

TITLE XI: BUSINESS REGULATIONS

Chapter

110. ALCOHOL

111. COIN-OPERATED MACHINES AND VIDEO GAMING

112. SOLICITORS

Richland County - Business Regulations

CHAPTER 110: ALCOHOL

Section

- 110.01 Introduction
- 110.02 Special definition
- 110.03 Licenses required
- 110.04 Applications for license required
- 110.05 Bond required
- 110.06 Persons ineligible for license
- 110.07 License period
- 110.08 License fees established
- 110.09 Payment of license fee
- 110.10 Disposition of fees
- 110.11 Records of licenses kept
- 110.12 Filing of application
- 110.13 Sanitary conditions
- 110.14 Employees
- 110.15 Minors purchasing liquor; restrictions
- 110.16 Sale of liquor to intoxicated persons
- 110.17 Gambling prohibited
- 110.18 Transfer of licenses prohibited
- 110.19 Renewal of licenses
- 110.20 Owners of premises responsible for violations
- 110.21 Liability of licensee for acts of employees
- 110.22 Sign warning underage persons required
- 110.23 Sign warning risk of birth defects
- 110.24 Revocation of licenses power of Liquor Control Commissioner
- 110.25 Insurance required
- 110.26 Adoption of state law
- 110.27 Powers of the Liquor Control Commissioner
- 110.28 Examination of applicant for local license

- 110.99 Penalty

Cross-reference:

Smoking, see Chapter 93

Richland County - Business Regulations**' 110.01 INTRODUCTION.**

All words and phrases used in this chapter which are defined in the Liquor Control Act of 1934, being 235 ILCS 5 et seq., shall have the meaning accorded to such words and phrases in said Act, except as specially defined herein in which instance the words and phrases shall be given the meaning ascribed to them herein.

(Ord. 97-9-9, passed - -2014)

' 110.02 SPECIAL DEFINITION.

The term ***SELL*** means any transfer, or exchange in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee, and includes, but is not limited to, all of the following acts when done for consideration:

(A) The selling of liquor;

(B) The giving away of liquor;

(C) The dispensing of liquor;

(D) The providing of mix, ice, water or glasses for the purpose of mixing drinks containing alcoholic liquor for consumption on the same premises;

(E) The pouring of liquor;

(F) The providing of Aset-up@ containing alcoholic liquor; and

(G) The storage of any alcoholic liquor.

(Ord. 97-9-9, passed - -2014)

' 110.03 LICENSES REQUIRED.

It shall be unlawful to sell, or offer for sale at retail, any alcoholic liquor except during the hours expressly permitted. It shall be lawful for a license holder to sell or offer for sale at retail alcoholic liquor in the county on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday during the hours of 7:00 a.m. until 1:00 a.m. of the following day and on Sunday during the hours of 12:00 noon to 12:00 midnight.

(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

Alcohol

' 110.04 APPLICATIONS FOR LICENSE REQUIRED.

(A) An application for a county retailer=s license for the sale of alcoholic liquors shall be made in writing to the County Clerk, who shall forward the application to the Chairperson of the County Board as the local Liquor Control Commissioner, for such action as the Commissioner may see fit to take pursuant to the law of this state and the ordinances of the county.

(B) The application must be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

- (1) The applicant=s name and mailing address;
- (2) The name and address of the applicant=s business;
- (3) If applicable, the date of the filing of the Aassumed name@ of the business with the County Clerk;
- (4) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983, being 805 ILCS 5 et seq. to transact business in the state;
- (5) The number, the date of issuance and the date of expiration of the applicant=s current local retail liquor license;
- (6) The name of the city, village or county that issued the local retail liquor license;
- (7) The name and address of the landlord if the premises are leased;
- (8) The date of the applicant=s first request for a state liquor license and whether it was granted, denied or withdrawn;
- (9) The address of the applicant when the first application for a state liquor license was made;
- (10) The applicant=s current state liquor license number;
- (11) The date the applicant began liquor sales at his or her place of business;
- (12) The address of the applicant=s warehouse if he or she warehouses liquor;
- (13) The applicant=s Retailer=s Occupation Tax (ROT) Registration Number;
- (14) The applicant=s document locator number on his or her federal special tax stamp;

Richland County - Business Regulations

(15) Whether the applicant is delinquent in the payment of the retailer=s occupational tax (sales tax), and if so, the reasons therefor;

