



CHAPTER 11 – ESTABLISHING A LIQUOR CODE

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ORDINANCE NO. 95-08-08

File **2017-00001001** ORDINANCE REVISED 01-10-2017

**AN ORDINANCE ESTABLISHING A LIQUOR CODE
FOR THE VILLAGE OF CRAINVILLE**

Any ordinance or any section of any ordinance, including the provisions of Ordinance No. 16 passed March 5, 1924, and Ordinance No. 95-08-01 filed at Miscellaneous Record 226, Page 738 as document number 7309, inconsistent with the provisions of this Ordinance is hereby repealed.

WHEREAS, the President and Board of Trustees of the Village of Crainville, find that it is in the best interest of the Village of Crainville to regulate the sale of liquor within the Village limits.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CRAINVILLE AS FOLLOWS:

SECTION 1.

DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Ordinance in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"SPIRITS" means any beverage which contains alcohol obtained by the 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.

"WINE" means any alcohol 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.

"BEER" means 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.

DEFINITIONS. (continued)

"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 human beings. The provisions of this Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half (1/2) of one percent or less of alcohol by volume.

"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 OF RETAIL" refer to any means of sales for use or consumption and not for resale in any form.

"SALE" means any transfer, exchange or barter in any manner, or by any means whatsoever, for a consideration, and includes and means all sales made by any person, whether principal or proprietor, agent, servant or employee.

"TO SELL," includes to keep or expose for sale and to keep with intent to sell.

"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 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, and where more than fifty percent (50%) of the gross receipts are obtained from the sale of foodstuffs; except the term "RESTAURANT" shall not include a public place wherein liquor is sold for consumption off the premises.

SECTION 2.

LICENSE REQUIRED. It shall be unlawful to sell or offer for sale, or expose for sale, any alcoholic liquor, as defined in Section 1 of this Ordinance, within the Village, without having a license from the Village therefore. The President of the Board of Trustees as local commissioner of the Village may require an application on any renewal date of any existing license.

SECTION 3.

APPLICATION FOR LICENSE. Applications for a retail liquor license shall be made to the President of the Board of Trustees as local commissioner of the Village, in writing on a form to be furnished by the Village Clerk to the applicant. The application may be made by an individual or by authorized a duly authorized agent. If made by a club or corporation, the application must be verified by oath or affidavit and shall contain the following information and statements:

A. The name, age, and address of the applicant in the case of an individual, and 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 names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation or club is owned by one (1) person or his nominee, the name and address of such person.

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 case of a corporation, the objects for which it was formed.

D. The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation, the date on which its charter was issued.

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

F. Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

G. That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in Chapter 43 of the Illinois Revised Statutes, or in this Ordinance or resolution and amendments thereto.

H. Whether a previous license issued to the applicant by any state or subdivision thereof, or by the Federal Government has been revoked, and the reasons therefore.

I. That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Ordinance or resolution and amendments thereto, in the conduct of his place of business.

In case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and as to the president and secretary of the corporation with the location of the principal office of the corporation.

If the 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 (2) members of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the President of the Board of Trustees as local commissioner of the Village, one (1) copy given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application. The copies shall be returned to the President of the Board of Trustees as local commissioner of the Village and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused.

The President of the Board of Trustees as local commissioner of the Village shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licenses upon whom notice of revocation or suspension has been served, and to examine, or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for purpose, to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the President of the Board of Trustees as local commissioner of the Village under this Section, he may authorize his agent to act on his behalf.

SECTION 4.

LIST OF LICENSES. The President of the Board of Trustees as local commissioner of the Village shall keep or cause to be kept, a complete record of all such licenses issued by him; and shall furnish the Clerk, Treasurer, and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the President of the Board of Trustees as local commissioner of the Village shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.

SECTION 5.

ISSUANCE OF LICENSE. Upon the application being prepared and executed by the applicant, the same shall be submitted to the President of the Board of Trustees as local commissioner of the Village for approval. The President of the Board of Trustees as local commissioner of the Village may withhold action on the application for fifteen (15) days for investigation of the application file before finally taking action.

