

# Village of Carbon Cliff

## ORDINANCE NO. 11-04

### ORDINANCE AMENDING TITLE III, ARTICLE 6, SECTION 1 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CARBON CLIFF, ROCK ISLAND COUNTY, ILLINOIS.

**WHEREAS**, the Village of Carbon Cliff, Rock Island, Illinois (the “*Village*”) is a home rule municipality of the State of Illinois pursuant to Article VII, Section 6(a) of the Illinois Constitution with full power and authority to exercise any power and perform any function pertaining to its government and affairs; and,

**WHEREAS**, the President and Board of Trustees of the Village have determined it to be in the best interest of its residents to amend its Code of Ordinances pertaining to the regulation of the sale of alcoholic liquor, all as hereinafter set forth.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Carbon Cliff, Rock Island County, Illinois, that Title III, Article 6 of the Code of Ordinances of the Village of Carbon Cliff is hereby amended by deleting said Article 6 in its entirety and replacing it with the following: “ARTICLE 6. ALCOHOLIC LIQUOR”.

Section 1. **ALCOHOLIC LIQUOR.** It shall be unlawful for any person, firm, or corporation to sell at retail, wholesale or otherwise, any alcoholic liquor in the Village of Carbon Cliff unless he shall have first complied with all of the provisions of this section with relation thereto, including the purchase of a liquor license as provided, and unless he shall comply in all respects with the terms of such license.

- 1.1 Applications for license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, as an individual, or by a duly authorized agent thereof, as a club or corporation, verify by oath or affidavit, and shall contain the following statements and information:
  - A. The name, age, and 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; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one 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 the case of a corporation, the objects for which it was formed.
  - D. The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.

- E. The amount of goods, wares, and merchandise on hand at the time application is made.
  - F. The location and description of the premises or place of business which is to be operated under such license.
  - G. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
  - H. Statement 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 this article, laws of this state, or the ordinances of this Village.
  - I. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore.
  - J. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinances of the Village in the conduct of his place of business.
- 1.2 No such license shall be issued to:
- A. A person who is not a resident of the Village.
  - B. A person who is not a good character and reputation in the community to 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.
  - E. A person who has been convicted of being the keeper or keeping a house of ill-fame.
  - F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
  - G. A person whose license under this article has been revoked for cause.
  - H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
  - I. A co-partnership, unless all of the members of such co-partnership possesses the same qualifications required of a Licensee, other than residency.
  - J. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship and residence within the Village.

- K. A person whose place of business is conducted by a manger or agent unless said manager or agent possesses the same qualifications required of the licensee, other than residency.
  - L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
  - M. A person who does not own the premises for which a license is sought, or does not have a lease for the full period for which the license is issued.
  - N. Any person, firm, or corporation not eligible for a state retail liquor dealer's license.
  - O. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
  - P. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.
  - Q. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts as set out in Section 6-21(a) of the Illinois Liquor Control Act of 1934.
- 1.3 A member of the Village Board of Trustees other than the President, may hold a license hereunder if:
- A. the sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
  - B. the issuance of the license is approved by the State Commission;
  - C. the issuance of the license is in accordance with all applicable ordinances in effect where the premises are located; and,
  - D. the trustee does not vote on alcoholic liquor issues before the Board of Trustees or participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale or distribution of alcoholic liquor.
- 1.4 The Local Liquor Control Commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of

conviction to the Local Liquor Control Commissioner. For purposes of obtaining fingerprints under this Section, the Local Liquor Control Commissioner shall collect a fee and submit the fingerprints and the fee to the Illinois Department of State Police.

1.5 Each license issued shall terminate on the 30<sup>th</sup> day of June following the issuance thereof, and each six (6) months thereafter.

1.6 The President of the Board of Trustees of the Village shall be the Local Liquor Control Commissioner, acting as and for and on behalf of the Village and shall be charged with the administration in the jurisdiction of the Village to enforce the appropriate provisions of the Illinois State Liquor Control Act and enforcement of the local ordinances of the Village relating to the sale and licensing of persons, firms, or corporations to sell at resale, wholesale or otherwise alcoholic liquors within the Village and other ordinances attendant thereto; provided, however, the President of the Board of Trustees, with the approval of the Board of Trustees may from time to time, as deemed necessary and expedient to appoint a person or persons to assist in the exercise of the powers and the performance of the duties herein provided for the Local Liquor Control Commissioner.

