

RESOLUTION NO. 8-1

WHEREAS, the Liquor Committee of the Sangamon County Board has reviewed certain Sections of the Sangamon County Code;

WHEREAS, after review of the above-said Sections, the Liquor Committee has determined that it would be in the best interests of Sangamon County to amend said Sections to correct discrepancies and inconsistencies in the Sangamon County Liquor Code and State laws;

WHEREAS, after review of the above-said Sections, the Liquor Committee has determined that it would be in the best interests of Sangamon County to amend said Sections to correct discrepancies and inconsistencies in the Sangamon County Liquor Code and current applications of the Code in Sangamon County;

NOW, THEREFORE BE IT RESOLVED by the members of the Sangamon County Board in session this 8th day of March, 2016 that certain Sections of the Sangamon County Code be amended as specified in "Exhibit A" attached hereto and made of part hereof.

Respectfully submitted,

Liquor Committee

Sam Montross
Sam Small
Cathy Scife
James
Abe Forsyth

Ben Kelly
Quida Tulgong
John
Mike Sellen
Bill

FILED

FEB 18 2016

Don May
Sangamon County Clerk

EXHIBIT A

Title 5 – Business License and Regulations

Chapter 5.04 Alcoholic Beverages.

5.04.020 - Definitions.

"Beer Garden" means that area immediately adjacent to the enclosed permanent structure of a Class 1AA, 1BB, 1CC, 1DD, 1FF, 2AA, or 3AA licensed premises that meets the following conditions:

1. A permanent fence, not less than six eight feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed.
2. The permanent fenced-in area must be at least twenty feet from an intersection to meet the requirement of Section 17.36.010(B) of the County Code.
3. Access is not permitted to the permanent fenced in area in which liquor is to be poured, mixed, served, or consumed through any way except through the permanent structure on the premises. Each enclosed area shall have at least one emergency exit that shall only be used for emergency and not a normal exit of the premises.
4. No music of any kind is played or broadcasted outside which disturbs the neighborhood in any manner.
5. It shall be the responsibility of the licensee to insure that the noises emitted from the Beer Garden will not disturb the neighborhood in any way.
6. The licensee shall obtain a permit under Section 5.04.390.
7. Any violation of these conditions shall constitute a violation of this code.

5.04.050 - License—Classifications designated—Fee amounts.

A. Licenses to sell alcoholic liquors at retail shall be of the following classifications:

13. 1K—Caterer. A Caterer License shall entitle the licensee to sell all alcoholic liquors for consumption on the premises for which a caterer permit has been issued. The licensee shall sell alcoholic liquor only during the hours prescribed in Section 5.04.200. ~~No Caterer Permit shall be issued except to a valid current holder of a Caterer License. The Caterer Permit must be issued for each event. Each event shall not exceed fifteen days. The Caterer license holder must file a permit application for each event, at least seven working days prior to each event, with the Zoning Department's Office.~~ Such a license shall not be issued to any person holding a Tavern, Nightclub, Bowling Alley or Private Club License. The Caterer Permit shall be posted in a conspicuous place on the premises where the event will be held.

5.04.070 - Application for license—Information to be shown.

Any person desiring a license authorized by this chapter shall make application therefor to the Local Liquor Control Commission. A separate application shall be made for each license desired by the applicant. Such application shall be in writing upon forms provided and furnished by the Zoning Department. Each application for a license shall be signed by the applicant and verified by him by oath or affidavit. The application shall be signed before a notary public and shall be filed with the Zoning Department. Where the applicant is a partnership, each of the partners shall sign and verify the application. Where the applicant is a corporation or private club, each of the directors, officers and any stockholders owning more than five percent of the stock of such corporation shall sign and verify the application and shall specify their interest as an officer, director,

stockholder and any and all combinations thereof. ~~Managers and agents of the applicant shall also sign and verify the application.~~ The application shall contain the following information and statements:

