

County of Rock Island, Illinois

- ♦ -

Liquor Control Resolution

- ♦ -

Be it *Resolved* by the members of the Rock Island County Board of the County of Rock Island, Illinois, as follows:

Article I – Construction

Section 1. **TITLE.** This Resolution shall be know and may be cited as the “County of Rock Island Liquor Control Resolution of 1963, as amended in 1965, 1966, 1973, 1974, 1976, 1977, 1978, 1980, 1983, 1984, 1997, 1998, 2002, 2003, 2004 and 2009.”

Section 2. **LIBERAL CONSTRUCTION.** The provisions of the *Resolution* shall be liberally construed, to the end that the health, safety, and welfare of the people of Rock Island County shall be protected.

Section 3. **DEFINITIONS.** Unless the context clearly indicates otherwise, all words and phrases used in this *Resolution* shall have the same meaning and definition as given such words and phrases in “The Liquor Control act of 1934,” (235 ILCS 5/1-1 et seq.), herein after referred to as the “Illinois Liquor Control Act.”

Section 4. **INCORPORATION OF ILLINOIS ACT.** All provisions of the Illinois Liquor Control Act shall and are hereby made a part of this *Resolution*, insofar as the provisions of the Act that pertain to Rock Island County.

ARTICLE II – Scope of Resolution

Section 1. **UNAUTHORIZED SALES PROHIBITED.** No person, partnership, club, firm, association, corporation or any person acting as an agent, barkeeper, clerk, servant, or employee or another, shall sell or offer for sale at retail any alcoholic liquor within the County of Rock Island, State of Illinois, and outside the corporate limits of any city, village or incorporated town, except as specifically provided in this *Resolution*.

Section 2. **POWER TO LICENSE.** Subject to the limitations and restrictions provided in this Resolution and in the Illinois Liquor Control Act, the Liquor Control Commission of the County of Rock Island, hereinafter called “Commissioner”, may grant licenses for the retail sale of alcoholic liquor within the County of Rock Island and outside

the corporate limits of any city, village, or incorporated town to any person, partnership, club, firm, association or corporation qualified to receive such license upon written application, accompanied by a bond and check, as herein set forth.

ARTICLE III – Liquor Control Commissioner

Section 1. **COMMISSION.** The Liquor Control Commissioner may appoint a member or members of the Rock Island County Board to assist him in the exercise of powers and the performance of the duties herein provided for such Commissioner and such person or persons shall be known as the Liquor Control Commission of the County of Rock Island.

Section 2. **POWERS AND DUTIES.** In the event the Commissioner appoints a Liquor Control Commission of the County of Rock Island, then when, in this *Resolution*, the Commissioner shall be referred to, it shall include said Liquor Control Commission.

Section 3. **COMPENSATION.** The compensation and expenses of the Commissioner, his deputies, assistants or employees, if any, shall be as authorized by the Rock Island County Board.

Section 4. **REGULATIONS.** The Commissioner may adopt such rules and regulations consistent with provisions of the Illinois Liquor Control Act, the rules and regulations of the Illinois Liquor Control Commissioner, and the provisions of this Resolution as may be required to perform properly the functions, duties, responsibilities of his office for the protection of the health, safety, and welfare of the people of this County.

Section 5. **ASSISTANT COMMISSIONER.** In the event the Commissioner appoints a Liquor Control Commission of this County, the Commissioner may appoint an Assistant Commissioner who, in the event the Commissioner is absent from the County or incapacitated, shall preside at Commission meetings and act for the Commissioner.

Section 6. **DEPOSITION OF FEES.** All fees collected by the Commissioner hereunder shall be deposited with the County Treasurer to the credit of the County General Fund.

Article IV – Licenses

Section 1. **APPLICATION.** Application for a license or for a renewal of a license, to sell alcoholic liquor at retail shall be made in writing under oath on a form prescribed by the Commissioner. All applications for renewal of license must be submitted not less

than thirty (30) days prior to the expiration of the licensing period as herein established. All applicants for Class D licenses shall be submitted to the Commissioner a reasonable time prior to the date for which said license is to be in effect.

Section 2. **BOND.** Every applicant for a license shall furnish a good and sufficient bond, the form of which shall be prescribed by the Commissioner, payable to the people of the State of Illinois for the use of the County of Rock Island, Illinois, in the sum of One Thousand (\$1,000.00) Dollars. The condition of such bond shall be that if the licensee or his executor, administrator, or trustee, as the case may be, violates the provisions of the Illinois Liquor Control Act, or the Regulations of the Illinois Liquor Control Commission, or the provisions of this *Resolution*, or the rules adopted by the Commissioner pursuant to this *Resolution*, as any of these may hereinafter be amended, said bond thereupon shall be forfeited.