In the event the President of the Board of Trustees as local commissioner of the Village, after his investigation as provided herein has any question concerning the eligibility of the particular applicant to receive a license under this Ordinance, then said President of the Board of Trustees as local commissioner of the Village shall confer with a special liquor advisory committee. This committee shall be appointed by the President of the Board of Trustees as local commissioner of the Village and shall consist of two (2) Village Trustees and the Village Attorney. In the event the President of the Board of Trustees as local commissioner of the Village has asked the advice of his advisory committee, then no final action shall be taken on the application until the advisory committee has met and made its recommendations to the President of the Board of Trustees as local commissioner of the Village; provided, however that the final decision concerning the issuance of the license shall be made by the President of the Board of Trustees as local commissioner.

SECTION 6.

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

SECTION 7.

PROHIBITED LICENSEES. No retail license shall be issued or renewed by the President of the Board of Trustees as local commissioner of the Village to:

- A. A person who is not of good character and reputation in the community in which he resides.
- B. A person who is not a citizen of the United States.

PROHIBITED LICENSEES. (continued)

- C. A person who has been convicted of a felony under any Federal or State Law.
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame.
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- F. A person whose license issued under this act has been revoked for cause.
- G. A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon the first application.
- H. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
- I. A corporation, if any officer, manager, or director thereof, or any stockholder(s) owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason, other than citizenship and residency within the Village.
- J. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.
- K. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- L. A person who does not own any 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.
- M. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the Village Board or Commission, any President of the Village Board of Trustees, any member of a Village Board of Trustees, or any President or member of the 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 license may be granted to such official in relation to premises which 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.

SECTION 8.

LICENSE CLASSES, FEES, LIMITATION. Retail liquor licenses shall be divided into the following classes:

A. Class "A" Licenses shall permit the sale of beer and wine only for consumption on the premises where the major business is a restaurant. The annual fee shall be Eight Hundred Fifty Dollars (\$850.00). The Board of Trustees, by majority vote, shall determine the number of Class "A" licenses to be issued at any time.

SECTION 9.

TERM OF LICENSEL DISPOSITION OF FEES. Retail liquor licenses issued under this Ordinance shall be valid for six (6) month periods upon the payment of the license fee as herein set forth, unless sooner revoked or suspended. The six (6) month periods shall be from January 1st to June 30th of each year and from July 1st to December 31st of each year. The semi-annual license fee for each six (6) month period shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the President of the Board of Trustees as local commissioner of the Village as hereinbefore provided. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year, prior to the issuance of the license. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited with the Village Treasurer, who shall deposit the fees in the Village General Fund. The application for a license shall be filed with the Village 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.

SECTION 10.

NATURE OF LICENSE. A license issued under this Ordinance shall be purely a personal privilege, good for not to exceed twelve (12) months after issued, unless sooner revoked as in this Ordinance authorized and provided and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

NATURE OF LICENSE. (continued)

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 and administrators or any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, 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.

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 President of the Board of Trustees as local commissioner.

SECTION 11.

DRAMSHOP INSURANCE REQUIRED. Any license issued by the of Trustees as local commissioner of the Village shall be revoked if the licensee does not provide a copy of an effective Liquor Liability Insurance Policy that insures the licensee from liability not less than \$50,000.00 per person under the Dram Shop Act of the State of Illinois, Chapter 235 of the Illinois Compiled Statutes, Section 5/6-21, as amended.

SECTION 12.

HOURS. It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of 1:30 A.M. and 5:30 A.M. on Monday through Saturday and between 1:30 A.M. and 12:30 P.M. on Sunday. A restaurant may be kept open after these hours, but no alcoholic liquor may be sold or consumed by the public during those hours.

SECTION 13.

