

ALCOHOLIC BEVERAGE ORDINANCE

MARSHALL COUNTY

ARTICLE I. IN GENERAL

Sec. 1.1. Definitions.

Unless the context otherwise requires, the following terms, as used in this chapter, shall be construed according to the definitions given below:

ALCOHOLIC LIQUORS. Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (1/2 of 1%) alcohol by volume which is fit for beverage purposes.

CLUBS. Any corporation, organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment.

PREMISES. The area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of alcoholic liquor.

RETAILER. Any person who sells or offers for sale alcoholic liquors for use or consumption and not for resale in any form.

RETAIL SALES. The sale for use or consumption and not for resale.

SALE. Any transfer, exchange or barter in any manner, or by any means whatsoever, including all sales made by any person, whether principal, proprietor, agent, servant, or employee.

TO SELL. "To Sell" includes to keep or expose for sale and to keep with intent to sell.

Sec. 1.2. Hours of Sale Generally.

County tavern hours shall be Monday thru Thursday, 7 a.m. until 12 p.m. (Midnight). On Friday and Saturday, the hours

shall be 7 a.m. until 2 a.m. (that is 2 a.m. on Saturday and 2 a.m. on Sunday). On Sunday, the opening hour is noon and the closing hour is 12 p.m. (Midnight). On New Year's Eve the closing hour shall be extended until 2:00 A.M. the following day. It shall be unlawful for any person to sell or offer for sale at retail any alcoholic liquor in Marshall County during hours other than as prescribed by this ordinance.

It shall be unlawful to keep open for business or to permit the public to patronize or occupy any premises where alcoholic liquors are sold at retail during the hours within which the sale of such liquor is prohibited; provided, however, that in the case of restaurants, clubs, hotels, and package stores, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours.

No alcoholic liquor may be sold or served or consumed other than during the hours provided in this chapter.

If a disturbance occurs on the licensed premises which appears to endanger the lives, property, or person of the patrons of a licensed premises, the Sheriff of Marshall County or his delegate may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

Sec. 1.3. Restrictions on Use of Certain Premises

No person operating or conducting a tavern shall serve or permit to be served any alcoholic liquors of any kind in any portion of the premises, the interior of which is shut off from the general public view by doors, curtains, screenings, partitions or other devices of any kind, and no such private area may be maintained as a part of or adjacent to any tavern.

Sec. 1.4. General Conditions of Premises

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary conditions, and shall be kept in full compliance with the provisions of this Code and other ordinances of the County regulating the conditions of premises.

Sec. 1.5. Reporting of the Incidents to Police - Telephone on Premises.

Each licensee and each of his agents and employees shall promptly report to the Marshall County Sheriffs Department any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission of any crime, including any violation of this chapter, and shall truthfully and

fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises, and any events taking place in and about the licensed premises.

Each licensee shall maintain on each licensed premises not less than one telephone in operating order, which phone must be within the easy access of the bartender or other responsible person in charge of the premises at all times, for the purpose of reporting to the Marshall County Sheriffs Department incidents occurring on or about the licensed premises.

Sec. 1.6. Illegal Activities on Premises.

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of Marshall County or law of the State of Illinois or the United States.

ARTICLE II. PERMITS & RETAIL LICENSES

Sec. 2.1. Classes of Licenses Generally.

Licenses to sell alcoholic liquors at retail are hereby divided into five (5) classes as follows:

- (1) Class A. Class "A" licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor. The annual fee for such licenses shall be Four Hundred (\$400.00) Dollars.
- (2) Class B. Class "B" licenses shall authorize the sale alcoholic liquor by private or by fraternal organizations such as a country club, American Legion, etc., to their members and guests. The annual fee for such licenses shall be Two Hundred (\$200.00) Dollars.
- (3) Class C. Class "C" licenses shall authorize the sale of alcoholic liquor for consumption on the premises to club members or guests of licensees which are not for profit corporations, private clubs or fraternal organizations which are open only occasionally and then only to serve their members, guests and families. The annual fee for such licenses shall be Fifty (\$50.00) Dollars.

