

CHAPTER 21 – LIQUOR

Article I – Generally

21-1-1 Construction. This Article shall be liberally construed to the end that the health, safety, and welfare of the residents of the County of Jefferson, Illinois, shall be protected, and temperance in the consumption of alcoholic liquor shall be fostered and promoted by sound and careful control and regulation of the sale of alcoholic liquors. (235 ILCS 5/1-2)

21-1-2 Definitions. Unless the context clearly and unambiguously otherwise requires, the following words and phrases as used in this Chapter shall be construed according to the definitions set forth below:

“Alcohol” means 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 alcohol or wood alcohol.

“Alcoholic Liquor” includes alcohol, spirits, wine, and beer, and every liquor or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. “Alcoholic Liquor” shall not include any liquid or solid containing one-half of one percent or less of alcohol by volume.

“Beer” means a beverage obtained by 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.

“Club” means a corporation organized under the laws of this 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, of 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 files with the Local Liquor Control Commissioner at the time of its application for a license under this Chapter two (2) copies of a list of the names and residences of its members and similarly files within ten (10) days of the election of any additional member his name and address; and provided further that the affairs and management of such club 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 or sale of alcoholic liquor to the

club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

“Consumption Sales” means the sale or offering for sale at retail of any alcoholic liquor for consumption upon the licensed premises where it is sold.

“Control Premises” means the licensed premises and all property adjacent to the licensed premises which is owned or leased by or which is under the authority or supervision of the licensee; control premises shall include, but shall not be limited to, the licensed premises, parking lots, sidewalks and walkways. Each building, facility or business required for a particular classification (e.g. restaurant, hotel, lounge, tavern, etc.) must be under the sole and exclusive ownership and control of the licensee and not part thereof shall be leased, contracted, subleased or subcontracted to another person by the licensee, provided nothing herein shall prohibit the licensee from employing a manager or contracting for management services for which the licensee retains responsibility and liability.

“Convicted” means and includes a plea of guilty, a plea of no contest, or probation or any plea admitting guilt or admitting the facts of an offense; and it means and includes any finding of guilt by a court, a jury, an administrative agency or any other trier of fact.

“Licensee” means any individual, corporation, partnership, or other person holding a license under the terms and provisions of this Chapter.

“Licensed Premises” means the area as described in the application where alcoholic liquor is served, consumed, stored, or sold and areas internally or externally connected thereto by doorway, which areas are integrally related to the operation of the licensed establishment. “Licensed Premises” is meant and defined as the interior of a building or a fully enclosed area and does not include a parking lot, a sidewalk, walk, covered walkway, or any unenclosed area.

“Local Liquor Commissioner” shall mean the Chairman of the Jefferson County Board.

“Jefferson County Liquor Advisory Board” consists of the Chairman of the Jefferson County Board, and the State’s Attorney and Sheriff of Jefferson County.

“Original Package” means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container, whatsoever used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

“Package Sales” means the sale or offering for sale at retail of alcoholic liquor in the original package and not to be opened to be consumed in whole or in part on the premises where sold.

“Public Property” means (1) any public street, alley, sidewalk or public way, (2) all property owned by the United States, the State of Illinois or other State or any municipality or other political subdivision or agency thereof and (3) any property, including privately owned property, which is open to or held out for use by the public, except a “licensed premises” as defined above.

“Resident Manager” or “Managing Agent” means the person designated as manager within the application for license. The Resident Manager or Managing Agent must be a bona fide resident of the County and must be a full-time employee or licensee who is physically present on a daily basis at the license premises not less than forty (40) hours per week; the Resident Manager or Managing Agent must have management authority including control of the premises, all books and records, and must have the authority to make decisions and give consent regarding any matter concerning the control premises. A corporation and similar business entities must conduct business by a resident manager or managing agent.

“Restaurant” means 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 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 its guests.

“Retailer” means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

“Sell At Retail” and “sale at retail” refer to and mean sales for use or consumption and not for resale in any form.

“Service Bar” means a place or location not within the view of the public where alcoholic liquor may be poured and served. A service bar may only be located in a kitchen, food preparation area or waiter or service station area of a licensee.

“Sale” means any transfer, exchange, or barter in any manner or by any means whatsoever, whether for immediate or future delivery, for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.

“Sampling” means a supervised offering at a licensed premises of an alcoholic product or products as a sales promotion of said products by a licensee, provided that a sampling product may only be tasted in the following amounts: distilled spirits ¼ ounce, wine one (1) ounce, and beer two (2) ounces.

“Spirits” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquor when rectified, blended, or otherwise mixed with alcohol or substances.

“To Sell” means to advertise for sale or to solicit or receive any order for or to keep or expose for sale or to keep or possess with intent to sell.

“Wine” means any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including any such beverages when fortified by the addition of alcohol or spirits as above defined. (235 ILCS 5/1-3)

21-1-3 Applications and Licensing.

A. License Required. No person shall sell or offer for sale, possess for sale, advertise for sale or display for sale alcoholic liquor within the limits of the County without having first obtained a license to do so as provided in this Chapter.

B. Nature and Extent of License. Each license granted shall be subject to the provisions of this Chapter, other applicable ordinances of Jefferson County, and all applicable laws of the State of Illinois and the United States, including but not limited to the Illinois Liquor Control Act.

A license issued hereunder shall be a purely personal privilege good for not to exceed one (1) year after issuance, and said license 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 be 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 except as hereinafter provided. All licenses issued hereunder shall expire on July 1 following issuance. Any sale of alcoholic liquor after expiration of a license shall constitute sale of alcoholic liquor without a license; if an applicant seeks renewal of an existing license, an application for renewal shall be submitted with the required license fee prior to expiration of the existing license. Expiration of a license shall occur by operation of law without any notice or hearing and there shall be no right to reinstatement of any license, although an application for a new license may be submitted. Licensed premises shall be subject to inspection by the Liquor Control Commissioner at all times.

