



JASPER COUNTY LIQUOR CONTROL ORDINANCE

**Establishing Rules and Regulations For the Sale of Alcoholic
Beverages Within the Unincorporated Areas
Of Jasper County, Illinois**

Ordinance #23-1-12

(As Revised)

January 12, 2023

**JASPER COUNTY LIQUOR ORDINANCE
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**JASPER COUNTY LIQUOR CONTROL ORDINANCE
(As Revised)**

*Establishing Rules and Regulations for the Sale of Alcoholic Beverages Within the
Unincorporated Areas of Jasper County, Illinois.*

ARTICLE I

WHEREAS, the County Board has heretofore established Rules and Regulations for County Liquor Licenses outside the corporate limits of any municipality within Jasper County, Illinois; and,

WHEREAS, the County Board of Jasper County, Illinois desires to update and revise these said Rules and Regulations.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Jasper County, Illinois, Liquor Ordinance establishing Rules and Regulations for the Sale of Alcoholic Beverages outside the corporate limits of any municipality within Jasper County, Illinois, be and is hereby adopted by the duly elected County Board of Jasper County, Illinois, and shall become effective upon its adoption.

BE IT FURTHER ORDAINED that the following Jasper County, Illinois, Liquor and Ordinance establishing Rules and Regulations for the Sale of Alcoholic Beverages outside the corporate limits of any municipality within Jasper County, Illinois be and is hereby adopted by the duly elected County Board of Jasper County, Illinois, and shall become effective upon its adoption.

ARTICLE II

Definitions of Words and Terms

The following definitions shall apply to the words and terms when used within the Ordinance. Words and phrases defined in the State of Illinois Liquor Control Act, Chapter 235, Illinois Revised Statutes shall also apply in the enforcement of this Ordinance.

- A. **ALCOHOL**- The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- B. **ALCOHOLIC BEVERAGES**- Spirits, wine, beer, ale, whiskey, gin, brandy, rum, or any distilled or fermented liquid containing more than one-half of one (1) percent alcohol by volume, for human consumption. The term “Alcoholic Liquor” shall have the same meaning.
- C. **RETAIL SALE**- Sale for use or consumption and not for resale.
- D. **SALE**- Transfer, exchange or barter for consideration, including any sale made by any person including principal, proprietor, agent, servant or employee.
- E. **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.
- F. **BEER**- A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter, and the like.
- G. **WINE**- Any alcoholic beverage obtained by the fermentation of the natural content of fruits or vegetables containing sugar including such beverages when fortified by the addition of alcohol or spirits, as above defined.
- H. **MICRO-DISTILLERY**- A commercial enterprise at a single location producing spirits in quantities no more than fifteen thousand (15,000) gallons per distillation per year, or as otherwise permitted by any amended State statute as found at 235 ILCS 5 /6-4.
- I. **MANAGER OR AGENT**- Any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished to the Commissioner in the form and manner as such Commissioner shall from time to time prescribe.

- J. PACKAGE LIQUOR STORE-** Any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.
- K. RESTAURANT-** Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served 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.
- L. CLUB-** A corporation organized under the laws of this State and 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 quests and provided with suitable and adequate kitchen and dining 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 quests.
- M. LIQUOR CONTROL COMMISSIONER-** The Chairman of the County Board of Jasper County, Illinois, or designee, shall be the Liquor Control Commissioner, and shall have the responsibility to administer the provisions of this Ordinance including, but not limited to, the issuance of liquor licenses, the revocation or suspension of liquor licenses, and the keeping of records and an official listing of all licenses. The Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.
- 1) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for thirty (30 days) or revoke any liquor license issued under this Code for any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.
 - 2) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.
 - 3) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules, state statute or regulations adopted by him or by the State Commissioner have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;
 - 4) To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.

N. ESTABLISHMENTS WITH GAMBLING- Any liquor establishment otherwise qualified under any other classification in the Jasper Liquor Control Ordinance, may, to the extent allowed by Illinois State law, permit gambling to occur on the premises. A licensee shall be entitled to prepare, sell, and serve food and food items and meals, provided that there exists adequate and sanitary kitchen and dining room equipment, and as long as any such food prepared and served is done under sanitary conditions meeting all local and State laws, rules and regulations. This license shall be considered null and void or may be revoked by the Liquor Control Commissioner if the licensee shall cease the sale of alcoholic beverages for any reason during the terms of the license.

