

VILLAGE OF WAYNE CITY
LIQUOR CONTROL ORDINANCE
ORDINANCE NO. 592

WHEREAS, the citizens of the VILLAGE OF WAYNE CITY recently voted to approve the sale of liquor in the VILLAGE OF WAYNE CITY;

WHEREAS, pursuant to the Liquor Control Act of 1934, the VILLAGE OF WAYNE CITY has the authority to regulate the sale of liquor and to establish, by ordinance, the rules and regulations concerning the sale, possession and consumption of liquor within the municipality (See 235 ILCS 5/4-1);

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WAYNE CITY, WAYNE COUNTY, ILLINOIS as follows:

Section 1: RECITALS.

The forgoing recitals are incorporated herein as findings of the Board of Trustees of the VILLAGE OF WAYNE CITY.

Section 2: WORDS AND PHRASES.

Words and phrases in this ordinance, which are defined in the Liquor Control Act of 1934, as amended being Act 5 of Chapter 235 of the Illinois Compiled Statutes (235 ILCS 5/1-1, et seq.) and hereinafter referred to as the “Liquor Control Act”, shall have and be given the same meaning and definition as therein set out, unless the context clearly provides otherwise.

Section 3: LOCAL LIQUOR CONTROL COMMISSIONER.

- a) The Village President shall be the Local Liquor Control Commissioner (hereinafter “Local Liquor Commissioner”), with such duties and powers as may be provided by the Liquor Control Act or by VILLAGE OF WAYNE CITY Ordinance. (See 235 ILCS 5/4-2).
- b) The Local Liquor Commissioner may at his discretion appoint persons to assist him in the exercise of the powers and the performance of his duties as such commissioner. (See 235 ILCS 5/4-2). These individuals so appointed shall be the Local Liquor Control Commission, as described below.
- c) The Local Liquor Commissioner shall file a copy of the appointment of the members of the Local Liquor Control Commission in the office of the Village Clerk within five days after their respective appointments.
- d) The Local Liquor Commissioner shall keep or cause to be kept a complete record of all licenses issued by him as Local Liquor Commissioner, and shall furnish the Village Clerk, the Village Treasurer and the Chief of Police with a copy thereof. Upon the issuance of any new license or the revocation of any old license, the Local Liquor Commissioner shall give written notice of such action to the Village Clerk, the Village Treasurer and the Chief of Police within forty-eight (48) hours of such action.

Section 4: LOCAL LIQUOR CONTROL COMMISSION CREATED.

- a) Created; membership. A Local Liquor Control Commission is created, which shall be composed of 3 members. The Local Liquor Commissioner shall be a member of the commission and its chairman. The remaining 2 members shall be appointed by the

Local Liquor Commissioner. The members shall be one board trustee of the Village of Wayne City and the Wayne City Police Chief.

b) Meetings, Purposes and Duties. The Local Liquor Commissioner shall preside over all meetings of the Local Liquor Control Commission. The purpose of the Local Liquor Control Commission is to assist the Local Liquor Commissioner with evaluating and making determinations on applications for Licenses herein; and in conducting formal disciplinary hearings involving any licensee and in furtherance of that express and limited purpose, the Local Liquor Control Commission shall have and exercise the following powers and duties:

- (1) To make recommendations to the Local Liquor Commissioner to impose a suspension, revocation or fine, for cause, on any license issued pursuant to this Ordinance.
- (2) To conduct disciplinary hearings on any written formal complaint or formal charge; to issue written findings; to exercise such other implied or express powers and duties as may be necessary for the proper conduct of disciplinary hearings and the imposition of any sanction or fee authorized by law.
- (3) To keep minutes of any and all meetings and hearings;
- (4) To perform such other duties and responsibilities as the Local Liquor Commissioner may request, consistent with this Ordinance and the laws of the State of Illinois.

Section 5: LICENSES REQUIRED.

No person or entity shall sell alcoholic liquor at retail without them having a liquor license issued to such person or entity as provided herein for the premises whereon such sales take place. Each license shall expire and terminate on the 31st day of March next following the issue date thereof.

Section 6: APPLICATIONS FOR LICENSE REQUIRED - - PROCEDURE - - CONTENTS.