A license issued hereunder shall not be transferred or otherwise conveyed through a change in ownership or change in interest of any licensed premises or any license. Any change in stock ownership, a partnership interest or other change in any ownership interest shall constitute an attempt to transfer a license and shall terminate the license by operation of law without notice or hearing.

C. Application for License. All applications for licenses under this Chapter shall be in writing, under oath, addressed to the Local Liquor Control Commissioner, and filed in the office of the Jefferson County Clerk.

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. The willful making of any false statement as to a material fact in any application shall constitute cause for denial of a license or revocation of any license issued hereunder.

The applicant has a duty to keep the County Clerk and the Local Liquor Control Commissioner advised as to its current mailing address. The applicant has a duty to file a completed application and to provide all information required or requested. The applicant has a duty to timely comply with the requirements of this Chapter and to diligently prosecute any

application filed with the County Clerk. The applicant has the burden of proof to establish the applicant's qualifications and the qualifications of the premises for a license.

Each application shall include the following information and statements:

1. Name, birth date, social security number, residence address, and citizenship (and if a naturalized citizen, the time and place of naturalization) of the applicant in the case of an individual.

2. In the case of a partnership, the names, birth dates, social security numbers, and residence addresses of all partners.

3. In the case of a corporation or club, the names, birth dates, social security numbers, driver's license numbers, and residence addresses of the officers, directors, managers; and the names, birth dates, social security numbers, and residence addresses of all persons who own or have an interest in over five (5) percent of the stock.

4. In the case of a partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified to transact business in the State of Illinois.

5. The location where the applicant proposes to engage in the business for which the application is submitted along with an affirmative statement that the proposed location does not conflict with the location restrictions detailed with Section 6.11 herein.

6. The class of license for which the application is submitted.

7. The name and address of the landlord if the premises are leased.

8. The nature of the business which the applicant intends to carry out and the amount of applicant's anticipated gross revenue from other sources within the proposed licensed premises.

9. A list of the governmental entities to which the applicant has submitted an application(s) for a liquor license; the date of the application; the disposition of such application; amounts of and reasons for fines imposed; and the dates, reason, and length of suspension or revocation of such license, if any.

10. A statement that the applicant, individual applicant, partners of a partnership applicant, and officers, managers, directors, and stockholders of any corporation applicant have never been convicted of keeping a house of ill fame, convicted of pandering or other crime or misdemeanor opposed to decency and morality, or convicted of any felony under any federal or state law.

11. A complete criminal background and credit check authorization for each person identified within the immediate preceding subparagraph.

12. The name of any person identified within Subparagraph 10 who has been issued a federal wagering stamp for the current tax year.

13. Evidence of dram shop liability insurance covering the entire period of the license in

the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure applicant and owner or leaser of the premises in such amounts as may be required by the Illinois Liquor Control Act, or in an amount of not less than one million (1,000,000) dollars, whichever amount is greater. (235 ILCS 5/7-1)

D. Persons Ineligible to Hold a License. No license shall be issued to:

1. A person who is not a bona fide resident of the County.
2. A person who is not of good character and reputation in the County.
3. A person who is not a citizen of the United States.
4. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of morality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois or any other federal or state law, unless the Commissioner determines within his sole discretion that such person now warrants the public trust.
5. A person whose license under this Chapter or the Illinois Liquor Control Act has been revoked for cause.
6. A person who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application.
7. A person whose business is conducted by a manager or agent, unless such manager or agent is an actual resident of Jefferson County and possesses the same qualifications required of the licensee and meets the requirements of Section 21-1-2(16).
8. 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.
9. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of the village board of trustees, any member of a village board of trustees, 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, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
10. Any person, club, association, or corporation not eligible for a state retail liquor dealer's license.
11. A partnership, unless all of the members of such partnership shall be qualified to obtain a license.
12. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent 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, except however, the manager must be

an actual resident of the county.

13. 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.

14. A person who has been convicted of any gambling act or offense as prescribed by any criminal code or statute of any state, including but not limited to Illinois, or as prescribed by any statute or regulation of the United States or as prescribed by any ordinance of Jefferson County or any other political subdivision of the United States or any state.

15. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

16. A partnership to whom 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.

17. A corporation if the corporation or any officer, manager, or director thereof or any stockholder owning in the aggregate more than five (5) percent of the stock of said corporation has been issued a federal gaming device stamp of a federal wagering stamp for the current tax period.

18. Any person in default of any payment to Jefferson County, including any licensing fee under this Chapter or under any other Chapter of the Jefferson County Code, any other charge or fee imposed by the Code, any tax imposed by Jefferson County, or any charge for water, sewer or garbage services, or a person in default on any loan agreement or contract with the County. (235 ILCS 5/6-2)

E. Bond. Each applicant making application for license hereunder at the time of filing the application shall execute a penal bond covering the entire period of the license in the form and with the security satisfactory to the Local Liquor Control Commissioner conditioned upon the faithful observance of the provisions of the laws of the State of Illinois, and that this Chapter indemnifying the County against all losses or injury arising against said County by reason of the conduct or operation of a business under such license and for payment of all fines or forfeiture against such license, which bond shall be in the sum of one thousand (1,000) dollars.

F. Separate Application. Separate application by a licensee or a related person must be filed for separate classes of licenses by any applicant desiring to operate more than one licensed business, and a separate license must be obtained by any applicant desiring to operate a licensed business at more than one (1) licensed premises.