PROHIBITED LOCATIONS. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the 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, as defined in the Act of the General Assembly, or other places where the 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 the taking effect of this Ordinance. No person shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred feet (100') of any undertaking establishment or mortuary.

SECTION 14.

CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the President of the Board of Trustees as local commissioner of the Village. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the Ordinance of the Village.

SECTION 15.

DRINKING ON PUBLIC WAYS. It shall be unlawful for any person on any street, alley, sidewalk or public place, to possess, distribute, transfer or receive any bottle, can, glass or other vessel containing any alcoholic beverage except in the original package and with the seal, cap, tab or top of such vessel unbroken. It shall be unlawful for any person to possess, carry, transport, transfer or receive any bottle, can, glass, or other vessel containing any alcoholic beverage in, on, or around any motor vehicle on any street, alley, sidewalk or other public place except in the original package and with the seal, cap, tab or top of such vessel unbroken.

SECTION 16.

GAMBLING. This paragraph was rescinded on December 13th, 2016.

SECTION 17.

CURB SERVICE. No person shall sell, furnish or deliver any alcoholic liquor at what is known as curb service or for consumption in any vehicle, or on any public street, alley or sidewalk, or in any publicly-owned and controlled space or place.

SECTION 18.

PEDDLING. It shall be unlawful to peddle alcoholic liquor in the Village.

SECTION 19.

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 premises used for the storage or sale of food for human consumption.

SECTION 20.

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

SECTION 21.

SECTION 21.

HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department, which regulates health standards.

SECTION 22.

TRANSPORTING / ETC. IN MOTOR VEHICLES. No person shall, within the Village, transport, carry, possess, or have any alcoholic liquor in, upon or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

SECTION 23.

DISORDERLY HOUSE. A person licensed under this Ordinance shall not suffer 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 alcoholic liquor.

SECTION 24.

MINOR SELLING LIQUOR. It shall be unlawful for any person under the age of twenty-one (21) years to attend any bar or to draw, pour, or mix any alcoholic liquor in any licensed retailed premises.

SECTION 25.

PROHIBITED SALES GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years or to any intoxicated person, or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

SECTION 26.

HAPPY HOUR RESTRICTIONS.

A. Schedule of Prices. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licenses premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

B. Sales Restrictions. No retail or licensee or employee or agent of such licensee shall:

1. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
3. Sell, offer to sell or serve any drink of alcoholic liquor to any person on anyone date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in paragraph (C);
4. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
5. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licenses premises; or

6. Advertise or promote in anyway, whether on or off the licenses premises, any of the practices prohibited under paragraphs (1) through (5).

C. Permitted Activities. Nothing in paragraph (B); shall be construed to prohibit a licensee from:

1. Offering free food or entertainment at any time;
2. Including drinks or alcoholic liquor as part of a meal package;
3. Including drinks of alcoholic liquor as part of a hotel package;
4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
5. Providing room service to persons renting rooms at a hotel;
6. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles or alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

D. Penalty. A violation of this Section shall be for suspension or revocation of the retailer's license as provided by Article IV of this Ordinance.

SECTION 27.

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

SECTION 28.

POSTING WARNING. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read as follows:

WARNING TO UNDERAGED

YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCES OF THE VILLAGE IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

It shall be unlawful for any holder of a retail liquor dealer's license, or his agent or employee to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his parent or guardian or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor, unless the principal business is the sale of food.

SECTION 29.

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 a public officer in the performance of his official duties.

SECTION 30.

POSSESSION OF FALSE IDENTIFICATION BY A MINOR. Any person under the age of twenty-one (21) years who presents or offers to any licensee, his agent or employee, any written, printed or photo static evidence of age and identity which is false, fraudulent, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving of any alcoholic beverage; or who has in his possession, any false or fraudulent, written, printed or photo static evidence of age and identity, is guilty of a violation of this section.

SECTION 31.

