ORDINANCE NO. 653

ORDINANCE ESTABLISHING THE RULES AND REGULATIONS GOVERNING THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR IN CHAMPAIGN COUNTY, ILLINOIS

Revised May 16, 2002
ORDINANCE NO. ______

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WHEREAS, the County of Champaign (hereinafter, “County”) has the power and authority to regulate the retail sale and consumption of alcoholic liquor pursuant to the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended; and

WHEREAS, the County has the power to determine the number, kind and classifications of licenses for the retail sale of alcoholic liquor and the fees to be paid for the kinds of licenses to be issued; and

WHEREAS, the County has the power to regulate or prohibit the presence of persons under the age of twenty-one (21) on the premises of licensed retail establishments where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises; and

WHEREAS, the County has the power to prohibit any minor from at any time attending any bar and from drawing, pouring or mixing any alcoholic liquor in any licensed premises; and

WHEREAS, the County may establish such regulations and restrictions upon the issuance of and operations under local licenses as the public good and convenience may require and so long as such regulations and restrictions are not inconsistent with law; and

WHEREAS, the County has the power to provide penalties for the violation of such regulations and restrictions; and

WHEREAS, the rules and regulations established in this Ordinance may not be inconsistent with the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended; and

WHEREAS, the County Board deems it to be in the public interest and for the public good and welfare to enact this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Board of Champaign County as follows:

Section 1. Recitals

The foregoing recitals are incorporated herein as the findings and determinations of the Champaign County Board.

Section 2. Short Title

This Ordinance shall be known as, and may be referred to as, the “Champaign County Liquor Ordinance”.

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Section 3. Definitions

Unless otherwise expressly stated, for the purposes of this Ordinance, present tense includes future tense, singular includes the plural, masculine includes feminine, and vice versa, and the following terms, phrases, and words shall have the meanings herein indicated:

ALCOHOL means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. 235 ILCS 5/1-3.01.

ALCOHOLIC LIQUOR includes ALCOHOL, SPIRITS, WINE and BEER, and every liquid or solid, patented or not, containing ALCOHOL, SPIRITS, WINE or BEER, and capable of being consumed as a beverage by a human being. The provisions of this Ordinance shall not apply to any liquid or solid containing one-half of one per cent, or less, of ALCOHOL by volume. 235 ILCS 5/1-3.05.

APPLICANT means the individual, CORPORATION, partnership, or other legal entity seeking issuance of a LIQUOR LICENSE.

APPLICANT PREMISES means the premises for which an APPLICANT requests a LIQUOR LICENSE.

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. 235 ILCS 5/1-3.04.

CATERER means a person or entity who serves ALCOHOLIC LIQUOR for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and ALCOHOLIC LIQUORS are sold at a package price agreed upon under contract. 235 ILCS 5/1-3.34.

CLUB means a CORPORATION organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the SALE or consumption of ALCOHOLIC LIQUOR, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of EMPLOYEES for cooking, preparing and serving food and meals for its members and their guests; and provided that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or EMPLOYEE of the CLUB is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or SALE of ALCOHOLIC LIQUOR.
LIQUOR to the CLUB or the members of the CLUB or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the CLUB. 235 ILCS 5/1-3.24.

COMMISSIONER means the Local Liquor Control Commissioner.

CORPORATION means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 (805 ILCS 5/1.01, et seq.), as now or hereafter amended, including a LIMITED LIABILITY COMPANY. Illinois Liquor Control Comm’n Regs., § 100.10.

EMPLOYEE means any individual, including entertainers and performers, who works in or at, or renders any services directly related to the operation of a LICENSED PREMISES, regardless of whether or not said person is paid a salary, wage or other compensation. This definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs to the LICENSED PREMISES.

HOTEL means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity. 235 ILCS 5/1-3.25.

LICENSE or LIQUOR LICENSE means a license issued pursuant to the provisions of this Ordinance.

LICENSED PREMISES means the place, location, or area described in the LIQUOR LICENSE where ALCOHOLIC LIQUOR is served, stored or sold and areas internally or externally connected thereto by a doorway, which areas are integrally related to the operation of the licensed establishment. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location may be included within the LICENSED PREMISES.

LICENSEE means any person or entity named in the LIQUOR LICENSE issued pursuant to the provisions of this Ordinance and includes all officers, partners, agents, and EMPLOYEES.

LIMITED LIABILITY COMPANY means a legal business entity created and recognized under the Illinois Limited Liability Company Act (805 ILCS 180/1-1, et seq.), as now or hereafter amended. Illinois Liquor Control Comm’n Regs., § 100.10.
LIMOUSINE is a motor vehicle designed for carrying no more than ten (10) persons and whose passenger compartment is enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver’s license of the appropriate classification pursuant to Section 6-104 of the Illinois Vehicle Code (625 ILCS 5/6-104), as now or hereafter amended. 625 ILCS 5/11-502 and 5/1-146.

MOTOR HOME or MINI MOTOR HOME means a self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver’s seat. Such vehicles must include at least four of the following:

(a) a cooking facility with an on-board fuel source;
(b) a gas or electric refrigerator;
(c) a toilet with exterior evacuation;
(d) a heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine;
(e) a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; and/or
(f) a 110-125 volt electric power supply.

ORIGINAL PACKAGE means any bottle, flask, jug, can, cask, barrel, keg, or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of ALCOHOLIC LIQUOR, to contain and to convey any ALCOHOLIC LIQUOR. 235 ILCS 5/1-3.06.

PATRON means any individual, other than an EMPLOYEE, present in or at any LICENSED PREMISES at any time when such LICENSED PREMISES is open for business. This definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the LICENSED PREMISES.

PERSON UNDER LEGAL DISABILITY means a person 18 years or older who (a) because of mental deterioration or physical incapacity is not fully able to manage his person or estate, or (b) is a person with mental illness or a person with a developmental disability and who because of his mental illness or developmental disability is not fully able to manage his person or estate, or (c) because of gambling, idleness, debauchery or excessive use of intoxicants or drugs, so spends or wastes his estate as to expose himself or his family to want or suffering. 755 ILCS 5/11A-2.

RESIDENT means any person (other than a CORPORATION) who has resided and maintained a bona fide residence in the State of Illinois for at least one (1) year and in the County of Champaign for at least ninety (90) days. Illinois Liquor Control Comm’n Regs., § 100.10.

RESTAURANT means any public place kept, used, maintained, advertised and held out to the public as a place where meals are 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. 235 ILCS 5/1-3.23.

RETAIL means the SALE of ALCOHOLIC LIQUOR for use or consumption and not for resale in any form. 235 ILCS 1-3.17.

REVIEWING DEPARTMENTS means the Champaign County Sheriff’s Office, the Champaign County Planning and Zoning Department, and the Champaign County Public Health Department.

SALE or SELL means any transfer, exchange or barter in any manner, or by any means whatsoever for direct or indirect consideration, and including all such transfers made by any person, whether principal, proprietor, agent, servant or EMPLOYEE. A gift is not considered a SALE, but in order to be considered a gift, such transfer must be without direct or indirect consideration of any kind.

