealer's license in accordance with the provisions of the Ordinance or on the basis of provisions of any law of the State of Illinois pertaining to the sale of alcoholic beverages.

ATTENDANCE AND VOTES; The Chairman and two primary deputy commissioners of the liquor control commission shall have one vote. In the absence of the Chairman or one of the two primary deputy commissioners, the alternate from the same district of the absent member shall vote in the absent member's place. The Chairman and the two primary deputy commissioners shall notify the alternate deputy commissioner from their district if they will be absent from a convened meeting. Alternate deputy commissioners are not required to be present at a convened meeting unless notified their attendance is required.

RECORDS AND NOTIFICATION; The Commission shall keep, or cause to be kept, a complete record of all licenses issued, revoked or suspended by said Commission. Within 48 hours after such issuance, revocation or suspension, the Commission shall notify, or cause to be notified, the County Treasurer, State's Attorney and Sheriff thereof.

ARTICLE 3 LICENSES

LICENSE REQUIRED; It shall be unlawful to sell or offer for retail sale in the territory in the County outside of the limits of any incorporated city, town, or village, an alcoholic beverage without a Retailer's License, or in violation of the terms of such license.

SET UP ESTABLISHMENTS; Set up establishments as defined in this Ordinance are prohibited in Woodford County outside the limits of any incorporated city, town or village, and it shall be unlawful for any person acting as a principal, proprietor, agent, servant or employee to operate a set up establishment.

LICENSE PRIVILEGES; A Retailer's License shall allow the Licensee to sell or offer for sale alcoholic beverages, at retail only and not for resale in any form, on the premises in accordance with the classification of said license as hereinafter provided.

PEDDLING PROHIBITED; It shall be unlawful for any person, partnership or corporation to peddle alcoholic liquor in the County outside of the corporate limits of any city, town or village.

LOCATION CHANGE; A location may be changed only upon a written request followed by a new application hearing before the Commission.

LOCATION RESTRICTIONS; No license shall be issued for sale at retail of any alcoholic beverages at a location prohibited by 235 ILCS 5/6-11, 235 ILCS 5/6-12 or 235 ILCS 5/6-13. The Liquor Control Commissioner and Liquor Control Commission shall consider the concerns or objections from the officials and or citizens of an incorporated city, town or village, when considering granting or denying the application for the issuance of a license to sell alcoholic beverages within a one and one-half mile radius outside of the corporate limits of an incorporated city, town or village.

NATURE OF LICENSE AS PROPERTY; Any license granted shall not be subject to the attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered for the subject matter in lien. 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 the 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 any alcoholic beverages under order of the appropriate

court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendent, or such insolvency or bankruptcy of such licensee. A refund shall be made of the portion of the license fees paid for any period in which the licensee shall be prevented from operation under such license in accordance with the provisions of this section.

LICENSE EXPIRATION; Class A, B, C, D, G, and H licenses shall expire at midnight on the 28th day of April, next following its issuance. Class E licenses shall be issued for one day only, such day to be specified on the face of the license. Class F licenses shall be issued for up to three days, such days to be specified on the face of the license.

PERSONS INELIGIBLE TO BE LICENSED; No license under the terms of this Ordinance shall be issued to:

- (A) A person who is not of good character and reputation in the community in which he resides.
- (B) A person whose license to sell alcoholic beverages in this County, or another jurisdiction, has been revoked for cause.
- (C) 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.
- (D) A partnership, unless all of the members of such partnership shall be qualified to obtain a license, under the provisions of (A) through (C) of this Section.
- (E) A corporation, if any officer, manager or director thereof, or any holder or owner of five percent (5%) of the stock or other securities of the corporation, would not be eligible to receive a license hereunder the provision of (A) through (G) of this Section for any reason other than citizenship and residence with this County.
- (F) A person, partnership or corporation whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications as required of the licensee.
- (G) 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 who has forfeited his bond to appear in Court to answer charges for any such violation.
- (H) A person, partnership or corporation who does not own the premises for which a license is sought or who does not have a lease thereon for the premises for which the license is to be issued, except for Class D licenses.
- (J) Any person, partnership, or corporation not eligible for a State retail liquor dealer's license.