Section 3. **APPROVAL OF BOND.** The Bond furnished by an applicant must be submitted with the application for a license, and must be approved by the Commissioner prior to the issuance of a license.

Section 4. **LEASED PREMISES.** In all cases where the applicant is a lessee of the premises sought to be licensed, a copy of the applicant's lease shall be submitted to the Commissioner with the application for a license.

Section 5. **ELIGIBILITY FOR A LICENSE.** No license shall be issued to:

- A. A person who is not a bona fide resident of Rock Island County.
- B. A person who is not of good character and reputation in the community in which he 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 Commission determines that such person has been sufficiently rehabilitated to warrant the public trust 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.
- E. A person who has been convicted of being the keeper or in 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 license issued the Illinois Liquor Control Act has been revoked for cause.
- H. A person who at the time of application for renewal of license would not be eligible for such license upon a first application.

- I. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five (5%) per cent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.
- J. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5%) per cent of the stock of such corporation, would not be eligible to receive a license for any other reason other than citizenship and residence within Rock Island County.
- K. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" 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 of 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, or shall have forfeited his bond to appear in court to answer such 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 control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to 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 whose proposed place of business is not properly zoned for the sale of alcoholic liquor or which is not suitable for rather proposed use or which does not have access thereto by means of a road, driveway, or highway suitable to motor vehicle traffic.
- Q. A person who owes any delinquent personal or real property

taxes to the County of Rock Island.

- R. A person who is not a beneficial owner of the business to be operated by the licensee.
- S. A person who has been convicted of 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", approved July 28, 1961, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions.
- T. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- U. A co-partnership to which a federal wagering stamp has been issued by a federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
- V. A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20% (twenty) per cent of the stock of such corporation has been issued a federal wagering stamp of the current tax period.
- W. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

Section 6. **CLASSIFICATION.** License issued by the Commissioner shall be classified as follows:

- A. **CLASS A** licenses which shall authorize the retail sale of alcoholic liquor in an establishment wherein a portion of the premises is reserved for dancing or other entertainment of the patrons or wherein any such dancing or entertainment is contemplated or customarily provided, but any establishment eligible for a Class AA license shall not be eligible for a Class A license.
- B. **CLASS AA** licenses shall authorize the retail sale of alcoholic liquor on premises operated as a restaurant or other place for the service of food, and operated in connection with a hotel or motel, provided that the said hotel or motel consists of fifty (50) or more rental units, and provided further that a portion of the premises may or may not be reserved for dancing or other entertainment.
- C. **CLASS AAA** is hereby created and does authorize the retail sale of liquor on premises operated as a restaurant or night

club in which food is served as a major portion of the business, and in which live entertainment is presented.

- D. **Class AAA-1** licenses which shall authorize the retail sale of alcoholic liquor to be consumed at events outside of establishments possessing any Rock Island County liquor license except Class D. The alcoholic beverage shall be consumed only within a clearly designated beer garden by rope, fence or other barrier. The license shall be valid for the event for which the fee is paid.
- E. **Class B** licenses which shall authorize the retail sale of alcoholic liquor in an establishment wherein no portion of the premises is reserved for dancing or other entertainment and wherein no dancing or other entertainment is contemplated or permitted, but any establishment eligible for a Class AA license shall not be eligible for a Class B license.
- F. **CLASS C** licenses which shall authorize the retail sale of alcoholic liquor in an establishment operated by a club for consumption on the premises by members of the club and their guests.
- G. **CLASS D** licenses which shall authorize the retail sale of alcoholic liquor in a building, temporary structure, or in an open area, which building, temporary structure, or in an open area, which building, temporary structure or open area is being used in connection with an organized picnic, outing, or entertainment event. A Class D license shall have a duration of not to exceed 24 hours and shall be subject to the restrictions set forth in Article V, § 1(a) of the Rock Island County Liquor Control Resolution.
- H. **CLASS E** licenses which shall authorize the retail sale of alcoholic liquor in an establishment wherein sales are made of the unbroken, or original package, commonly called “package stores”, and wherein no facilities are maintained for the consumption of alcoholic liquor by patrons and where no such consumption is contemplated or permitted on the premises.
- I. **CLASS F** licenses which shall authorize the retail sale of alcoholic liquor in an establishment operated in conjunction with a golf course consisting of nine (9) or more holes.

Section 7. **LIMITATION ON NUMBER OF LICENSES.** The total number of liquor licenses in effect at any one time for the respective classes shall be limited as follows:

- A. The total number of Class A, Class B, and Class E licenses

shall not exceed thirty (30), provided that there shall be no limitation in such classes separately.

