

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2021-18
AMENDING ORDINANCE #2018-02 and #2017-15

"AN ORDINANCE PROHIBITING THE SALE OR GIVING AWAY OF INTOXICATING
LIQUOR WITHOUT A LICENSE"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
14TH DAY OF March, 2018

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois, this 14th day of March, 2018

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS
ORDINANCE #2018-02 AMENDING ORDINANCE #2017-15,
"AN ORDINANCE PROHIBITING THE SALE OR GIVING AWAY OF INTOXICATING
LIQUOR WITHOUT A LICENSE"

SECTION 1: Unless the context otherwise requires, the various terms as used in this Ordinance shall be construed as follows:

- A. Alcoholic Liquor: "Alcoholic Liquor" means alcohol, spirits, wine, beer, whiskey, ale, or other liquid containing more than one-half of one percent (1/2%) of alcohol by volume which is capable of being consumed as a beverage by a human being;
- B. Restaurant: "Restaurant" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and 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; and
- C. The use of other terms in this Ordinance shall be construed as having the usual and accepted meaning of the said terms as used in the Laws of Illinois.

SECTION 2: It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a license to sell said liquor in accordance with the terms of this Ordinance, or in violation of the terms of such license.

SECTION 3: Applications for such licenses shall be made to the President of the Village Board who shall act as the Liquor Control Commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a corporation, verified by oath or affirmation, and shall contain the following information and statements:

1. The name, age, and address of the applicant in the case of an individual. In the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers, directors, and shareholders;
2. The citizenship of the applicant, his/her place of birth, and if a naturalized citizen, the time and place of his/her naturalization;
3. The character of business of the applicant and in case of corporation, the objects for which it was formed;
4. The length of time that said applicant has been in business of that character or in the case of a corporation, the date on which its charter was issued;
5. The amount of goods, wares, and merchandise on hand at the time application is made;

6. The location and description of the premises or place of business which is to be operated under such license;
7. A statement whether 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;
8. A statement that applicant has never been convicted of a crime and is not 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;
9. Whether a previous license by any state of subdivision thereof, or by the Federal Government has been revoked and if so, the reasons therefore; and
10. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United State, or any Ordinances of the Village in the conduct of his/her place of business.
11. Proof that each employee of the establishment has completed Bassett Training through a qualified program.

By applying for and accepting a license hereunder, either original or renewal, the licensee waives the right to contest the validity or constitutionality of this Ordinance and of every part thereof and amendments thereto and of the laws of the State of Illinois governing the sale of alcoholic liquor at retail.

The Liquor Control Commissioner shall have the following powers, functions, and duties with respect to licenses:

1. To grant and/or suspend for not more than 30 days or revoke for cause all licenses issued to persons for premises within the Village;
2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Ordinance or the Illinois Liquor Control Act (C. 43, S 94 et.seq., Ill. Rev State, 1977), or any rules or regulations adopted by him or be the State Commission have been or are being violated, and at such time, to examine said premises of said licensee in connection therewith;
3. To receive complaints from any citizen within the Village that nay of the provisions of this Ordinance, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaint in the manner provided by law;
4. To receive local license fees and pay the same forthwith to the Village Treasurer;
5. To examine or cause to be examined, under oath, any application for a license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been

served in the manner hereinafter provided, 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/her information in the performance of his/her duties, and for such purpose to issue subpoena which shall be effective in any part of this State. For the purpose of obtaining any of the information desired under this Section, he/she may authorize his/her agent to act on his/her behalf.

6. To appoint a person or persons to assist him/her in the exercise of the powers and the performance of the duties herein set forth;
7. To do or perform such other acts as permitted a local liquor commission for a municipality the size of the Village by State Law.