LICENSE CLASSIFICATION; Licenses shall be divided into four classes as follows:

- (A) Class A License: Class A licenses shall authorize the retail sale of alcoholic beverages as defined in this Ordinance on the premises specified for consumption on such premises as well as other resale of such alcoholic beverages.
- (B) Class B License: Class B licenses shall authorize the retail sale of beer or wine as defined in this Ordinance on the premises specified for consumption on such premises as well as other resale of such beer or wine.
- (C) Class C License: Class C licenses shall authorize the sale of alcoholic beverages as defined in this Ordinance on the premises specified in packages or original containers unopened, not to be consumed on such premises where sold.
- (D) Class D License: Class D licenses shall authorize the retail sale of alcoholic beverages as defined in this Ordinance on the premises specified for consumption on such premises by clubs.
- (E) Class E License: Class E licenses shall authorize the retail sale of alcoholic beverages as defined in this Ordinance on the site specified for consumption on such site in connection with a one-day special event held by an organization.
- (F) Class F License: The holder of a class A, B, C or D license may obtain a Class F license which shall authorize the retail sale of alcoholic beverages as defined in this Ordinance, outside of the permanent structure on upon the property where the licensee's permanent structure is located with the following conditions:
 - (1) Said license will be for a term of three days or less.
 - (2) No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk and no alcoholic liquor served in an open container may be removed from the outside area or permanent structure.
 - (3) No music of any kind may be played or broadcast from the outside area or within the permanent structure which is of such volume so as to disturb the public in any manner. Music shall not be played or broadcast after 11:00 P.M.
- (G) Class G License: The holder of a class A, B, or D license may obtain a Class G license which shall authorize the retail sale of alcoholic beverages as defined in this Ordinance, outside the permanent structure (referred to as “outside area”) upon the property where the licensee’s permanent structure is located with the following conditions:

- (1) The outside area must consist of (a) one common wall with the permanent structure with said common wall having an entry and exit point into the said structure; (b) the outside area must be partitioned on the three remaining sides with temporary or permanent panels that deter unauthorized entry and or exit; (c) the outside area must provide an emergency means of handicapped accessible egress; (d) the licensee must restrict normal flow of entry and exit into the outside area to the designated opening along the common wall with the permanent structure.
- (2) Said license will be coterminous with the A, B, or D license.
- (3) No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, Public Street, or sidewalk. No alcoholic liquor served in an open container may be removed from the outside area or permanent structure.
- (4) No music of any kind may be played or broadcast from the outside area or within the permanent structure which is such volume so as to disturb the public in any manner. Music shall not be played or broadcast after 11:00 P.M.

(H) Class H License: Class H license shall authorize the retail sale of beer, wine or alcohol as defined in this ordinance which has been brewed, fermented or distilled on the premise specified, in packages or original containers unopened, not to be served on site.

LICENSE FEES; The annual fees for licenses shall be:

Class A License - \$ 750.00

Class B License - \$ 400.00

Class C License - \$ 750.00

Class D License - \$ 150.00

Class E License - \$ 50.00

Class F License - \$ 50.00

Class G License- \$150.00

Class H License - \$150.00

Such fees shall be payable at the time the application is filed and shall be returned to the applicant by the Commissioner in the event that the application is denied. Fees for licenses issued for a term of less than a full year shall be reduced in proportion to the full calendar months which have expired in the license year. In the event that a change to a higher classification of license is granted for a term of less than a full year, an additional fee shall be required in the amount of the difference in annual fee between the applicable licenses reduced in proportion to the full calendar months which have expired in the license year.

FILING OF APPLICATION: New applications or renewal applications for such license shall be made in writing by the applicant to the County Clerk, Woodford County, Illinois, accompanied by the required Clerk's fee and the applicable filing fee in cash, check or money order; the County Clerk shall then refer new applications for Class A, B, C, D, G, and H licenses to the Commission and shall transfer the license fee in the same manner as all license fees received in his office. Applications for Class E and F licenses shall be made in writing by the applicant to the County Clerk, Woodford County, Illinois, accompanied by the required Clerk's fee and the applicable filing fee in cash, check or money order; the County Clerk shall transfer the license fee in the same manner as all license fees received in his office; and shall issue Class E and F licenses to those applicants meeting the application requirements.