All applications for a local liquor license shall be made to the Local Liquor Commissioner, and shall be made in writing, signed by the applicant, if an individual; or for clubs, corporations or other business entities, by a duly authorized agent thereof, verified by oath or affidavit; and shall contain the following information and statements:

- a) The name, age and address of the applicant in the case of an individual; in the case of a partnership, names, age, and address of the persons entitled to share in the profits thereof; in the case of a corporation for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors and, if a majority in interest of the stock of such corporation or club is owned by one person or his nominees, the name and address of such person;
- b) The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization;
- c) The character of the business of the applicant;
- d) The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its Charter was issued;

- e) The amount of goods, wares and merchandise on hand at the time application is made and location where stored;
- f) The location and description of the premises or place of business that is to be operated under the license and type of license applied for;
- g) A statement whether the applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;
- h) A statement whether the applicant has ever been convicted of a felony or is otherwise disqualified to receive a license by reason of any matter or thing contained in this ordinance, the laws of this State or the ordinances of this Village; and
- i) Whether a previous license by any state or subdivision thereof, or by the Federal Government has been revoked, and the reasons therefor.

Section 7: PERSONS INELIGIBLE FOR LICENSE.

No license required by this ordinance shall be issued to:

- a) Any person or persons who have not reached the age of twenty-one (21);
- b) A person who is not of good character and reputation in the community in which he or she resides;
- c) A person who is not a citizen of the United States;
- d) A person who has been convicted of a felony under any federal or state law, unless the local liquor control 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 local liquor control commissioner's

investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

- e) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution;
- f) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- g) 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;
- h) A person whose license issued under this ordinance has been revoked for cause;
- i) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership, would not be eligible to receive a license hereunder for any reason other than residence within the VILLAGE OF WAYNE CITY;
- j) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the VILLAGE OF WAYNE CITY;
- k) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company

which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;

- l) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee;
- m) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Liquor Control Act of 1934 and provisions regulating the retail sales of alcoholic liquors in this Village or has forfeited his or her bond to appear in court to answer charges for any such violation;
- n) Any law enforcing public official of the Village, including the President or any member of the Board of Trustees; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to any member of the Board of Trustees in relation to premises that are located within the Village if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the Board of Trustees to which the license holder is elected. Notwithstanding any provision of this paragraph n) to the contrary, a member of the Board of Trustees may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, or President. To prevent any conflict of interest, the elected official with

the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the President may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the Board of Trustees over which he or she presides has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of the Liquor Control Act of 1934;

- o) A person, firm or corporation which does not beneficially 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 to be issued.
- p) A person who has been convicted of a gambling offense as proscribed by any of subsection (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 1962 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforementioned statutory provisions;
- q) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act;
- r) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for the premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Liquor Control Act of 1934.

Section 8: CLASSIFICATION OF LICENSES.

Classes of local liquor licenses are hereby established and are hereby authorized as follows:

CLASS A

(Package/Liquor Stores)

AUTHORIZE THE SALE AT RETAIL OF ALCOHOLIC LIQUOR, AS DEFINED BY THE LIQUOR CONTROL ACT, AT A STORE COMMONLY REFERRED TO AS A, "PACKAGE STORE" OR A "LIQUOR STORE". CONSUMPTION OF ALCOHOLIC LIQUOR IS NOT PERMITTED ON THE PREMISES OF THE STORE WHERE SOLD AND NOT FOR RESALE IN ANY FORM. For purposes of this license classification, the terms "Package Store" or "Liquor Store" means an enclosed place of business kept, maintained, advertised and held out to the public as a place that primarily exists for the retail sale of alcoholic liquor.

CLASS B

(Bars)

AUTHORIZE THE SALE AT RETAIL OF ALCOHOLIC LIQUOR, AS DEFINED BY THE LIQUOR CONTROL ACT FOR CONSUMPTION ON THE PREMISES WHERE SOLD AND NOT FOR RESALE IN ANY FORM. THIS LICENSE SHALL BE ISSUED ONLY TO BUSINESSES THAT PRIMARILY SELL BY THE DRINK FOR CONSUMPTION ON THE PREMISES WITH 50% OR MORE OF THE REVENUE COMING FROM THE SALE OF ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE PREMISES.

