

**Ordinance of the County Board
Of
Kankakee County, Illinois**

Re: AMENDMENTS TO LIQUOR LICENSE ORDINANCE

WHEREAS, the States Attorney of Kankakee County and the Sheriff of Kankakee County have recommended amendments and changes to the County Liquor License Ordinance so as to better protect the health, safety and welfare of the people of Kankakee County, and

WHEREAS, the criminal Justice Committee of the Kankakee County Board, after review, discussion and consideration of changes at their regularly scheduled meeting of March 19, 2013, has recommended amendments to the County Liquor control ordinance, and the States Attorney has recommended further change to insurance amounts required, subpoena power for the hearing officer, appeal rights, license renewal rejection hearing procedures and grammatical corrections.

NOW, THEREFORE, IT IS HEREBY ORDAINED that, after review, discussion and consideration, the County Board of Kankakee hereby adopts and passes the amendments to this ordinance as written herein, with additions indicated by being underlined and deletions by strikethrough, and to be effective upon this date of approval as follows:

Sec. 6-1 Definitions.

Liquor Commissioner means the County Board Chairman, or the County Board Vice Chairman acting in the absence or at the direction of the County Board Chairman.

Liquor Commissioners means officials appointed by the County Board Chairman to so act.

Minor shall mean any person under twenty one years (21) years of age.

Person shall include a natural person corporation, partnership, member of a partnership limited liability corporation or sole proprietorship.

Premises means any structure, parking lot, beer garden, or land outside a structure upon which the license is issued or used by or under the control of the licensee in operating the licensed establishment.

6-2 License required.

(a) No person shall sell alcoholic liquor at retail without a valid license issued by the local liquor control commissioner.

(b) The Kankakee County Board Chairman shall be the Liquor Control Commissioner. The Vice Chairman of the Kankakee County Board may act in the stead of the County Board Chairman as the Liquor Control Commissioner in his absence or at the direction of the County Board Chairman.

(c) Appeals from any decision of the Liquor Control Commissioner to the State Commission shall be limited to the review of the official record of the proceedings before the Local Liquor Control Commissioner and/or any application and investigation records relied upon in making any decision.

6-4 Application for license; issuance of license

(3) Whether a previous license to serve or sell liquor by any state or subdivision thereof, or by the federal government, has been revoked or suspended, and the reasons thereof.

6-6 Restrictions on issuance of, renewal of and keeping of licenses.

(a) No alcoholic liquor license shall be issued to, renewed or kept by:

(7) A person whose ~~state~~ has had any alcohol liquor license ~~has been~~ revoked for cause.

(21) A person who does not maintain liability insurance upon the premises in a minimum amount of :

(a) \$100,000.00 for injury to one person.

(b) \$ 15,000.00 for damage to property.

(c) \$100,000.00 for recovery of means of support arising from death or injury to any one person.

(d) \$ 300,000.00 for Injury to any person(s), property, or loss of support in any one occurrence.

(22) No License shall be issued or renewed to any applicant or person who is indebted to the County.

(23) Any applicant or licensee who makes an omission of material information in an application.

Sec. 6-28 Revocation, ~~or~~ Suspension, or Refusal to Renew of license.

If any person holding a license issued pursuant to this chapter or any of his employees or agents is determined by the local liquor control commissioner to be in violation of this chapter, his/her liquor license may be suspended or revoked. the local liquor commissioner may revoke or suspend such person's license, and all fees paid to the county and the licensee's bond shall be forfeited. In addition to the suspension, the local liquor commissioner may levy a fine for such violations. The fine imposed shall not exceed \$1,000 for a first violation within a 12 month period, \$1,500 for a second violation within a 12 month period, and \$2,500 for a third or subsequent violation within a 12 month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000.00 in fines under this section may be imposed against any licensee during the period of his license.

(a) The Liquor Commissioner, upon a written order stating the reason for his/her conclusion and without notice or hearing, may suspend any license issued under this Act for up to 7 days if he has reason to believe that any continued operation of a particular premises will immediately threaten the public health, safety or welfare of the community. He shall offer the licensee an opportunity to be heard during that period.

(b) The Liquor Commissioner may revoke, suspend for up to 90 days, or refuse to renew any license issued under this Chapter after a public hearing with three (3) days notice to the licensee affording the licensee an opportunity to appear and defend for any of the following reasons:

1) Violation of the laws of the United States government, the laws of the State of Illinois, or any of the ordinances of the County.

2) Knowingly or failing to obtain knowledge of activity when a reasonable person should learn of such activity, or permitting any violation of the Chapter 6, or allowing any illegal, disorderly, lewd or immoral practice or conduct to occur upon the premises.

3) Making any false statements or omissions as to a material fact in the application for a license.