(16) Whether the applicant is delinquent under 235 ILCS 5/6-5, and if so, the reasons therefor;

(17) In the case of a retailer, whether he or she is delinquent under the 30-day credit law (235 ILCS 6-6.3), and if so, the reasons therefor;

(18) In the case of a distributor, whether he or she is delinquent under the 15-day credit law (235 ILCS 5/7A-4), and if so, the reasons therefor;

(19) Whether the applicant has made an application for a liquor license which has been denied, and if so, the reasons therefor;

(20) Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the reasons therefor;

(21) Whether the applicant has ever been convicted of a gambling offense or felony, and if so, the particulars thereof;

(22) Whether the applicant possesses a current Federal Wagering Stamp, and if so, the reasons therefor;

(23) Whether the applicant, or any other person, directly in his or her place of business is a public official, and if so, the particulars thereof;

(24) The applicant=s name, sex, date of birth, Social Security number, position and percentage of ownership in the business; and the name, sex, date of birth, Social Security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager and any person who owns 5% or more of the shares of the applicant business entity or parent corporations of the applicant business entity; and

(25) That he or she has not received or borrowed money or anything else of value, and that he or she will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days), directly or indirectly, from any manufacturer, importing distributor or distributor manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor.

(C) In addition to any other requirement of this chapter, an applicant for a special use permit license and a special event retailer=s license shall also submit proof of adequate dram shop insurance for the special event prior to being issued a license.

Alcohol

(D) In addition to the foregoing information, such application shall contain such other and further information as the State Commission and the local Commission may, by rule or regulation not inconsistent with law, prescribe.

(E) If the applicant reports a felony conviction, such conviction may be considered by the Commission in determining qualifications for licensing, but shall not operate as a bar to licensing.

(F) If said application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed by one member of such partnership or the president or secretary of such corporation or an authorized agent of said partnership or corporation.
(Ord. 97-9-9, passed - -2014)

' 110.05 BOND REQUIRED.

Each and every applicant for a license shall simultaneously, with the application therefor, and prior to the issuance thereof, execute and deliver a bond in the penal sum of \$5,000 to the county as obligee, conditioned for the faithful performance of all of the provisions of this chapter, and all amendments thereto, and the payment of all fines and penalties by reason of the violation hereof, with security to be approved by the local Liquor Control Commissioner. The maximum liability of any and all sureties on the bond shall be limited to the penalty thereof, to-wit: the sum of \$5,000.
(Ord. 97-9-9, passed - -2014)

' 110.06 PERSONS INELIGIBLE FOR LICENSE.

(A) No license required by this chapter shall be issued to:

- (1) A person who is not a resident of the county;
- (2) A person who is not of good character and reputation in the community in which he or she resides;
- (3) A person who is not a citizen of the United States;
- (4) 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 after considering matters set forth in such person=s application and the Commission=s investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- (5) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

Richland County - Business Regulations

(7) A person whose license issued under this Act has been revoked for cause;

(8) 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;

(9) A co-partnership, 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 political subdivision, unless residence is required by local ordinance;

(10) (a) 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 political subdivision;

(10) (b) A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in the state;

(11) 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;

(12) 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 this Act or has forfeited his or her bond to appear in court to answer charges for any such violation;

(13) 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;

(14) 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;

(15) A person who is not a beneficial owner of the business to be operated by the licensee;

(16) A person who has been convicted of a gambling offense as proscribed by 230 ILCS 5 or as proscribed by a statute replaced by any of the aforesaid statutory provisions; or

(17) 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, being 230 ILCS 15 et seq. or the Illinois Pull Tabs and Jar Games Act, being 230 ILCS 20 et seq.

Alcohol

(B) A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this division (B) have been met before any action on the corporation=s license is initiated.

(C) If any licensee holding a liquor license under the provisions of this chapter fails to renew his or her license, as by law provided, or the same is surrendered, cancelled, revoked or otherwise terminated, such license shall not be reissued for at least 60 days to allow the County Board to review the number of licenses outstanding and to provide for such amendment as may be deemed necessary at that time.

(Ord. 97-9-9, passed - -2014)

' 110.07 LICENSE PERIOD.

All licenses shall be for one year and run from January 1 through December 31.

(Ord. 97-9-9, passed - -2014)

' 110.08 LICENSE FEES ESTABLISHED.