CLASS C
(Special Events)

AUTHORIZE THE SALE AT RETAIL OF ALCOHOLIC LIQUOR, AS DEFINED BY THE LIQUOR CONTROL ACT, AT A SPECIAL EVENT AS DEFINED BY THE LIQUOR CONTROL ACT, FOR CONSUMPTION ON THE PREMISES WHERE SOLD AND NOT FOR RESALE IN ANY FORM.

CLASS D
(Restaurants)

AUTHORIZE THE SALE AT RETAIL OF ALCOHOLIC LIQUOR, AS DEFINED BY THE LIQUOR CONTROL ACT, AT A RESTAURANT, AS DEFINED BY THE LIQUOR CONTROL ACT, FOR CONSUMPTION ON THE PREMISES WHERE SOLD AND NOT FOR RESALE IN ANY FORM. NO RESTAURANT SHALL SELL ALCOHOLIC LIQUOR EXCEPT WITH MEALS AT A DINING TABLE AND NOT ACROSS A BAR.

CLASS E
(Retail Stores/Gas Stations)

AUTHORIZE THE SALE AT RETAIL OF ALCOHOLIC LIQUOR, AS DEFINED BY THE LIQUOR CONTROL ACT, IN UNREFRIGERATED PACKAGE SALES ON THE PREMISES, OF BEER AND WINE, WHICH ARE NOT FOR CONSUMPTION ON ITS LICENSED PREMISES, OR ON ANY PREMISES CONNECTED THEREWITH. THE HOLDER OF A CLASS E LICENSE SHALL PROVIDE A SECURE SEGREGATED AREA FOR PLACEMENT OF BEER AND WINE. SUCH SEGREGATED AREA SHALL NOT BE ACCESSIBLE BY ANYONE UNDER THE AGE OF 21. THERE SHALL BE ONLY ONE GATE OR TURNSTILE FOR INGRESS AND EGRESS IN AND OUT OF SUCH SEGREGATED AREA. THERE SHALL BE PROMINENT SIGNAGE STATING THAT ANYONE UNDER THE AGE OF 21 IS PROHIBITED FROM ENTERING SUCH SEGREGATED AREA.

Section 9: RESTRICTION ON NUMBER OF LICENSES AUTHORIZED.

The total number of liquor licenses to be issued by the VILLAGE OF WAYNE CITY shall be, unless otherwise changed by action of the VILLAGE OF WAYNE CITY Board of Trustees:

- a) 2 for Class A Licenses;
- b) 0 for Class B Licenses;
- c) 2 for Class C Licenses;
- d) 4 for Class D Licenses;
- e) 2 for Class E Licenses.

If any licensee then or thereafter holding a liquor license under the provisions of this ordinance fails to renew his or her license, as provided herein, or the same is surrendered, cancelled, revoked or otherwise terminated, such license of any class shall not be re-issued for at least 60 days to allow the VILLAGE OF WAYNE CITY to review the class and number of licenses outstanding and to provide for such amendment as may be deemed necessary at that time.

Section 10: LICENSE PERIOD.

All licenses shall be for one year and shall run from April 1 through March 31 of the following year.

Section 11: LICENSE FEE ESTABLISHED.

The annual fee for licenses shall be as follows:

- a) For Class A liquor licenses, the fee shall be \$1,500;
- b) For Class B liquor licenses, the fee shall be N/A;

- c) For Class C liquor licenses, the fee shall be \$100 per special event;
- d) For Class D liquor licenses, the fee shall be \$1,000;
- e) For Class E liquor licenses, the fee shall be \$1,000.

Section 12: PAYMENT OF LICENSE FEE.

The entire annual license fee shall be paid in advance; however, the fee for any licenses issued after April 1 of any year shall be reduced in proportion to the calendar months which have expired after April 1 prior to the issuance of the license. No part of the license fee after the issuance of said license shall be refunded.

Section 13: DISPOSITION OF FEE.

All fees shall be paid to the Local Liquor Commissioner at the time the application is made and shall be forthwith turned over to the Village Clerk. 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 VILLAGE OF WAYNE CITY Board of Trustees.