The Local Liquor Control Commissioner will have, in addition to other powers, functions, and duties with respect to licenses and otherwise, and as more fully set out in other portions of the article, relating to the licensing for purposes of sale of alcoholic liquors, possess and have the following powers, functions and duties:

- A. To grant and or suspend not more than thirty (30) days or to revoke for cause all local license issued to persons, firms, or corporations for premises within the Village.
- B. To enter or to authorize any law enforcement officer or any person appointed by the Local Liquor Control Commissioner to assist him as mentioned to enter at any time upon any premises licensed to sell alcoholic liquors for purposes of determining whether any of the provisions of this ordinance, of any state law or any rules or regulations adopted by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission have been or are being violated and at such time to examine the premises of the licensee.
- C. To receive complaints from any five residents within the Village jurisdiction that any of the provisions of the Illinois State Act or the local ordinance or any rules or regulations adopted pursuant to any portion thereof, have been or are being violated, and to act upon such complaints in a manner provided.
- D. To receive local license fees and pay the same to the Village Treasurer.
- E. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this act by selling or offering for sale at retail alcoholic liquors without a retailer's license.
- F. To notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Sections 1.16 or 1.17 of this Article 6.
- G. To conduct hearings upon reasonable notice to any license holder hereunder for purposes of determining whether or not a license, as described, be issued, suspended, or revoked.

- H. To issue or cause to be issued over his signature, subpoenas which shall be effective throughout the State of Illinois and every portion thereof to compel attendance at hearings of witnesses thereto.
- I. To issue subpoenas for the books and records of any applicant or licensee.
- J. To hear testimony and take proof at the hearings.
- K. To make determinations of fact and issue findings thereon.
- L. To issue licenses to the applicants after said hearings or to make refusal to so do thereupon.
- M. To suspend or revoke any license issued if he determines that the licensee has violated any provision of this article or any section of the Illinois Liquor Control Act or any rule or regulation promulgated thereunder or, in lieu thereof, levy a fine of up to One Thousand Dollars (\$1,000.00) for the first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation up to a maximum of \$15,000 during the period of the license.
- N. That the Local Liquor Control Commissioner shall be compensated at the rate of Twenty-Five Dollars (\$25.00) per month for his or her day to day services performed and shall be entitled to reimbursement for reasonable expenses incurred by him or her in attendance at any and all meetings, conferences, seminars and the like in conjunction with his duties as liquor commissioner.

1.7 Such licenses shall be divided into the following classes:

Class "A". Which shall permit only the retail sale of alcoholic liquor in sealed packages, not for consumption on the premises where sold. The fee for such license shall be Five Hundred Dollars (\$500.00) payable yearly.

Class "B". Which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold. The annual fee for such license shall be One Thousand Dollars (\$1,000.00) payable semiannually.

Class "C". Which shall permit the retail sale of alcoholic liquor by a Special Event Retailer. The license shall only be for a duration of no more than three days and at a fee of Twenty-Five Dollars (\$25.00) per day.

For the purpose of this section, a "Special Event Retailer" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a Special Event Retail License.

All licenses issued shall be designed by the classification letter herein provided.

1.8 The total number of all licenses shall not exceed five (5), excluding Class C license.

- 1.9 No license shall be issued unless the applicant shall file with the application a certificate by an insurance company, authorized to do business in the State of Illinois, certifying that the applicant has in force and effect, dram shop insurance, as required by statute.
- 1.10 All such fees shall be paid to the Village Collector at the time application is made, and shall be turned over to the Village Treasurer. In the event the application is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall be designed by the Village Board of Trustees.
- 1.11 A license shall be a purely personal privilege, 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. The licenses shall cease upon the death of a licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators or the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of sale under the order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death, bankruptcy, or insolvency of such licensee, until the expiration of such license, but not longer than six (6) months after the death of such decedent, or such insolvency or bankruptcy. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.
- 1.12 A license issued shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Local Liquor Control Commission. No change of location shall be permitted unless the proposed new locations is in compliance with the provisions and regulations of this chapter.
- 1.13 Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege provided for shall not be deemed as a vested right which shall in any case prevent the President of the Village Board from decreasing the number of licenses to be issued within the Village.
- 1.14 All premises used for retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the rules, regulations or ordinances of Rock Island County regulating the condition of premises used for the storage of food for human consumption.
- 1.15 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 is 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.