SPIRITS means any beverage which contains ALCOHOL obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with ALCOHOL or other substances. 235 ILCS 5/1-3.02.

STATE COMMISSION means the Illinois Liquor Control Commission.

WINE means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of ALCOHOL or SPIRITS. 235 ILCS 5/1-3.03.

Section 4. Local Liquor Commissioner

The Chairman of the County Board of Champaign County shall be the Local Liquor Commissioner and shall be charged with the administration of this Ordinance and shall have all of the powers, duties and functions as provided by the laws of the State of Illinois. 235 ILCS 5/4-2, 4-4, 4-5, and 7-5.

Section 5. Authority of the Local Liquor Commissioner

The Local Liquor Commissioner shall have the following powers, functions and duties:

(1) To grant LICENSES, to suspend for not more than thirty (30) days or revoke LICENSES for cause, or to fine LICENSEES for cause;
(2) To enter and/or inspect or to authorize any law enforcing officer to enter and/or inspect any LICENSED PREMISES to determine whether any of the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended, the regulations of the Illinois Liquor Control Commission, or this Ordinance have been or are being violated;

(3) To exercise all powers, functions and duties which now or hereafter may be granted to him or her by the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended, the regulations of the Illinois Liquor Control Commission, or this Ordinance;

(4) To receive a complaint from any RESIDENT that any of the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended, the regulations of the Illinois Liquor Control Commission, or this Ordinance, have been or are being violated and to act upon such complaints;

(5) To receive LICENSE fees and pay the same forthwith to the County Treasurer;

235 ILCS 5/4-4.

(6) To examine, or cause to be examined, under oath, any APPLICANT for a LIQUOR LICENSE or for a renewal thereof, or any LICENSEE 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 his or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of this State; 235 ILCS 5/4-5; and

(7) To authorize an agent to act on his or her behalf as he or she deems necessary for the proper performance of his or her duties. 235 ILCS 5/4-3 and 4-5.

Section 6. Liquor License Generally

A. Liquor License Required

It shall be unlawful to SELL any ALCOHOLIC LIQUOR within the unincorporated areas of the County of Champaign without having a LIQUOR LICENSE. A LIQUOR LICENSE issued pursuant to this Ordinance shall allow the LICENSEE to SELL and offer at RETAIL, in the LICENSED PREMISES, ALCOHOLIC LIQUOR.

B. Sale in Violation of Ordinance and/or License Prohibited

It shall be unlawful for any person, entity, or LICENSEE to SELL any ALCOHOLIC LIQUOR within the unincorporated areas of the County of Champaign except in the manner authorized by, and in compliance with, the provisions of this Ordinance and the LICENSEE’s LIQUOR LICENSE.
C. **Content and Display of License**

Every LIQUOR LICENSE shall be provided by the County and shall, at a minimum, prominently state on its face the name and address of the LICENSEE and the expiration date of the LICENSE, and shall describe the LICENSED PREMISES. Every LICENSEE shall cause its LICENSE to be framed, covered by glass, and hung at all times in plain view in a conspicuous place in the LICENSED PREMISES so that it can be easily seen and read at any time by any person entering the LICENSED PREMISES.

D. **License Term**

Except as hereinafter provided, LIQUOR LICENSES shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one (1) year commencing on July 1 of the year of issuance and terminating on June 30 of the following year. LIQUOR LICENSES issued before July 1 of any year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on June 30 of the same year. LIQUOR LICENSES issued after July 1 of any year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on June 30 of the following year.

E. **Transfer of License**

A LICENSEE shall not transfer its LIQUOR LICENSE to another person or entity. Any attempt to transfer such LICENSE either directly or indirectly is void and the LICENSE shall be deemed revoked.

F. **Separate License for Each Premises**

LICENSES issued pursuant to this Ordinance apply only to the LICENSED PREMISES described in the LICENSE, and only one location shall be so described in each LICENSE.

After a LICENSE has been granted for a particular LICENSED PREMISES, upon proper showing, the COMMISSIONER may endorse upon said LICENSE permission to abandon the LICENSED PREMISES therein described and remove therefrom to another premises approved by the COMMISSIONER. In order to obtain such approval the LICENSEE shall file with the County Clerk a request in writing and a statement under oath which shall show that the premises to which removal is to be made complies in all respects with the requirements of this Ordinance. A transfer may only be requested to a premises within the unincorporated areas of the County of Champaign. 235 ILCS 5/7-14.

G. **Limitation on the Number of LICENSES**

There shall be no limit in the number of LIQUOR LICENSES issued or in effect at any one time.
Section 7. License Classifications

A. Class A1 – Alcoholic Liquor, 1200 Square Feet or More, On or Off Premises Consumption, Six Special Events Per Year

Class A1 LICENSES are available to businesses whose LICENSED PREMISES is 1200 square feet or larger. A Class A1 LICENSE shall permit the LICENSEE to SELL any and all ALCOHOLIC LIQUOR (1) in the ORIGINAL PACKAGE for consumption on or off the LICENSED PREMISES and (2) by the drink for consumption on the LICENSED PREMISES only.

In addition, a Class A1 LICENSE shall permit the LICENSEE to SELL ALCOHOLIC LIQUOR as set forth above at up to six (6) special events per year that take place adjacent to such LICENSEE’s LICENSED PREMISES and for which a separate LICENSE would have been required. Prior to serving ALCOHOLIC LIQUOR at such events, notice of the event must be filed with the County Clerk’s Office.

B. Class A2 – Alcoholic Liquor, 1200 Square Feet or More, On or Off Premises Consumption

Class A2 LICENSES are available to businesses whose LICENSED PREMISES is 1200 square feet or larger. A Class A2 LICENSE shall permit the LICENSEE to SELL any and all ALCOHOLIC LIQUOR (1) in the ORIGINAL PACKAGE for consumption on or off the LICENSED PREMISES and (2) by the drink for consumption on the LICENSED PREMISES only.

C. Class B1 – Alcoholic Liquor, Less than 1200 Square Feet, On or Off Premises Consumption, Six Special Events Per Year

Class B1 LICENSES are available to businesses whose LICENSED PREMISES is less than 1200 square feet. A Class B1 LICENSE shall permit the LICENSEE to SELL any and all ALCOHOLIC LIQUOR (1) in the ORIGINAL PACKAGE for consumption on or off the LICENSED PREMISES and (2) by the drink for consumption on the LICENSED PREMISES only.

In addition, a Class B1 LICENSE shall permit the LICENSEE to SELL ALCOHOLIC LIQUOR as set forth above at up to six (6) special events per year that take place adjacent to such LICENSEE’s LICENSED PREMISES and for which a separate LICENSE would have been required. Prior to serving ALCOHOLIC LIQUOR at such events, notice of the event must be filed with the County Clerk’s Office.

D. Class B2 – Alcoholic Liquor, Less than 1200 Square Feet, On or Off Premises Consumption

Class B2 LICENSES are available to businesses whose LICENSED PREMISES is less than 1200 square feet. A Class B2 LICENSE shall permit the LICENSEE to SELL any and all ALCOHOLIC LIQUOR (1) in the ORIGINAL PACKAGE for
consumption on or off the LICENSED PREMISES and (2) by the drink for consumption on the LICENSED PREMISES only.