- B. The total number of Class AA licenses shall not exceed five (5).
- C. The total number of Class AAA licenses shall not exceed five (5.)
- D. Class D licenses shall not be issued in such a manner as to permit the sale of alcoholic liquor by the same three (3) successive days.
- E. The total number of Class F licenses shall not exceed eight (8).

Section 8. **REPEAL OR DECREASE IN LIMITATION.** That the limitations on the total number of liquor licenses in effect for any class enumerated in Article IV, Section 7, of the Rock Island County Liquor Control Resolution, and any decrease in the total number of liquor licenses in effect at any on time for the classes enumerated in Article IV, Section 7, of the Rock Island County Liquor Control Resolution, occasioned by application of the provisions of Article IV, Section 8 of the Rock Island County Liquor Control Resolution, since repealed, shall not prevent issuance of a liquor license for any class enumerated in Article IV, Section 7 of the Rock Island County Liquor Control Resolution, so long as the issuance of such licenses does not have the effect of exceeding the limitations set forth in Article IV, Section 7 of the Rock Island County Liquor Control Resolution for any class enumerated therein.

Section 8. **REPEALED.**

Section 9. **LICENSE FEES.** The amount of the license fees for the respective classes herein shall be as follows:

Class A	\$1,200.00
Class AA	\$1,540.00
Class AAA	\$1,870.00
Class AAA-1	\$ 31.50 per event
Class B	\$1,000.00
Class C	\$ 550.00
Class D	\$ 75.00
Class E	\$1,000.00
Class F	\$ 825.00

Section 10. **PARTIAL FEES.** If a new license is issued by the Commissioner between April 30th and October 30th of any year, the full amount of fees provided herein shall be paid, and if a new license is issued between November 1st and April 30th of any year, only one-half of such fees shall be paid, provided however, that this section shall not apply to Class D licenses or to renewals of licenses of any class.

Section 11. **REFUND OF FEES.** Licensees who have paid the entire amount of license fees as provided herein shall be entitled to a refund of one-half of the license fee paid only in the following instances:

- A. When the premises licensed are located in an area which is lawfully annexed to any city or village, and when such annexation is completed during the first six months of a licensing period.
- B. When the licensee dies and under the provisions of Article VI, Section 1 of the Illinois Liquor Control Act, the licensed business is terminated during the first six months of a licensing period, or when, in such a case, the licensed business continues to operate under a new license and such new license is issued during the first six months of a licensing period.

Section 12. **PAYMENT OF FEE.** Every application for a license, or renewal thereof, shall be accompanied by full payment of the required license fee by check, cashier's check, money order or cash. No license shall be issued or renewed until such fee has been fully paid. In the event any check, cashier's check, or money order, accepted in payment for the fee for issuance or renewal of a license is not paid by the Bank or other entity or agency upon which it is drawn, for any reason, the license of the applicant shall be subject to revocation by the Commissioner, under Article VI of this *Resolution*, unless the applicant shall no later than five (5) days after having been notified by the Commissioner, make full payment of the license fee, in cash, with a penalty of an additional \$10.00. If the application is denied, the fee shall be refunded to the applicant.

Section 13. **DURATION OF LICENSES.** All licenses, except Class D licenses, shall expire at 12 o'clock midnight on April 30th following issuance of the license each year. No license shall be valid for a period greater than one year. Class D licenses shall be valid for a period not to exceed twenty-four (24) hours.

Section 14. **HEARING.** Whenever the Commissioner receives an application for a new license, other than an application for a renewal license, or for a Class D license, he shall hold a public hearing and afford all persons interested therein an opportunity to be heard. The Commissioner shall cause to be published once, a notice of the time and place of such hearing, the name of the applicant, and the proposed location of the premises. Said notice shall appear in a newspaper of general circulation in Rock Island County not more than ten (10) days nor less than five (5) days prior to the date of said hearing.

Section 15. **RULING WITHIN 45 DAYS.** The Commissioner shall grant or refuse to grant a license not later than forty-five (45) days after receipt of the prescribed

application for said license.

Section 16. **REFUSAL TO GRANT LICENSE.** The Commissioner shall refuse to grant a license to any applicant who is not eligible to hold a license under the provisions of Article IV, Section 5, or who does not comply with requirements for application and bond set forth in Article IV. In the event that a license is refused, the Commissioner shall notify the applicant within a reasonable time of the action taken and the reasons, therefore, and he shall return to the applicant the total license fee paid and the bond previously furnished.