G. No person or related persons may possess more than one license. "Related" means being employed by, owning stock in, being a partner in, having any interest directly or indirectly in or being related by blood or marriage in the following relationships: spouse, parent, step-parent, grandparent, step-grandparent, child, step-child, grandchild, step-grandchild, brother,

step-brother, sister, step-sister, uncle, aunt, niece or nephew.

H. Application Procedure. Each applicant desiring to engage in the business of sale of alcoholic liquor shall make application to the County Clerk for a license to do so. Such application shall be referred to the Local Liquor Commissioner, and to the Jefferson County Liquor Advisory Board which shall consist of the Jefferson County Sheriff, State's Attorney, and Liquor Control Commissioner. One (1) copy of the application shall be retained by the Local Liquor Control Commissioner, one (1) copy each to the Sheriff and to the State's Attorney. Each member of the Liquor Advisory Board shall endorse the copies, their approval or disapproval of the application and may make any further comments regarding the application. The copies shall be returned to the Local Liquor Control Commissioner and the endorsements and comments of the Sheriff and State's Attorney shall be considered by him as an aid in deciding whether the license should be issued or refused. **(Amendment 10 adopted by County Board October 22, 2012, adds) Upon receipt of an application, the County Clerk shall post notice of such application in a public area of the Jefferson County Courthouse for a period of thirty days from the date the notice is posted. During this period, any members of the public may submit to the County Clerk written comments regarding the application. The County Clerk shall forward any such comments to the Liquor Control Commissioner, and such comments shall be considered by him as an aid in deciding whether the license should be issued or refused. In no event shall the Liquor Control Commissioner make a final decision regarding an application prior to expiration of the thirty-day notice period. Within seven days of filing an application, the applicant shall cause notice of the application to be printed in a newspaper of general circulation in Jefferson County at applicant's expense. Such notice shall include the applicant's name, address of the proposed licensee, the type of license sought, and a statement that members of the public may submit comments on the application in writing to the Jefferson County Clerk for a period of thirty days. The applicant shall provide proof of such publication to the County Clerk. The notice and comment period provided herein shall only apply to original applications for a license.** In the event such application is approved by the Local Liquor Commissioner, a license shall be issued by the County Clerk to such applicant signed by the Commissioner and countersigned by the Clerk, who shall keep a complete record of all such licenses issued.

21-1-4 Payment of License and Permit Fees. All fees payable under this Article shall be paid in full by cash, certified check, or money order and submitted at the time the application is made.

The license fee for each license classification and the permit fees shall be provided within Section 21-1-3. When the license is issued at some time other than July 1, the fee shall not be reduced except that license fees paid after January 1 of any given year will be set at half

of the rate for that license classification. Otherwise there will be no pro rata determination of fees and any license fee paid prior to January 1 of any given year will be for the entire annual amount for that classification.

21-1-5 License Classifications, Permits, and Fees. Licenses to sell alcoholic liquor shall be of the following classes, and are subject to current County processing fee:

A. A "Class A" license shall entitle the licensee to make consumption and package sales of alcoholic liquor. The license fee for a "Class A" license shall be one thousand five hundred (1,500) dollars per annum.

B. A "Class B" license shall entitle licensee to make package sales of alcoholic liquor; the licensee shall make no consumption sales. The license fee for a "Class B" license shall be one thousand (1,000) dollars per annum.

C. A "Class C" license shall entitle licensee to make consumption sales of wine and beer and to make and package sales of wine only at the licensed premises, but not for resale in any form; this license shall be issued only to a person who is engaged in the manufacture of wine and who uses only grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in Jefferson County, Illinois, except as follows: (i) During the first thirty-six (36) months of operation after first being issued a license, the licensee may use as much as one hundred (100) percent imported products (ii) During the following twenty-four (24) months, the licensee may use as much as eighty (80) percent imported products; and (iii) thereafter, licensee may use as much as sixty (60) percent imported products; provided however that the maximum allowances on use of imported products may be temporarily increased in any year in which there is a crop shortage or severe drought in such percentages as determined by the director of the Department of Agriculture and as provided by the Illinois Liquor Control Act. The license fee for a "Class C" license shall be five hundred (500) dollars per annum. (235 ILCS 5/5-1)

21-1-6 Posting of License or Permit. Every person licensed under the provisions of this Chapter shall immediately post and keep posted while in force in a conspicuous place upon the premises described in such license the license so issued hereunder and also any license required to be issued under the Illinois Liquor Control Act; all permits shall also be conspicuously posted in the same manner as a license. (235 ILCS 5/6-24)

21-1-7 Transfer of License. A license shall be purely a personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked, as in this Code provided; and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferrable, 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 or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or 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 six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made for 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 paragraph. (235 ILCS 5/6-1)

21-1-8 Surrender of License. Any licensee who desires to surrender and terminate a license issued hereunder shall file in the Office of the County Clerk a written notice under oath addressed to the Local Liquor Control Commissioner advising the commissioner of the intent to surrender the license and the effective date of the termination of the license. The termination of the license shall not be effective until the date stated within the notice and may be withdrawn by the licensee prior to the effective date by filing in the Office of the County Clerk a statement in writing under oath withdrawing the notice of surrender, provided that a notice of withdrawal shall be null and void and of no effect if filed on or after the effective date of the termination. If no date of termination is stated within the notice then the termination shall be immediately effective upon filing of the notice.