E. Class C – Alcoholic Liquor, Off Premises Consumption

A Class C LICENSE shall permit the LICENSEE to SELL any and all ALCOHOLIC LIQUOR in the ORIGINAL PACKAGE for consumption off the LICENSED PREMISES where sold.

F. Class D – Beer and Wine

A Class D LICENSE shall permit the LICENSEE to SELL BEER and WINE (1) in the ORIGINAL PACKAGE for consumption on or off the LICENSED PREMISES and (2) by the drink for consumption on the LICENSED PREMISES only.

If the LICENSEE is a grocery store, then a Class D LICENSE shall permit LICENSEE to only SELL BEER and WINE in the ORIGINAL PACKAGE for consumption off the LICENSED PREMISES where sold.

G. Class E – Temporary

(1) A Class E LICENSE shall entitle the LICENSEE to SELL ALCOHOLIC LIQUOR for consumption only on a specified location that conforms to the definition of a LICENSED PREMISES as set forth in Section 3.

(2) Complete applications for a Class E LICENSE must be submitted no less than thirty (30) days prior to the date for which the LICENSE is requested.

(3) The duration of the Class E LICENSE shall be for three (3) consecutive or non-consecutive days within a seven (7) day period.

(4) The SALE of ALCOHOLIC LIQUOR may begin no earlier than 6:00 a.m. on the days ALCOHOLIC LIQUOR is served and end no later than 1:00 a.m. on the calendar date following each of those days. The consumption of ALCOHOLIC LIQUOR, provision of entertainment, or any other activities related to an event licensed under this Section must cease before 2:00 a.m. on the calendar date following each day ALCOHOL is served.

(5) No ALCOHOLIC LIQUOR may be sold or served in bottles or glass containers at an event licensed under this Section. Any garbage or debris resulting from the event licensed under this Section must be removed from the event location within twenty-four (24) hours of the expiration of the LICENSE.

(6) The possessor of a Class E LICENSE shall comply with all applicable provisions of this Ordinance. The violation of any such provision shall result in immediate revocation of the LICENSE and additional measures consistent with applicable law.
H. Caterer

(1) A Caterer LICENSE may only be issued to those CATERERS falling within the definition of CATERER as set forth in Section 3 of this Ordinance.

(2) A Caterer LICENSE shall permit the LICENSEE to SELL any and all ALCOHOLIC LIQUOR by the drink or in the ORIGINAL PACKAGE for consumption as an incidental part of food service.

(3) An APPLICANT under this Section need not describe the premises or place of business in the application unless such premises is used for serving any ALCOHOLIC LIQUOR pursuant to another LICENSE. However, the LICENSEE shall file a description of each location it serves with the County Clerk, which description shall include the square footage of the premises, number of rooms, and expected seating capacity. In addition, a LICENSEE under this Section shall provide a plan for off street parking for the duration of each catered event. Such descriptions and plans must be filed with the County Clerk at least twenty-four (24) hours prior to the time that the ALCOHOLIC LIQUOR is served.

Section 8. Form and Submission of License Application

A. Required Form

An application for a LIQUOR LICENSE, or the renewal thereof, shall be made in writing to the Champaign County Clerk on a form prescribed by the COMMISSIONER. Each application shall be signed by:

(1) the APPLICANT, if the APPLICANT is an individual;

(2) at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the APPLICANT is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization;

(3) a duly authorized agent, if the APPLICANT is a CORPORATION; or

(4) the trustee, if the APPLICANT is a land trust.

B. Renewal Applications

A LIQUOR LICENSE may be renewed only by making an application as required for an initial LICENSE. The expiration of a then-current LIQUOR LICENSE shall be
extended only by a complete renewal application that is made at least thirty (30) days before expiration.

C. Application Fee

Every APPLICANT for a LIQUOR LICENSE or for the renewal of an existing LIQUOR LICENSE shall pay an application fee by certified check or money order payable to the “County of Champaign” or cash at the time of filing such application. Application fees will be as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A1</td>
<td>$1,400</td>
</tr>
<tr>
<td>Class A2</td>
<td>$700</td>
</tr>
<tr>
<td>Class B1</td>
<td>$850</td>
</tr>
<tr>
<td>Class B2</td>
<td>$450</td>
</tr>
<tr>
<td>Class C</td>
<td>$740</td>
</tr>
<tr>
<td>Class D</td>
<td>$600</td>
</tr>
<tr>
<td>Class E</td>
<td>$50</td>
</tr>
<tr>
<td>Caterer</td>
<td>$100</td>
</tr>
</tbody>
</table>

For applications for all LICENSES, other than a Class E LICENSES, that may result in the issuance of a LICENSE whose term will end in less than one (1) year, the application fee shall be prorated according to the following schedule:

<table>
<thead>
<tr>
<th>Date of Application</th>
<th>Percentage of the Full-Year Fee to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1 through September 30</td>
<td>100%</td>
</tr>
<tr>
<td>October 1 through December 31</td>
<td>75%</td>
</tr>
<tr>
<td>January 1 through March 31</td>
<td>50%</td>
</tr>
<tr>
<td>April 1 through June 30</td>
<td>25%</td>
</tr>
</tbody>
</table>

D. All Fees Non-Refundable

The application fee, except as set forth below, shall be non-refundable and shall be deposited in the general corporate fund of the County.

Should a LICENSEE die or voluntarily return his or her LIQUOR LICENSE to the County, such LICENSEE shall receive a refund of his or her application fee according to the following schedule:

<table>
<thead>
<tr>
<th>Date of Death or Return of License</th>
<th>Percentage of the Full-Year Fee to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1 through September 30</td>
<td>100%</td>
</tr>
<tr>
<td>October 1 through December 31</td>
<td>75%</td>
</tr>
<tr>
<td>January 1 through March 31</td>
<td>50%</td>
</tr>
<tr>
<td>April 1 through June 30</td>
<td>25%</td>
</tr>
</tbody>
</table>
E. **Required Information and Documents.**

Each application shall include the following information and documents:

(1) (a) **Individuals:**

(i) full legal name;
(ii) any and all aliases;
(iii) home address and telephone number;
(iv) business address and telephone number;
(v) mailing address (if different from business address);
(vi) state driver’s license or identification number;
(vii) social security number;
(viii) date of birth;
(ix) country of citizenship; and
(x) written proof of age.

(b) **Corporations:**

(i) CORPORATION’s complete name;
(ii) business address and telephone number;
(iii) mailing address (if different from business address);
(iv) CORPORATION’s date and place of incorporation or organization, and the objects for which it was formed;
(v) written proof that the CORPORATION is in good standing and authorized to conduct business in the State of Illinois (e.g., Articles of Incorporation, annual report, certificate from Secretary of State);
(vi) name of the registered agent and the address of the registered office for service of process; and
(vii) for all officers, managers, members, and directors of CORPORATION, and all persons owning or controlling at least five percent (5%) of the stock of the CORPORATION, the information requested of individual APPLICANTS under Section 8.E(1)(a) above.