APPLICATION CONTENTS - INSURANCE - CLASS A, B, C, D, G, or H; Applications for Class A, B, C, D, G, or H license under the terms of this Ordinance shall be signed by the applicant, if an individual; or partners, if a partnership or by a duly authorized agent of the corporation, if a corporation; and all signatures thereon shall be verified. The application shall contain the following:

- (A) A statement as to whether applicant has made application for a liquor license on the same or other premises which has been either denied, suspended or revoked and the date and place of such revocation, suspension or denial with reasons thereof.
- (B) The date and place of any conviction of crime of the applicant or, if a corporation, the date and place of any conviction of crime or any agent or shareholder of said corporation owning five percent (5%) or more of the stock.
- (C) A statement that the applicant is completely familiar with the terms and provisions of this Ordinance; and also with the Woodford County Food Service Establishment Ordinance or the Woodford County Retail Food Store Ordinance, whichever is applicable.
- (D) A statement that the applicant is not disqualified from receiving a liquor license by reason of any provisions of the laws of the State of Illinois.
- (E) Certification of insurance issued by insurer of the business under the Dram Shop laws of the State of Illinois, said certificate reflecting Dram Shop insurance coverage in amounts of not less than \$250,000.00 per person and \$500,000.00 per occurrence. Such insurance coverage shall be

for the full term of the license for which application is made.

(F) The names of the persons or person who will manage the business or be the agent of the applicant in supervising the business operation.

(G) The names of any public office held by the applicant; and partner, if a partnership; officers, directors and majority stockholders, if a corporation.

(H) A completed Zoning Verification form which provides certification of compliance with the Zoning Ordinance and any necessary Permits have been received.

APPLICATION CONTENTS - INSURANCE - CLASS E and F; Applications for a Class E and F license under the terms of this ordinance shall be signed by the duly authorized agent(s) of the applicant. The application shall be submitted to the Woodford County Clerk no later than 10 days prior to the date of the scheduled event. Application requested in less than 10 business days prior to the event a \$200 special meeting fee may be assessed. The application shall contain the following:

(A) Name, address and telephone number of the applicant.

(B) Names, addresses and titles of all officers and directors of said organization.

(C) Type of event, date and hours of event, and common description of the location for which license is requested.

If the application is approved and the license issued, the Woodford County Clerk shall promptly notify the Woodford County Sheriff in writing of the issuance of the Class E or F license. Such notice shall include a copy of said license.

BOND REQUIRED; AMOUNT; CONDITIONS; Each new applicant for Class A, B, C, or D license hereunder shall execute a penal bond in the sum of \$5,000.00 and file it with the County Clerk with the application for such license. This bond must be with a solvent surety company licensed to do business in the State of Illinois or by cashier's check. The Commission shall consider the bond and shall have the right to disapprove the bond. The bond shall be made payable to the County of Woodford and conditioned upon the faithful observance by the licensee, of the provisions of this ordinance and of the laws of the State of Illinois and of the United States of America applying to the sale, transportation and possession of intoxicating liquor and shall be further conditioned on the payment of all fines and costs which may be assessed against the licensee for the violation of any of the provisions hereof. Such bond shall be for the full term of the license for which application is made.

NEW BOND YEARLY; A new bond shall be presented yearly at the time of application for a renewal of any license under the terms of this ordinance. A Licensee that has held a license continuously for three or more consecutive years is not required to present a Bond with an application.

CLERK NOTIFICATION; The County Clerk, upon receipt of an application for a class A, B, C or D license, shall send notice of the filing of such application to the Woodford County Health Department. Upon receipt of said notice, the Woodford County Health Department shall inspect the premises sought to be licensed and report its findings to the Liquor Control Commission. A copy of the report shall be filed with the Woodford County Clerk.

ARTICLE 4 OPERATION OF LICENSE ESTABLISHMENTS

CONSUMPTION; It shall be unlawful for any licensee to permit any person to consume alcoholic beverage on Class C licensed premises at any time or on Class A, B, D, E, F, or G licensed premises except during the hours when the license permits the sale of alcoholic beverages in such premises.