21-1-9 Number of Licenses. There shall be no more than a total of one (1) Class A license, one (1) Class B license, and three (3) Class C licenses in each of the **five (5)** wet townships of Jefferson County, Illinois. **(4/22/19)**. This provision shall be waived to the extent that all licensees who are current and in good stead under the former provisions of the Jefferson County Code, formerly known as “Class C licenses”, shall henceforth be issued “Class A” licenses according to Article 21, Section 2, Paragraph 12(A) upon their applications for renewal. Further, when the same premises where licenses formerly known as “Class C” are transferred to other owners or lessees, those new owners or tenants who are otherwise qualified applicants hereunder shall be eligible to make application for a “Class A” license hereunder even if to do so would result in the issuance of more than one “Class A” license in a wet township.

21-1-10 Renewals. A license may be renewed at the expiration thereof provided the licensee is then qualified to receive a license at the premises for which such renewal license is sought and complies with all ordinances of the County including health, building, zoning, and fire safety ordinances.

Applications for renewal of license shall be filed by the licensee with the County Clerk in the same manner and under the same terms and conditions as for an original application, except that an application for renewal should be filed not less than sixty (60) days prior to

expiration of the license (i.e. July 1). The application procedure for renewal of a license shall be the same as for an original application, except that such application shall not be subject to review and action by the Liquor Advisory Board unless referred to the Advisory Board by the Local Liquor Control Commissioner. The Local Liquor Control Commissioner shall preliminarily or tentatively grant or deny in writing the renewal of license without any hearing; provided that if the applicant, within ten (10) days from the date of the notice of the preliminary or tentative decisions of the Local Liquor Control Commissioner, shall file in the Office of the County Clerk, a written request for hearing upon the application then a hearing de novo shall be conducted by the Local Liquor Control Commissioner within thirty (30) days from date of the written request, which hearing shall be conducted in accordance with the procedures set forth in Section 21-1-21 herein. The preliminary or tentative decision of the Local Liquor Control Commissioner shall be served by certified mail return receipt requested to the address stated within the application; the date of mailing the decision of the Local Liquor Control Commissioner in a properly addressed envelope shall be the date of the notice regardless of whether the applicant actually receives the notice.

The licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; provided that the renewal privilege herein provided shall not be construed as a vested right, and may be denied by the Local Liquor Control Commissioner with cause. (235 ILCS 5/6-1)

21-1-11 Location Restrictions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church; school; hospital; home for the aged or indigent persons or veterans, their wives, their children; or any military or naval station; provided, however, that this provision shall not apply to hotels offering restaurant service, regularly organized clubs, or restaurants.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises or such other portion of the building or structure used only by the licensee, his family, and personal guests.

No licensee shall hold forth or operate at any place other than the licensed premises designated in his application for license except temporarily by application to and with the approval of the Liquor Control Commissioner

No license shall be issued to any person for the sale or retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food,

lunches, or drinks for such minors.

When a license has been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of business of selling alcoholic liquor at retail on the premises described in the revoked license.

No license shall be issued to any massage parlor.

No license shall be issued to any tattoo shop, tattoo parlor or to any similar business offering tattoo services.

No license shall be issued for the sale at retail of any alcoholic liquor within 800 feet of any massage parlor as defined within Article 8, Section 6-1(B) of the Revised Code of Ordinances or within 800 feet of any sexually oriented business or within 800 feet of any tattoo shop, tattoo parlor or any similar business offering tattoo services. For purposes of this subparagraph measurements shall be in straight line without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located. (235 ILCS 5/6-11, 12)

21-1-12 Health and Safety Laws. All premises licensed pursuant to this Chapter shall be in compliance at all times with Jefferson County's ordinances and all state statutes pertaining to health, sanitation, and public safety.

21-1-13 Cessation of Business. The death of a license, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist provided that the executor or administrator of the estate of any deceased licensee may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or such bankruptcy until the expiration of such bankruptcy, or insolvency of such licensee.

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 Local Liquor Control 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 therefor 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.

21-1-14 Hours of Operation. It shall be unlawful to sell, to offer for sale, or deliver at retail, or give away in or upon any licensed premises any alcoholic liquor except during the following hours:

1. Monday-Thursday. Between the hours of 6:00 a.m. of one (1) day and 1:00 a.m. of the succeeding day of each day from Monday through Thursday inclusive.

2. Friday and Saturday. Between the hours of 6:00 a.m. of one (1) day and 2:00 a.m. of the succeeding day of each day from Friday through Saturday inclusive.

3. Sunday. **For Class A licenses, hours of operation shall be between the hours of 12:00 p.m. (noon) and 10:00 p.m.** (Amendment 11 wording adopted by County Board on July 15, 2013/adopted June 24, 2013.) **For Class B licenses, hours of operation will be between the hours of 1:00 p.m. 12:00 a.m. (midnight).** (Amendment 8 adopted by County Board November 28, 2011)

4. Christmas Day. Notwithstanding the other provisions of this Section, no person, firm, or other corporation licensed to sell malt or alcoholic liquors shall permit his, her, or its establishment to be open for the sale of such liquor on Christmas Day of each year.

5. New Year's Day. Notwithstanding any other provisions herein, persons, firms, and corporations licensed to sell malt or alcoholic liquor may serve and sell malt and alcoholic liquor at the licensed premises between the hours of 6:00 a.m. on New Year's Eve and 8:00 a.m. on New Year's Day or until normal permitted hours as provided above for said day, whichever is later; provided, however, that entry to the licensed premises, shall be denied to all persons at 2:00 a.m. on New Year's Day, and no person shall be permitted to enter or reenter the premises after said time until the licensed premises thereafter opens for normal permitted hours as provided above. All persons or patrons within the licensed premises at said 2:00 a.m. on New Year's Day shall be permitted to remain and be permitted to purchase and to consume malt and alcoholic liquor, although no person shall be permitted reentry upon exiting or leaving the licensed establishment until the licensed premises thereafter opens for normal permitted hours as provided above.