ARTICLE III

License Required, License Defined, License Privileges

A. License Required

No person shall sell, keep, or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Liquor Commissioner of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois.

B. License Defined

The terms, “Jasper County, Illinois, Liquor License”, or the short term, “Liquor License”, shall be used and shall mean the licensing document issued by the Jasper County, Illinois Liquor Control Commissioner to permit the sale of alcoholic beverages at retail in accordance with the provisions of this Ordinance.

C. License Privileges

A Liquor License shall allow the license to sell or offer for sale at retail, within the premises specified in such license, alcoholic beverages for use of consumption on said premises, or to sell alcoholic beverages in the original package, not to be consumed on the premises where sold, in accord with the classification of said license as hereinafter provided. It shall be illegal for any license holder to transport or transfer liquor or any alcoholic beverages from one place of business to another place of business.

ARTICLE IV

Application Required and Procedures

A. Application Required

Any person, partnership or corporation seeking to sell alcoholic beverages under the terms of this Ordinance shall submit the appropriate application for a Liquor License to the Liquor Commissioner in accordance with the requirements of this Article.

B. Application Procedures

Applications for the Jasper County, Illinois, Liquor License shall be made in writing by the applicant on forms made available for such purpose. The Liquor Control Commissioner shall cause the following types of application forms to be prepared and made available and shall have the authority to revise such forms as deemed necessary. Prior to making application for a Jasper County, Illinois, Liquor License, applicants shall obtain any zoning amendments, variances, special use permits, or any other zoning approval required to permit the sale of liquor at the applicant's business location.

The Jasper County Liquor Commissioner is authorized to grant and issue licensee, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and limits and in the manner provided by this Chapter and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Liquor Commissioner and attested by the County Clerk, with the Seal of his/her office affixed thereto. Prior to issuance of a license, the applicant must submit to the Liquor Commissioner an application, in writing and under oath, and shall include the following items and attachments:

- 1) An indication of the license classification being applied for.
- 2) Name, address and telephone number of the business location that license is being applied for.
- 3) A statement that the business location for which the applicant is requesting a license is not subject to township or municipal zoning, or that the applicant has been granted any zoning amendment, variance, special use permit, or any other zoning permits or approval necessary to allow the applicant to lawfully conduct a business involving the sale of liquor at said location.
- 4) An indication that the applicant is an individual owner, partnership, for-profit corporation or not-for-profit corporation and is of good character and reputation in the community in which he resides.

- 5) Name, title, address, telephone number, present age, place of birth; or if naturalized date and place naturalized for the individual owner; each partner, if a partnership; and the agent, manager, and corporation officials, if a corporation.
- 6) A statement that the applicant has never been convicted of a felony and is not disqualified from receiving a license by reason of any matter of thing constrained in the aforesaid Act of the General Assembly or in this Chapter or resolution and amendments thereto.
- 7) Description of object of business being conducted.
- 8) Information relative to any denials, suspensions, or revocations of any liquor licenses that the applicant has had at the same or other premises.
- 9) Name of any public office currently held.
- 10) Attachment giving description of corporation if applicant is a corporation.
- 11) Attachment giving description of place of business.
- 12) Attachment providing a Certificate of Dram Shop Insurance for the term of the license being applied for by a reputable insurance carrier insuring the business under the dram shop laws of the State of Illinois, said certificate reflecting dram shop insurance coverage in the amounts not less than \$30,000 Bodily injury, \$40,000 means of support and \$30,000 property damage as stated in the Illinois Revised Statutes as amended.
- 13) Attachment providing a Certificate of Liability Insurance on the place of business for the term of the license being applied for by a reputable insurance carrier for not less than \$30,000.
- 14) Attachment providing proof of ownership or lease of premises for the term of the license being applied for.
- 15) Attachment providing a Certificate that all taxes and special assessments are paid.
- 16) Attachment providing signatures and verification of signatures of the applicant as required by this Section.
- 17) An indication that no person or their spouse is employed by Jasper County Illinois as a law or health enforcement officer or is a member of the County Board of Jasper County, Illinois, or is an elected Jasper County, Illinois office holder.
- 18) An understanding that no person owning a fine, fee or debt of any kind to the County of Jasper shall be issued a license until that fine, fee or debt is paid in full.