SECTION 4: No license shall be issued to:

- A. A person who is not a resident of the Village;
- B. A person who is not of good character and reputation in the community in which he/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. If the Liquor Control Commissioner determines, after investigation; that such person(s) has not been sufficiently rehabilitated to warrant the public trust;
- E. A person who has been convicted of being the keeper or is keeping a house of ill fame;
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- G. A person whose State of local liquor license has been revoked for cause;
- H. 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;
- I. A co-partnership unless all of the members of such co-partnership shall be qualified to obtain a license;
- J. A corporation if any officer, manager, or director thereof or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;

- K. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois business Corporation Act (c.32, S142.1, Ill. Rev. Stat. 1977) to transact business in Illinois;
- L. A person whose place of business is conducted by a manager or agent unless the 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 Illinois Liquor Control Act (c.43, S94, Ill. Rev. State. 1977), or has forfeited his bond to appear in court to answer charges for any such violation;
- N. A person who 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;
- O. Any law enforcing public official, including members of local Liquor Commissions, any mayor, alderman, or member of a city council or commission, any president of a Village Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor except that license may be granted so such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;
- P. A person who is not a beneficial owner of the business to be operated by the licensee;
- Q. A person who has been convicted of a gambling offense as prescribed by any of subsections (a) (3) through (a) (10) of Section 28-1 of, or as prescribed by Section 28-3 of the "Criminal Code of 1961", (c38S28-1 et seq., 1977), or as prescribed by statute or replacing any of the aforesaid statutory provisions."

SECTION 5: Each license shall terminate six months from the date of issuance. The fee to be paid shall be reduced in proportion to the full six months which have expired in the period prior to the issuance of the license.

SECTION 6: All license fees shall be paid to the Liquor Control Commissioner at the time the application for license is made and shall be forthwith turned over to the Village Treasurer. 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 such other fund as shall have been designated by the Board of Trustees by proper action.

SECTION 7: A license shall be purely a personal privilege, not to exceed six months after issuance unless sooner revoked as in this Ordinance provided, and shall not constitute property nor shall it be subject to attachment, garnishment, or execution nor shall it be alienable or transferable voluntarily or involuntarily or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the

death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee when such estate consists in part of alcoholic liquor may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or license after the death of such decedent or such insolvency or bankruptcy until the expiration of such license but not longer than six months after death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

SECTION 8: Any licensee may renew his license at the expiration thereof, provided he/she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village or restricting the operation under a license in predominantly residential areas and the licensee is not then in violation of this Ordinance or State law and is not then in defiance of any final order of the Liquor Commission.

SECTION 9: No change in the location of the licensee's place of business shall be made without the written permit to make such change, issued by the Liquor Control Commissioner, which shall be issued only if the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the Ordinances of this Village.

SECTION 10: It shall be the duty of every retail licensee to make his/her or its books and records available upon request at all times for the purpose of investigation and control by the Liquor Control Commissioner.

SECTION 11: It shall be unlawful to peddle alcoholic liquor in the Village.

SECTION 12: All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition and shall be equipped and kept in full compliance with the laws of Illinois and the Ordinances of the Village regulating the condition of premises used for the storage or sale of food for human consumption.

SECTION 13: There shall be issued in the Village no more than three retail liquor dealers' licenses in accordance with the following:

1. Licenses shall be issued to persons, firms, or corporations operating taverns for consumption on the premises, as well as, retail sales of liquor in the original package for removal from said premises.
2. A Class "A" license which shall allow the sale at retail on the premises described in the license of alcoholic liquors to be consumed on or off the premises described. The annual fee for a Class "A" license shall be \$1,000.00, paid in two equal installments of \$500.00 each; the first installment being due at the time of issuance of the license or renewal thereof, and the second such installment due six months later.

A Class “B” license shall permit the sale of beer, wine, and alcoholic spirits only in the original package not to be consumed on the premises described. The terms “beer”, “wine”, and “alcoholic spirits” shall be defined as having that meaning attributed to them by 235 ILCS 5/1, Sections 3.03, 3.04, and 3.02, respectfully. The annual fee for a Class “B” license shall be \$400.00, paid in two equal installments of \$200.00 each; the first installment being due at the time of issuance of the license or renewal thereof, and the second such installment due six months later.