6. General Provisions. In the case of restaurants, clubs, hotels, and motels that are licensed hereunder, such establishments may remain open at all hours otherwise permitted by law, but no malt or alcoholic liquors shall be sold or delivered except during the hours provided above. Furthermore, any lounge area or separate area for sale or service of alcohol shall be closed. **In the case of any other Class A licensees that offer food for sale, such establishments may open on Sundays beginning at 6:00 a.m., but no malt or alcoholic liquors shall be sold or delivered except during the hours of operation provided above.** (Amendment 11 wording approved by County Board July 15, 2013/adopted June 24, 2013.)

Each licensee shall require and have all customers off and out of said premises within twenty (20) minutes after the closing time provided herein, which twenty (20) minutes shall be considered a grace period to all time for closing and for all customers to leave the premises, but all sales or deliveries shall cease at the closing hours herein specified.

Whenever time is referred to in this Chapter, it shall be understood and is hereby enacted that the same shall be consistent with the official time of Jefferson County, Illinois, whether the same shall be central standard time or central daylight savings time.

No individual other than a licensee or paid employee who is actually on duty for cleaning or maintenance purposes shall remain in a licensed premises after the closing time and grace time specified herein above.

21-1-15 Drive-In-Windows.

A. Drive-in windows maintained and operated on premises duly licensed for the sale of alcoholic liquors within the corporate limits of the County shall be adequately lighted during business hours by natural or artificial white light so that all persons or vehicles transacting business at such windows shall be clearly visible. From sunset until closing time, said drive-in windows shall be directly lighted by no less than two (2), three hundred (300) watt incandescent lamps or their equivalent, spaced at least eight (8) feet apart, located directly over or near said drive-in window, with light rays so directed as to most effectively light the outside area immediately adjacent to said window.

B. In order to enforce this Section, the County shall have the right to require the filing with it of plans, drawings, and photographs showing the lighting as above required. This paragraph shall constitute an additional regulation of premises licensed for the sale of alcoholic liquors.

C. Only "package sales" are permitted at drive-in windows.

D. Only a licensee having a Tavern or Package Sales license shall maintain and operate a drive-in window at which alcoholic liquors are sold.

21-1-16 Books and Business Records. It shall be the duty of every licensee to keep and maintain books and records pertaining to all business conducted at the licensed premises. It shall be the duty of every licensee to make the books and records available upon reasonable notice for the purpose of investigation and control by the Local Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises but must be maintained in the state of Illinois. (235 ILCS 5/6-10)

21-1-17 Additional Restrictions and Regulations.

A. No licensee shall cash checks or drafts to any purchaser or prospective purchaser of alcoholic liquors, which checks or drafts have been given such purchaser or prospective purchaser in payment of personal services, nor shall he give alcoholic liquors to any customer

on credit.

B. No licensee or any agent, representative, manager, or employee of such licensee shall permit or allow any person under the age of 21 years to enter or remain upon any controlled premises; Provided, however, that the foregoing shall not apply to minors remaining only within the dining area of a restaurant or a bowling area of a licensed premises, nor to a minor accompanied by a parent or legal guardian and the minor and his parent or guardian enter and remain within the dining area, the bowling area, or a package sales area of a licensed premises; nor shall the foregoing apply to persons between the ages of 18 and 21 years if the provisions of Section 21-1-17 O hereinafter set forth are applicable. Notwithstanding the foregoing no person under 21 years of age shall be permitted nor shall any person under 21 years of age enter any premises licensed as a tavern.

The foregoing restriction shall not apply to any controlled premises where the sale of controlled beverages is limited to package sales and the remainder of the business is devoted to convenience grocery and/or gasoline and diesel fuel sales.

A person charged with a violation in any court or administrative hearing of this Subsection shall have the burden of proving that he meets one of the previously described exceptions.

C. No waiter or waitress nor any other employee of licensee shall enter, appear or remain within any dining area, any bowling area, or package sales area or other area of the control premises where minors are permitted, nor within any area which may reasonably be in view of a minor, unless said waiter, waitress or other employee shall be wearing or attired in non-transparent clothing which hides from view or prevents view of the breasts, buttocks and the genital area of the body. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola or nipple is not exposed in whole or in part.

D. No person shall possess any open container or consume any alcoholic liquor upon any public property as defined in section 21-1-2 (17) within the corporate limits of the County. No licensee shall allow or permit any individual to transport or carry any alcoholic liquor out of the licensed premises of the licensee except in the original package with the seal unbroken.

E. No licensee nor any manager, or employee of licensee shall permit or allow any waitress, waiter, hostess, bartender or other employee to enter or remain upon any licensed premises or any controlled premises unless dressed in non-transparent and opaque clothing which completely covers from view the human male genitals in a discernibly turgid state, and the human male or female genitals, pubic area, vulva, anus, and the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other

clothing, provided the areola or nipple is not exposed in whole or in part. This subparagraph shall not be construed to apply to a person engaged in the bona fide use of a single sex restroom for its intended purpose or to an occupant(s), not otherwise visible to the public, within a hotel or motel room situated upon controlled premises.

F. No licensee or 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 or to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment or to any person who is known to be an object of charity or who is known to be supported by any charitable association or institution or any relief commission or organization. Upon violation of this Subsection, the following fines and penalties shall be imposed upon the licensee and upon any officer, associate, member, representative, employee, or other agent of licensee.

