

County of Rock Island, Illinois

Liquor Control Ordinance

WHEREAS, 235 ILCS 5/4-2 provides the chairman of the county board or his designee the authority to enact ordinances applicable generally to alcoholic liquor establishment through the county.

WHEREAS, 235 ILCS 5/4-2 further provides this authority shall extend only to that area in any county which lies outside the corporate limits of the cities, villages and incorporated towns therein and those areas which are owned by the county and are within the corporate limits of the cities, villages and incorporated towns with a population of less than 1,000,000, however, such county shall comply with the operating rules of the municipal ordinances affected when issuing their own licenses.

WHEREAS, the County of Rock Island has the authority to create new categories of liquor license.

WHEREAS, the County of Rock Island has, by ordinances, established certain rules, license, and fees associated with alcoholic liquor.

WHEREAS, the previous board when passing the County of Rock Island, Illinois Liquor Control Resolution of 2017 incorrectly numbered the Article and Section numbers.

WHEREAS, the current board aims to rectify that error by the passing of the County of Rock Island, Illinois Liquor Control Ordinance of 2024.

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Rock Island, Illinois that the County of Rock Island, Illinois Liquor Control Resolution of 2017 is hereto repealed and replaced with the following:

**Chapter 2
Liquor Regulations**

Section:

- 2-2-1 Construction
- 2-2-2 Scope of Ordinance
- 2-2-3 Liquor Control Commissioner
- 2-2-4 Licenses
- 2-2-5 Restrictions
- 2-2-6 Suspension and Revocation
- 2-2-7 Violations and Penalties
- 2-2-8 Miscellaneous

2-2-1 Construction

Section 2-2-1-1 **Title:** This ordinance shall be known and may be cited as the “County of Rock Island Liquor Control Ordinance of 2024.”

Section 2-2-1-2 **Liberal Construction:** The provisions of this ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of Rock Island County shall be protected.

Section 2-2-1-3 **Definitions:** Unless the context clearly indicates otherwise, all words and phrases used in this ordinance 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.), hereafter referred to as the “Illinois Liquor Control Act.”

Section 2-2-1-4 **Incorporation of Illinois Act:** All provisions of the Illinois Liquor Control Act shall and are hereby made a part of this ordinance, insofar as the provisions of the Act pertain to Rock Island County.

2-2-2 Scope of Ordinance

Section 2-2-2-1 **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, Illinois, and outside the corporate limits of any city, village, or incorporated town except as specifically provided in this ordinance.

Section 2-2-2-2 **Power to License:** Subject to the limitations and restrictions provided in this ordinance and in the Illinois Liquor Control Act, the Liquor Control Commission of Rock Island County, hereinafter called the “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.

2-2-3 Liquor Control Commissioner

Section 2-2-3-1 **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(s) shall be known as the Liquor Control Commission of Rock Island County.

Section 2-2-3-2 **Powers and Duties:** In the event the Commissioner appoints a Liquor Control Commission of Rock Island County, in this ordinance when the Commissioner is referred to it shall include the Liquor Control Commission.

Section 2-2-3-3 **Compensation:** The compensation and expenses of the Commissioner and his deputies, assistants, or employees, if any, shall be as authorized by the Rock Island County Board.

Section 2-2-3-4 **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 ordinance as may be required to perform properly the functions, duties, and responsibilities of his office for the protection of the health, safety, and welfare of the people of this county.

Section 2-2-3-5 **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 2-2-3-6 **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.

2-2-4 Licenses

Section 2-2-4-1 **Application:** Application for a license or for 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 licenses must be submitted not less than thirty (30) days prior to the expiration of the licensing period as herein established. All applications for Class D licenses shall be submitted to the Commissioner 14 calendar days prior to the date for which said license is to be in effect. The County Clerk shall prepare a sufficient quantity of the forms and shall provide the same to the applicant at no additional charge. Each applicant shall answer all questions on the application form.