HOURS; It shall be unlawful on any licensed premises to sell or offer for sale at retail or allow the consumption of any alcoholic beverage except during the following hours:

Monday through Thursday - from eight o'clock (8:00) AM. to twelve o'clock (12:00) AM. (Midnight) the following day. Out by one o'clock (1:00) AM.

Friday and Saturday - from eight o'clock (8:00) AM. to two o'clock (2:00) AM. the following day. Out by two thirty o'clock (2:30) AM.

Sunday - from twelve o'clock (12:00) AM. (Noon) to twelve o'clock (12:00) AM. (Midnight) the following day. Out by one o'clock (1:00) AM.

In addition, on December 31, till two o'clock (2:00) AM. New Year's Day. Out by two thirty o'clock (2:30) AM. New Year's Day.

DISPLAY OF LICENSE; Every licensee shall cause his license or licenses to be framed and displayed in plain view in a conspicuous place on the licensed premises.

SANITARY CONDITIONS; All premises used for the retail sale of alcoholic beverages shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the laws of the State of Illinois and the applicable ordinance of this county regulating the condition of premises used for the storage or sale of food for human consumption, as provided in the Woodford County Food Services Establishment Ordinance.

EMPLOYEES; All employees shall meet any applicable requirements of the Food Ordinance.

RESTRICTION ON SALES; No licensee shall sell, give or deliver any alcoholic beverage to any person under the age provided by the laws of the State of Illinois for purchasing or possessing alcoholic

beverages, or to any intoxicated or disorderly person, or to any person known to him to be a habitual drunkard.

OPEN CONTAINERS; It shall be unlawful for any person to carry any alcoholic beverage in any unsealed or opened container from the premises where such alcoholic beverage was purchased. It shall be unlawful for any licensee or person acting as agent, servant, or employee of such licensee to knowingly permit any patron to carry any alcoholic beverage in an unsealed or opened container from the premises of said licensee.

REPORTING OF INCIDENTS; Each licensee and each of licensee's agents, servants, and employees shall promptly report to the Woodford County Sheriff's Department an outbreak of any fight, riots, or disturbances of the peace occurring on or about the premises which in the licensee's knowledge or opinion constitutes the commission of a crime as prohibited by the laws of the State of Illinois, and/or the United States and/or this Ordinance and shall truthfully and fully answer all questions and fully cooperate in any investigation by any member of the Woodford County Sheriff's Department who makes inquiry of any persons on or about the premises.

OUTSIDE SERVICE; It shall be unlawful for any licensee or person acting as agent, servant or employee of such licensee to knowingly deliver any sealed or unsealed, or any unopened or opened containers of any alcoholic beverage at or through any walk-up or drive-up windows, doors, or openings located on or attached to the premises.

ARTICLE 5
VIOLATION, ENFORCEMENT AND PENALTIES
NUDITY ON PREMISES WHERE ALCOHOLIC LIQUOR IS OFFERED FOR SALE

SEXUAL CONDUCT PROHIBITED; It shall be unlawful for any licensee or person acting as agent, servant, or employee of such licensee to provide, suffer, or permit any act, conduct, or entertainment on the premises in such a manner as to expose to public view:

- (A) Male or female genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region:
- (B) Any portion of the female breast at or below the areola thereof;
- (C) Any devise, costume, or covering which gives the appearance of or simulates the above listed body parts.
- (D) The use of tassels, pasties, stars, or transparent material for coverage of the above listed body parts
- (E) Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, analogous, fellatio,

flagellation, sadomasochism, or any other sexual acts prohibited by law;

(F) The touching, caressing, or fondling of the breast, buttocks, anus, genitals, perineum or pubic hair region;

(G) Excretory functions as part of or in connection with any activities set forth above.

(H) The displaying of films or pictures depicting acts set forth in paragraphs A through G above.

OWNER OF PREMISES PERMITTING VIOLATION; If the owner of the licensed premises or any person from whom the licenses derives the right to possession of such premises, or the agent of such owner or persons, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Ordinance, said owner, agent or other person shall be deemed guilty of any violation of this Ordinance to the same extent as said licensee and be subject to the same punishment.