(c) **Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization:**

(i) organization’s complete name;
(ii) business address and telephone number;
(iii) mailing address (if different from business address):
(iv) for each partner or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization, the information requested of individual APPLICANTS under Section
8.E(1)(a) above; and
(v) percentage of organization owned of each partner.

(d) Land trusts:

(i) land trust’s complete name;
(ii) for trustee and each beneficiary, all the information requested of individual APPLICANTS under Section 8.E(1)(a) above;
(iv) the specific interest of each beneficiary in the land trust; and
(v) the interest, if any, that the land trust holds in the APPLICANT PREMISES.

(2) The information required in Sections 8.E(1)(b), 8.E(1)(c), or 8.E(1)(d) with respect to an interest holder, if a CORPORATION, partnership, or trust is an interest holder that must be disclosed pursuant to said Sections.

(3) The name of the individual or individuals who will be the day-to-day, onsite managers of the APPLICANT PREMISES. If the manager is other than the APPLICANT, the APPLICANT shall provide, for each manager, all of the information required pursuant to Section 8.E(1)(a) above. 235 ILCS 5/6-2(a)(11).

(4) The name of the business that is to be operated under the LIQUOR LICENSE sought.

(5) The location, including street address and permanent index number, square footage, and telephone number of the APPLICANT PREMISES.

(6) The specific type or types of business that the APPLICANT proposes to operate in the APPLICANT PREMISES.

(7) The specific type or types of entertainment that the APPLICANT proposes to provide in the APPLICANT PREMISES.

(8) For all LICENSES, except Caterer LICENSES, a diagram showing the internal and external configuration of the APPLICANT PREMISES, including all doors, windows, entrances, exits, the fixed structural internal features of the APPLICANT PREMISES, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms.

A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the APPLICANT PREMISES.
PREMISES and to demonstrate compliance with the provisions of this Ordinance.

The requirements of this Paragraph shall not apply to renewal applications if the APPLICANT adopts a diagram that was previously submitted for the LICENSE sought to be renewed and if the LICENSEE certifies that the LICENSED PREMISES has not been altered since the immediately preceding issuance of the LICENSE and that the previous diagram continues to accurately depict the exterior and interior layouts of the LICENSED PREMISES.

The approval or use of the diagram required pursuant to this Paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other County approval otherwise required pursuant to applicable County ordinances and regulations.

(9) Evidence that APPLICANT has a lease for the APPLICANT PREMISES for the full period for which the LICENSE is sought, if the APPLICANT does not beneficially own the APPLICANT PREMISES. 235 ILCS 5/6-2(a)(13).

(10) The names and locations of all other establishments for which the APPLICANT, or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2) and 8.E(3) above has received a LIQUOR LICENSE.

(11) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever been convicted of a felony under any Federal or State law. 235 ILCS 5/6-2(a)(4).

(12) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever been convicted of being the keeper or is keeping a house of ill fame. 235 ILCS 5/6-2(a)(5).

(13) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever been convicted of pandering or other crime or misdemeanor opposed to decency and morality. 235 ILCS 5/6-2(a)(6).

(14) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever had any liquor license denied, revoked, or suspended, and, if so, the date and grounds for each such denial, revocation, or suspension, and the name and location of the business. 235 ILCS 5/6-2(a)(7).
(15) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever been convicted of a violation of any Federal or State law concerning the manufacture, possession or SALE of ALCOHOLIC LIQUOR, or has forfeited his bond to appear in court to answer charges for any such violation. 235 ILCS 5/6-2(a)(12).

(16) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever been convicted of violating any County ordinance.

(17) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever 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 Criminal Code of 1961 (720 ILCS 5/28-1, 5/28-1.1, or 5/28-3), as now or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions. 235 ILCS 5/6-2(a)(16).

(18) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever been issued a federal wagering stamp by the federal government. 235 ILCS 5/6-2(a)(17).

(19) Whether the APPLICANT or any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) above has ever:

(a) failed to make a tax return;
(b) filed a fraudulent return;
(c) failed to pay all or part of any tax or penalty finally determined to be due;
(d) failed to keep books and records;
(e) failed to secure and display a certificate or sub-certificates of registration, if required; or
(f) willfully violated any rule or regulation of the Department of Revenue relating to the administration and enforcement of tax liability.

235 ILCS 5/6-3.

(20) Written proof of dram shop liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the State. Such coverage shall be kept current at all times.

(21) Confirmation in writing from the APPLICANT, with a signature verified by a notary public, that his or her application and all attachments thereto are true and accurate to the best of his or her knowledge, that he or she has
read this Ordinance and that the APPLICANT is familiar with its terms and conditions, and that the APPLICANT PREMISES and the proposed business and its proposed operation are and shall be in compliance therewith.

F. Incomplete Applications Returned

Any application for a LIQUOR LICENSE that does not include the appropriate signature, fees, information, and/or documentation required by the above provisions shall be deemed incomplete and shall not be processed by the County.

If the County Clerk receives an incomplete application, the County Clerk will attempt to contact the APPLICANT to inform him or her that his or her application is incomplete and give APPLICANT an opportunity to provide the missing signature, fees, information, and/or documentation. If an application remains incomplete or if the County Clerk is unable to reach APPLICANT, he shall return the incomplete application to the APPLICANT along with a written explanation of the reasons why the application is incomplete. If an application is returned, the County Clerk shall do so within five (5) working days of submission.

Section 9. Processing of License Application

A. Reviewing Departments

After receipt of a complete application for a LIQUOR LICENSE, the County Clerk shall immediately date stamp the application as received and within three (3) working days, transmit a copy of the application to each of the REVIEWING DEPARTMENTS and the COMMISSIONER.

B. Reviewing Departments Reports

Each of the REVIEWING DEPARTMENTS shall, within twenty (20) days after transmittal of the application thereto:

(1) review the application;

(2) regarding matters within their respective jurisdictions, conduct such inspections of the APPLICANT PREMISES and background investigations of the APPLICANT and any of the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) as shall be reasonably necessary to verify the information set forth in the application and to determine whether the establishment and APPLICANT PREMISES comply with the requirements of this Ordinance; and
(3) prepare and submit to the COMMISSIONER a written report regarding the results and findings of such reviews, inspections, and investigations.

C. Review by Local Liquor Commissioner

Within thirty (30) days of the filing of a complete application with the County Clerk, the COMMISSIONER shall review such application, investigate such application, as he or she deems necessary, and determine if a LIQUOR LICENSE should be granted.

D. Reliance on Diagram

In the event that the APPLICANT PREMISES has not yet been constructed or reconstructed, the REVIEWING DEPARTMENTS shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to Section 8.E(8) of this Ordinance.

Any LIQUOR LICENSE issued prior to the construction shall contain a condition that the establishment shall not open for business until the APPLICANT PREMISES has been inspected and determined to be in substantial compliance with the diagram submitted with the application.

E. Applicant Cooperation Required

An APPLICANT for a LIQUOR LICENSE shall cooperate fully in the inspections and investigations conducted by the COMMISSIONER and the REVIEWING DEPARTMENTS. Upon request, representatives will produce documentation verifying that they represent the COMMISSIONER or one of the REVIEWING DEPARTMENTS.