ARTICLE V

License Term, Classification and Fees, and Display of License

A. License Term

Retail liquor licenses issued under this Chapter shall be valid for a twelve (12) month period upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The twelve (12) month period shall be from December 1st to November 30th of the following year. The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Liquor Commissioner as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Corporate General Fund. The application for a license shall be filed with the County Clerk. Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration. With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted within thirty (30) days. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have thirty (30) days to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license.

B. Classification and Fees

Every person engaged in the retail sale of alcoholic liquor in the County shall pay an annual license fee. Such licenses shall be divided into the following classes:

- 1) **Class A**, which shall only permit the retail sale of alcoholic beverages in sealed packages, but not for consumption on the premises where sold. The annual license fee shall be Three Hundred and seventy-five Dollars (\$375.00). Only two (2) are available at any time unless modified by the County Board.
- 2) **Class B**, which shall permit the retail sale of alcoholic beverages for consumption on or off the premises where sold, and not for resale in any form. The annual license fee shall be Five Hundred Dollars (\$500.00). Only five (5) are available at any time unless modified by the County Board.
- 3) **Class C**, which shall permit the resale of beer for consumption only on the premises where sold, and not for resale in any form. The annual license fee shall be Four Hundred Dollars (\$400.00). There shall be no more than one (1) license issued during any year. None available unless modified by the County Board.

- 4) **Class D**, which shall authorize the sale and offer for retail sale alcoholic beverages in the original package, for consumption on or off the premises, as well as other retail sales of such wine only in the original package, which shall be consumed on or off the premises. A person possessing an Illinois State Wine Maker's License, or Illinois State Wine Manufacturer's License, and a Jasper County Winery License may also sell wine in its original package to distributors and retailers in Illinois to the extent by their Illinois State License. The fee for a Class "D" license shall be Five Hundred Dollars (\$500.00) per year. One available unless modified by the County Board.
- 5) **Class E**, which shall permit the retail sale of alcoholic beverages for consumption only on the premises where sold, to be issued to a regularly organized club, as hereinbefore defined, such sales to be made only to members of the club and to their guests. The annual license fee shall be Seven Hundred Fifty Dollars (\$750.00). None available unless modified by the County Board.
- 6) **Class F**, which shall permit only the retail sale of beer and wine in sealed packages for consumption off the premises where sold and not for resale in any form. The annual license fee shall be Six Hundred Dollars (\$600.00). None available unless modified by the County Board.

The Liquor Commissioner shall only issue the licenses available under this ordinance of all types. All licenses issued hereunder shall be designated by the classification letter here provided.

C. Display of License

Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. Whenever such license shall be lost or destroyed, a duplicate shall be issued by the County Clerk at a cost of Ten Dollars (\$10.00).

ARTICLE VI

Regulations

A. Hours of Operation

The closing hours of all establishments licensed under this Ordinance shall be from 2 A.M. to 7 A.M. every day of the week, including Saturdays, Sundays, and holidays. Hours stated shall mean Central Standard Time or Central Daylight Savings Time, whichever is being observed in Jasper County. No sale, dispensing or distribution of alcoholic beverages in any form shall be made in any licensed establishment during said closing hours, and no patron shall be permitted to enter such licensed establishment during closing hours. Patrons shall be allowed to remain in or on the premises for a period of one-half hour (30 minutes) after the designated closing time. This does not apply to hours of operation for restaurant or food services. For restaurant or food services an establishment may open up to 2 hours (5 A.M.) prior to the 7 A.M. time with the understanding no alcoholic beverages in any form shall be served until 7 A.M.

B. Employees

Employees of liquor establishments which have been issued a License under this ordinance can be 18, 19, and 20 years of age. Any employee under the age of 21 may only serve alcohol while under the direction of a supervisor 21 or older.

C. Sanitary Conditions

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

D. Disorderly House

Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor.

E. Prohibited Sales

No licensee or employee shall sell, give, or deliver alcoholic beverages to any person under the age provided by the laws of the State of Illinois for purchasing and possessing alcoholic beverages, or to any intoxicated or disorderly person, or to any person known to be a habitual drunkard.

F. Underaged Entry

It shall be unlawful for any person under the age of twenty-one (21) years to enter upon premises where alcoholic liquors, spirits, beer, or wine are sold by the holder of a Class “B” license unless accompanied by a parent or legal guardian. This does not apply to hours of operation for restaurant or food services. No holder of a Class “B” license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of twenty-one (21) years not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violating of this section, any holder of a Class “B” license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of twenty-one (21) years who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of twenty-one (21) years is that person’s parent or legal guardian.