The annual fee for licenses shall be as follows.

(A) *Class AA@ Clubs*. Private clubs, including, but not limited to, golf clubs, as well as other private entities not subject to Sunday closing laws, shall have the right to sell, at retail, for consumption on the premises only, to authorized members and guests of said private entities. Alcoholic beverages may be served on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 7:00 a.m. to 1:00 a.m. of the following day. Sunday sales will be allowed during the hours of 12:00 noon to 12:00 midnight. The fee for a Class AA@ license will be \$800 per year.

(B) *Class AB@ Restaurant*. License shall authorize a restaurant to serve alcoholic liquor, beer, wine and pre-packaged drinks as an incidental or accessory part of a food service that serves prepared meals which excludes the serving of snacks. No bar sales. A Class AB@ license shall also require the restaurant to derive at least 50% of its gross sales from the sale of food and no more than 50% of its sales from the sale of alcohol. The sales of alcoholic beverages will be allowed on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday during the hours of 7:00 a.m. to 1:00 a.m. of the following day. Sunday sales will be allowed from 12:00 noon to 12:00 midnight with meals. The fee for a Class AB@ license shall be \$1,250 per year.

Richland County - Business Regulations

(C) *Class AB1@*. This license shall authorize a restaurant to serve alcoholic liquor, beer, wine and prepackaged drinks, as an incidental or accessory part of a food service that serves prepared meals, excluding snacks, and shall authorize retail sales on premises, in unbroken packages, of all types of liquor, beer, wine and prepackaged drinks for consumption off premises. Hours of operation are identical to the hours established for a Class B and Class D license. This Class AB1@ license fee will be \$1,800 per year. The physical address of the establishment, holding a Class AB1@ license, shall not include any other location than that listed on the application. There must be one license per location.

(D) *Class AC@ Bar*. License shall authorize a bar to serve alcoholic liquor, beer, wine, and pre-packed drinks for consumption on the premises. Notwithstanding any other provisions of the chapter, the hours of operation shall be Monday, Tuesday, Wednesday, Thursday, Friday and Saturday during the hours of 7:00 a.m. to 1:00 a.m. of the following day. The fee for a Class AC@ license shall be \$1,250 per year.

(E) *Class AC1@ Bar*. Same rules as Class AC@ except it allows package liquor sales for a fee of \$1,800 per year.

(F) *Class AD@ Package*. License shall authorize retail sales on premises, in unbroken packages, of all types of liquor, beer, wine and pre-packaged drinks for consumption off of the premises. Hours of operation shall be Monday, Tuesday, Wednesday, Thursday, Friday and Saturday during the hours of 7:00 a.m. to 1:00 a.m. of the following day and Sunday during the hours of 12:00 noon to 11:00 p.m. The fee for a Class AD@ license shall be \$1,200 per year.

(G) *Class AE@ Special Event*. License may be issued to a Class AA@ or Class AF@ liquor license of a civic or charitable not for profit organization and shall authorize the sale of beer, wine and/or pre-packaged drinks on special occasions and for a period of one to three consecutive days only. Hours of operation permitted will be Monday, Tuesday, Wednesday, Thursday, Friday and Saturday during the hours of 7:00 a.m. to 1:00 a.m. of the following day and Sunday 12:00 noon to 12:00 midnight at the location designated on such license. The fee for a Class AE@ license shall be \$100 per event.

(H) *Class AF@ Winery*. License issued by the local Liquor Control Commissioner shall authorize the sale and offer for retail sale wine in the original package, for consumption on the premises, as well as other retail sales of such wine in the original package, which shall be consumed on or off the premises. A person possessing an state wine maker=s license, or state wine manufacturer=s license, and a county winery license may also sell wine in its original package to distributors and retailers in the state to the extent authorized by their state license. The fee for a Class AF@ license shall be \$500 per year.
(Ord. 97-9-9, passed - -2014; Ord. 14-4-10, passed 4-10-2014)

' 110.09 PAYMENT OF LICENSE FEE.

(A) The entire annual license fee shall be paid in advance; however, the fee for any licenses issued after January 1 of any year shall be reduced in proportion to the calendar months which have expired after January 1 prior to the issuance of the license.

Alcohol

(B) No part of the license fee, after the issuance of said license, shall be refunded.
(Ord. 97-9-9, passed - -2014)

' 110.10 DISPOSITION OF FEES.