An APPLICANT’s failure or refusal to:

(1) submit to examination, under oath,

(2) provide any information, books, records or other documentation reasonably relevant to the investigation of the application,

(3) allow the APPLICANT PREMISES to be inspected, or

(4) to otherwise cooperate with the investigations and inspections required by this Ordinance,

shall constitute an admission by the APPLICANT that he or she is ineligible for a LIQUOR LICENSE and shall be grounds for denial of the LICENSE by the COMMISSIONER.
Section 10. Standards for Issuance of License

A. Issuance

The COMMISSIONER may issue a LIQUOR LICENSE to an APPLICANT if, but only if, the COMMISSIONER finds and determines all of the following, based on the reports, investigations, and inspections conducted by the REVIEWING DEPARTMENTS and on any other credible information on which it is reasonable for the COMMISSIONER to rely:

(1) All information and documents required by Section 8 for issuance of a LIQUOR LICENSE have been properly provided and the material statements made in the application are true and correct.

(2) All persons identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) of this Ordinance are at least twenty-one (21) years of age and have not been adjudged by a Court to be a PERSON UNDER A LEGAL DISABILITY.

(3) All persons identified in the application pursuant to Sections 8.E(1)(a) and 8.E(3) of this Ordinance are RESIDENTS of Champaign County. 235 ILCS 5/6-2(a)(1). This does not apply to corporate APPLICANTS. 235 ILCS 5/6-2(a)(10a).

(4) All persons identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) of this Ordinance are citizens of the United States. 235 ILCS 5/6-2(a)(3). This does not apply to corporate APPLICANTS. 235 ILCS 5/6-2(a)(10a).

(5) All persons identified in the application pursuant to Sections 8.E(1), 8.E(2), and 8.E(3) of this Ordinance are of good character and reputation in the community. 235 ILCS 5/6-2(a)(2).

(6) None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance is a law enforcing public official, including members of the County Board. 235 ILCS 5/6-2(a)(14).

(7) The APPLICANT PREMISES conforms to the definition of LICENSED PREMISES and complies with all then-applicable County ordinances, including, but not limited to, the County Health, Nuisance, and Zoning Ordinances.

(8) The APPLICANT PREMISES is not located within one-hundred (100) feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided. This does not apply to HOTELS, CLUBS, RESTAURANTS, food shops or other places where
SALE of ALCOHOLIC LIQUOR is not the principal business. This does not prohibit the issuance of a LICENSE to a church or private school to SELL at RETAIL ALCOHOLIC LIQUOR if any such SALES are limited to periods when groups are assembled on the APPLICANT PREMISES solely for the promotion of some common object other than the SALE or consumption of ALCOHOLIC LIQUOR.

In the case of a church, the distance of one-hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. A church or church affiliated school is not prohibited from locating within one hundred (100) feet of a property for which there is a preexisting LIQUOR LICENSE. In these instances, the one-hundred (100) foot restriction shall not apply to that church or church affiliated school, or future LIQUOR LICENSES. 235 ILCS 5/6-11.

(9) Except for HOTELS and CLUBS, APPLICANT PREMISES have no access which leads from such APPLICANT PREMISES to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This does not apply to connections between APPLICANT PREMISES and such other portion of the building or structure which is used only by the LICENSEE, his family, and personal guests. 235 ILCS 5/6-13.

(10) Applicant’s business is not a store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors. 235 ILCS 5/6-12.

(11) If APPLICANT does not beneficially own the APPLICANT PREMISES, APPLICANT has a lease thereon for the full period for which the LICENSE is sought. 235 ILCS 5/6-2(a)(13).

(12) None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has been convicted of a felony under any Federal or State law, unless the COMMISSIONER determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person’s application and the COMMISSIONER’s investigation. The burden of proof of sufficient rehabilitation shall be on the APPLICANT. 235 ILCS 5/6-2(a)(4).

(13) None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has been convicted of being the keeper or is keeping a house of ill fame. 235 ILCS 5/6-2(a)(5).
None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has been convicted of pandering or other crime or misdemeanor opposed to decency and morality. 235 ILCS 5/6-2(a)(6).

None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has had his or her State liquor license revoked for cause. 235 ILCS 5/6-2(a)(7).

None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has had his or her LIQUOR LICENSE revoked within the past twelve (12) months.

If the APPLICANT is a CORPORATION, then such CORPORATION is incorporated in Illinois, or qualified to transact business in Illinois. 235 ILCS 5/6-2(a)(10a).

None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has been convicted of a violation of any Federal or State law concerning the manufacture, possession or SALE of ALCOHOLIC LIQUOR, or has forfeited his or her bond to appear in court to answer charges for any such violation. 235 ILCS 5/6-2(a)(12).

None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance 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 Criminal Code of 1961 (720 ILCS 5/28-1, 5/28-1.1, or 5/28-3), as now or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions. 235 ILCS 5/6-2(a)(16).

None of the persons or entities identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has been issued a federal wagering stamp by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0.01, et seq.), as now or hereafter amended, or the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.), as now or hereafter amended. 235 ILCS 5/6-2(a)(17).

None of the persons identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance has:

(a) failed to make a tax return;
(b) filed a fraudulent return;
(c) failed to pay all or part of any tax or penalty finally determined to be due;
(d) failed to keep books and records;
(e) failed to secure and display a certificate or sub-certificates of registration, if required; or
(f) willfully violated any rule or regulation of the Department of Revenue relating to the administration and enforcement of tax liability.

235 ILCS 5/6-3.

None of the persons or entities identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance is overdue on payment to the County of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual or entity in connection with any establishment SELLING ALCOHOLIC LIQUOR.

Applicant has current dram shop liability insurance.

Applicant cooperated with the required investigations and inspections pursuant to Section 9.E of this Ordinance.

B. Criminal Conviction of a CORPORATION

A criminal conviction of a CORPORATION is not grounds for the denial, suspension, or revocation of a LICENSE applied for or held by the CORPORATION if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or SALE of ALCOHOLIC LIQUOR, the offense that led to the conviction did not result in any financial gain to the CORPORATION, and the CORPORATION has terminated its relationship with each director, officer, member, manager, EMPLOYEE, or controlling shareholder whose actions directly contributed to the conviction of the CORPORATION. The COMMISSIONER shall determine if all provisions of this Section have been met before any action on the CORPORATION’S LICENSE is initiated.

C. Denial

If the COMMISSIONER determines that the APPLICANT has not met any one or more of the conditions set forth in Sections 10.A and 10.B above, then the COMMISSIONER shall deny issuance of the LIQUOR LICENSE and shall give the APPLICANT a written notification and explanation of such denial.

D. Notice and Effective Date of Decision

The COMMISSIONER’s notice of approval or denial shall be delivered in person or by certified U.S. mail, return receipt requested, postage prepaid, addressed to the APPLICANT’s mailing address as set forth in the application. The LIQUOR LICENSE shall be deemed approved or denied on the day that the notice of approval or denial is delivered in person or three (3) days after it is placed in the U.S. mail.
E. Record

The COMMISSIONER shall cause to be kept an accurate record of every LIQUOR LICENSE application received and acted upon, together with all relevant information and material pertaining to such application and any LIQUOR LICENSE issued pursuant thereto.