ACTS OF AGENT OR EMPLOYEE; Every act or omission constituting a violation of any of the provisions of this Ordinance made with the authorization, knowledge, or approval of the licensee, expressed or implied, shall be deemed the act of the licensee, and said licensee shall be punished in the same manner as if said act or omission has been done or omitted by him personally.

PENAL TIES; Any Licensee found to be in violation of any provision of this Ordinance shall be fined \$1,000.00 for the first offense. A licensee found to be in violation of any provisions of this ordinance will be fined \$5,000 and given a 30 days suspension for the second offense. A Licensee found to be in violation for a third offense shall have their license revoked. A separate offense shall be deemed committed each day during or on which the violation occurs or continues.

ENTRY UPON PREMISES; The Commissioner and/or Commission shall have authority to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Ordinance or any rules or regulations adopted by, or State Liquor Regulations have been or are being violated, and at such time to examine said premises of said licensee in connection therewith.

COMPLAINTS; Any person shall have the right to file a complaint with the Commission stating that any retail licensee, subject to the jurisdiction of the Commission, has been or is violating the provisions of this Ordinance or any rules or regulations pursuant hereto. Any law enforcement officer or other person who desires to file a complaint with the Woodford County Liquor Control Commission charging a violation of the Woodford County Liquor Control Ordinance shall present his allegations to the Woodford County State's Attorney for review of the facts and determination if there is legal sufficiency to justify the filing of a formal complaint. If the Woodford County State's Attorney determines that the evidence is sufficient, he shall prepare and submit said complaint to the Liquor Control Commissioner and shall cause a copy of said complaint to be mailed by first class mail to the accused licensee at the

official address listed on the liquor license application. Said complaint shall be in writing and shall be signed and sworn by the complaining party or the State's Attorney. It shall state the particulars of the alleged violation(s), including the date and place of the violation, the nature of the violation, and the particular sections of the Ordinance or statute violated.

ARTICLE 6

SUSPENSION OR REVOCATION OF LICENSE FORFEIT OF FEE AND BOND

SUSPENSION OR REVOCATION BY COMMISSION; The Commission may suspend for not more than thirty days or may revoke any license issued by it and require the forfeiture of the license fee and the licensee's bond:

(A) If the Commission determines that the licensee violated any of the provisions of the Illinois Liquor Control Act or any of the provisions of this Ordinance.

(B) Whenever any licensee shall be convicted of any violation of this Ordinance.

(C) Whenever any officer, director, manager or other employee in a position of authority of a licensee under this Ordinance shall be convicted of any violation of this Ordinance while engaged in the course of his employment or while upon the premises described by said license.

(D) Upon payment by the licensee of any federal tax imposed on gambling or gambling equipment under the United States Code, except any federal tax payable for legal gambling under the Illinois Video Gaming Act (230 ILCS 40/1, et seq.).

(E) Upon the licensee maintaining or operating a dram shop on any premises registered as a place of business when activities are carrying on subject to any tax on wagering.

(F) Upon the licensee permitting gambling of any kind to be conducted on the premises where the licensee carries on his business, except this paragraph does not apply if the gambling is allowed by the Illinois Video Gaming Act (230 ILCS 40/1, et seq.).

HEARINGS BY THE COMMISSION; All hearings and actions by the Commission with regard to the suspension or revocation of any license shall be conducted according to the applicable provisions of the Illinois Liquor Control Act and according to the procedures set forth herein.

PRE HEARING PROCEDURES

(I) After receiving a complaint from the State's Attorney, the Liquor Control Commissioner shall set the matter for hearing no less than 10 days and no more than 90 days from the date of receipt of such complaint. The Commissioner shall cause notice to be served on the accused party by delivery at the

official address listed on the liquor license application by First Class Mail at the same location, which notice shall include: a) statement of the time, date and place of the hearing and a reference to the complaint upon which the hearing is based; b) a copy of the procedures for the conduct of hearing.

(II) At the request of the accused party, the State's Attorney shall, prior to the hearing, furnish the accused or his attorney a copy of all police reports or other written reports concerning the violation(s) alleged in the complaint.