Section 2-2-4-2 **Managers:** Each licensee shall have at least one manager on record with the Commissioner and include contact information for said manager. Any person in charge of the day-to-day operations of a licensed establishment shall be considered a manager of said

establishment. Any person acting as manager of a licensed establishment shall submit to fingerprinting and pay all applicable fees for said fingerprinting.

Section 2-2-4-3 **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 Rock Island County, Illinois, in the sum of one thousand dollars (\$1,000.00). The condition of such bond shall be that if the licensee or his/her executor, administrator, or trustee, as the case may be, violates the provisions of the Illinois Liquor Control Act, the regulations of the Illinois Liquor Control Commission, or the provisions of this ordinance, said bond thereupon shall be forfeited.

Section 2-2-4-4 **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 2-2-4-5 **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 2-2-4-6 **Multiple Premises:** A separate license shall be required for each individual place of business operated by a licensee. Such license shall not be transferable from one licensee to another except in conformance with the laws of this State.

Section 2-2-4-7 **Eligibility for a License:** No license shall be issued to:

- A) A person who is not a resident of Rock Island County
- 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, 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.
- E) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

- G) A person whose license issued under this Act 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 if any general partnership thereof, or any limited partnership thereof, owning more than 5% 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 or limited liability company if any member, 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.
 - a. A corporation or limited liability company unless it is incorporated or organized In Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 (805 ILCS 511.01 et seq.) or the Limited Liability Company Act (805 /LCS 18011-1 et seq.) to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.
- K) 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.
- L) 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 who has forfeited his/her bond to appear in court to answer charges for any such violation.
- M) 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.
- N) 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 have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that 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 and except that a license may be granted, in a city or village with a population of 55,000

or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. Notwithstanding any provision of this paragraph to the contrary, an alderman or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the mayor of a city with a population of 55,000 or less or the president of a village with a population of 55,000 or less may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the council or board over which he or she presides has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of the Illinois Liquor Act (235 ILCS 516-2 et seq.).

- O) A person who is not a beneficial owner of the business to be operated by the licensee.
- P) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/28-1, 720 ILCS 5128-1.1, or 720 /LCS 5128-3), or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- Q) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act (ILCS 15/0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (230 /LCS 2011 et seq.).
- R) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 [235 ILCS 5/6- 21].
- S) A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a

manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this paragraph (19), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

- T) A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly [P.A: 98-21], no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this paragraph, a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

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 paragraph have been met before any action on the corporation's license is initiated.

Section 2-2-4-8 **Classification:** Licenses issued by the Commissioner shall be classified as follows:

Class A License: 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 patrons or wherein any such dancing or entertainment is contemplated or customarily

provided. Any establishment eligible for a Class AA license shall not be eligible for a Class A license.

Class AA License: 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 said hotel or motel consists of fifty (50) or more rental units and provided that a portion of the premises may or may not be reserved for dancing or other entertainment.

Class AAA License: Shall 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.

Class AAA-1 License: 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 beer garden clearly designated by rope, fence, or other barrier. This license shall be valid only for the event for which the fee is paid.

Class B License: 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. Any establishment eligible for a Class AA License shall not be eligible for a Class B license.

Class C License: 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.

Class D License: Shall authorize the retail sale of alcoholic liquor in a building, temporary structure, or open area which is being used in connection with an organized picnic, outing, or entertainment event. A Class D license shall have a duration not to exceed 24 hours and shall be subject to the restrictions set forth in Section 2-2-5-1 of the Rock Island County Liquor Control Ordinance.

Class E License: 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.