Section 11. Change in Information

During the pendency of any application for, or during the term of any LIQUOR LICENSE, the APPLICANT or LICENSEE shall promptly notify the COMMISSIONER in writing: (a) of any change in any information given by the APPLICANT or LICENSEE in the application for such LICENSE, including specifically, but without limitation, any change in managers of the establishment or in the individuals identified in the application pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance; or (b) if any of the events specified in Sections 13.A of this Ordinance occur.

Section 12. Inspections by the County

A. Authority

The COMMISSIONER and REVIEWING DEPARTMENTS may periodically inspect all LICENSEES as shall be necessary to determine compliance with the provisions of this Ordinance. 235 ILCS 5/4-4.

B. Licensee Cooperation

A LICENSEE shall permit representatives of the COMMISSIONER and REVIEWING DEPARTMENTS to inspect the LICENSED PREMISES for the purpose of determining compliance with the provisions of this Ordinance and all other applicable laws at any time during which the LICENSED PREMISES is occupied or open for business. Upon request, representatives will produce documentation verifying that they represent the COMMISSIONER or one of the REVIEWING DEPARTMENTS.

C. Interference or Refusal Illegal

It shall be unlawful for LICENSEE, any EMPLOYEE, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the representative of the COMMISSIONER or the REVIEWING DEPARTMENTS pursuant to this Ordinance.

D. Suspension, Revocation, or Fine

Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the LIQUOR LICENSE, or fine, pursuant to Section 13 of this Ordinance.
Section 13. Revocation, Suspension, and Fines

A. Basis for Suspension, Revocation, or Fine

Pursuant to the procedures set forth in Section 13.D below, the COMMISSIONER may suspend for up to thirty (30) days or revoke any LIQUOR LICENSE, and/or fine LICENSEE if the COMMISSIONER, based on credible and reasonably reliable information and evidence, determines by a preponderance of the evidence that any one or more of the following has occurred:

1. The LICENSEE (a) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the County for the issuance or renewal of any LIQUOR LICENSE; or (b) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the LICENSEE’s behalf;

2. The LICENSEE, or any person identified pursuant to Sections 8.E(1), 8.E(2), or 8.E(3) of this Ordinance becomes disqualified for the issuance of a LIQUOR LICENSE at any time during the term of a LICENSE;

3. The LICENSEE has violated any of the provisions or requirements of this Ordinance or the LIQUOR LICENSE issued pursuant hereto;

4. The LICENSEE has violated any of the provisions or requirements of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended, or the regulations issued by the Illinois Liquor Control Commission;

5. The LICENSEE, in the conduct of or upon the LICENSED PREMISES, has violated any Federal law or State statute; Illinois Liquor Control Comm’n Regs., § 100.30;

6. The LICENSEE, in the conduct of or upon the LICENSED PREMISES, has violated any of the provisions or requirements of any Champaign County Ordinance;

7. The LICENSEE authorizes, approves, or as a result of the LICENSEE’s negligent failure to supervise the LICENSED PREMISES, allows a PATRON, or any other person to violate any of the provisions or requirements of this Ordinance or of the provisions or requirements of the LIQUOR LICENSE issued pursuant hereto; or

8. The LICENSEE failed to cooperate with the investigations and inspections pursuant to Sections 9.E and 12 of this Ordinance.
Violations may be proved by evidence that the LICENSEE has been convicted of a violation of federal law or State statute, or has been found guilty of violating a County Ordinance. However, irrespective of whether or not a conviction has been obtained in any Court, proof before the COMMISSIONER of facts which establish by a preponderance of the evidence a violation of any Federal law, State statute, or County Ordinance shall be sufficient cause for imposing a fine, revocation, or suspension of a LIQUOR LICENSE. Illinois Liquor Comm’n Regs., § 100.30.

B. Revocation for Multiple Suspensions

Pursuant to the procedures set forth in Section 13.D below, the COMMISSIONER may revoke any LIQUOR LICENSE if the LICENSEE’S LIQUOR LICENSE has been suspended or LICENSEE has been fined within the preceding twelve (12) months and is again subject to suspension and/or fine.

C. Fines

Any violation of any of the provisions or requirements of this Ordinance is deemed a petty offense and shall be punishable by a fine not exceeding one thousand dollars ($1,000) for a first violation within a 12-month period, one thousand five hundred dollars ($1,500) for a second violation within a 12-month period, and two thousand five hundred dollars ($2,500) for a third or subsequent violation within a 12-month period. Each day such violation continues shall constitute a separate offense. Not more than $15,000 in fines may be imposed against any LICENSEE during the period of his or her LICENSE. Proceeds from such fines shall be paid into the general corporate fund of Champaign County. 235 ILCS 5/7-5.

D. Procedure.

A LIQUOR LICENSE may be suspended for up to thirty (30) days or revoked, and/or LICENSEE fined pursuant to the terms and conditions set forth below:

(1) Notice. Upon determining that one or more of the grounds for suspension, revocation, or fine under Sections 13.A or 13.B of this Ordinance may exist, the COMMISSIONER shall serve a written notice on the LICENSEE in person or by certified U.S. mail, return receipt requested, postage prepaid, addressed to the LICENSEE’S mailing address as set forth in his or her application. Service shall be effective on the day of personal service or three (3) days after service by certified U.S. mail.

The written notice shall, at a minimum:

(a) state that COMMISSIONER has determined that LICENSEE’S LIQUOR LICENSE may be subject to suspension or revocation, or that LICENSEE may be fined pursuant to Sections 13.A or 13.B of this Ordinance;
(b) identify the specific grounds for the COMMISSIONER’s determination; and

(c) set a date for a hearing regarding the COMMISSIONER’s determination as to the possibility of suspension or revocation of the LIQUOR LICENSE, and/or fining LICENSEE. The date of the hearing shall be no less than three (3) days after the effective date of service of the COMMISSIONER’s notice, unless an earlier date is agreed to by the LICENSEE and the COMMISSIONER. 235 ILCS 5/7-5.

(2) Hearing. The hearing shall be conducted by the COMMISSIONER. At the hearing, the LICENSEE may present and submit evidence and witnesses to refute the grounds cited by the COMMISSIONER for suspending or revoking the LICENSE, and/or fining LICENSEE.

The COMMISSIONER has the right to examine or cause to be examined LICENSEE, under oath, and to examine or cause to be examined the LICENSEE’s books and records, to hear testimony and take proof for his or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. 235 ILCS 5/4-5.

All hearings shall be open to the public and the COMMISSIONER shall reduce all evidence to writing and shall maintain an official record of the proceedings. 235 ILCS 5/7-5.

(3) Decision. Within five (5) days after the close of the hearing, the COMMISSIONER shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The COMMISSIONER’s written decision shall be served within five (5) days upon the LICENSEE in person or by certified U.S. mail, return receipt requested, postage prepaid, addressed to the LICENSEE’s mailing address as set forth in his or her application. 235 ILCS 5/7-5.

(4) Effective Date of Suspension or Revocation. Any suspension or revocation, as the case may be, shall take effect on the day that the COMMISSIONER’s written decision is delivered in person or three (3) days after it is placed in the U.S. mail.