4) Failure of the licensee for any cause to operate and maintain a place of business at the location and on the premises pursuant to the purpose for which the license was issued under this Chapter.

5) Failure of the Licensee to comply with fire, life, safety, health or property maintenance codes of the State or County.

6) Failing to report a violent crime as defined by 725 ILCS 120/3(c) or any instance of the unlawful use or display of a firearm, knife or taser to the Sheriff's Department, or failing to contact Emergency Dispatch for law enforcement assistance upon a request to do so.

7) Failure to contact emergency medical personnel when a person on or near the premises is in obvious need of medical assistance, a person is unconscious, or when a request for such assistance has been made to any employee, manager, licensee or operator of the premises.

In addition to any suspension or revocation the liquor commissioner may make to order to revoke or suspend such person's license, and all fees paid to the county and the licensee's bond shall be forfeited. In addition to the suspension, the local liquor commissioner may levy a fine for such violations. The fine imposed shall not exceed \$1,000 for a first violation within a 12 month period, \$1,500 for a second violation within a 12 month period, and \$2,500 for a third or subsequent violation within a 12 month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 .00 in fines under this section may be imposed against any licensee during the period of his license.

(c) Hearings.

1) Hearings shall be heard by the Liquor Commissioner, or the Vice Chairman of the County Board should the Chairman of the County Board, as Liquor Commissioner, be unavailable or at the direction of the County Board Chairman in his stead.

2) The rules of evidence may be relaxed during any such hearing. The Liquor Commissioner shall preside over the hearing, make all rulings upon the evidence and issue a written decision.

3) A record of the Hearing shall be kept.

4) The Sheriff's Department, a citizen complainant or any County Official may bring a complaint before the Liquor Commissioner.

5) The licensee shall be allowed to present evidence in defense of any action against the license.

6) The States Attorney may act as legal counsel to the Hearing Officer.

7) The Hearing Officer may issue subpoenas.

(d) Appeals.

Appeals from any decision of the County Liquor Control Commissioner or Vice Chairman of the County Board serving as Liquor Control Commissioner to the State Commission shall be limited to review of the official record of the proceedings before the County Liquor Control Commissioner pursuant to 235 ILCS 5/7-9.

6-30 Responsibility for Violations.

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

6- 33 Sanitary requirements for liquor licenses.

Notwithstanding any requirement of the Health Codes of the State of Illinois and County of Kankakee, any premises licensed under this Chapter shall:

- a) Keep the premises, including parking lot(s), inside and outside areas, and equipment clean.
- b) Have running water available in all bathrooms and operating in all sinks, toilets and urinals.
- c) Comply with all sanitary requirements for employees on the premises for selling food or drink and relative to health and cleanliness under the laws of the State of Illinois and County of Kankakee.
- d) Sanitary measures for cleaning and caring for all glasses, dishes, utensils and equipment shall be provided for by all licensees under this Chapter.
- e) No license shall be granted to any applicant for the sale of intoxicating liquors of for consumption on the premises unless separate sanitary toilets for men and women have been installed and provided for on the premises, and such toilets shall at all times be maintained in a clean and sanitary condition, shall have hot and cold running water.
- f) All bathroom facilities shall have toilet paper and hand drying equipment or towels available.

6-34 General Provisions

- a) Premises to be kept clean. All licensees must conduct their business in premises which are at all times kept clean and sanitary. This applies not only to licensed premises but to places of storage as well. This includes also the place of storage for materials and equipment used in the sale of alcoholic liquor.
- b) Cleaning of beer cooling coils; records. Each retailer dispensing draught beer shall have coils and other equipment used in draught beer cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning.
- c) Name of malt beverage manufacturer. Each retail licensee selling malt beverages on draught for consumption on the premises shall display a sign on, over or near each tap or faucet showing the name of the manufacturer of such beverages. This sign must be visible to patrons for a distance of at least ten (10) feet.

6-35 Prohibition of sale or delivery to certain persons.

- a) No licensee shall sell, give or deliver alcoholic beverages to a person under the age of twenty one (21) years. A parent or guardian shall not knowingly suffer or permit his minor child to violate any provision of this Chapter.

b) No Licensee shall sell, give or deliver alcoholic beverages to any intoxicated person, or to any person known by him/her to be a habitual drunkard, narcotic addict, insane or feeble minded person.

6-36 Adoption of State Law and Other County Code Chapters.

Each and every part of the Liquor Control Act of Illinois is hereby adopted by reference as if fully set forth herein and any violation of said act shall be deemed a violation of this chapter and subject to the general penalties of this Code. If there be any conflict between this Chapter and any other section or chapter of the County Code or State Law the more restrictive provision shall apply.

ADOPTED and PASSED this 9th day of April, 2013.



Michael Bossert, Board Chairman

ATTEST:



Bruce Clark, County Clerk