Class E-E License: Shall authorize the licensee to sell to the general public, alcoholic liquor in original packages only for the consumption off the premises where sold and

shall authorize beer and wine, in conjunction with video gaming, be sold for consumption on the specified premises. Class E-E license holders are allowed to apply for a video gaming license through the state and county. A Class E-E license is exclusive to gas stations/convenience that are not considered a licensed truck stop. The operation of video gaming terminals shall be ancillary to the operation of the premises as a gas station or convenience store. Convenience stores shall be defined as a small sized mercantile store or shop that offers a limited range of grocery and other items that people are likely to need or want as a matter of a convenient supplement to larger stores. The service of beer and wine is limited to one drink per hour per video gaming customer or patron of the premises, and no such customer or patron shall be served more than two beer or wine beverages during the permitted hours of video gaming and retail sale of beer or wine during any one calendar day. It is intended that the service of beer and wine is ancillary to the operation of a gas station or convenience store that holds a valid video gaming license with the state and the county and shall not be advertised or otherwise held out to be a drinking establishment. The license holder shall not serve beer or wine to a patron without their age having been first verified. All beer or wine beverages shall be poured from their original containers into a clear container before serving to a patron. No cans or glass containers shall be allowed. Beer or wine service shall only be provided to patrons who are actively playing on video gaming terminals. Beer or wine beverages may not be removed from the designated gaming area at any time. No happy hour practices shall be allowed on the licensed premises. No patio, beer garden, or similar area is allowed on the licensed premises for alcohol consumption. The license holder shall adhere to the county's closing hours. No window or any other signage shall be permitted on the specified premises or surrounding property that indicates that alcoholic beverages are available for consumption at the specified premises. Establishments shall be subject to all building and zoning regulations, current adopted county, state and accessibility codes; including review and approval of site plans

Class F License: 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 or in conjunction with other seasonal recreational sites such as ski parks.

Class G License: Shall authorize the retail sale of packaged alcoholic liquor on a seasonal basis, such as at a Farmer's Market. Class G licenses are only issued to Illinois licensed liquor retailers to transfer a portion of their alcoholic liquor inventory from their licensed premises to a designated site for a special event. A Class G Special Use Permit Liquor License must be obtained for each location and cannot exceed 15 days in duration. Class G Licenses shall be subject to the restrictions set forth in Section 2-2-5-1 of the Rock Island County Liquor Control Ordinance.

Class H License: Shall authorize the retail sale of alcoholic liquor on premises operated as a restaurant or other place for the service of food, and connected patio or deck areas confined as such, wherein the consumption of packaged goods is prohibited, and operated in connection with a resort/camp ground, provided that said resort/camp ground consists of twenty five (25) or more rental spaces, and shall further authorize the retail sale of alcoholic liquor in a separate establishment within the same resort/camp ground aforementioned wherein sales are made of unbroken or original package, commonly called "package stores".

Class I Catering License: Shall authorize catering companies or restaurants, whether located within or outside of Rock Island County, to cater and serve alcoholic liquors for sale and consumption at a specified private function located exclusively within Rock Island County only jurisdiction. "Off-Site" catering, means the service can take place at a location other than the primary address of the catering company or restaurant.

- A. The fee for a Class I license shall be \$200 per event.
- B. Such license shall not be transferable from one license to another, except in conformance with the laws of this state.
- C. The catering business must abide by all County of Rock Island liquor licensing requirements; prior to the issuance of an original or renewal Class I Catering License; the licensee must provide a copy of their State of Illinois Liquor License, and their State of Illinois seller's license.
- D. A Class I Catering License authorizes the licensee to sell and serve alcoholic liquors for consumption at a specified private function located exclusively within Rock Island County only jurisdiction in connection with the following requirements:
 - (a) Not less than ten (10) days prior to the function, the licensee shall file with the county clerk the location of the event, the estimated number of invited individuals, a description of the private event and proof of dram shop (liability) insurance for the off- site function which is satisfactory to the local liquor control commissioner. Proof of insurance shall include the policy number and amount of coverage: the insurance shall be in the minimum amounts required in subsection (a) of section 6-21 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/6-21(a));
 - (b) The service and consumption of alcoholic liquor shall only be permitted on the premises where food is catered and served by the licensee;
 - (c) License shall only be issued to persons who can demonstrate they are operating a bona fide catering business;
 - (d) A photocopy of the liquor license must be displayed on the premises during any such function;
 - (e) No agent or employee of the licensee shall consume any alcoholic liquor while employed during the catered event;
 - (f) The service of alcoholic liquor must be by a person at least twenty-one (21) years of age who is an agent or employee of the licensee;
 - (g) The licensee shall comply with all applicable ordinances and state

laws and shall obtain all applicable permits for the private catered event.
(h) licensee may sell and serve alcoholic liquor for consumption during the following hours of business at a specified private function.