Section 17. **FORM OF LICENSE.** All licenses issued by the Commissioner shall be in such form as he may prescribe, subject to the provisions of the Illinois Liquor Control Act.

Article V – Restrictions

Section 1. BUSINESS HOURS.

- A. No licensee shall sell or offer for sale, give or permit the consumption of alcoholic liquor on the licensed premises from 2 o'clock AM until 7 o'clock AM each day except Sundays when such sales and consumption shall be prohibited from 2 o'clock AM until 9 o'clock AM. Class AAA licenses shall be permitted to remain open every day until 3 o'clock AM except on those days on which licensees are prohibited from selling liquor.
- B. It shall be unlawful for any licensee to be open for business or to admit the public to, or to permit the public to enter within, or to permit the consumption of alcoholic liquor is sold at retail under a license issued pursuant to the provisions of this *Resolution* during the hours in which the sale of liquor is prohibited; provided that the term "public" shall not be construed in such a manner as to include licensee, when a named individual is the licensee, or employee of any licensee; and provided further that hotels, motels, and airports may conduct business during those hours in which the sale, gift, or consumption of alcoholic liquor is prohibited as set forth in above paragraph (a) subject to that provision of the sale, gift, or consumption of alcoholic liquor.

Section 2. PERSONS UNDER LEGAL AGE.

- A. No person under the age of 18 years shall be employed in any premises licensed for the retail sale of alcoholic liquor except for

services related exclusively to service of food.

- B. No licensee, or agent, or employee of a licensee, shall permit a person under 18 years of age to enter into or remain within any portion, room, or compartment within a licensed premises wherein alcoholic liquor is drawn, poured, or mixed; provided that this prohibition shall not be deemed to have been violated if the licensee, agent, or employee of a licensee, proves as an affirmative defense that a person under 18 years of age entered into a portion, room, or compartment of a licensed premises wherein alcoholic liquor is drawn, poured, or missed as a patron for the service of food, accompanied by a parent, guardian, or other responsible adult.
- C. No person under the age of 21 shall buy or attempt to buy or accept or receive or consume any alcoholic liquor in or around any licensed premises.
- D. No person under 19 years of age shall enter into or remain within any portion, room, or compartment within a licensed premises wherein alcoholic liquor is drawn, poured, or mixed: provided that this prohibition shall not be deemed to have been violated if a person under 18 years of age shall prove, as an affirmative defense, that he or she entered into or remained within a portion, room, or compartment of a licensed premises wherein alcoholic liquor is drawn, poured, or mixed as a patron for the service of food, accompanied by a parent, guardian, or other responsible adult.

Section 3. **CHANGE OF OWNERSHIP.**

- A. All licensees shall report in writing within thirty (30) days to the Commissioner any changes in ownership of the licensed business, provided that the corporate licensees shall report internal changes by officers and stockholders owning in the aggregate more than five (5%) per cent of the stock of such corporation.
- B. With any change in ownership as described in Section 3.A., the Liquor license shall expire and any new owners must apply for license in compliance with this Ordinance and the Liquor Control Act.

Section 4. **GAMBLING, PROSTITUTION, LEWD ENTERTAINMENT, ETC.**

- A. No gambling devices shall be kept on premises or used for

the purpose of gambling upon the licensed premises, nor shall any gambling be allowed upon the licensed premises.

- B. No pinball machines, video games, jukeboxes or other coin-in-slot mechanical amusement devices, shall be kept on a licensed premises unless such premises shall hold a current license for such pinball machine or other coin-in-slot mechanical amusement device, such pinball machine or other coin-in-slot mechanical amusement device, such license to be issued pursuant to the provisions.
- C. No licensee, and no officer, agent, partner, or employee of any licensee shall purchased or possess a Federal Occupational Wagering Stamp or a \$250 Annual Occupational Gaming Device Stamp, issued by the internal revenue authorities of the United States, for the licensed premises.
- D. No licensee or employee of a licensee shall knowingly permit or commit upon the licensed premises, any act of prostitution, of soliciting a prostitute, of patronizing a prostitute, or of pimping as defined by Statute.
- E. No licensee shall permit indecent, lewd, or obscene entertainment to be performed upon the licensed premises.

Section 5. **SANITATION.** All premises and equipment and utensils used for the retail sale or storage for sale purposes of alcoholic liquors shall be kept in a sanitary condition. All licensed premises shall have running water at any service bar, and shall have and maintain clean and sanitary toilets and toilet rooms, with separate toilet facilities for men and women. All licensees shall keep and maintain the licensed premises in full compliance with the law of Illinois regulating the condition of premises used for storage or sale of food for human consumption.