All fees shall be paid to the local Liquor Control Commissioner at the time application is made, and shall be forthwith turned over to the County 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 in such other fund as shall have been designed by the County Board.
(Ord. 97-9-9, passed - -2014)

' 110.11 RECORDS OF LICENSES KEPT.

The local Liquor Control Commissioner shall keep, or cause to be kept, a complete record of all such licenses issued by him or her, and shall furnish the Clerk and Sheriff each with a copy thereof. Upon the issuance of any new licenses, the revocation of any old license or the suspension of any license, the local Liquor Control Commissioner shall give written notice of such action to each of the aforesaid officers within 48 hours of such action.
(Ord. 97-9-9, passed - -2014)

' 110.12 FILING OF APPLICATION.

Applications for such license shall be in writing by the applicant to the County Clerk, accompanied by the required fee in cash, check or money order. The County Clerk shall refer said applications for such license, which shall be in writing by the applicant, to the County Clerk for the local Liquor Control Commissioner. The County Clerk's fee for accepting the license application shall be a non-refundable \$25 per license and shall be submitted in cash, check or money order with the application.
(Ord. 97-9-9, passed - -2014)

' 110.13 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 and shall be kept in full compliance with laws regulating the conditions of premises used for storage or sale of food or beverage for human consumption.
(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

Richland County - Business Regulations**' 110.14 EMPLOYEES.**

It shall be unlawful for any person under the age of 21 years to engage in any way in the preparation of mixed drinks, alcoholic liquor or otherwise to act as bartender. Persons under the age of 21 years may work as waiters or waitresses who handle alcoholic liquor if such handling is limited to the pickup of prepared drinks and the distribution of the prepared drinks to customers.

(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

' 110.15 MINORS PURCHASING LIQUOR; RESTRICTIONS.

(A) It shall be unlawful for any person under the age of 21 years, except as herein provided, to purchase or obtain any alcoholic liquor in any place in the county where alcohol is sold, or to procure any person or persons to purchase liquor for him or her any alcoholic beverage.

(B) It shall be unlawful for any person under the age of 21 years to represent he or she is 21 in obtaining an alcoholic beverage.

(C) It shall be unlawful for any licensee to suffer or permit any person under 21 years of age to be or remain in any room or compartment adjoining or adjacent to, or situated in the room or place where such licensed premises is located, including hours within which the sale of alcoholic liquor does not occur. This division (C) shall not apply to any such person under 21 years of age who is accompanied by his or her parent or to restaurants or other places where the sale of alcoholic liquor is not the principal business carried on. Persons under 21 years of age but at least 18 years of age may, in any rooms or on the licensed premises work, if such work does not involve handling alcoholic liquor, or to work as waiters or waitresses or other employees who handle alcoholic liquor if such handling is limited to the pickup of prepared drinks and the distribution of the prepared drinks to customers on the licensed premises.

(D) It shall be unlawful for any person under 21 years of age to attend any bar to draw, pour or mix any alcoholic beverages including beer and wine, in any licensed retail premises.

(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

' 110.16 SALE OF LIQUOR TO INTOXICATED PERSONS.

It shall be 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, spendthrift or insane, feeble-minded or distracted person.

(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

Alcohol

' 110.17 GAMBLING PROHIBITED.

It shall be unlawful to permit any illegal gambling on any premises licensed to sell alcoholic liquor. (Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

' 110.18 TRANSFER OF LICENSES PROHIBITED.

(A) A license issued under this chapter shall be purely a personal privilege, good for a period not to exceed one year after issuance, unless sooner revoked as herein provided, and shall permit the sale of alcoholic liquors only in the premises described in the application and licenses, and only under the conditions and restrictions imposed in this chapter. The location described in the license and application may be changed only upon a written permit to make such change issued and authorized by action of the County Board and approved by the local Liquor Control Commissioner and only then if the proposed new location is a proper one for the retail sale of alcoholic beverages under the ordinances of the county and laws of the state.

(B) A license issued under this chapter shall not be subject to attachment, garnishment or execution, nor shall it be subject to being hypothecated or encumbered. Such licenses shall not descent 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 bankruptcy, until the expiration of the license, but no longer than six months after the death, bankruptcy or insolvency of such licensee.