(5) Surrender of LICENSE. Upon the effective date of suspension or revocation of a LIQUOR LICENSE pursuant to this Ordinance, the Champaign County Sheriff’s Office shall take custody of the suspended or revoked LICENSE.
E. Emergency Suspension Prior to Hearing

If the COMMISSIONER has reason to believe that any continued operation of a particular LICENSED PREMISES will immediately threaten the welfare of the community, he may issue a written order, without notice or hearing, stating the reasons for such conclusion and suspending LICENSEE’s LICENSE for no more than seven (7) days. During those seven (7) days, a hearing pursuant to Section 13.D above must be held. 235 ILCS 5/7-5.

F. Vacating Order of Revocation

If a LIQUOR LICENSE is revoked for any of the following violations by LICENSEE:

1. failure to make a tax return,
2. filing of a fraudulent return,
3. failure to pay all or part of any tax or penalty finally determined to be due,
4. failure to keep books and records,
5. failure to secure and display a certificate or sub-certificates of registration, if required, or
6. willful violation of any rule or regulation of the Department of Revenue relating to the administration and enforcement of tax liability,

upon receiving notice from the Department of Revenue that a violation of any of items (1) through (6) have been corrected or otherwise resolved to the Department of Revenue’s satisfaction, the COMMISSIONER may vacate an order of revocation. 235 ILCS 5/6-3.

G. Waiting Period after Revocation

When any LICENSE has been revoked for any cause, no LICENSE shall be granted to any person for one (1) year from the effective date of revocation for the LICENSED PREMISES described in the revoked LICENSE. This waiting period does not apply if the revocation order has been vacated or if the revocation order was entered as to the LICENSEE only. 235 ILCS 5/7-13.

H. Licensee’s Responsibility for Agents or Employees

Every act or omission of whatsoever nature constituting a violation of any 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 the LICENSEE, and said LICENSEE shall be punishable in the same manner as if said act or omission had been done or omitted by him or her personally. 235 ILCS 5/10-3.
Section 14. Complaints of Violation by Licensee

Any five (5) RESIDENTS of the County may file a complaint with the COMMISSIONER stating that any LICENSEE has been or is violating the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended, or this Ordinance. 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 this belief is based. If the COMMISSIONER is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, the COMMISSIONER shall begin proceedings, pursuant to Section 13.D above, to suspend or revoke LICENSEE’s LICENSE or fine LICENSEE. 235 ILCS 5/7-7.

Section 15. Review by the Illinois Liquor Control Commission

A. Right to Appeal

Any order or action of the COMMISSIONER:

(1) levying a fine or refusing to levy a fine on a LICENSEE,
(2) granting or refusing to grant a LICENSE,
(3) revoking or suspending or refusing to revoke or suspend a LICENSE, or
(4) 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 by any RESIDENT or any interested person to the STATE COMMISSION. 235 ILCS 5/7-9.

B. Continuing Licensee’s Business

In any case where a LICENSEE appeals to the STATE COMMISSION from an order of the COMMISSIONER having the effect of suspending or revoking a LICENSE, denying a renewal application, or refusing to grant a LICENSE, the LICENSEE shall resume operation of the LICENSED PREMISES pending the decision of the STATE COMMISSION and the expiration of the time allowed for an application for rehearing.

If an application for rehearing is filed, the LICENSEE shall continue the operation of the LICENSED PREMISES until the denial of the application or, if the rehearing is granted, until the decision on rehearing.

In any case in which a LICENSEE appeals to the STATE COMMISSION a suspension or revocation by the COMMISSIONER that is the second or subsequent suspension or revocation placed on that LICENSEE within the preceding twelve (12) month period, the suspension or revocation is in effect until a reversal of the action has been issued by the STATE COMMISSION and shall cease all activity otherwise authorized by the LIQUOR LICENSE.
C. **State Commission Limited to Review of Record**

The appeal to the STATE COMMISSION shall be limited to a review of the official record of the proceedings of the COMMISSIONER. 235 ILCS 5/7-9.

### Section 16. **Rules and Regulations**

#### A. **General Compliance**

All LICENSED PREMISES shall comply with the provisions of this Ordinance, all other applicable County ordinances, resolutions, rules, and regulations, and all other applicable federal and state laws.

#### B. **Hours of Operation**

All LICENSED PREMISES shall be closed from 2:00 a.m. to 6 a.m., local time. ALCOHOLIC LIQUOR may not be sold from 1:00 a.m. to 6 a.m., local time.

On New Year’s Eve, all LICENSED PREMISES shall be closed from 2:30 a.m. to 6 a.m., local time. ALCOHOLIC LIQUOR may not be sold from 2:00 a.m. to 6 a.m.

#### C. **Minimum Drinking Age**

The SALE, gift or delivery of any ALCOHOLIC LIQUOR to any person under twenty-one (21) years of age is prohibited. No person under twenty-one (21) years of age may purchase, or accept a gift of such ALCOHOLIC LIQUOR or have such ALCOHOLIC LIQUOR in his or her possession.

Before making any SALE or delivery of ALCOHOLIC LIQUOR, LICENSEE or his or her agents or EMPLOYEES shall demand presentation of adequate written evidence of PATRON’s age and identity. Adequate written evidence is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator’s license, a registration certificate issued under the Federal Selective Service Act (50 App. U.S.C.A. § 451 et seq.), or an identification card issued to a member of the Armed Forces.

Proof that the LICENSEE or his or her agents or EMPLOYEES demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense to any proceedings for the suspension or revocation of any LICENSE based thereon. It shall not, however, be an affirmative defense if the LICENSEE or his or her agent or EMPLOYEE accepted the written evidence knowing it to be false or fraudulent.

235 ILCS 5/6-16(a).
The possession and dispensing, or consumption by a person under twenty-one (21) years of age of ALCOHOLIC LIQUOR in the performance of a religious service or ceremony, or the consumption by a person under twenty-one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty-one (21) years of age in the privacy of a home, is not prohibited by this Ordinance.

235 ILCS 5/6-20.

D. Employment of Persons under Twenty-One (21) Years of Age

No LICENSEE may employ, with or without compensation, or in any way use, directly or indirectly, a person under eighteen (18) years of age in the SALE, distribution or delivery of ALCOHOLIC LIQUOR. Illinois Liquor Control Comm’n Regs., § 100.20.

E. Person under Twenty-One (21) Years of Age on Premises

If a LICENSEE SELLS ALCOHOLIC LIQUOR for consumption on the PREMISES, the LICENSEE shall not permit anyone under the age of nineteen (19), who is not an EMPLOYEE, to enter or remain on the LICENSED PREMISES, unless such person is accompanied by his or her parent or legal guardian. This paragraph does not apply to LICENSEES that prepare and serve food.

If a LICENSEE SELLS ALCOHOLIC LIQUOR for consumption on the PREMISES and prepares and serves food, the LICENSEE shall not permit anyone under the age of nineteen (19), who is not an EMPLOYEE, to enter or remain on the LICENSED PREMISES after 11:00 p.m., unless such person is accompanied by his or her parent or legal guardian.