G. Identification Required

If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age 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 the Secretary of State or Federal Government. Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefore or in any proceedings for the suspension or revocation of any license based thereon.

H. Warning to Minors

In every licensed business where liquor is sold, there shall be displayed at all times in a prominent place, a warning to minors, which shall read as follows:

“YOU ARE SUBJECT TO A FINE UP TO \$750.00 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.”

I. Inspections

No licensee shall refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the State or local Liquor Commissioner, or any police officer for the purpose of making an inspection of such premises or any part thereof and for any criminal investigation.

J. Outdoor Music/Noise

It shall be unlawful and a violation of this Ordinance for any establishment to allow outdoor music or noise after 11 p.m. on Sunday through Thursday and after 12 a.m. on Friday and Saturday.

K. Complaints

Any citizen or person shall have the right to file a complaint with the Liquor Control Commissioner stating that any licensed establishment or licensee, under the jurisdiction of the Ordinance or the rules and regulations pursuant herto. Such complaint shall be in writing in the form prescribed by the Liquor Control Commissioner and shall be signed and sworn to by the party or parties making such complaint. The complaint shall state all particular provisions, rules or regulations believed to have been violated and shall state the facts in detail upon which the belief is based. If the Liquor Control Commissioner is satisfied, after a thorough investigation of the facts, that there has been a violation of any of the provisions of this Ordinance and that such charges have been proven by a preponderance of the evidence, then the Liquor Control Commissioner may issue an order suspending or revoking the license of such licensee.

ARTICLE VII

Violations, Fines and Enforcement

A. Violations

If the owner of the licensed premises or any person from whom the licensee 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. 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 punishable in the same manner as if said act or omission had been done or omitted by him personally.

Whenever any licensee shall be convicted of any violation of this Ordinance, the license of said licensee may be revoked by the Liquor Control Commissioner.

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, the license of the licensee may be revoked by the Liquor Control Commissioner.

B. Fines

In addition to suspension and/or revocation, the Liquor Commissioner may levy a fine on the licensee for any violations as follows from December 1 through November 30 of the calendar year:

- 1) Any first violation up to five hundred (500.00) dollars
- 2) Second violation up to one thousand (1,000.00) dollars
- 3) Third violation, possible revocation or suspension of license
- 4) The Liquor Commissioner shall if requested within five (5) days after such requests hold a hearing to review the fine.

C. Enforcement

Whenever fraudulent driver's license or identification cards are surrendered or seized by the licensee or employee, they are to notify law enforcement and the Liquor Commissioner, for possible prosecution. Failure to do so may result in a fine of five hundred dollars (\$500.00) for a first offense and up to one thousand dollars (\$1,000.00) for a second offense within a calendar year.

ARTICLE VIII

Revocation and Suspensions

A. Revocation/Suspension

Whenever any licensee or employee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Liquor Commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this code for said licensee to continue to operate under such license. In addition to the violations of any provisions of any Articles or Sections of this Ordinance, the following shall be considered as grounds for suspensions or revocations of any license issued under the provisions of this Ordinance.

- 1) Any violation of any law of the State of Illinois.
- 2) Falsification of any information submitted on or with an application for license.
- 3) Permitting gambling of any kind to be conducted on the premises where the licensee carries on his place of business. This Section shall not apply to State operated gaming.
- 4) Any violation of the terms having to do with hours of operation.

B. Use of Premises After Revocation

When any license has been revoked for any cause, no license shall be granted for the same premises for a period of one (1) year thereafter.

C. Notice of Revocation and Suspension

No such license shall be so revoked or suspended, and no licensee shall be fined except after a public hearing by the Local Liquor Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

D. Hearing

The Liquor Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the five (5) days upon the license. The findings of the Commissioner shall be predicted upon competent evidence. Any revocation or suspension issued by the Liquor Commissioner may be appealed with due process.

ARTICLE IX
Severability Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

This Ordinance shall repeal and otherwise supersede all preceding ordinances. ADOPTED AND APPROVED this 12th day of January, 2023, at the regular meeting of the Jasper County Board.

Jason Warfel, Chairman, Jasper County Board

Ron Heltsley, Jasper County Liquor Commissioner

ATTEST:

Amy Tarr, Jasper County Clerk