Section 2-2-4-9 **Limitation on Number of Licenses:** The total number of liquor licenses in effect at any one time for each respective class shall be limited as follows:

- E. The total number of Class A, Class B, and Class E licenses shall not exceed 30 in total, provided that there shall be no limitation in such classes separately.
- F. The total number of Class AA licenses shall not exceed five (5).
- G. The total number of Class AAA licenses shall not exceed five (5).
- H. The total number of Class F licenses shall not exceed eight (8).
- I. Class G licenses shall not be issued in such a manner as to permit the sale of alcoholic liquor in excess of 15 days as per state statute.

Section 2-2-4-10 **Decrease in Limitation:** Reserved

Section 2-2-4-11 **License Fees:** The amount of the license fees for the respective classes herein shall be as follows:

Class A	\$1,320.00
Class AA	\$1,694.00
Class AAA	\$2,057.00
Class AAA-1	\$35.00 per event
Class B	\$1,100.00
Class C	\$550.00
Class D	\$82.50
Class E	\$1,100.00
Class E-E	\$1,320.00
Class F	\$907.50
Class G	\$100.00 per 5 events
Class H	\$2,794.00
Class I	\$200.00 per event

Section 2-2-4-12 **Partial Fees:** If a new license is issued by the Commissioner between April 30 and October 30 of any year, the full amount of fees provided herein shall be paid. If a new license is issued between November 1 and April 30 of any year, only half (½) of such fees shall be paid. This section shall not apply to any Class D licenses or to renewals of licenses of any class.

Section 2-2-4-13 **Refund of Fees:** Licensees who have paid the entire amount of license fees as provided herein shall be entitled to a refund of half (½) of the license fee paid only in the following instances:

- A) When the premises licensed is 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 235 ILCS 5-6-1 of the Illinois Liquor Control Act, the licensed business is terminated during the first six (6) months of a licensing period, or when in such 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 2-2-4-14 **Payment of Fee:** Every application for a license or renewal of a license 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. Application fees shall be refunded if the application for a license or renewal is denied. In the event any check, cashier's check, or money order accepted in payment is not paid by the bank or other entity upon which it is drawn for any reason, the license of the applicant shall be subject to revocation by the Commissioner unless the applicant makes full payment of the license fee in cash with a penalty of an additional \$10.00 within five (5) days of having been notified of nonpayment by the Commissioner.

Section 2-2-4-15 **Duration of Licenses:** All licenses, except Class D licenses, shall expire at 12 o'clock midnight on April 30 following issuance of the license each year. No license shall be valid for a period greater than one (1) year. Class D licenses shall be valid for a period not to exceed 24 hours.

Section 2-2-4-16 **Hearing:** Whenever the Commissioner receives an application for a new license other than for a Class D license, he/she 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 10 days, nor fewer than five (5) days prior to the date of said hearing.

Section 2-2-4-17 **Ruling Within 45 Days:** The Commissioner shall grant or refuse to grant a license no later than 45 days after the receipt of the prescribed application for said license.

Section 2-2-4-18 **Refusal to Grant License:** The Commissioner may deny any liquor license authorized under this ordinance and state law. Such denial shall be in writing specifying

the reason therefore. The applicant may request a hearing to dispute the Commissioner's denial. Such hearing shall be made public and held upon notice to all interested parties and such other persons or entities required to be notified. The decision of the Commissioner shall be rendered in a written order granting or denying the license. A copy of the order shall be mailed to the applicant.