1. For the first violation of this Subsection, the licensee shall pay a fine of one hundred (100) dollars, and the officer, associate, member, representative, employee, or other agent of licensee shall also pay a fine of one hundred (100) dollars.

2. For the second violation of this Subsection within any twelve (12) month period, the licensee shall pay a fine of two hundred and fifty (250) dollars, and the officer, associate, member, representative, employee, or other agent of the licensee shall also pay a fine of two hundred and fifty (250) dollars.

3. For the third violation of this Subsection within any twelve (12) month period, the licensee shall pay a fine of five hundred (500) dollars, and the officer, associate, member, representative, employee, or other agent of the licensee shall also pay a fine of five hundred (500) dollars.

4. The intent of this Subsection and the fines and penalties imposed hereunder are to punish both the licensee and the officer, associate, member, representative, employee, or other agent of the licensee for each violation. The foregoing fines and penalties shall be in addition to any action taken or sanction imposed by the Local Liquor Control Commissioner and shall not in any manner limit the authority of said Local Liquor Control Commissioner, who shall have authority to impose any penalty described within Section 21-1-21 herein, including revocation of the license.

G. 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 in his or her possession. Any person who violates this Subsection shall be subject to the following fines and penalties: (1) for the first violation of this Subsection, a fine of one hundred (100) dollars shall be imposed; (2) for the second violation of this Subsection, a fine of two hundred and fifty (250) dollars shall be imposed; and (3) for the third violation within any twelve (12) month period, a fine of five hundred (500) dollars shall be imposed.

For the purpose of preventing the violation of this Subsection, any licensee or his agent or his employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years. If a licensee or his agent or employee 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. A reasonable belief by the licensee or his agent that a person is twenty-one (21) years of age or over shall not be a defense to any action under this Chapter unless said licensee or agent shall have demanded and received some form of positive identification as above-described that such person is twenty-one (21) years of age or over.

H. No person shall sell, give, or furnish to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person, nor shall any person sell, give, or furnish to any person under the age of twenty-one (21) years evidence of age and identification of any other person.

I. No person under the age of twenty-one (21) years shall present or offer to any licensee, his agent, or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of procuring or attempting to procure the servicing of any alcoholic beverage, nor shall any person under the age of twenty-one (21) years have in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

J. No licensee under this Chapter shall sell or deliver any package containing alcoholic liquor to any other person or shall sell the contents of any such package for consumption on the premises, unless such package shall have affixed thereto all canceled revenue stamps which may be required by federal or state laws and unless same shall also bear thereon a clear and legible label containing the name of the manufacturer and the kind of alcoholic content thereof. No licensee under this Chapter shall sell or have in his possession or use any package or container of alcoholic liquor which does not comply herewith at the time same was delivered to him.

K. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty-one (21) years except in the performance of a religious ceremony or service and except as herein provided.

L. The consumption of alcoholic liquor by any person under twenty-one (21) years of age is forbidden except 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, (235 ILCS 5/6-20)

M. No person under the age of twenty-one (21) years (including a person in pursuance of an order of his parents) shall have any alcoholic beverage in his possession or on any street

or highway or in any public place or any place open to the public unless he is making a delivery of an alcoholic beverage in pursuance of his employment; this prohibition shall not apply to waiters and waitresses within the licensed premises of his or her employer.

N. No person under twenty-one (21) years of age shall draw, pour, or mix any alcoholic liquor within or upon any licensed premises. Waiters and waitresses must be at least eighteen (18) years of age within all licensed premises, except that waiters and waitresses within a premise licensed as a tavern must be at least twenty-one (21) years of age.

O. No room or place where alcoholic liquor is sold or dispensed, or any room adjacent thereto, shall be connected by any elevator, lift, dumb waiter, or similar device for carrying, transporting, or elevating food or alcoholic liquor within any room or rooms upon any upper floor of the same premises; provided this provision shall not apply to hotels.

P. No person except a manufacturer or distributor or importing distributor holding a federal license therefor shall file or refill in whole or in part any original package of alcoholic liquor with the same or any other kind of quality of alcoholic liquor, and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor except in original packages.

Q. No person shall transport, carry, possess, or have any alcoholic liquor in or about any motor vehicle except in the original package and with the seal unbroken.

R. Any person who shall knowingly possess, sell, ship, transport, or in anywise dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of said alcoholic liquor, or who shall cause any such act to be done, shall forfeit said alcoholic liquor and said packages and containers and shall be subject to the punishment and penalties provided for violation of this Chapter.

S. No licensee shall permit any illegal practices upon the controlled premises.

T. No licensee shall unlawfully discriminate against any person, either with regard to the services that it offers or with regard to its employment practices, and each licensee shall comply fully with all applicable state and federal laws relating to discrimination.

U. Each and every part of "An Act Relating to Alcoholic Liquors" enacted by the General Assembly of the State of Illinois approved January 21, 1934 as amended and regulations promulgated thereunder which relate in any manner to the sale at retail of alcoholic liquors is hereby adopted by reference and made a part of this Chapter to the same extent and with the same legal effect as if fully set forth herein except where otherwise specifically changed or amended in this Chapter. Any violation of such applicable and adopted provisions of said Act shall be deemed a violation of this Chapter and be subject to the penalties herein provided.

V. No driver or operator of a cab or other vehicle for hire shall stop, stand, or park at any drive-up window or any premises where alcoholic liquor is sold, nor shall any driver or operator of a cab or other vehicle for hire make any purchase of alcoholic liquor while driving or

operating said cab (whether on duty or off) unless the cab or vehicle for hire is actually occupied by a fare or customer making a purchase of package liquor for the personal use of said fare or customer.