- (4) Class D. Class "D" licenses shall be issued for the sale of packaged liquor to be consumed off premises only. The annual fee for such licenses shall be Fifty (\$50.00) Dollars.
- (5) Class E. Class "E" licenses shall authorize the sale of alcoholic liquor for one (1) day only. The fee for such license shall be Ten (\$10.00) Dollars.

The fees hereinabove enumerated shall be paid in full on or before the first day of May for each year the license is to be used or on the date the license is issued, whichever occurs first.

Sec. 2.2. Dram Shop Insurance - Required.

At the time of issuance, no license will be given out until the applicant provides the county clerk with a copy of valid dram shop insurance.

Sec. 2.3. Limitation on Number.

There shall be in force at any time no more than fifteen (15) Class "A" license.

Sec. 2.4. License Required; Compliance with Terms & Conditions of License.

It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another to sell or offer for sale at retail in the County any alcoholic liquor without first having obtained a license to do so as provided in this chapter. It shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquors in violation of the terms and conditions of such license.

Sec. 2.5. Contents of Application for Retail License.

An applicant for license to sell alcoholic liquor at retail shall submit to the County Clerk an application in the form adopted by the Marshall County Board in writing under oath stating:

- (1) The name, age and address of the applicant in the case of an individual; in the case of a partnership, and in the case of a corporation for profit, or a club, the date of incorporation, and the names, addresses and ages of the officers, directors, managers, and any stockholders owning or controlling the voting rights to more than five percent

(5%) of the stock of such corporation;

(2) The location and description of the premises or place of business which is to be operated under the license, including a scale drawing of said premises clearly indicating all areas within or adjoining the building or structure which are to be used in connection with the retail sale of alcoholic liquor or are accessible from it;

(3) That the applicant will not violate any ordinance of Marshall County or laws of the State of Illinois or of the United States in the conduct of his place of business.

Sec. 2.6. Submission & Disposition of License Applications.

All applications for licenses to sell alcoholic liquor at retail as authorized by this chapter shall be submitted to the County Clerk by filing in the Office of the County Clerk. The applicable filing fee shall be paid when initial application is filed. The fee shall be separate from all other fees set forth in this Code. All such applications shall be filed in duplicate in the office of the County Clerk and shall be accompanied by the deposit of a certified cashier's check, a money order, or cash in the full amount of the license fee required to be paid for the kind of license applied for, which fee shall be returned to the applicant if such application is denied. The original of said application shall remain in the office of the County Clerk as a permanent record. The County Clerk shall forthwith deliver a copy of said application together with all attachments to the Marshall County Sheriff, who shall then cause a thorough investigation to be made into the fitness and eligibility of the applicant for a license.

Within thirty (30) days of the receipt of the application by the Marshall County Sheriff, he shall report to the Chairman of the Marshall County Board the results of his investigation along with his recommendation whether the application should be granted or denied or held for further investigation including the reasons for such recommendation.

Within ten (10) days of the receipt of the investigation report, and recommendation of the Marshall County Sheriff, the Chairman of the Marshall County Board shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days unless additional investigation, the Chairman of the Marshall County Board shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Chairman of the Marshall County Board shall advise the applicant of the reasons for such action.

seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities and related anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity. Excluded from this definition would be recognized are course which as a portion of their instruction includes drawing, painting, sculpting or photographing a model.

Massage Establishment. Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activities known as massage (any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids or rubbing alcohol, liniments, antiseptics, oils, powder, cream, lotions, ointments or other similar preparations commonly used in this practice), except for health and recreational facilities and clubs which contain ten thousand (10,000) square feet of enclosed and finished space equipped for exercise rooms, gymnasiums, tennis courts, racquetball courts, swimming pools or similar uses directly related to and used in exercising the human body and which establishment does not derive more than five (5) percent of its yearly income from massage services.

Massage Therapist. Any person who practices or administers therapeutic massage, and who has completed at least five hundred fifty (550) hours in a regular course of study of underlying principles of anatomy and physiology as generally recognized by an approved school of massage.