Article VI – Suspension and Revocation

Section 1. **GROUND.** Any license issued by the Commissioner under the authority of this *Resolution* may be revoked or suspended for a period not to exceed thirty (30) days by the commissioner for any of the following reasons:

- A. Violation of any provision or this *Resolution* or the Regulations promulgated by the Commissioner.
- B. Violation of any provisions of the Illinois Liquor Control Law or the Rules and Regulations of the Illinois Liquor Control Commission.
- C. Violation of any provisions of the Criminal Code of Illinois, as amended (Illinois Revised Statutes; Chapter 38).

- D. Making a false statement as to any material fact in the application for a license hereunder.
- E. Any act, occurrence, or event which would cause the licensee to be ineligible for a new license under the provisions of Article IV – Section 5, herein.
- F. Closing, abandonment, or cessation of the licensed business for a period of more than thirty (30) days.
- G. Failure to pay the application fee for issuance of renewal of a license, after dishonor of a check, cashier's check, or money order used for such purpose, by the bank or other entity or agency upon which it is drawn, in the manner and within the time required by Article IV, Section 12 hereof.

Section 2. **COMPLAINT.** Any five residents of Rock Island County may file a written complaint with the Commissioner stating that any license, subject to the jurisdiction of the Commissioner, has committed any act or omission constituting grounds for suspension or revocation. Such written complaint shall be in the form prescribed by the Commissioner and shall be signed and sworn to be the parties, complaining. Such complaint shall state the particular provision, rule or regulation believed to have been violated and the facts upon which such belief is based.

Section 3. **HEARING.** If the Commissioner finds that the complaint substantially charges a violation of the Illinois Liquor Control Act or of this *Resolution*, and that from the facts alleged there is a reasonable cause for such belief, he shall set the matter for hearing and shall serve upon the license a copy of the complaint and notice of the time and place of such hearing.

Section 4. **NOTICE.** Notice as herein required shall be given by mailing the notice and complaint to the licensed place of business by registered mail, postage prepaid, or by leaving a copy of said notice and complaint at the licensed place of business, or by posting a copy of said notice and complaint upon the licensed premises, provided that said notice be so given at least three days before the date set for hearing.

Section 5. **COMPLAINT BY COMMISSIONER.** The Commissioner or any member of the Rock Island County Liquor Control Commission may file a written complaint with the Commissioner in the same form and manner, and in conformity with the same procedure, as set forth in Article VI; Sections 2, 3, and 4 herein.

Article VII – Violations and Penalties

- Section 1. **ACTS OF AGENT OR EMPLOYEE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this *Resolution*, by any officer, director, manager, or other agent, or employee of any licensee, shall be deemed and held to the act of such licensee, and said licensee shall be subject to suspension or revocation of his license, or modification of hours of operation and subject to criminal prosecution and punishment in the same manner as if said act or omission had been done or omitted by him personally.
- Section 2. **SEPARATE OFFENSES.** Whenever that provisions of this *Resolution* are violated, a separate offense shall be deemed committed each day during or on which the violation occurs or continues.
- Section 3. **PENALTIES.** Any person, partnership, club, firm, association, or corporation who shall violate any provision of this *Resolution*, or any or the rules or regulations of the Commissioner, shall be fined not less than \$50.00 nor more than \$500.00 for a first offense, and for a subsequent offense, not less than \$100.00 not more than \$500.00 and in addition thereto, in the case of individuals, may be imprisoned in the County Jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment. Provided; that any person who violates the age requirements of Section 2 (c) and (d) of Article V of this *Resolution* shall be fined not less than \$100.00 nor more than \$200.00 for each such offense. Any penalty imposed hereunder shall in no way affect the power of the commissioner to revoke or suspend the license of the licensee or to modify hours of operation.

Article VIII – Miscellaneous

- Section 1. **REPEAL OF PRIOR RESOLUTIONS.** All prior *Resolutions* heretofore adopted by the past Board of Supervisors and the present Rock Island County Board of Rock Island County, pursuant to the powers of said Board to control and regulate the sale of alcoholic liquor, are repealed as of the effective date of this *Resolution*.

Section 2. **SAVINGS PROVISION.** If any section, subsection, clause, or phrase of this *Resolution* is for any reason held to be invalid, such decision shall not affect the validity or the remaining portions of this *Resolution*.

Section 3. **EFFECTIVE DATE.** This *Resolution* shall become effective immediately.

Adopted October 22, 1963; and amended in 1965, 1966, 1973, 1974, 1976, 1977, 1978, 1980, 1983, 1984, 1998, 2002, 203, 2004 and 2009.