

BUREAU COUNTY LIQUOR CONTROL ORDINANCE  
OF THE  
COUNTY BOARD OF BUREAU COUNTY, ILLINOIS  
REGULATING THE RETAIL SALE OF ALCOHOLIC LIQUORS  
IN BUREAU COUNTY,  
OUTSIDE CORPORATE LIMITS OF ALL CITIES, VILLAGES AND TOWNS

Adopted: April 13, 1987

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IT IS HEREBY ORDAINED by the County Board of Bureau County, Illinois, a body politic and corporate, acting in regular meeting established, that the sale, keeping for sale, or offering for sale of alcoholic liquor in respect to territory outside the limits of any city, village or incorporated town within the corporate limits of the County of Bureau, State of Illinois, shall be subject to the following regulations:

SECTION 1. CONSTRUCTION AND DEFINITIONS. This Ordinance shall be construed to the end that the health, safety and welfare of the People of the County of Bureau and State of Illinois, shall be protected, and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale of alcoholic liquors, and for the purpose thereof the following words are hereby defined as follows:

(a) "Alcohol" means the product of distillation of any fermented liquor, 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) "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 liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(c) "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(d) "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

(e) "Alcoholic liquor" includes alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

(f) "Retailer" means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

(g) "Sell at Retail" and "Sale at Retail" refer to and mean sales for use or consumption and not for resale in any form.

(h) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation or warehouse receipts or certificates, for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

(i) "To Sell" includes to keep or expose for sale and to keep with intent to sell.

(j) "Package" is defined as a retail business in which containers or bottles of beer, wine, or alcoholic liquors, as applicable depending upon terms of license, are sold on the premises for removal from the premises exclusively and without the intent or the actual breaking of the container or the seal thereon in the place of business.

(k) "Business" is defined as a retail business in which containers of beer, wine or alcoholic liquor can be dispensed on the premises and the contents thereof served or the container removed from the premises.

(l) "Fraternal" means any business which is a not-for-profit corporation, and is a veteran's organization, a country club, a nationally recognized fraternal lodge, a religious organization, or a civic organization.

(m) "Person" shall mean an individual, person, firm, co-partnership, club, association or corporation.

SECTION 2. EXCLUSIONS. The provisions of this Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume, nor shall the provisions of this Ordinance apply to flavoring extracts, concentrates, syrups or medicinal products, mechanical, scientific, culinary or toilet preparations or food products unfit for beverage purposes, but the provisions of this

Ordinance shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation or compounding of such products.

None of the provisions of this Ordinance shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

SECTION 3. LICENSE REQUIRED. No person shall sell, keep for sale or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquors in any of the territory lying outside of the corporate limits of any city, village or town, and lying within the corporate limits of said County of Bureau and State of Illinois without first having a valid license granted by the Local Liquor Control Commissioner of Bureau County, Illinois, and a valid license issued by the Department of Finance under the direction of the Illinois Liquor Control Commission.

SECTION 4. LICENSE CLASSIFICATIONS AND FEES. The licenses issued pursuant to the terms of this Ordinance shall be and they are hereby divided into the following classifications, to-wit:

A. PACKAGE:

The retail sale of beer, wine and other alcoholic liquor, for the purpose and with the intent of removing from the premises before container or seal is broken.

7 DAYS - \$350.00 per annum.

B. BUSINESS:

B-1. The retail sale of beer for the purpose and with the intent of either consuming on the premises or removing from the premises before container or seal is broken. 7 DAYS - \$300.00 per annum.

B-2. The retail sale of beer and wine for the purpose and with the intent of either consuming on the premises or removing from the premises before container or seal is broken. 7 DAYS - \$450.00 per annum.

B-3. The retail sale of beer, wine and any other alcoholic liquor for the purpose and with the intent of either consuming on the premises or removing from the premises before container or seal is broken.