(Ord. 97-9-9, passed - -2014)

' 110.19 RENEWAL OF LICENSES.

Any licensee may renew its license at the expiration thereof, provided that it is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the county from decreasing the number or kinds of licenses to be issued within its jurisdiction. (Ord. 97-9-9, passed - -2014)

' 110.20 OWNERS OF PREMISES RESPONSIBLE FOR VIOLATIONS.

Richland County - Business Regulations

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 chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment.

(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

' 110.21 LIABILITY OF LICENSEE FOR ACTS OF EMPLOYEES.

Every act or omission of whatsoever nature constituting a violation of any provisions of this chapter, by any officer, director, manager or other agency 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 has been done by him or her personally.

(Ord. 97-9-9, passed - -2014) Penalty, see ' 110.99

' 110.22 SIGN WARNING UNDERAGE PERSONS REQUIRED.

Every holder of an alcoholic liquor license in the county where alcoholic liquor is sold shall display at all times in a prominent place a printed card which shall be issued by the Liquor Control Commissioner and shall read substantially as follows:

AWARNING TO UNDERAGE PERSONS. YOU ARE SUBJECT TO A FINE OF UP TO \$1,000 UNDER THE ORDINANCES OF THE COUNTY OF RICHLAND, ILLINOIS, IF YOU REMAIN IN THIS ESTABLISHMENT, PURCHASE OR ACCEPT ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.@

(Ord. 97-9-9, passed - -2014)

' 110.23 SIGN WARNING RISK OF BIRTH DEFECTS.

A sign in plain view of all patrons shall read:

AGOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS.@

(Ord. 97-9-9, passed - -2014)

Alcohol

' 110.24 REVOCATION OF LICENSES POWER OF LIQUOR CONTROL COMMISSIONER.

The County Board Chairperson as the Liquor Control Commissioner of the county shall have the power to revoke any license hereunder for violation of any section of this chapter as specified in 235 ILCS 5 et seq., and all other powers granted to him or her in the aforesaid chapter of the state statutes, subject to the restrictions and procedures contained therein.

(Ord. 97-9-9, passed - -2014)

' 110.25 INSURANCE REQUIRED.

(A) No license shall be issued hereunder unless the applicant shall file a certificate of insurance issued by an insurance company authorized to do business in the state certifying that the applicant has in force and effect dram shop insurance in the following minimum coverages: bodily injury, one person: \$50,000; bodily injury, one occurrence: \$100,000; property damage: \$100,000; loss of means of support: \$100,000.

(B) In lieu of the foregoing minimum coverages, the applicant may file a certificate of insurance certifying that the applicant has in force and effect dram shop insurance in the amount of \$300,000 combined single limit. All insurance policies meeting these requirements shall provide that all notices of cancellation or revocation of coverage shall be given to the Liquor Control Commissioner as well as the insured.

(Ord. 97-9-9, passed - -2014)

' 110.26 ADOPTION OF STATE LAW.

All of the provisions of the State Liquor Control Act, being 235 ILCS 5 et seq. and of the rules and regulations issued by the State Liquor Control Commission which are or may hereafter be in force, which are applicable to the county, are hereby incorporated into and declared to be a part of this chapter the same as if they were expressly set forth herein.

(Ord. 97-9-9, passed - -2014)

' 110.27 POWERS OF THE LIQUOR CONTROL COMMISSIONER.

Each local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats:

(A) To grant and or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises within his or her jurisdiction;

(B) 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 Act or any rules or regulations adopted by him or her or by the State Commission have been or are being violated, and at such time to

Richland County - Business Regulations

examine said premises of said licensee in connection therewith;

(C) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act, being 805 ILCS 105 et seq. or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquors without a retailer=s license;

(D) To receive complaint from any citizen within his or her jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner herein provided;

(E) To receive local license fees and pay the same forthwith to the County Treasurer as the case may be; and

(F) The Liquor Control Commissioners shall also have the power to levy fines in accordance with this chapter.

(Ord. 97-9-9, passed - -2014)

' 110.28 EXAMINATION OF APPLICANT FOR LOCAL LICENSE.

The Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner herein 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 of his or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner, he or she may authorize his or her agent to act on his or her behalf.

(Ord. 97-9-9, passed - -2014)

' 110.99 PENALTY.

Whoever violates any provision of this chapter shall be fined as follows.