(III) Continuances. At his discretion and for good cause shown, the Liquor Commissioner may grant a continuance of a scheduled hearing to any party. Except in bonafide emergencies, motions for continuances shall be submitted to the Commissioner in writing as soon as possible after the reason for the request for continuance is known. A copy of the motion shall be served on the opposing party. In situations where time is too short to present a written motion for continuance, the party shall contact the Commissioner directly by any reasonable means and shall notify the opposing party likewise. The Commissioner may grant a hearing, and a decision by default may be entered against any party not appearing.

HEARING PROCEDURES

(A) Any party to a hearing who desires such may be represented by legal counsel. The accused party shall be afforded the opportunity to respond and present evidence and argument, to call witnesses, and to compel the attendance of witnesses by subpoena.

(B) If the complaint alleging violations of the Liquor Control Ordinance was reviewed by the State's Attorney, the complaining party shall be represented by the State's Attorney who shall call witnesses and present the evidence against the accused party.

(C) All witnesses who testify shall do so under oath.

(D) The commissioner shall cause a record of the hearing to be preserved, which shall include the following: all pleadings, notices, motions, rulings, etc.; all documentary or physical evidence received; offers of proof, objections and ruling thereon; and any decision, opinion or report by the Commissioner; and an electronic recording of the hearing proceedings.

(E) RULES OF EVIDENCE

(1) Irrelevant, immaterial and unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of the State of Illinois shall be as followed. However, evidence not admissible under such rules of evidence may be admitted except where prohibited by statute, if it is of a type commonly relied upon by reasonable prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when the cause of a hearing will be expedited

and the interest of the parties will not be prejudice, any part of the evidence may be received in written form or by stipulation.

(2) Parties shall have the right to conduct cross examination of witnesses to the extent necessary for a full and fair disclosure of the facts. Notice may be taken of matters which the Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the agencies within the Commission's specialized knowledge. Such notice shall be recorded in the record. The Commission's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(F) **DECISION.** Violations of the Liquor Control Ordinance shall be proved by a preponderance of the evidence. The decision or decisions made by the Commission shall be final and may not be appealed to the Woodford County Board or any other Board committee. Said final decision or order in a case shall be in writing or stated in the record. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. Parties to the case shall be notified in writing, personally or by registered or certified mail, of any decision or order.

(G) **APPEAL.** Whenever any order or action of the Commission imposing a fine, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing on a complaint to revoke or suspend a license is appealed to the state liquor control commission, the appeal shall be limited to a review of the official record of the proceedings of the commission

(H) Unless precluded by law, disposition may be made of any case by stipulation, agreed settlement, consent order, or default, at any stage in the proceedings. If the Commission does not concur with any proposed disposition by stipulation or settlement, the hearing shall proceed to completion.

MISCELLANEOUS

(A) Hearings under the Liquor Control Ordinance are subject to the provisions of the Illinois Open Meetings Act.

(B) Compliance with any or all of the provisions for hearing procedures may be waived by written stipulation of all the parties, subject to the approval of the Commission.

(C) The Commissioner may, with the consent of the State's Attorney, employ or otherwise acquire the services of legal counsel to advise the Commission during hearings in which the State's Attorney is representing the complaining party.

USE OF PREMISES FOR ONE YEAR AFTER REVOCATION. When any license shall have been revoked for cause, no license shall be granted to any person for the period of one year thereafter for the retail sale of alcoholic beverages on the premises for which the revoked license was issued.

ARTICLE 7
SEPARABILITY- REPEALER- EFFECTIVE DATE

SEPARABILITY. The clauses, sentences, paragraphs, sections, articles, or parts of this Ordinance are separable. If any clause, sentence, paragraph, section, article or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.


REPEAL. The Liquor Control Ordinance adopted by the Woodford County Board on August 15, 2006 is hereby repealed.

EFFECTIVE DATE. This Liquor Control Ordinance shall take effect and be in full force from and after its passage as provided by law.

Adopted by the County Board of Woodford County, Illinois, this 20th day of September 2016.

ATTEST:

APPROVED:



Debbie Harms
County Clerk, Woodford County, Illinois



Shannon Rocke
Chairman, Woodford County Board