Section 14: HOURS OF SALE REGULATED.

No person shall sell, serve, deliver or consume alcoholic liquor, on or in the premises licensed hereunder with a liquor license, on December 25 (Christmas) or on Easter Sunday.

No person shall sell, serve, deliver or consume alcoholic liquor, and no license shall permit the same, on or in the premises licensed hereunder with a liquor license, except during the following time periods:

Monday through Saturday between: 8:00 AM – 10:00 PM.

Sundays between: No sales.

Section 15: SANITARY CONDITIONS.

All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale shall be kept in a clean and sanitary condition.

Section 16: MINORS PURCHASING LIQUOR RESTRICTIONS.

No licensee or any officer, associate, member, representative, agent or employee of a licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years (except as provided in Section 20 below). No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to any person under the age of 21 years, except in the performance of a religious ceremony or service.

For the purpose of preventing a violation of this section, any licensee or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she has attained the age of 21 years or over.

Adequate written evidence of age and identity of the person is no less than one document of which is issued by federal, state, county or municipal government or subdivision or agency thereof, and which document incorporates a photograph of such person along with a statement of the month, day and year of such person's birth.

Section 17: SALE OF FALSE IDENTIFICATION.

No person shall sell, give or furnish to any person under the age of 21 years any false written, printed or photo static representation of the age or identity of such person, under the age of 21 years of age.

Section 18: USE OF FALSE IDENTIFICATION.

No person under the age of 21 years shall present or offer to any licensee or the agent or employee of any licensee any written, printed or photo static evidence of age and identity which is false, fraudulent or not actually said person's own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving of any alcoholic beverage, or to have in possession any false or fraudulent written, printed or photo static evidence of age and identity.

Section 19: POSSESSION BY MINORS.

No person under the age of 21 years shall consume, purchase, accept delivery of, or possess alcoholic liquor, except for the following situations: possession, dispensing or consumption of alcoholic liquor by such a person in the performance of a religious service or ceremony; the consumption of alcoholic liquor by such a person in the privacy of a home, under the direct supervision of, and with the approval of a parent or guardian of such person; or the possession and delivery of alcoholic liquor in pursuance of the employment of such person by a licensee as allowed in this ordinance.

Section 20: EMPLOYMENT OF MINORS.

No person under the age of 21 years shall tend bar or tend a package counter or window, or sell, draw, pour, mix or serve alcoholic liquor and no licensee or any officer, associates, member, representative, agent or employee of a licensee shall engage, employ or permit any person under the age of 21 years to do so; provided that, persons nineteen (19) years of age and over who have completed the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program approved by the Educational Foundation of the National Restaurant Association may serve alcoholic beverages to patrons who are dining at the licensed premises if

the service of such beverages is only incidental to their primary job function of serving food. The exception outlined in this Section 20 only applies to Class D licenses.

Section 21: PARENTS AND GUARDIANS.

It shall be unlawful for any parent, guardian or person in loco parentis to knowingly suffer or permit any person under the age of 21 years of which he or she may be such parent, guardian or person in loco parentis to violate any provision of this ordinance.

Section 22: SALE OF LIQUOR TO INTOXICATED PERSONS.

It is unlawful for any holder of a retail liquor license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him or her to be a habitual drunkard or spendthrift.

Section 23: GAMBLING PROHIBITED; VIDEO GAMING ACT EXCEPTION.

A. No licensee under this ordinance shall operate or suffer or permit to be operated any dice game or card game for money, stakes or any other form of gambling or gambling game in any premises licensed hereunder, or suffer or permit such gambling in any room or premises owned, leased, or controlled by such licensee adjacent to the licensed premises and having an entrance therefrom.