POSSESSION OF ALCOHOLIC BEVERAGEW BY A MINOR. Any person under the age of twenty-one (21) years who has any alcoholic beverage in his possession on any street or highway, or in any public place, or in any place open to the public, is guilty of a violation of this section. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of an alcoholic beverage in pursuance of the order of his or her parents or in the pursuance of his or her employment.

SECTION 32.

OWNER OF PREMISES PERMITTING VIOLATION. 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 person 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 a violation of this Ordinance to the same extent as said licensee and be subject to the same punishment.

SECTION 33.

ACTS OF AGENT OR EMPLOYEE - LIABILITY OF LICENSEE; KNOWLEDGE.

Every act or omission of whatsoever nature constituting a violation of the provisions of this Ordinance by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employee or licensee and said employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

SECTION 34.

REVOCAION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be convicted of any violation of this Ordinance, the license(s) of the licensee may, in the discretion of the President of the Board of Trustees as local 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 ordinance for said licensee to continue to operate under said license.

SECTION 35.

REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager or other employee in a position of authority of any 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, said license shall be revoked and the fees paid thereon forfeited both as to the holder of said license and as to said premises if said licensee had himself been convicted.

SECTION 36.

MISBRANDING. Any person who shall knowingly possess, sell or in any wise 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 to the State said alcoholic liquor and said packages and containers and shall be subject to the punishment and penalties provided for violation of this Ordinance.

SECTION 37.

ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of the provisions of this Ordinance is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances.

SECTION 38.

REVOCAION OF LICENSES. The President of the Board of Trustees as local commissioner, in addition to those enumerated in this Ordinance, shall have the following powers, functions and duties with respect to licenses granted under this Ordinance.

A. In addition to and not limited by the specific penalties set out for violations of specific articles of this Ordinance, the President of the Board of Trustees as local commissioner may suspend up to thirty (30) days or revoke any liquor license issued under this Ordinance for violation of this Ordinance or any amendments thereto or any State law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

B. The President of the Board of Trustees as local commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

C. The Local Liquor Control Commissioner may 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 Ordinance 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.

REVOCATION OF LICENSES. (continued)

D. Complaint by Residents. Any five (5) residents of the Village shall have the right to file a complaint with the President of the Board of Trustees as local commissioner, stating that any licensee under this Ordinance has been or is violating the provisions of this Ordinance, or any amendments hereto, or of any of the statutes of the State of Illinois, enacted with reference to the control of liquor. Such complaint shall be in writing 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 such belief is based. If the President of the Board of Trustees as local 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 of the particular charges in the complaint.

SECTION 39.

REVOCATION OR SUSPENSION OF LOCAL LICENSE – NOTICE – HEARING. The President of the Board of Trustees as local commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the Illinois Liquor Act or of any valid ordinance or resolution enacted by the County Board or any applicable rule or regulations established by the President of the Board of Trustees as local commissioner or the State commission which is not inconsistent with law. However, no such license shall be so revoked or suspended, except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee, affording the licensee an opportunity to appear and defend. The service of such notice may be made by leaving a copy of such notice at the place of business of such licensee with some person over the age of fifteen (15) years, and informing such person of the contents of such notice. The return of the County Sheriff as to the manner of service shall be sufficient. On the day set for hearing, if such licensee does not appear at the time and place designated in such notice, the President of the Board of Trustees as local commissioner may proceed to hear said cause, the same as if said licensees were present, and to render a decision on the merits of the case.

REVOCATION OR SUSPENSION OF LOCAL LICENSE (continued)

The President of the Board of Trustees as local commissioner shall, within five (5) days after such hearing if he determines after such hearing that the licensee should be revoked or suspended, state the 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 licensee. The findings of the commissioner shall be predicated upon competent evidence.

SECTION 40.