Section 2-2-4-19 **Payment of Fee:** Every application for a license or renewal of a license 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. Application fees shall be refunded if the application for a license or renewal is denied. In the event any check, cashier's check, or money order accepted in payment is not paid by the bank or other entity upon which it is drawn for any reason, the license of the applicant shall be subject to revocation by the Commissioner unless the applicant makes full payment of the license fee in cash with a penalty of an additional \$10.00 within five (5) days of having been notified of nonpayment by the Commissioner.

Section 2-2-4-20 **Form of License:** All Liquor Licenses issued by the Commissioner shall be in such form as he may prescribe, subject to the provisions of the Illinois Liquor Control Act.

Section 2-2-4-21 **Display:** Every licensee shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed premises.

2-2-5 Restrictions

Section 2-2-5-1 **Business Hours:** No licensee shall sell, offer for sale, give, or permit the consumption of alcoholic liquor on the licensed premises from 2:00 a.m. until 7:00 a.m. each day. Class AAA licensees shall be permitted to remain open every day until 3:00 a.m. except on those days on which licensees are prohibited from selling liquor. It shall be unlawful for any licensee to be open for business, admit the public to, permit the public to remain within, or permit the consumption of alcoholic liquor on the licensed premises during the hours in which the sale of liquor is prohibited. The term "public" shall not be construed in such a manner as to include the licensee or employee of any licensee. 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 the above paragraph but are subject to that provision as it relates to the sale, gift, or consumption of alcoholic liquor.

Section 2-2-5-2 **New Year's Eve:** The closing hours provided for in this chapter are hereby extended for a period of one (1) hour on New Year's Eve provided that the licensed establishment not permit any additional patrons on its premises after the normal closing hours provided for in this ordinance and further provided that the licensed establishment not advertise

or indicate in any manner that it is still open for business after the normal closing hours provided for in this chapter. If, during the hour referred to in the preceding paragraph, any disturbance occurs on the licensed premises which appears to endanger the lives, property, or person of the patrons of a licensed premise, the Sheriff or Commissioner or his/her delegates may order the licensed establishment to close its business until the next business day and may order all patrons to leave the premises immediately.

Section 2-2-5-3 Carrying Alcoholic Liquor in Unsealed or Open Containers from Premises: It shall be unlawful for any person to carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased. No licensee, agent, or employee shall knowingly permit any patron to violate this section or sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

Section 2-2-5-4 Persons Under Legal Age:

- A) No person under 21 years of age shall be employed in any premises licensed for the retail sale of alcoholic liquor except for the purposes of preparing or serving food, providing entertainment, and/or providing maintenance or cleanup services. At no time shall a person under 21 years of age tend any bar or pour, handle, mix, draw, sell, or serve any alcoholic liquor on any premises licensed under the provisions of this ordinance.
- B) No licensee, agent, or employee of a licensee shall permit a person less than 21 years of age to enter into or remain with any portion, room, or compartment within a licensed premises wherein alcoholic liquor is drawn, poured, or mixed. For any violation of this section, it shall be an affirmative defense if the licensee qualifies under the following:
 - a. A person under 21 years of age may be in a liquor licensed premises which is also a motor fuel station or store which receives 51% or more of its annual gross revenue from the sale of food, other services, or commodities, for the purpose of obtaining and/or consuming food or purchasing items other than alcoholic liquor. If the alcohol is stored or stocked in a separate section from the rest of the store, person under 21 years of age may not be in that section.
 - b. A person under 21 years of age may be in a liquor licensed premises which is also a restaurant with a full service kitchen, diverse menu, and food being prepared on the premises, for the purpose of consuming food and nonalcoholic beverages. A person under 21 years of age may not be seated at the “bar” of the premises. This qualification shall be applicable only until the time at which the premises stops serving a full menu. If the premise serves a full menu at all hours, persons under 21 years of age must leave the premises by 11:00 p.m. All persons under 21 must

be accompanied by a parent or guardian.