6 DAYS (SUNDAY EXCLUDED) - \$700.00 per annum.

7 DAYS - \$1,000.00 per annum.

C. FRATERNAL:

The retail sale of beer, wine and any other alcoholic liquor for the purpose and with the intent of either consuming on the premises or removing from the premises before container or seal is broken. 7 DAYS - \$300.00 per annum.

D. ONE DAY LICENSE:

The retail sale of beer, wine and any other alcoholic liquor for the purpose and with the intent of consuming on the premises. ONE DAY - \$100.00.

SECTION 5. TRANSFER OF LICENSE. No license issued pursuant to this Ordinance shall be transferrable.

SECTION 6. RESTRICTIONS ON LICENSE. No license under this Ordinance shall be issued to:

(a) A person who is not and has not been a resident of the State of Illinois for a period of one year, and who is not and has not been a resident of Bureau County, Illinois, for a period of thirty days immediately preceding the application for a license.

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

(c) A person who is not a citizen of the United States.

(d) A person who has been convicted of a felony under the laws of the State of Illinois.

(e) A person whose license issued under this Ordinance has been revoked for cause.

(f) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license if current license is in jeopardy.

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

(h) A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.

(i) A person who has been convicted of a violation of any Federal or State law concerning the manufacture,



possession or sale of alcoholic liquor subsequent to the passage of this Ordinance, or shall have forfeited his bond to appear in court to answer charges for any such violations.

(j) A person who does not 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.

(k) A member of the Bureau County Board interested in any way, either directly or indirectly in the manufacture, sale, or distribution of alcoholic liquor.

(l) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

#### SECTION 7. LOCATION AND PREMISES REGULATIONS.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within three hundred feet of any church, school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels, offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried

on, if such place of business so exempted shall have been established for such purposes prior to May 11, 1981.

(b) No license shall be issued for the sale at retail of any alcoholic liquor within three hundred feet of any undertaking establishment or mortuary.

(c) In the premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel, or club), no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, or inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times.

(d) In all premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, sufficient lighting shall exist so that a person or persons therein can be readily identified from the exterior of the premises by a person looking through the windows or doors. If the room or rooms in which alcoholic liquors are sold, as aforesaid, have no exterior doors or windows, the lighting in the room or rooms shall be the same degree of intensity as required in the premises having exterior windows or doors as aforesaid.

(e) No new licenses for the retail sale of alcoholic liquor shall be hereafter issued by the County of

Bureau, unless the tavern or establishment for which said license is to be issued shall be equipped with modern plumbing facilities, including modern toilet facilities located within the structure to be so licensed.

SECTION 8. APPLICATION. Any person desiring a license under this Ordinance shall make application to the Local Liquor Commissioner at the office of the County Clerk, upon blanks prepared and furnished by the County, such application shall be sworn to and shall show the following:

(a) The name, age, address of the applicant in the case of an individual, in the case of a co-partnership the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officials and directors.

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

(c) The character of business of the applicant, and in the case of corporation, the objects for which it was formed.

(d) That he will not violate any of the laws of the State of Illinois, or of the United States in the conduct of his place of business.

(e) That he will not violate and will support the Bureau County Liquor Ordinance regulating the retail sale of alcoholic liquors in Bureau County outside the

corporate limits of all cities and villages.

(f) If said application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two members of such partnership or by the President and Secretary of such corporation.

SECTION 9. POSTING LICENSE. Every person licensed in accordance with the provisions of this Ordinance shall immediately post and keep posted while said license is in force, in plain view, in a conspicuous place on the licensed premises, the license so issued. In the event such license shall be lost or destroyed, a duplicate license with the word "duplicate" in lieu thereof shall be issued by the Local Liquor Control Commissioner.

SECTION 10. LIQUOR COMMISSIONER. The Chairman of the County Board shall be the Local Liquor Control Commissioner of the said County of Bureau, and he shall be charged with the administration and enforcement of this Ordinance. Provided, however, that the authority and jurisdiction of said Liquor Control Commissioner shall extend only to that area in Bureau County which lies outside of the corporate limits of the cities, villages and incorporated towns therein.