- 1.16 A. The holders of a Class “A” license shall be permitted to remain open for the retail sale of alcoholic liquor between the following hours:

From:		To:	
7:00 am	Monday	1:00 am	Tuesday
7:00 am	Tuesday	1:00 am	Wednesday
7:00 am	Wednesday	1:00 am	Thursday
7:00 am	Thursday	1:00 am	Friday
7:00 am	Friday	1:00 am	Saturday
7:00 am	Saturday	1:00 am	Sunday
10:00 am	Sunday	1:00 am	Monday

- B. The holders of a Class “B” license shall be permitted to remain open for the retail sale and consumption of alcoholic liquor between the following hours:

From:		To:	
7:00 am	Monday	2:00 am	Tuesday
7:00 am	Tuesday	2:00 am	Wednesday
7:00 am	Wednesday	2:00 am	Thursday
7:00 am	Thursday	2:00 am	Friday
7:00 am	Friday	3:00 am	Saturday
7:00 am	Saturday	3:00 am	Sunday
10:00 am	Sunday	2:00 am	Monday

- C. The Holders of a Class “C” license shall be permitted to remain open for the retail sale and consumption of beer or wine, or both, from 12:00 noon until 12:00 midnight on the dates designated by a Special Event Retailer’s License.

It shall be unlawful to keep open for business or admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon any premises on which it is sold at retail during any hours other than those specifically provided for in this section.

- 1.17 In premises upon which the sale of alcoholic liquor for consumption on the premises is licenses (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 nor 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, and no booth, screen, partition or other obstruction, not any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road, or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.
- 1.18 It shall be unlawful for any person under the age of twenty-one (21) years to consume, obtain, posses or purchase any alcoholic liquor in any tavern, or other place in the Village where alcoholic liquor is sold.
- 1.19 It shall be unlawful for any persons under the age of twenty-one (21) to misrepresent his or her age for the purpose of consuming, obtaining, possessing or purchasing alcoholic liquor.

- 1.20 A. In every tavern or other place in the Village 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 substantially as follows:

WARNING TO PERSONS UNDER THE AGE OF 21

Under the ordinance of the Village of Carbon Cliff, any person, under the age of twenty-one (21) years who, for the purpose of consuming, obtaining, possessing or purchasing alcoholic liquor, represents that he or she is twenty-one (21) years of age or over shall be subject to a fine of up to Seven Hundred Fifty Dollars (\$750.00).

- B. It shall be unlawful for any holder of a retail liquor dealer's license or his agent or employee to suffer or permit any person under the age of twenty-one (21) years to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located, provided that this paragraph shall not apply to any licensed premises which derives its principal business from the sale of food or other commodities other than alcoholic liquor.
- C. It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be parent or guardian to violate any of the provisions of this section.
- D. It shall be unlawful for any persons under the age of twenty-one (21) to attend any bar, to draw, pour, or mix any alcoholic liquor in any licensed retail premises.
- E. It shall be unlawful for any person under the age of twenty-one (21) years of age to frequent any tavern or other place in the Village where alcoholic liquor is sold and consumed on the premises.
- F. It shall be unlawful for any person under the age of twenty-one (21) to accept, consume, obtain, purchase, or have in their possession or on their person any alcoholic liquor.
- G. In addition to all other fines and penalties, the President of the Village Board may revoke or suspend the retail liquor dealer's license for any violation of this section.
- 1.21 It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver, or give any alcoholic liquor to any intoxicated person.
- 1.22 It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor unless otherwise permitted by action of the Village President and Board of Trustees, as allowed by the laws of the State of Illinois.
- 1.23 Any appeal to the Illinois Liquor Control Commission of any determination by the local liquor commissioner shall be limited to a review of the official record of the proceedings of the local liquor commissioner.



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

**ADOPTED** by the Board of Trustees for the Village of Carbon Cliff, Illinois this 18<sup>th</sup> day of January, 2011, pursuant to a roll call vote as follows:

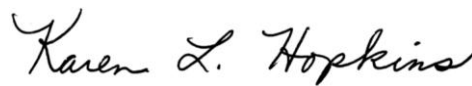
	<b>AYES</b>	<b>NAYS</b>	<b>ABSENT</b>
Don Brewer	X	-	-
Mark Gast	X	-	-
Bill Hintz	X	-	-
Alma Neels	X	-	-
Jessie Sanders	X	-	-
Richard Wienandt	X	-	-
	<b>AYES: 6</b>	<b>NAYS: 0</b>	<b>ABSENT: 0</b>

**APPROVED** by the President of the Board of Trustees of the Village of Carbon Cliff this 24<sup>th</sup> Day of January, 2011.



\_\_\_\_\_  
Kenneth A. Williams – Village President  
Village of Carbon Cliff, Illinois

**ATTEST:**



\_\_\_\_\_  
Karen L. Hopkins – Village Clerk  
Village of Carbon Cliff, Illinois



Published in pamphlet form by authority of the Board of Trustees of the Village of Carbon Cliff, Rock Island County, Illinois, this 25<sup>th</sup> day of January, 2011.