The phrase “prepare and serve” in this Section means that food is regularly fried, grilled, broiled or baked at the time the PATRON orders the food and is served to the PATRON’s table by an EMPLOYEE of the establishment.

F. Provision of Alcoholic Liquor to Certain Persons Prohibited

No LICENSEE shall SELL, give, or deliver ALCOHOLIC LIQUOR to any intoxicated person or to any person known by him or her to have been adjudged by a Court to be a PERSON UNDER A LEGAL DISABILITY or under Court order for mental treatment.

G. Drinking on Public Highway, Street, or Property Prohibited

Except as provided below, within the unincorporated areas of the County no person may:

(1) Transport, carry, or possess any ALCOHOLIC LIQUOR within any motor vehicle while on any public street or highway, unless such ALCOHOLIC LIQUOR is in its ORIGINAL PACKAGE with the seal unbroken.
(2) Consume any ALCOHOLIC LIQUOR on any street, alley, sidewalk, or other public property or property owned, controlled, or managed by the County of Champaign, unless consumption of ALCOHOLIC LIQUOR on said public property is specifically allowed by statute or ordinance.

This Section does not apply to the passengers in a LIMOUSINE when it is being used for purposes for which a LIMOUSINE is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used, not including school purposes, or on a MOTOR HOME or MINI MOTOR HOME. However, the driver of any such vehicle is prohibited from consuming or having any ALCOHOLIC LIQUOR in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this Section.

625 ILCS 5/11-502.

No LICENSEE or EMPLOYEE of such LICENSEE shall knowingly permit any person to take ALCOHOLIC LIQUOR, except in its ORIGINAL PACKAGE with seal unbroken, onto a public street or highway from the LICENSED PREMISES.

H. Happy Hours Prohibited

(1) All LICENSEES shall maintain a schedule of the prices charged for all drinks of ALCOHOLIC LIQUOR to be served and consumed on the LICENSED PREMISES or in any room or part thereof. Whenever a HOTEL or multi-use establishment, which holds a valid LIQUOR LICENSE, operates on its LICENSED 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 that establishment.

(2) No LICENSEE or EMPLOYEE or agent of such LICENSEE shall:

(a) serve two (2) or more drinks of ALCOHOLIC LIQUOR at one (1) time to one (1) person for consumption by that one (1) person, except when conducting product sampling pursuant to Section 6-31 of the Liquor Control Act of 1934 (235 ILCS 5/6-31), as now or hereafter amended;

(b) 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;

(c) SELL, offer to SELL or serve any drink of ALCOHOLIC LIQUOR to any person on any one 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 Section 16.H(3)(g) below;

(d) 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;

(e) 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 LICENSED PREMISES;

(f) give away any ALCOHOLIC LIQUOR for commercial purposes or in connection with the SALE of non-alcoholic products or to promote the SALE of non-alcoholic products; Illinois Liquor Control Comm’n Regs., § 100.280; or

(g) advertise or promote in any way, whether on or off the LICENSED PREMISES, any of the practices prohibited under paragraphs (a) through (f); this includes, but is not limited to, advertisements using the words “free” or “complimentary” with ALCOHOLIC LIQUOR; Illinois Liquor Control Comm’n Regs., § 100.280;

(3) Nothing in Section 16.H(2) shall be construed to prohibit a LICENSEE from:

(a) offering free food or entertainment at any time;

(b) including drinks of ALCOHOLIC LIQUOR as part of a meal package;

(c) including drinks of ALCOHOLIC LIQUOR as part of a HOTEL package;

(d) 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;

(e) providing room service to persons renting rooms at a HOTEL;

(f) SELLING pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of ALCOHOLIC LIQUOR which are customarily sold in such manner and delivered to two (2) or more persons at one time;
(g) 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; or

235 ILCS 5/6-28.

(h) test marketing or tasting. Illinois Liquor Control Comm’n Regs., § 100.280(c).

Section 17. Penalties

Any violation of any of the provisions or requirements of this Ordinance by persons or entities other than LICENSEES is deemed a petty offense and shall be punishable by a fine not exceeding five hundred dollars ($500) for each violation. Each day such violation continues shall constitute a separate offense. 55 ILCS 5/5-1113.

Section 18. Liquor Advisory Commission

A. Creation and Composition

There is hereby created a Liquor Advisory Commission. The Liquor Advisory Commission shall consist of nine (7) members. Two (2) members shall be Champaign County Board members, two (2) member shall be residents of the unincorporated areas of Champaign County, who are not LICENSEES, and three (3) members will be current LICENSEES.

B. Appointments

Members of the Liquor Advisory Commission shall be appointed by the Champaign County Board Chair subject to the approved of the Champaign County Board.

C. Term

Members shall be appointed for three (3) years. A member, having been duly appointed, shall continue to serve after the expiration of his or her term until a successor has been appointed by the Champaign County Board Chair and approved by the Champaign County Board. Vacancies on the Commission shall be filled for any unexpired term in the same manner as original appointments are made.

D. Organization

The Liquor Advisory Commission shall, at its first regular meeting on or after June 1st of each year, elect from its members a Chair who shall be responsible for preparing agendas and correspondence for the Commission, and a Secretary who shall
keep records of the proceedings and distribute them to the COMMISSIONER and the Champaign County Board.

E. Meetings

The Liquor Advisory Commission shall establish a date, time and place for its regular meetings; which shall be held at least once every quarter of the fiscal year. Meetings, other than regular meetings, may be called by the Chair or any four (4) members of the Commission, provided all members of the Commission are notified in writing of the date, time and place of the meeting, and provided that the Open Meetings Act (5 ILCS 120/1, et seq.). No meeting shall be held without a quorum. The Commission may adopt operating rules and procedures.

F. Duties

The Liquor Advisory Commission shall:

(1) Review and make recommendations to the COMMISSIONER and the Champaign County Board on proposed changes to the Champaign County Liquor Ordinance;

(2) Conduct public hearings and informational meetings to seek public input on community concerns with regard to liquor; and

(3) Perform such other activities as the COMMISSIONER and the Champaign County Board directs.

G. Annual Report; Evaluations

The Commission shall annually prepare a written report to the COMMISSIONER and the Champaign County Board concerning its activities for the prior fiscal year.

The Champaign County Board shall review the purposes and activities of the Liquor Advisory Commission and the need for a Commission at least once every year. The first evaluation shall commence one (1) year from the date of the first meeting of the Commission.

Section 19. Computation of Time

Unless otherwise specifically set forth in this Ordinance or in the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.), as now or hereafter amended, the time within which any act required by this Ordinance is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Illinois holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.
Section 20. Severability

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the County that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

Section 21. Ordinances and Resolutions in Conflict

All previous Resolutions, Ordinances, or parts thereof in conflict herewith are hereby rescinded or repealed. Specifically, Ordinances Number 239, 240, 341, and 446 are hereby repealed.

Section 22. Effective Date

This Ordinance shall be in full force and effect from and after June 1, 2002, unless repealed.

PRESENTED, ADOPTED, APPROVED and RECORDED this 21st day of May, 2002.

Patricia Avery, Chair
County Board
Champaign County, Illinois

ATTEST: Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board