Such Local Liquor Control Commissioner may appoint a person or persons to assist him in the duties, and said person or persons shall be paid for his or their services from the General Fund of the County, upon presentation of a

verified claim approved by said Commissioner.

SECTION 11. AUTHORITY OF LIQUOR COMMISSIONER. The said Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses for the sale of alcoholic liquors:

(a) To grant and suspend or revoke for cause all licenses issued to persons for premises within his jurisdiction.

(b) To enter or to authorize any law enforcing officer to enter at any time upon premises licensed hereunder, to determine whether any of the provisions of this Ordinance or any rules or regulations adopted by it or by the State Liquor Control Commissioner have been or are being violated, and at such time to examine said premises of said licensee in connection therewith.

(c) To receive complaint from any citizen within its jurisdiction that any of the provisions of the Illinois Dram Shop Act or this Ordinance, 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.

(d) To receive local license fees, and pay the same forthwith to the County Treasurer. The County Treasurer shall deposit all such money to the General Fund. The Local Liquor Control Commissioner shall have the right to examine or cause to be examined under oath, any applicant for a local license or for a renewal

thereof, or any licensee upon whom notice of revocation has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to swear in witnesses, hear testimony and take proof for his information in the performance of his duties, and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any information desired by the Local Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf.

SECTION 12. COMPLAINTS TO LIQUOR COMMISSIONER. Any one or more persons appointed by the Liquor Control Commissioner to aid and assist in the enforcement of this Ordinance, or any five residents of the County shall have the right to file complaint with the Local Liquor Control Commissioner, stating that any retail licenses, subject to the jurisdiction of the Local Liquor Control Commissioner, has been or is violating the provisions of this Ordinance. Such complaint shall be in writing in the form prescribed by the Local Liquor Control Commissioner, and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated, and the facts in detail upon which belief is based. If the Local Liquor Control Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged there is reasonable

cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing, and with a copy of the complaint.

SECTION 13. LOCAL RESTRICTIONS.

(a) No person to whom a license has been issued shall be open for business before 7 o'clock in the morning of any day, nor later than 1 o'clock the following morning, except Friday night and Saturday night when closing time shall be 2 o'clock A.M. the following day. All establishments referred to in this section shall be vacated by all patrons and closed 15 minutes after closing time.

(b) The holders of Bureau County licenses shall conform to all rules and regulations as set forth by the State of Illinois--Illinois Liquor Control Commission.

(c) Any place of business regulated by the Bureau County Liquor Commission or Liquor Control, Dance Hall and Motels Committee, must have a bartender on duty who has attained the age of 21 years.

(d) No person under the age of 21 years shall purchase, consume, or otherwise obtain or possess any alcoholic liquor in any establishment licensed pursuant to this Ordinance.

(e) No person under the age of 21 years shall misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor in any establishment licensed pursuant to this Ordinance.

(f) No person under the age of 21 years shall be present, remain in or loiter in any establishment licensed pursuant to this Ordinance unless accompanied by a parent or

guardian.

(g) No licensee or licensee's agent or employee shall permit any person under the age of 21 years to be present, remain in or loiter in any establishment licensed pursuant to this Ordinance, provided that this paragraph shall not apply to any such minor who is accompanied by his parent or guardian, or to any licensed premises which derives its principal business from the sale or service of other commodities other than alcoholic liquor.

(h) No parent or guardian shall permit any minor child of which he or she may be parent or guardian to violate any provision of this Section.

(i) No licensee, licensee's agent or employee, shall sell, give or deliver alcoholic liquor to any person or persons under the age of 21 years.

(j) This section shall not prohibit a person under the age of 21 years who is an employee of a licensee from handling alcoholic liquor as a part of the ordinary course of employment responsibilities in the licensee's premises, except as provided in (c) of this section.