W. Except as otherwise provided herein, any person who violates or refuses to comply with the provisions of this Subsection shall be subject to the provisions of this Revised Code. In addition, licensees shall be subject to the authority of the Local Liquor Commissioner.
(235 ILCS 5/6-16, 20, 22)

21-1-18 Liability of Licensee for Acts of Manager, Employees and Other Named Persons. Every act or admission of whatsoever nature constituting a violation of any provision of this Chapter or of the Illinois Liquor Control Act by any officer, director, manager, or other agent or employee of the licensee shall be deemed to be the act of the licensee. The licensee shall be punishable in the same manner as if the act or admission had been done or admitted by the licensee personally.

21-1-19 Local Liquor Control Commissioner.

A. Authority. The Chairman of the County Board shall be the Local Liquor Control Commissioner in the territory of the County, outside the corporate limits of any city, village or incorporated town, and is charged with the administration of the appropriate provisions of the Illinois Liquor Control Act of this Chapter and of Ordinances, Resolutions, rules and regulations relating to alcoholic liquor as may be adopted. The Local Liquor Control Commissioner shall have such powers and duties as provided within the Illinois Liquor Control Act and shall have such powers and duties as hereinafter specified:

1. To receive applications; investigate applications; and grant, renew or deny liquor licenses.
2. To enter or authorize any law enforcing officer to enter at any time upon any premises licensed to determine whether any of the provisions of this Chapter, or the laws of the State of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time to examine the premises of the licensee in connection therewith.
3. To receive complaints from any citizen of the County that any of the provisions of this Chapter or any rules or regulations adopted pursuant thereto have been or are being violated and to act upon such complaints in the manner hereinafter provided.
4. To receive local license fees and pay the same forthwith to the County Clerk and Recorder.
5. To examine, or cause to be examined, under oath any applicant for a local license or for a renewal thereof or any licensee under this Chapter upon whom notice of suspension or revocation of license has been served; to examine or cause to be examined the books and records of any applicant or licensee under this Chapter; to authorize any law enforcing officer

to require any applicant or licensee to furnish said officer with a complete, current list of all employees of said applicant or licensee including the names and addresses of all employees; and to hear testimony and take proof for their information in the performance of their duties and for such purposes to issue subpoenas. For the purpose of obtaining any of the information desired by the Commissioner under this Chapter, he may authorize his agent to act in his behalf.

6. To require fingerprints of any applicant for the local license or for a renewal thereof (except as prohibited by law); for purposes of obtaining fingerprints under this Subsection, the Local Liquor Control Commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois Department of State Police.

7. Suspend or revoke any license issued by him if he determines that the licensee has violated any provisions of this Chapter or of any Ordinance or Resolution enacted by Jefferson County or of any provision of the State Liquor Control Act or any applicable rule or regulation issued by the Local Liquor Control Commissioner which is not consistent with law.

Notwithstanding any other language herein, a license may be revoked for a first offense. If a suspension is imposed then said suspension may be up to thirty (30) days for each offense. In lieu of a suspension, the commissioner may impose a fine of not more than five thousand (5,000) dollars for each violation, although the maximum fine that may be imposed upon any licensee for the period of the license shall not exceed fifty thousand (50,000) dollars each license year. A separate offense shall be deemed to have been committed upon each day that a violation occurs or continues.

8. To issue a written order immediately and summarily closing a licensed premises for not more than seven (7) days without notice or hearing to the licensee if the Local Liquor Control Commissioner has reason to believe that the continued operation of the specified licensed premises will immediately threaten the welfare of the community, provided said written order shall state the reasons for said order and shall advise the licensee of a date and time for hearing to give the licensee an opportunity to be heard on the matter. (235 ILCS 5/4, 5/7-4, 5)

B. Records. The Local Liquor Control Commissioner shall cause to be maintained a complete record of all licenses issued pursuant to this Chapter. A copy of each license shall be maintained by the County Clerk.

C. Hearings upon Application. Applicants for a license, applicants for renewal of a license and applicants for a transfer of a license to another location shall be entitled to a public hearing before the Local Liquor Control Commissioner upon full, complete and strict compliance with all provisions of this Chapter relating to applications for same. The applicant shall be given written notice at least three (3) days prior to said hearing. Upon completion of the public hearing, the Local Liquor Control Commissioner shall either grant or deny the

application and shall make findings of fact in support of the decision. (235 ILCS 5/7-5)

D. Hearings upon Non-Application Matters. Except as hereinafter provided, no license holder shall receive a written reprimand, nor shall a license be suspended or revoked or a fine imposed except at a public hearing before the Local Liquor Control Commissioner. The licensee shall be given written notice of the charge at least three (3) days prior to said hearing affording an opportunity to appear and defend.

A licensed premises may be immediately and summarily closed for not more than seven (7) days without notice or hearing upon the issuance of a written order stating the reason(s) for closing if the Local Liquor Control Commissioner has reason to believe that the continued operation of the specific licensed premises will immediately threaten the welfare of the community. Within said seven (7) days, a hearing shall be held giving the licensee the opportunity to be heard on the matter.

Upon completion of any public hearing, the Local Liquor Control Commissioner shall make findings of fact. If the commissioner determines that any licensee has violated any provision of this Chapter or any state law pertaining to the sale of alcoholic liquor, the Commissioner may impose such penalties and take such action as is authorized by this Chapter.