- A. **Name, Age and Addresses.** Where the applicant is an individual, the name, age, address and phone number of the individual; where the applicant is a partnership, the names, addresses and the ages of each partner; where applicant is a corporation or private club, the purpose for which the corporation or private club is organized, the names, addresses and phone numbers of all officers, directors and any stockholder(s) holding more than five percent of the stock of such corporation; and in any event, the name, address and phone number of the manager or agent. A private club shall attach to its application two copies of a list of the names and residences of its members.
- B. **Citizenship.** The citizenship of the applicant, and, if a naturalized citizen, the date and place of naturalization.
- C. **Location.** The location or the proposed location of the business for which the application was submitted, and whether the proposed location is within one hundred feet of any church, school, hospital, home for the aged or indigent persons or for any military or naval station, and has met all zoning requirements as prescribed by the County Zoning Ordinance.
- D. **Sale of Food.** Whether food for human consumption is to be sold in such place of business, if the application is allowed.
- E. **Ownership of Premises—Name of Landlord.** Applicant shall provide proof of ownership if the applicant owns the premises for which a license is sought. In the event the property is leased the applicant shall provide a copy of the lease and the name of the landlord.
- F. **Disposition of Other Applications.** Whether applicant has made application for a similar or other license upon premises other than those described in this application and the disposition of such other applications.
- G. **Suspension or Revocation of Previous License.** Whether any license issued to applicant relating to alcoholic liquor has ever been suspended or revoked.
- H. **Prior Convictions Relative to Decency or Morality.** Whether applicant has been convicted of being the keeper or inmate of a house of ill fame, or pandering or of any misdemeanor involving moral turpitude.
- I. **Connection with Houses of Ill Fame.** A statement that applicant is not connected with a house of ill fame.
- J. **Prior Convictions.** Whether applicant has been convicted of a felony, or misdemeanor, except for traffic offenses, under the laws of Illinois, any other state, or the United States.
- K. **Agreement Not to Violate Ordinances, Etc.** A statement that the applicant agrees not to violate any provisions of this code or other ordinances of this County or any law of the United States or of the state in the course of the business, for which a license is sought and that in the event such agreement is broken or if any statement contained in the application is not true, that the licensee agrees and consents to an immediate temporary suspension or revocation prior to a hearing and final disposition.
- L. ~~Residence in County. Whether applicant, if an individual, or whether each partner, in the case of a partnership, is a bona fide resident of the County and has maintained a residence in the County for at least one month prior to the date of the application.~~
- L.M **Agreement to Testify Under Oath and, as Required, Allow Record of Fingerprints.** A statement that each signator agrees to testify under oath to all relevant material questions in any hearing conducted by the Local Liquor Control Commission, either before or after the issuance of a license, and that failure to so testify shall be sufficient reason for refusal to issue a license, refusal to renew a license, or for the suspension or revocation of any license which has been issued. A statement that applicant agrees if requested by the Local Liquor Control Commission, to permit a fingerprint record which shall be made and maintained by the Sheriff's Department of the County.

- M. Statement as to Receipt of Money or Credit from Manufacturers or Distributors. A statement that the applicant has not accepted, received or borrowed money or anything else of value, or accepted credit (other than merchandising credit in the ordinary course of business for a period not to exceed thirty days) directly or indirectly from any manufacturer, distributor, or any stockholder or officer of any corporation engaged in, or any other person connected with, any such business.
- N. Connection with Sheriff's Department. Whether applicant, applicant's spouse, or any member of applicant's household is a member or employee of the Sheriff's Department of the County and whether any member or employee of the Sheriff's Department of the County is interested financially or otherwise, directly or indirectly, in the license applied for, the premises, or the profits or proceeds from the sale of alcoholic liquor for which the license is sought.

5.04.080 - License fees.

- A. The license fee required for a license authorized by this chapter shall be in the amount and for the period as shall now or hereafter may be prescribed. If application is received after the commencement of an annual or semi-annual period, the license fee in such case shall be reduced in proportion to the expired months. Class 1AA and 3AA license fees may be paid half at the annual period and half at the semi-annual period. There shall be no refunds; except in the case of a fire or an act of God where the business is no longer operable, refund will be prorated.
- B. Change of Location. Any license issued under this chapter shall be for a single and particular location. On application being filed with the Zoning Department for a change of location, and on payment of an investigation or application fee in the amount as shall now or may be required by this chapter, the Liquor Control Commissioner may allow the location authorized by the particular license to be changed. In case the applicant has not personally operated his business at the particular location for at least sixty days prior to the application for change of location, such application shall be rejected. The application procedure for change of location shall be similar to that required of an original applicant as specified by the Liquor Control Commissioner. After investigation, the change of location may be approved or rejected, as in the case of original license applications, and if approved the authorized change of location shall be shown by endorsement on the face of the existing license. Nothing contained in this chapter shall be construed to permit any licensee to change the location of his business to, or operate his business, or a portion thereof, as a subtenant or otherwise at a site or place of business which under these sections would be prohibited or denied to said original applicant.
- C. Change of Name. Any license issued under this chapter shall be for the licensee or businesses named in the original application. On application being filed with the Zoning Department for a change of name, and on payment of the application fee set forth in this section, the Local Liquor Commissioner may allow the name authorized by the particular license to be changed.
- ~~D. Change of Manager. Any application for a license under this chapter shall include the name, address and phone number of any manager or agent of the licensee. In the event that a licensee changes his manager or agent the licensee shall file an application for a change of manager with the Zoning Department. On application being filed with the Zoning Department for a change of manager and on payment of the investigation and application fee set forth in the investigation and application fee set forth in this section the Local Liquor Commissioner may allow the manager or agent authorized by the particular license to be changed.~~
- D.E The following fee shall accompany application authorized by this chapter:
1. Application for license: \$50.00.
 2. Annual renewal/investigation for license fee: \$30.00.
 3. Application for change of location: \$35.00.

