

ORDINANCE NO. 64

AN ORDINANCE TO REGULATE AND LICENSE THE SALE OF ALCOHOLIC LIQUOR IN THE VILLAGE OF GIFFORD, ILLINOIS.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD, ILLINOIS:

Section 1. DEFINITIONS. Unless the context otherwise requires, the following terms as used in this ordinance shall be construed according to the definitions given below:

Alcoholic liquor: Any spirits, wine, beer, ale or other liquid containing more than 1/2 of 1% of alcohol by volume, which is fit for beverage purposes.

Retail Sale: The sale for use or consumption and not for resale.

Section 2. LICENSE REQUIRED. It shall be unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

Section 3. APPLICATION. Applications for such licenses shall be made to the local liquor commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation, verified by oath or affidavit, and shall contain the following statements and information:

- (1) The name, age and address of applicant in the case of an individual; in the case of a 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.
- (2) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the ~~place~~ and time of his naturalization.
- (3) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
- (4) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- (5) The amount of goods, wares and merchandise on hand at the time application is made.
- (6) The location and description of the premises or place of business which is to be operated under such license.
- (7) 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.

...shall not receive a license by reason of any matter contained in this ordinance, laws of this state, or the ordinances of this village.

(9) Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefor.

(10) 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.

Section 4. RESTRICTION ON LICENSES. No such license shall be issued

to:

(1) A person who is not a resident of the village.

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

(3) A person who has been convicted of a felony.

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

(5) A person who has been convicted of being the keeper or is keeping a house of ill-fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license has been revoked for cause.

(8) 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.

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

(10) 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.

(11) 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.

(12) 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.

(13) 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

(14) Any law enforcing public official, any president or member of the village board, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(15) Any person, firm or corporation not eligible for a state retail liquor dealer's license.

Section 5. TERM OF LICENSE. Each license issued hereunder shall terminate on the 31st day of March following the issuance thereof.

Section 6. EXAMINATION OF APPLICANT FOR LOCAL LICENSE. The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, 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 his information in the performance of his duties, and for such 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 local liquor control commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute.

Section 7. CLASSIFICATION - FEES. Class "A" regular retailer's license shall permit the licensee to sell alcoholic liquor in packages or by the drink for consumption on or off the premises where sold. Not more than two (2) such licenses shall be issued.

The annual fee for such license shall be \$450.00. The sale by any licensee of any and all package liquor in less than one-half (1/2) pint packages is hereby prohibited.

Section 8. INSURANCE REQUIRED. No license shall be issued hereunder 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 the insurance required by statute.

Section 9. DISPOSITION OF FEES. All such fees shall be paid to the village treasurer at the time application is made. In the event the license applied for 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 have been designated by the president and board of trustees.

Section 10. CHANGE OF LOCATION. A license issued hereunder 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 Village President. No change of location shall be permitted unless the proposed new location is in compliance with the law.

Section 11. TRANSFER OF LICENSE. A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this ordinance 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. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of 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 the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or 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 months after the death, bankruptcy or insolvency of such licensee. 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.

Section 12. RENEWAL OF LICENSE. 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 herein provided for shall not be construed as a vested right.

Section 13. PEDDLING. It shall be unlawful to peddle alcoholic liquor in the village.

↓ **Section 14. CLOSING HOURS.** It shall be unlawful to sell or offer for sale, at retail, or to give away, or to deliver possession, in or upon any licensed premises, any alcoholic liquor between the hours of twelve o'clock at night and six o'clock in the morning of any Monday, Tuesday, Wednesday, Thursday or Friday, nor between the hours of twelve o'clock at night on any Saturday until six o'clock in the morning of the following Monday, prevailing time.

It shall be unlawful to keep open for business or to admit the public to or to permit the public to remain within, or permit the consumption of alcoholic liquor or deliver the possession thereof, in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited.

Section 15. ELECTION DAYS. No person shall sell at retail any alcoholic liquor on the day of any national, state, county, municipal, township or school district election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

Section 16. LIGHTING. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or by artificial lights so that all parts of the interior of the premises shall be clearly visible.

Section 17. SALE TO MINORS. It shall be unlawful for any female person under the age of twenty-one (21) years or for any male person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold or publicly furnished.

It shall be unlawful for any female under the age of twenty-one (21) years or for any male under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold or publicly furnished.

In every tavern or other place in the village where alcoholic liquor is sold or furnished, 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 MINORS

You are subject to a fine up to \$200 under the ordinance of the Village of Gifford if you purchase or accept 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 or her agent or employee, or any other person, to suffer or permit any minor to be or remain in the place where such licensed premises is located; provided, that this paragraph shall not apply to any minor which is accompanied by his or her parent or guardian.

It shall be unlawful for any parent or guardian, or other person, to permit any minor child to violate any of the provisions of this section.

It shall be unlawful to sell, give or deliver alcoholic liquor to any minor, except in the performance of a religious ceremony or service.

It shall be unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises.

Section 18. SALE TO INTOXICATED PERSONS - HABITUAL DRUNKARDS. 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 or to any person known to him to be an habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

Section 19. GAMBLING. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

Section 20. LIVE ENTERTAINMENT. It shall be unlawful for any licensee to directly or indirectly furnish or permit on the licensee's premises any type of live entertainment whatsoever.

Section 21. REVOCATION - SUSPENSION. The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for any violation of any provision of this ordinance or for any violation of any state law pertaining to the sale of alcoholic liquor as provided by law.

Section 22. PENALTY. Whoever violates any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not less than \$5 nor more than \$200.

Section 23. SEVERABILITY. If any section, subdivision, sentence or clause of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 24. DATE. This ordinance shall take effect and be in full force from and after its passage, approval, signing and publication as required by law.

Presented, passed and adopted by the President and Board of Trustees of the Village of Gifford, Illinois, this 4th day of June, A.D. 1964.

ATTEST:

Meda Bell
Village Clerk

Approved by the President of said Village who signed the same this _____ day of June 4th, A.D. 1964.

Roy S Barnes
President of the Board of Trustees
and of the Village of Gifford, Illinois