Further Be It Resolved that Sec. 1.3 is hereby amended as follows:

Sec. 1.3 (a) No person operating or conducting a tavern shall serve or permit to be served any alcoholic liquors or any kind in any portion of the premises, the interior of which is shut off from the general public view by doors, curtains, screenings, partitions or other devices of any kind, and no such private area may be maintained as a part of or adjacent to any tavern.

(b) No person operating or conducting a tavern shall operate an adult book store, an adult motion picture theater, an adult mini-motion picture theater, and adult entertainment cabaret, a massage establishment, or a body shop or model studio.

RESOLUTION AMENDING THE ALCOHOLIC BEVERAGE ORDINANCE OF
MARSHALL COUNTY DATED AUGUST 6, 1992,
AS AMENDED

NOW BE IT RESOLVED that the Alcoholic Beverage of Marshall County shall be amended by adding the following definitions:

Adult Use Establishments. Establishments commonly known as, but not limited to the following: 1.) Adult bookstores, 2.) Adult motion picture theaters, 3.) Adult min-motion picture theaters, 4.) Adult entertainment cabarets, 5.) Massage establishment, except therapeutic massage, and 6.) Body shops or model studios (See this section or further definitions of each of the above-enumerated adult use establishments).

Adult Bookstore. Any establishment having as a substantial portion of its stock in trade books, magazines, films for sale or viewing on the premises by the use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities or related anatomical areas or an establishment with a large segment or section devoted to the sale of display of such sexually explicit material.

Adult Entertainment Cabaret. A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers.

Adult Mini-motion Picture Theater. An enclosed building with a capacity for less than fifty (50) person used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities (i.e. x,xx, xxx rated material) and related anatomical areas for observation by patrons therein.

Adult Motion Picture Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or related to sexual activities (i.e. x, xx, xxx rated movies) or related anatomical areas for observation by patrons therein.

Body Shop or Model Studio. Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display sexually oriented anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where any form of consideration or gratuity, nude and

bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. Upon the death of a licensee, if the executor or administrator does not continue the business under such license, there shall be a refund made of that portion of the license fee paid for any period in which the executor or administrator may not operate. Any licensee shall have the right to a renewal of such license; provided, that he is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose, but nothing herein shall be deemed to restrict the right of the Marshall County Board to revoke any such license.

ARTICLE III. LOCATION FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES, ETC.

Sec. 3.1. Liquor Commissioner.

The Chairman of the Marshall County Board shall be the liquor commissioner within the terms of this Ordinance.

PASSED AND APPROVED THIS 6TH day of August, 1992.

AYES 11

NAYS 0

ABSENT 12

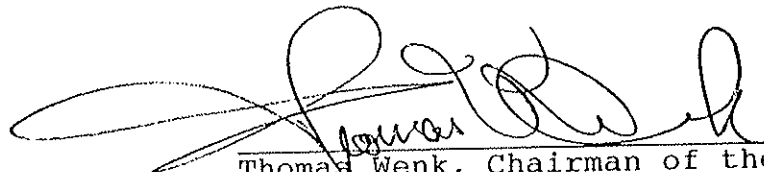
Andrew F. Placher
Andrew Placher, Chairman of the Marshall County Board

ATTEST:

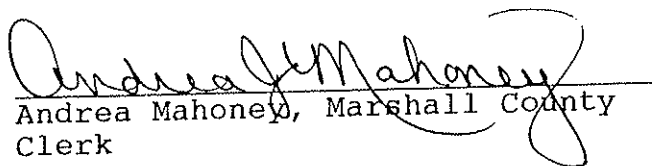
Marjorie a Rossetti
Marjorie Rossetti, County Clerk

PASSED AND APPROVED this 12TH day of NOVEMBER,
1998.

AYES 10
NAYS 0
ABSENT 1


Thomas Wenk, Chairman of the
Marshall County Board

ATTEST:


Andrea Mahoney, Marshall County
Clerk