If the Local Liquor Control Commissioner determines that a reprimand, suspension, fine or revocation is warranted, he shall, after such hearing, issue a written order stating the reasons for the determination and shall cause a copy of such order to be served upon the licensee by personal service or by certified mail to the address of the licensee appearing of record, with the date of deposit in the United States mail being the date of service. In the event a fine is imposed, the order shall specify the date by which the fine shall be paid. If the fine is not paid by the specified date, such shall constitute cause to suspend or revoke the license. A copy of each order issued by the Commissioner shall be maintained in the office of the County Clerk.

In making the determination to reprimand, suspend, revoke, or impose a fine or in determining the length of a suspension imposed, the Local Liquor Control Commissioner may consider the nature of the violation, past violations of the licensee, and the facts and circumstances surrounding the violation as presented at the public hearing. (235 ILCS 5/7-5, 10)

E. Written Order. The written order of the Local Liquor Control Commissioner required to be issued hereunder shall be issued within five (5) days after a written transcript of the public hearing is received by the Local Liquor Control Commissioner from the certified court reporter or certified shorthand reporter if either party orders said transcript and in any event, a written order shall be issued within thirty (30) days from date of the public hearing. (235 ILCS 5/7-5, 9)

F. Hearing Procedures. All hearings before the Local Liquor Control Commissioner shall be subject to the following procedures:

1. The licensee shall be entitled to a three (3) day written notice of the hearing.

2. Witnesses shall be sworn, but in all other respects hearings shall be informal and the strict rules of evidence shall not apply.

3. A complete record of all evidence, testimony, and comments before the commissioner shall be taken by a certified court reporter or certified shorthand reporter.

4. Review of the proceedings before the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.

5. Except as otherwise provided herein, appeals shall be in accordance with Section 7-9 of the Illinois Liquor Control Act, although no matter shall proceed to appeal to the Illinois Liquor Control Commission unless and until a hearing has been conducted by the Local Liquor Control Commissioner.

6. Initial costs and hourly fees for the certified court or shorthand reporter's attendance at the formal hearings before the Local Liquor Control Commissioner shall be paid by Jefferson County; said costs and hourly fees shall be assessed against the licensee if a reprimand, fine, suspension or revocation is issued or imposed.

7. All costs of preparing and transcribing an official record on appeal to the Illinois Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings and shall be paid prior to the date of the appeal hearing. (235 ILCS 5/7-5, 9)

21-1-20 House Rules. Licensees shall be permitted to enact "house rules" regulating conduct of patrons; however, said house rules shall be reasonable, shall be consistent with the provisions of this Chapter, and shall be subject to the approval of the Local Liquor Control Commissioner. No house rules shall unlawfully discriminate against any individual.

21-1-21 Status of Annexed Territory.

(a) The status of annexed territory within Jefferson County relative to the sale at retail of alcoholic liquor shall remain the same notwithstanding annexation of said territory to the County of Jefferson until the status of said annexed territory shall be changed in accordance with Article IX of the Illinois Liquor Control Act or in accordance with Subparagraph (b) herein.

(b) The owner of an annexed area upon which no legal voters reside may file a Petition in the office of the County Clerk to change the status in the annexed area relative to the sale of alcoholic liquor by either: (1) discontinuing any existing prohibition, or (2) prohibiting the sale at retail of alcoholic liquor. The Petition shall be signed by not less than sixty-six and two-third ($66 \frac{2}{3}$) percent of all of the owners of record of the annexed area and the Petition shall be supported by an Affidavit made by one (1) or more of the owners stating that the signatures represent at least sixty-six and two-third ($66 \frac{2}{3}$) percent of all owners of record of the annexed area and stating that there are no legal voters residing upon the annexed area. Owner of record shall mean an individual owner, the trustee of a trust, all partners of a partnership, the authorized corporate officers of a corporation and such similar authorized persons for other

legal entities. The Petition shall request the Jefferson County Board to change the status of the annexed area by Ordinance enacted by the County Board. After the filing of the Petition, the County Board may consider said Petition in accordance with its usual procedures and practices and the status of the annexed area shall be changed as provided within the Petition upon approval of same by enactment of an Ordinance by a majority vote of the Board members present. (235 ILCS 5/9-9)

(c) The filing of a Petition under subsections (a) or (b) above shall bar further proceedings under this Section for twenty-four (24) months thereafter from the date of the filing of the Petition.

21-1-22 Effective Date. The provisions of this Chapter shall immediately be effective and applicable to all existing applicants for licenses, licensees, and licenses; and to all licensed premises; and to any proceedings or procedures affecting same. Except nothing hereunder shall revoke or alter the classifications of valid outstanding licenses on the effective date of this Chapter or the rights attendant to said classification; provided all licenses or renewal licenses issued after the effective date of this Chapter shall be in accordance with the classifications established hereunder and subject to all restrictions and regulations of such classification.

21-1-23 Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or any part thereof or application thereto to any person, firm, corporation, licensee, or circumstance if for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the County Board that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

This ordinance was called for approval and passage at the regularly scheduled meeting of the County Board of the County of Jefferson on October 27, 2008 and was considered after a motion and second and was passed by a roll call vote of a quorum lawfully convened and the vote is recorded in the minutes thereof and, except as determined otherwise herein, this Liquor Control Ordinance replaces and supersedes any and all earlier Liquor Control Ordinances of the County of Jefferson and the State of Illinois.

(Liquor Control Ordinance)

Passed by the County Board of the County of Jefferson, State of Illinois, this 27th day of October, 2008

Approved by me this 27th day of October, 2008

___TED BUCK_____

Ted Buck, Chairman of the Board

__CONNIE SIMMONS__

Connie Simmons,

County Clerk and Recorder

Attested and filed in my office this ___27th___ day of __October___, 2008

SEAL