B. Exception. The above prohibition on gambling shall not apply to video gaming and associated activities that are authorized pursuant to the Illinois Video Gaming Act (230 ILCS 40/1 et seq). Any local liquor license holder may allow video gaming pursuant to said Act provided that the local liquor license holder first registers its Illinois Video Gaming license with the Village of WAYNE CITY with a copy of a valid Illinois Gaming Board License allowing video gaming on the license holders premises and a copy of all subsequent renewals of the license holder's Illinois Gaming Board license at the time that the same are issued from the

Illinois Gaming Board. There is hereby imposed on any liquor license holder for the privilege of operating video gaming terminals within the Village an annual video gaming license fee as hereafter described in Section 23 C below, which is payable in addition to the local liquor license holder's fee and which shall be imposed and collected at the same time that the local liquor license holder's liquor license initial or renewal fee is due. In the event that an increase is made in the video gaming license fee in the middle of a license holder's current term, then the increase shall become effective at the time that the license holder's next liquor license fee becomes due. The annual video gaming license fee shall be prorated for any existing local liquor license holder that is making its initial registration with the Village as a video gaming license holder.

C. Video Gaming Fee. The annual video gaming license fee shall be \$25 per video gaming machine authorized to be operated at the video gaming license holder's establishment.

Section 24: NUDITY AND OTHER CONDUCT PROHIBITED.

A. No licensee nor any manager, agent, or employee of licensee shall permit or allow any waitress, waiter, hostess, bartender, employee, agent, patron, or any other person to enter or remain upon any licensed premises nor shall any such licensee, manager, agent, waitress, waiter, hostess, bartender, employee, patron, or any other person enter or remain upon the licensed premises unless dressed in non-transparent and opaque clothing which completely covers from view the human male genitals in a discernibly turgid state, even if opaquely covered, and the human male or female genitals, pubic area, vulva, buttocks, anus, anal cleft and anal cleavage, and the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola or nipple is not exposed in whole or in

part. This subparagraph shall not be construed to apply to a person engaged in the bona fide use of a single sex restroom for its intended purpose or to an occupant(s), and not otherwise visible to the public.

B. No licensee nor any manager, agent, or employee of licensee shall knowingly permit or allow any employee, agent, patron, or any other person upon the licensed premises to engage in nor shall any licensee, manager, employee, agent, patron, or any other person knowingly engage in or knowingly participate in the fondling, caressing, or erotic touching of human genitals, pubic area, vulva, buttocks, anus, anal cleft or cleavage, or female breasts, whether covered or not, of another person. This subparagraph shall be construed so that the person engaged in the touching and the recipient of the touching are each in violation of the Ordinance

Section 25: TRANSFER OF LICENSES.

A person holding a license under this ordinance who desires to sell his place of business, together with such license, may do so provided:

A. The license must be surrendered to the Local Liquor Commissioner.

B. The name of the prospective buyer must be furnished to the Local Liquor Commissioner;

C. The prospective purchaser must demonstrate to the Local Liquor Commissioner that he meets all the requirements for a license under this ordinance;

D. Upon the foregoing being fully complied with, a new license may be issued to the purchaser for the unexpired term of the surrendered license, no additional fee being paid therefor;

E. No refund shall be paid to the person surrendering the license, if the purchaser is

refused the license, the license shall be returned to the original licensee.

Section 26: RENEWAL OF LICENSES.

Any licensee may renew his or her license at the expiration thereof, provided that he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. An application for renewal must include evidence of a valid state retail liquor license for the premises and evidence that the premises is open and operated as a licensed liquor establishment. The renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Board of Trustees from decreasing the number or kinds of licenses to be issued within its jurisdiction.

Section 27: OWNERS OF PREMISES RESPONSIBLE FOR VIOLATIONS.

If the owner of the licensed premises or any persons from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this ordinance, said owner, agent or other person shall be deemed guilty of a violation of this ordinance to the same extent as said licensee and be subject to the same punishment.

It shall be unlawful for any owner or occupant of any premises within the Village to knowingly allow any person under the age of 21 years to remain on such premises while in the possession of alcoholic liquor in violation of the provisions hereof.

Section 28: LIABILITY OF LICENSEE FOR ACTS OF EMPLOYEES.

Every act or omission of whatsoever nature constituting a violation of any 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 such licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done by him or her personally.

Section 29: SIGN WARNING UNDERAGE PERSONS REQUIRED.