(A) For the first violation of this chapter, the licensee shall pay a fine of \$100, and the officer, associate, member, representative, employee or other agent of licensee shall also pay a fine of \$100.

(B) For the second violation of this chapter within any 12-month period, the licensee shall pay a fine of \$250, and the officer, associate, member, representative, employee or other agent of licensee shall also pay a fine of \$250.

(C) For the third violation of this chapter within any 12-month period, the licensee shall pay a fine

Alcohol

of \$500, and the officer, associate, member, representative, employee or other agent of licensee shall also pay a fine of \$500.

(D) The intent of this section and the fines and penalties imposed hereunder are to punish both the licensee and the officer, associate, member, representative, employee or other agent of licensee for each violation. The foregoing fines and penalties shall be in addition to any action taken or sanction imposed by the local Liquor Control Commissioner and shall not in any manner limit the authority of said local Liquor Control Commissioner, who shall have the authority to impose any penalty described within this section, including revocation of license.

(Ord. 97-9-9, passed - -2014)

Richland County - Business Regulations

CHAPTER 111: COIN-OPERATED MACHINES AND VIDEO GAMING

Section

- 111.01 Definitions
- 111.02 License required
- 111.03 Application
- 111.04 Permitting gambling
- 111.05 Fees
- 111.06 Non-assignability of license
- 111.07 Placement gambling prohibited
- 111.08 Prizes and awards prohibited
- 111.09 Display of license
- 111.10 Right of entry

- 111.99 Penalty

' 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OPERATOR. Any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose by another, any devices herein defined, whether setting up for operation, leasing or distributing, be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

PROPRIETOR. Any person, firm, corporation, partnership, association or club who, as the owner, lessee or proprietor has under his or her or its control any establishment, place or premises, in or on which such devices are placed or kept for use or play or an exhibition for the purpose of use or play.

VIDEO GAMING TERMINAL. Any electronic video game machine that, upon inserting cash or token, is available to play or simulate the play of a video game, including, but not limited to, video poker, lineup and blackjack, as authorized by the board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens, or is for amusement purposes only.
(Ord. 2013-04-11, passed 4-11-2013)

Richland County - Business Regulations**' 111.02 LICENSE REQUIRED.**

No person, firm, corporation or partnership shall engage in the business of operator of coin-operated amusement devices within the county without first obtaining the proper license therefor.
(Ord. 2013-04-11, passed 4-11-2013) Penalty, see ' 111.99

' 111.03 APPLICATION.

Application for license shall be verified by oath or affidavit and contain the following information:

(A) The name, age and address of the applicant in the case of an individual and in the case of co-partnership, of 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 and directors, and, if a majority of interest (50% or more) of the stock of such corporation is owned by one person or his or her nominees(s), the name and address of such person(s);

(B) The citizenship of the applicant, his or her place of birth, or if a naturalized citizen, the time and place of his or her naturalization;

(C) The address of the place where the applicant intends to operate;

(D) A statement whether the applicant has made a similar application for similar license or premises other than those described in the application and the disposition of that application; and

(E) A statement that the applicant has never been convicted of a felony and is not disqualified under this section to receive a license.
(Ord. 2013-04-11, passed 4-11-2013)

' 111.04 PERMITTING GAMBLING.

The gambling prohibition shall not apply to any game or gaming event for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., provided that such game or gaming event is conducted in full and complete compliance with all requirements of such act and all rules and regulations of the Illinois Gaming Board (see ' 21-3-17).
(Ord. 2013-04-11, passed 4-11-2013)

' 111.05 FEES.

The annual fee for such license shall be \$25 per year or part thereof for each video poker machine, and video gaming terminals set up for operation, leased or distributed to a proprietor.

Coin-Operated Machines and Video Gaming

(A) All operators license fees shall be paid annually in advance to the County Clerk and in no case shall any portion of said license fee be returned to the licensee.

(B) The license period shall be for the fiscal year of the county and all applications for renewal shall be made to the Clerk not more than 30 days but no less than 15 days prior to the expiration of such license.

(Ord. 2013-04-11, passed 4-11-2013) Penalty, see ' 111.99

' 111.06 NON-ASSIGNABILITY OF LICENSE.

The premises of a licensed machine may be changed only upon written permission of the County Board Chairperson. Any license issued hereunder shall be non-assignable and non-transferable.