3. It shall be unlawful to sell or offer for sale, give away, or permit the sale, giving away, or consumption of any alcoholic liquor on or in the premises of a licensee other than the business hours of Sunday 12pm to 12am and Monday through Saturday 12pm to 1am.
4. Licensees whose establishments are also classified as restaurants under this Ordinance shall be authorized to open from 6:00 am to 6:00 pm for the purpose of selling food only, on Sunday, but the provisions of paragraph 3 of this Section shall remain in force as to the sale of liquor.

SECTION 14: No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on if such place of business so executed shall have been established for such purposes prior to the taking effect of this Ordinance. No person shall here-after engaged in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary. A church, school, hospital, home for aged or indigent persons or for veterans, their wives or children, military or naval station, undertaking establishment or mortuary, is defined to mean the building or buildings and the surrounding grounds thereof.

SECTION 15: No alcoholic liquor shall be sold, given, or delivered to any person under the age of 21 years, or to any intoxicated person or to any person known to be a habitual drunkard, a spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service.

SECTION 16: No person shall consume any alcoholic liquor on any street, alley, sidewalk, or other public property or in any automobile or vehicle traveling upon or parked on the street, alley, sidewalk, or other public property in the Village, except upon those occasions where an application for a permit allowing said activity has been approved by the Board of Trustees. Said permit shall be in the form of a resolution and shall specify the exact times and areas where the prohibited activity will be authorized. A copy of said permit shall further be posted in a prominent place within the authorized area.

SECTION 17: It shall be unlawful for any minor to be present in the bar room on the premises of an alcoholic liquor licensee unless accompanied by his/her parent or legal guardian and for any

minor to draw, pour, mix, or sell alcoholic liquor as an employee of any licensee hereunder. The Village of Hammond's definition of a minor is any person under the age of 21 years.

SECTION 18: Fines will be assessed for violation of any Village of Hammond Ordinance. The Liquor Commissioner will be responsible for handing out the fines to any entity that has a liquor license within the boundaries of the Village. The following fine schedule is as follows:

1st Offense	Written Warning
2 nd Offense	Suspension of liquor license for 7 days.
3rd Offense	Permanent revocation of liquor license

It shall be noted that any person(s) charged with a felony crime will result in an automatic revocation.

All offenses will be cumulative through the year. The offense will reset to no offenses on the 1st day of January at 2:00 am and will accumulate through the rest of the year.

SECTION 19: The Liquor Control Commissioner may revoke or suspend any license issued by him/her if he/she determines that the licensee has violated any of the provisions of this Ordinance or the Illinois Liquor Control Act (c. 43, S 94 et seq., Ill. Rev. Stat. 1977), or any applicable rules or regulations established by the Liquor Control Commissioner or the State Commission, which is not consistent with the law. However, no such license shall be so revoked or suspended except after a public hearing by the Liquor Control Commissioner with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend.

If the Liquor Control Commissioner has reason to believe that any continued operation of particular licensed premises will immediately threaten the welfare of the community, he/she may, upon issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

The Liquor Control Commissioner shall within five days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order or revocation or suspension and shall service a copy of such order within five days upon the licensee.

SECTION 20: Any person, firm, or corporation violating any provisions of this Ordinance shall, in addition to any suspension or revocation of his/her or its license, shall be fined not less than \$100.00 nor more than \$500.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 21: The Sections and provisions of this Ordinance shall be deemed to be separable and if any of the provisions or Sections hereof or the application of such provision to any person or circumstances shall be held invalid by a court of competent jurisdiction, the remainder of the

Ordinance and the application of such provisions or Sections to person or circumstances other than those as to which it is held invalid shall not be affected thereby.

This Ordinance shall take effect and be in full force from and after its passage and approval, and publication in pamphlet form as required by law. Any and all prior Ordinances not in conformity herewith are hereby revoked and declared null and void.

Passed by the President and the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 14th day of March, 2018, pursuant to a roll call as follows:

AYES: 3

NAYS: 0

ABSENT: 1

Brenda Sebens
Village Clerk of the Village of Hammond,
Piatt County, Illinois

Approved by the President of the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 14th day of March, 2018.

Berrie Slade
President of the Village of Hammond,
Piatt County, Illinois