- 4. Application for change of name of licensed premises: \$35.00.
- ~~5. Application for change of manager or agent: \$35.00.~~
- 5.6 Background investigation of a manager, new partner, or new corporate officer or director: \$25.00.
- 6.7 Late payment fee: \$25.00.
- 7.8 Duplicate license or permit fee (for lost or missing originals): \$30.00.

5.04.100 - Restrictions upon issuance of license.

No license authorized by this chapter shall be issued to:

- ~~A Nonresidents. An individual, or in the case of a partnership, a partner, who has not been a resident of the County for at least one month prior to the date of this application.~~
- A.B Persons Not of Good Character. A person who is not of good character and reputation in the community which he resides.
- B.C U.S. Citizenship. A person who is not a citizen of the United States.
- C.D Person Convicted of a Felony. A person who has been convicted of a felony under any federal or state law, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The Local Liquor Control Commissioner shall revoke or suspend the license of any licensee subsequently convicted of a felony under any federal or state law if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- D.E Persons Convicted of Keeping House of Ill Fame. A person who has been convicted of being the keeper of, or is keeping, a house of ill fame.
- E.F Person Convicted of Pandering, Etc. A person who has been convicted of any offense in Article II of the Illinois Criminal Code, or other misdemeanor involving moral turpitude.
- F.G Revocation of Former License. A person whose license issued under this chapter has been revoked for any cause.
- G.H Ineligibility upon First Application. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
- H.I Partnerships. A partnership, unless each of the members of such partnership shall be qualified to obtain a license.
- I.J Corporations. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent 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 County.
- J.K Former Conviction of Federal or State Law Relative to Alcoholic Liquor. An applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to July 12, 1939, or shall have forfeited his bond to appear in court to answer charges for any such violation, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The Local Liquor Commissioner shall revoke or suspend the license of any licensee who is convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to July 12, 1939 if the commission determines after investigation, that such person has not been sufficiently rehabilitated to warrant public trust.
- K.L Ownership of Premises, Etc. An applicant who does not own the premises for which a license is sought, or dies not having a written lease thereon for the full period for which the license is to be issued.

- ~~L.M~~ County Officials. Any law enforcement official, or member of the County Board, or to any partnership or corporation in which the official or County Board member is a partner, officer, director, or owns more than five percent of the stock thereof.
- M.N Ineligibility for State License. Any person not eligible for a State Retail Liquor License.
- ~~N.O~~ Manager. A person whose place of business is conducted by a manager or agent who would not be eligible to receive a license hereunder.
- N.P Failure to Furnish Information. A person who fails to furnish the information, or to make the statements required, in the application for the license as set forth in this code.

5.04.390 - Sales and consumption outside of the enclosed premises—Permits.

No licensee shall serve, pour, mix, or make available for consumption any alcoholic liquors to any person outside of his enclosed structure without the proper license or permit issued by the Sangamon County Liquor Commission. Any violation of the requirements set forth in this section shall constitute a violation of the code.

- A. Beer Garden Permit.
- b. A permanent fence, not less than eight feet in height, made of wood, brick, chain privacy fence or any other similar materials, designed so that a person on either side of the fence is unable to see through the fence to the other side at any point, must enclose the whole area in which alcoholic liquors are served, poured, mixed, or consumed. (Res. 13-1, 11-14-06), (Res. 10, 1-12-10)

5.04.395 - Video gaming permit.

- A. Upon application and payment of an investigation and application fee, as set forth in Section 5.04.080, ~~the holder of a class 1AA, 1BB, 1PC, 1E or 3AA license~~ an establishment licensed under this chapter who is authorized by the State of Illinois to operate or have in place video gaming terminals may be issued a video gaming permit.
- B. No licensee shall operate or have in place video gaming terminals on licensed premises without the proper license and permit issued by the Sangamon County Liquor Commission.
- C. All State of Illinois rules and regulations regarding video gaming terminals which are or may hereafter be in force, which are applicable to the county, are incorporated and declared to be part of this section the same as if they were expressly set forth in this section.
- D. Any violation of the requirements set forth in this section shall constitute a violation of the code.
- E. The video gaming permit shall be displayed in accordance with Section 5.04.330 and shall be subject to suspension or revocation by the commissioner.
- F. The annual fee for a Video Gaming Permit shall be one thousand dollars (\$1000.00).