(Ord. 2013-04-11, passed 4-11-2013) Penalty, see ' 111.99

' 111.07 PLACEMENT GAMBLING PROHIBITED.

(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this chapter shall be construed to authorize, permit or license any gambling devices(s) of any nature whatsoever except as those defined by this chapter.

(Ord. 2013-04-11, passed 4-11-2013) Penalty, see ' 111.99

' 111.08 PRIZES AND AWARDS PROHIBITED.

It shall be unlawful for any person receiving a license pursuant to this chapter to give or award a cash prize or equivalent to any person playing any of the devices or machines enumerated herein above under tournament, league or any other individual competitive play.

(Ord. 2013-04-11, passed 4-11-2013) Penalty, see ' 111.99

' 111.09 DISPLAY OF LICENSE.

Every licensee shall frame and hang his or her license in a conspicuous place in the licensed premise.

(Ord. 2013-04-11, passed 4-11-2013)

Richland County - Business Regulations**' 111.10 RIGHT OF ENTRY.**

The County Sheriff or his or her deputies have the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he or she may deem necessary for the enforcement of this chapter.
(Ord. 2013-04-11, passed 4-11-2013)

' 111.99 PENALTY.

- (A) First offense violation shall be a \$250 fine and suspension of license for 30 days.
- (B) Second offense violation shall be a \$500 fine and 60-day suspension of license.
- (C) Third offense violation shall be a fine of \$1,000 and 90-day suspension of license.
- (D) Fourth or more offense violations penalties will be determined by the County Board.

(E) Should the violator of the coin-operated machine and video gaming ordinance be the holder of a county liquor license, their violations will be reviewed by the County Liquor Commissioner for action.
(Ord. 2013-04-11, passed 4-11-2013)

CHAPTER 112: SOLICITORS

Section

- 112.01 Definitions
- 112.02 Certificate of registration
- 112.03 Application for certificate of registration
- 112.04 Issuance and revocation of certificate
- 112.05 Duty of solicitors
- 112.06 Revoking licenses, reasons for; notice; appeal
- 112.07 License
- 112.08 Display of license
- 112.09 Time limit on soliciting
- 112.10 Coverage

- 112.99 Penalty

' 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS ESTABLISHMENT. Includes the entire premises, including all real estate, buildings and other structures, from which or upon which any business, or a part thereof, dealing with or in any way open to the public is conducted from, or to or upon which the public is invited, whether such business be owned, operated or conducted by any individual, partnership, association, corporation, not for profit corporation or any other person or entity.

REGISTERED SOLICITOR. Includes any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor or his or her person while engaged in soliciting.

RESIDENCE. Includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING. Includes any one or more of the following activities:

Richland County - Business Regulations

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for any kind of consideration whatever;

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publications; or

(4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.
(Ord. 87-5-12A, passed 5-12-1987)

' 112.02 CERTIFICATE OF REGISTRATION.

(A) Every person desiring to engage in solicitation from persons in residences, dwelling units or business establishments within the county is hereby required to make written application for certificate of registration as herein provided.

(B) The following persons, firms or corporations shall be excepted from the requirement of obtaining the certificate of registration as provided above:

(1) Any person, firms or corporation having a permanent residence in the county;

(2) Any person soliciting or peddling anything which such person has personally manufactured or produced, and who maintains a permanent residence in the county;

(3) Any farmer, poultryman or horticulturist soliciting or peddling his or her own produce. This exemption shall apply only to the county residents and shall not apply to farmers, poultrymen or horticulturists who buy goods for resale, as well as selling their own produce grown or produced in the county; provided, however, this exception shall not apply to farmers, poultrymen or horticulturists who buy goods for resale in addition to, or as well as, selling their own produce;

(4) Any county resident soliciting, peddling or selling tickets for, any approved religious, charitable school, educational, veteran or character, building organization;

(5) Fraternal organizations having established local chapters; and

(6) The provisions of this chapter shall not apply to salespersons or agents for wholesale houses or firms who solicit orders from, or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies.

(Ord. 87-5-12A, passed 5-12-1987)

Solicitors

' 112.03 APPLICATION FOR CERTIFICATE OF REGISTRATION.