Warning Signs to be Posted. In every premises on which the sale of alcoholic liquor is licensed, a sign, clearly visible to the public, shall be posted at the entrance and at the cash register, by the licensee thereof, to be furnished by the licensee, which shall read substantially as follows:

“You must be 21 years old to purchase any liquor and you must be able to prove it. You are subject to prosecution and fine for the purchase of alcoholic beverages or misrepresentation of your age for the purpose of purchasing alcoholic beverages.”

Section 30: POSTING OF LICENSES.

Every person licensed in accordance with the provisions of this ordinance shall immediately post and keep posted while in force, in a conspicuous place on the premises, the license so issued. Whenever such license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the Village Clerk upon the direction of the Local Liquor Commissioner.

Section 31: SUSPENSION OR REVOCATION OF LICENSES.

A. The Local Liquor Commissioner may suspend or revoke local liquor license privileges for violation of a provision of this ordinance or for any violation of the ordinances of the Village of WAYNE CITY or for any violation of State of Illinois Law.

B. The Local Liquor Commissioner when suspending local liquor license privileges may order that the licensee cease and desist all business operations at the licensed premises for the duration of the suspension of local liquor license privileges, to the extent permitted by law, if such commissioner determines that such a closure would assist the enforcement of the suspension in light of the severity of the violation or the frequency of past violations, whether of the same nature or not.

Section 32: USE OF LICENSE.

After a license has been issued, the privileges thereunder shall be actively exercised on the licensed premises. Failure of the licensee to exercise said privileges for a period of 90 days may be cause for revocation of such license absent the showing of substantial reason for the same not within the control of the licensee.

Section 33: INSPECTIONS.

The holder of a liquor license is hereby required to make available for inspection by Law Enforcement or the Local Liquor Commissioner or any member of the Local Liquor Control Commission acting in his place any part of the premises where liquor is sold, served and consumed.

Section 34: INSURANCE REQUIRED.

No license shall be issued hereunder unless the applicant files evidence of dram shop liability insurance covering the entire period of the license in the form of a certificate of insurance issued by an insurance company authorized to do business in the state of Illinois. The insurance shall insure applicant and owner or lessor of the premises in such amounts as may be required by the Liquor Control Act of 1934, or in an amount of not less than \$1,000,000, whichever is greater. The certificate shall be submitted to the Local Liquor Commissioner upon application for or renewal of the liquor license.

Section 35: CONSUMPTION OR POSSESSION OF ALCOHOL IN AN OPEN CONTAINER IN PUBLIC PLACES.

Alcoholic liquor shall not be consumed or possessed in an open container at any time within the Village at, in or on the following places:

1. The right of way of any public highway, street or alley.
2. Any Village properties or rights of ways.

Section 36: LOCAL LIMITATIONS.

No license shall be issued for the sale at retail of any alcoholic liquor that would be located within one hundred (100) feet of any church or school, unless the license is for a business where the sale of alcohol is not the principal business. The distance shall be measured from the property boundary of the licensed premises to the property boundary of the school or church.

Section 37: ADOPTION OF STATE LAW.

All of the provisions of the Illinois Liquor Control Act and of the rules and regulations issued by the Illinois Liquor Control Commission which are or may hereafter be in force, which are applicable to the Village, are incorporated into and declared to be a part of this ordinance the same as if they were expressly set forth herein.

Section 38: VIOLATION - - PENALTY.

The Local Liquor Commissioner, at all times has the discretion to suspend a liquor license upon any violation of this ordinance. Otherwise, a violation of this ordinance shall be fined not less than \$750 for a first offense, and a minimum fine of \$750 for each subsequent offense. A separate offense shall be deemed committed for each day during which a violation occurs or continues.

Section 39: The President and Village Clerk are hereby authorized respectively to execute and attest such other documents as may be necessary to accomplish the purposes herein authorized.

Section 40: This Ordinance shall be in full force and effect from and after its passage by a vote and approval, in the manner provided by law.

AYES: Piper, Noe, McKinney, Austin
NAYS: Simpson
ABSENT: —
ABSTAIN: Wood

Staci Choate
Staci Choate, Village Clerk

APPROVED this 4th day of January, 2021.

Rocky Hedden
Rocky Hedden, Village President

ATTEST:

Staci Choate
Staci Choate, Village Clerk