APPEALS FROM ORDER OF LOCAL COMMISSIONER. Except as provided in this Section, any order or action of the President of the Board of Trustees as local commissioner granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license may, within twenty (20) days after notice of such order or action, be appealed from by any resident of the political subdivision under the jurisdiction of the President of the Board of Trustees as local commissioner or any person interested to the State Commission, in which event, the matter of such order or action of such President of the Board of Trustees as local commissioner or any person interested to the State Commission, in which event, the matter of such order or action of such President of the Board of Trustees as local commissioner shall be tried de novo by the State commission as expeditiously as circumstances permit.

SECTION 41.

A violation of this Ordinance shall be punishable by a fine of up to FIVE HUNDRED DOLLARS (\$500.00) per offense. Each day a violation occurs shall be considered a separate offense.

SECTION 42.

It is the intention of the Board of Trustees of the Village of Crainville that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 43.

This Ordinance shall be known as Ordinance No. 95-08-08 the Ordinance of the Village of Crainville, Illinois, and shall be in full force and effect from and after its passage, approval, recording, and publication in accordance with law.

APPROVED: William Wiggs
President

ATTEST: Evelyn Horsley
Village Clerk

FOR: 6

AGAINST: 0

PASSED: 08-08-95

APPROVED: 08-08-95

RECORDED: 08-08-95

PUBLISHED: 08-08-95

REVISED: 01-10-17

ORDINANCE NO. 2004-06-03

AN ORDINANCE AMENDING ORDINANCE NO. 95-08-08
AN ORDINANCE ESTABLISHING A LIQUOR CODE
FOR THE VILLAGE OF CRAINVILLE

WHEREAS, the Village of Crainville adopted Ordinance No. 95-08-08 in a meeting held on August 8, 1995; and

WHEREAS, the President and Board of Trustees of the Village of Crainville find that it is in the best interest of the Village of Crainville to amend the liquor code of the Village of Crainville.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF CRAINVILLE THAT THE AFOREMENTIONED ORDINANCE ESTABLISHING A LIQUOR CODE FOR THE VILLAGE OF CRAINVILLE IS AMENDED AS FOLLOWS:

1. Section 8, is hereby amended by adding to Section 8 the following paragraph to read as follows:

B. Class "B" Licenses shall permit retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises where sold. The annual fee shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00). The number of Class "B" licenses in effect shall be determined, by majority vote, by The Board of Trustees.

C. A Class "C" license shall permit on premise consumption of alcoholic liquor. The annual fee for a Class "C" license shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00).

2. This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet as provided by law.

Passed this 8th day of June, 2004 pursuant to a roll call vote as follows:

AYES: 4 NAYS: 1 ABSENT: 1

APPROVED: William Wiggs

ATTEST: Evelyn Horsley

FOR: 4
AGAINST: 1
PASSED: 6-8-2004
APPROVED: 6-8-04

PASSED: 6-8-2004
APPROVED: 6-8-04
RECORDED: 6-8-2004
PUBLISHED: 6-14-04
Amend.Liquor/vill2
REVISED: 01-10-2017

STATE OF ILLINOIS)
COUNTY OF WILLIAMSON) SS.CERTIFICATE

I, Evelyn Horsley, certify that I am duly elected acting City Clerk of the Village of Crainville, Williamson County, Illinois.

I further certify that on June 8, 2004, the Corporate Authorities of such municipality passed and approved Ordinance No. 2004-06-03 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 95-08-08 AN ORDINANCE ESTABLISHING A LIQUOR CODE FOR THE VILLAGE OF CRAINVILLE" which provided by its terms that it should be published in pamphlet form. A draft copy of said ordinance was on file for public inspection at least once a week before passage.

The pamphlet form of Ordinance No. 2004-06-03, including the Ordinance and cover sheet thereof, was prepared and posted in the Village Hall commencing on June 14, 2004, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

Dated at Crainville, Illinois, this 14th day of June, 2004.

Evelyn Horsley
City Clerk

Approved: Ron Mitchell
Village President

Attest: Parvata J. Boudry
Village Clerk Acting Clerk

For: 5
Against: 0
Passed: _____
Approved: 1-10-17
Recorded: _____