#### SECTION 14. VIOLATIONS AND PENALTIES.

(a) Any person who violates any of the provisions of this Ordinance, or willfully makes any false statement as to a material fact in the application for a license for the sale of alcoholic liquor, shall be subject to the penalties hereinafter provided, and the license issued to any such person shall be subject to suspension or revocation; and



(b) any licensee found guilty by the local Liquor Control Commissioner of intentionally making any false statement as to a material fact in the application for a license for the sale of alcoholic liquor shall have his application denied, and in the event a license has theretofore been issued, shall have such license revoked;

(c) Any licensee who has been convicted of any offense under the criminal laws of the State of Illinois, such as gaming, including bookmaking, pool selling, lotteries and gambling, or gambling devices, or any other criminal felony, shall have his license revoked and shall not again receive a license pursuant to this Ordinance;

(d) No licensee shall permit on the premises where his place of business is located any disorderly conduct, quarrelling, fighting, lewdness, or other notorious act of public indecency, loud or unusual noises or tumultous or offensive carriage of conduct;

(e) Any licensee who violates any of the remaining provisions of this Ordinance shall be subject to the following penalties;

(1) For the first violation thereof, the license may be suspended for not more than thirty (30) days;

(2) For the second violation thereof, said license shall be revoked or suspended for not more than thirty (30) days;

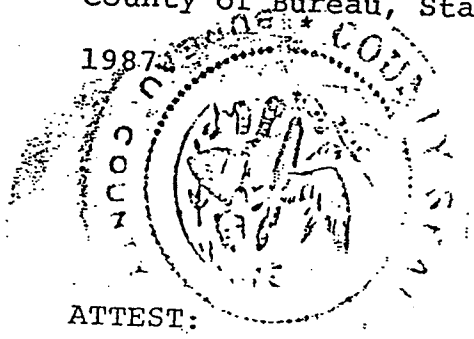
(3) For the third violation thereof, said license shall be revoked permanently.

(f) Any person violating any provisions of this Chapter in addition to the revocation or suspension of license held hereunder shall be fined not more than five hundred (\$500.00) dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 15. REPEALER. That any prior resolutions or ordinances or parts of prior resolutions or ordinances conflicting with any of the provisions of this Ordinance be and the same are hereby repealed.

SECTION 16. EFFECTIVE DATE. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the County Board of the County of Bureau, State of Illinois, this 13th day of April,



Virgil Anderson  
VIRGIL ANDERSON, Chairman  
Bureau County Board

ATTEST:

Tom Velon  
TOM VELON,  
Bureau County Clerk



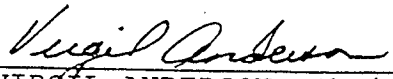
No licensee or any employee or agent of any licensee shall permit on the premises where his place of business is located any disorderly conduct, quarrelling, fighting, or any loud or unusual noises or tumultuous or offensive behavior, and, no licensee or any employee or agent of any licensee shall permit any person or persons to appear on licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, buttocks, vulva or genitals or any simulation thereof, nor shall any licensee or any employee or agent of any licensee permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

Notwithstanding any provision of the Bureau County Liquor Control Ordinance adopted April 13, 1987, and in addition thereto, the Liquor Control Commissioner may revoke or suspend any liquor license if he determines that the licensee or any agent or employee of the licensee has violated this paragraph 14(d). The Liquor Control Commissioner may take such action of suspension or revocation for the first violation or any subsequent violation.

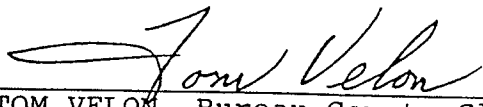
SECTION 2. All other section of the Bureau County Liquor Control Ordinance adopted April 13, 1987, shall remain in full force and effect.

SECTION 3. This Ordinance Amending the Bureau County Liquor Control Ordinance of April 13, 1987, shall be in full force and effect immediately upon its passage and adoption, and shall remain in full force and effect until otherwise repealed or amended by action of the County Board.

PASSED, APPROVED AND ADOPTED this 14th day of March, 1988.

  
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VIRGIL ANDERSON, Chairman  
Bureau County Board  
Bureau County Liquor Control Commission

ATTEST:

  
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TOM VELON, Bureau County Clerk