(A) Application for certificate of registration shall be made upon a form provided by the Sheriff of this county and filed with such Sheriff; the applicant shall truthfully state in full the information requested on the application, to-wit:

- (1) Name and address of current residence, business address;
- (2) Date of birth of applicant and marital status, state driver=s license number;
- (3) Physical description of the applicant;
- (4) Name and address of employer;

(5) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in; and

- (6) Such additional information as the Sheriff may deem necessary to process the application.

(B) All statements made by the applicant upon the application or in connection therewith shall be verified by oath or affirmation.

(C) The Sheriff shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

(D) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five years of the date of application, nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

(Ord. 87-5-12A, passed 5-12-1987)

' 112.04 ISSUANCE AND REVOCATION OF CERTIFICATES.

(A) The Sheriff, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, and the issuance of a certificate of registration to the application would not be in accord with the intent and purpose of this chapter. Endorsement shall be made by the Sheriff upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith. The certificate shall state the expiration date thereof.

Richland County - Business Regulations

(B) Any application for a certificate of registration properly submitted shall be acted upon not later than the fifth day following submission of such application. This period is intended, and shall be used, to allow all necessary research, investigation and processing of applications.

(C) Such registration shall be valid for a period of three days and such person must register at the end of each period.

(D) Licenses and permits issued pursuant to this chapter shall not be assigned or transferred, nor shall they be used by any person other than the person to whom they were issued except as herein provided. It shall be unlawful for any person to transfer, loan or permit the use of his or her license or permit by any other person, except as herein provided.

(E) Any certificate of registration issued hereunder shall be revoked by the Sheriff if the holder of the certificate is convicted of a violation of any of the provisions of this chapter or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation written notice thereof shall be given by the Sheriff to the holder of the certificate in person or by certified U.S. mail addressed to his or her residence address set forth in the application. Revocation shall be effective upon personal service of such notice upon the holder or upon deposit of such notice in the mail, postage and fees fully prepaid.

(Ord. 87-5-12A, passed 5-12-1987) Penalty, see ' 112.99

' 112.05 DUTY OF SOLICITORS.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Ord. 87-5-12A, passed 5-12-1987)

' 112.06 REVOKING LICENSES, REASONS FOR; NOTICE; APPEAL.

(A) Licenses issued pursuant to this chapter may be revoked by the Sheriff after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or any false statement made to the Sheriff in furnishing the information required in filing the application for registration;

(2) Fraud, misrepresentation or any false statement contained in the application for a license;

(3) Any violation of this chapter;

(4) Conviction of the licensee of any felony of crime involving moral turpitude; or

Solicitors

(5) Conducting the soliciting or peddling, in any unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the county.

(B) Notice of the hearing for revocation of a license shall be given in writing, stating the grounds of the complaint, and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at the address given on the application for the license, at least five days prior to the date set for the hearing.

(C) Any person aggrieved by the decision of the Sheriff shall have the right to appeal to the County Board. Such appeal be taken by filing, with the County Clerk, a written statement of the grounds for the appeal within 14 days after notice of the decision by the Chairperson has been given. The County Sheriff shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the County Clerk in the manner herein above provided for notice of hearing of revocation by the Sheriff. (Ord. 87-5-12A, passed 5-12-1987) Penalty, see ' 112.99

' 112.07 LICENSE.

Every person desiring a solicitor=s or peddler=s license shall make application at the Sheriff=s office with all required information.

(Ord. 87-5-12A, passed 5-12-1987) Penalty, see ' 112.99

' 112.08 DISPLAY OF LICENSE.

Every solicitor or peddler licensed under this chapter shall have his or her photograph attached to his or her license and shall have his or her license in his or her immediate possession at all times. When peddling or soliciting, he or she shall display the same upon demand of any peace officer of the county and upon demand of any person to whom he or she is peddling or soliciting.

(Ord. 87-5-12A, passed 5-12-1987) Penalty, see ' 112.99

' 112.09 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this chapter or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as herein defined, prior to 8:00 a.m., or after 6:00 p.m. of any weekday, or at any time on a Sunday or on a State or National Holiday.

(Ord. 87-5-12A, passed 5-12-1987) Penalty, see ' 112.99

Richland County - Business Regulations

' 112.10 COVERAGE.

This chapter shall cover all of the county, excluding the city boundaries of the City of Olney.
(Ord. 87-5-12A, passed 5-12-1987)

' 112.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 for each offense.
(Ord. 87-5-12A, passed 5-12-1987)