- C) No person under the age of 21 shall buy, attempt to buy, accept, receive, or consume any alcoholic liquor in or around any licensed premises.
- D) If a licensee, agent, or employee of a licensee believes that sale or delivery of alcoholic liquor is prohibited because of the minority of the prospective recipient, he/she shall before making such sale or delivery demand presentation of some form of acceptable identification containing proof of age. The acceptance must be made in reasonable reliance that the person presenting the identification is, in fact, of legal age and the same person pictured on the ID. The following are acceptable forms of identification for the purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license, state photo identification card, passport, or visa. No person on a licensed premise shall refuse to show proof of his/her age when asked to do so by the licensee, agent, or employee. Any person who fails to produce positive proof of age when requested shall immediately leave the premises. With respect to any identifying document containing proof of age, no person shall:
 - a. Alter or deface such identifying document
 - b. Present identifying documents belonging to another person as his or her own
 - c. Carry or use a false or forged identification document
 - d. Obtain any document establishing identity by means of false information

Section 2-2-5-5 **Sale to Intoxicated Persons:** No licensee, agent, or employee shall sell, give, or deliver alcohol to any person known to him/her to be intoxicated.

Section 2-2-5-6 **Change of Ownership:** All licensees shall report to the Commissioner in writing within 30 days 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 percent (5%) of the stock of such corporation. With any change in ownership, the Liquor License shall expire and any new owners must apply for a new license in compliance with this ordinance and the Liquor Control Act.

Section 2-2-5-7 **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 premise, except as allowed under the Illinois Gaming Act and the Rock Island County Video Gaming Ordinance and unless such premises holds a current license for each such device.
- 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 holds a current license for such device.

- C) No licensee, officer, agent, partner, or employee of any licensee shall 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 shall knowingly permit or commit upon the licensed premises any act of prostitution, soliciting a prostitute, patronizing a prostitute, or pimping as defined by statute.
- E) No licensee shall permit indecent, lewd, or obscene entertainment to be performed upon the licensed premises.

Section 2-2-5-8 **Sanitation:** All premises, equipment, and utensils used shall be kept in a sanitary condition and shall be kept in full compliance with the provisions of all ordinances of the county regulating the condition of premises. 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.

Section 2-2-5-9 **Telephones:** Each licensee shall maintain on each licensed premises not less than one telephone in operating order. The telephone must be within easy access of the bartender or other responsible person in charge of the premises for the purpose of reporting to the Sheriff's Department any fights, riots, or disturbances of the peace.

2-2-6 Suspension and Revocation

Section 2-2-6-1 **Grounds:** Any license issued by the Commissioner under the authority of this ordinance may be revoked or suspended for a period not to exceed 30 days for any of the following reasons:

- A) Violation of any provision of this ordinance or the regulations promulgated by the Commissioner
- B) Violation of any provisions of the Illinois Liquor Control Law or Rules and Regulations of the Illinois Liquor Control Commission
- C) Violation of any provisions of the Criminal Code of Illinois as amended (720 ILCS et. seq.)
- D) Making a false statement as to any material fact in the application for a license
- E) Any act, occurrence, or event which would cause the licensee to be ineligible for a new license under the provisions of this ordinance
- F) Closure, abandonment, or cessation of the licensed business for a period of more than 30 days

- G) Failure to pay the application fee for issuance or 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 Section 2-2-4-12 hereof.

Section 2-2-6-2 **Complaint:** Any five (5) 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 by 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 2-2-6-3 **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, 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 (3) days prior to the date set for hearing.

Section 2-2-6-4 **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 set forth in Section 2-2-6 herein.

Section 2-2-6-5 **Hearing:** If the Commissioner finds that the complaint substantially charges a violation of the Illinois Liquor Control Act or this ordinance and finds that, from the facts alleged, there is a reasonable cause for such belief, he/she shall set the matter for hearing and shall serve upon the licensee a copy of the complaint and notice of the time and place of such hearing.

Such hearing shall be public and a record shall be made by sound or video. The licensee may be represented by legal counsel licensed to practice law in the state. All witnesses shall testify under oath administered by the Commissioner or other person authorized to administer such oath in Illinois. Such hearing need not be conducted according to the strict rules of evidence and procedure followed in a court of law, however such hearings shall be conducted in a fair and impartial manner to all concerned. On motion of the licensee, the three-day written notice of hearing may be waived in whole or in part. Any licensee may, at his/her option, waive the right to a public hearing on the suspension or revocation of his/her license.

In such an event, the Commissioner may order any suspension, revocation, or make any other order which would be appropriate upon a finding of a violation at the conclusion of a public hearing. The licensee shall indicate such waiver in writing to the Commissioner at any time prior to the commencement of the public hearing.

The Commissioner shall, within five (5) days after such hearing, if he/she determines that the license should be revoked or suspended, state the reason(s) for such determination in a written order of revocation or suspension and shall serve a copy of such order within the said five (5) days upon said licensee.

The Commissioner shall report in writing to the Illinois Liquor Control Commissioner within 10 days after any order has been entered for a violation by any retail alcoholic liquor licensee of any state law or county ordinance. The report shall specify the date and place where the hearing was held or whether the licensee waived the hearing; whether a suspension or revocation was entered therein; or what other disposition was made or entered in the Commissioner's records.

Section 2-2-6-6 **Appeal:** All decisions of the Commissioner to deny, revoke, or suspend a liquor license may be appealed to the State of Illinois Liquor Commissioner as provided by 235 ILCS 5/7-9.

Section 2-2-6-7 **Record of Hearings:** An official record of proceedings of all public hearings before the Commissioner or any person appointed to conduct liquor investigations and disciplinary hearings shall be made by sound or sound and video recording. Any party to the hearing desiring an official court reporter to take the records shall bear the expense thereof. Any appeal of any order or action taken by the Commissioner shall be limited to a review of such official record.

2-2-2-7 Violations and Penalties

Section 2-2-7-1 **Acts of Agent or Employee:** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this ordinance by any officer, director, manager, agent, or employee of any licensee shall be deemed and held to the act of such licensee. Said licensee shall be subject to suspension or revocation of his/her 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/her personally.

Section 2-2-7-2 **Separate Offenses:** Whenever provisions of this ordinance are violated, a separate offense shall be deemed committed during each day the violation occurs or continues.

Section 2-2-7-3 **Penalties:** Any person, partnership, club, firm, association, or corporation who is found by a commission hearing to have violated any provision of this ordinance or any of the rules or regulations of the commissioner shall be penalized as follows:

A) First offense: Fined not less than \$250.00 nor more than \$500.00

B) Subsequent offenses: Fined not less than \$350.00 nor more than \$500.00 and/or the suspension or revocation of his/her liquor license for 3-10 days.

Any person who violates the age requirements of this ordinance shall be fined \$100.00 for the first offense and \$200.00 for each subsequent 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.

2-2-8 Miscellaneous

Section 2-2-8-1 **Repeal of Prior Resolutions and Ordinances:** All prior resolutions and ordinances heretofore adopted by the past Board of Supervisors and the past or present Rock Island County Board, pursuant to the powers of said County Board to control and regulate the sale of alcoholic liquor, are repealed as of the effective date of this ordinance.


Section 2-2-8-2 **Savings Provision:** If any section, subsection, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity or remaining portions of this ordinance.

Section 2-2-8-3 **Effective Date:** This ordinance shall become effective immediately.

Adopted in open meeting this 21st day of March, 2024.


Richard H. "Quijas" Brunk County Board Chairman

ATTEST:


Karen Kinney, County Clerk

