

ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING ORDINANCE NO. 105 TO ALLOW FOR NON-RESIDENTS TO OBTAIN LIQUOR LICENSES

WHEREAS, Village Ordinance No. 105 currently does not allow for the issuance of liquor licenses to persons who are not a resident of the Village of Secor;

WHEREAS, the Board has determined that it is in the Village's best interests to permit non-residents to obtain liquor licenses;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOIS, THAT:

Section 1. The recitals set forth above are hereby found to be true, correct, and accurate, and are hereby incorporated into this Ordinance.

Section 2. Section 8 of Ordinance No. 105 is amended as follows (additions are underlined; deletions are in ~~strikethrough~~):

SECTION 8. Restrictions of Location; No change of location shall be permitted unless the proposed new location is a proper one of the retail sale of alcoholic liquor under the laws of the State and the ordinances of the Village. A change of location shall be granted only to such persons as the President and Board of Trustees shall deem proper persons to keep a dram shop. No consideration will be given on a change of location without a written request presented to the President and the Board of Trustees.

No license shall be issued for the sale at retail of any alcoholic liquor within three hundred feet of any church or school; provided, that this prohibition shall not apply to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on.

~~No license shall be issued to a person who is not a resident of the Village of Secor.~~

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the Secor Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby superseded and repealed by this ordinance, and any conflicts shall be governed by the ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SECOR,
WOODFORD COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 11th
DAY OF December, 2023.

APPROVED:

Yara Wilkey
President - Pro Temp

ATTEST:

Lori Bagby
Village Clerk

CERTIFICATE OF PUBLICATION

I, LORI BAGBY and the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Secor, a municipal corporation of and in the County of Woodford, Illinois, that the foregoing Ordinance is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Secor on the meeting date set forth therein, and that the Ordinance was published by me in pamphlet form this 11th day of December, 2023, by making three (3) copies thereof available on that date for public inspection.

Lori Bagby
Village Clerk

ORDINANCE NO. 105

**ORDINANCE AMENDING DRAM SHOP ORDINANCE NO. 105 IN ITS
ENTIRETY INCLUDING ALL RESOLUTIONS, AMENDMENTS,
AGREEMENTS AND FORMER ORDINANCES
REGULATING ALCOHOLIC LIQUOR**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOS:

SECTION 1. That it shall be unlawful for any person within the limits of the Village, either by himself, herself, or agent, or for any agent, clerk or servant, or another person, to sell or retail, give away or in any manner dispose of any brandy, rum, gin, whiskey, ale, beer, or any other strong and spirituous, vinous, malt, fermented or intoxicating liquors or wines of any character, or any mixture any portion of which is any of said kinds of liquor, without first having obtained a license so to do, as hereinafter required.

And it shall also be unlawful for any person or persons, by himself, herself, or themselves, or his, her, or their agents or servants to establish, maintain, open or keep within the limits of the Village, any dram shop, saloon or beer house. or place where any of the liquors aforesaid are kept for sale without first having obtained a license so to do as hereinafter required.

SECTION 2. Applications for such license shall be made to the Village President in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation, verified by oath or affidavit, and shall contain the following information and statement:

1. The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profit thereof; and in the case of a corporation for profit the date of the incorporation, and the object for which it was organized; the names and addresses of the officers and directors; and if a majority interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;
2. Age and place of birth;
3. Location of the place of business for such license;
4. A statement that applicant is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of the State, or the Ordinances of the Village;

SECTION 3. Licenses shall be granted only to such persons as the President and the Board of Trustees shall deem proper persons to keep a dram shop;

SECTION 4. The President and Board of Trustees shall, at the first or some subsequent meeting after the annual election, determine whether or not they will issue license under this ordinance for the ensuing year, and in case they determine to issue license they shall at the same time fix the sum of money to be paid therefore, which shall be payable in four equal payments or one annual payment.

The unused portion of the license fee shall be returned to licensee upon return of his or her license before the end of the license period.

SECTION 5. License Classifications; Term; Number Issued. Such licenses shall be divided into three Classes, as follows:

Class A: The Class A license shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other sales of such liquor.

Class B: The Class B license shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold.

Class C: The Class C license shall authorize the retail sale or retail distribution of alcohol by not-for-profit organizations so classified by the Commissioner of Internal Revenue under the Internal Revenue Code of 1954, as amended.

Terms of Licenses:

1. Each Class A and Class B license shall terminate on the date of the Board's May meeting.
2. Each Class C license shall be valid for twenty-four hours.

Number of Licenses:

1. There shall be issued in the Village no more than two Class A licenses to be in effect at any time.
2. There shall be issued in the Village no more than one Class B license to be in effect at any time.
3. There shall be issued in the Village no more than two Class C licenses to be in effect at any time.

SECTION 6: Business Code Restrictions; No person licensed under this Chapter shall:

1. Permit any minor under the age of 21 years to frequent or loiter about the premises so occupied by him without the written permission or order of the parents, person, or guardian having legal custody of such minor;
2. Permit any indecent or disorderly conduct upon the premises occupied by him.
3. Permit any kind of betting or gambling in his place of business, either by means of cards, dice, balls and pins, or any other device;
4. Hinder or oppose or attempt to hinder or oppose any peace officer from entering said building or room at any time said peace officer may deem it necessary to go into the same and for the purpose of inspection; or
5. Allow anyone under the age of 21 who is not a member of the licensee's immediate family to serve alcohol.

SECTION 7. Transfer of License; All licenses shall be non-transferable.

SECTION 8. Restrictions of Location; No change of location shall be permitted unless the proposed new location is a proper one of the retail sale of alcoholic liquor under the laws of the State and the ordinances of the Village. A change of location shall be granted only to such persons as the President and Board of Trustees shall deem proper persons to keep a dram shop. No consideration will be given on a change of location without a written request presented to the President and the Board of Trustees.

No license shall be issued for the sale at retail of any alcoholic liquor within three hundred feet of any church or school; provided, that this prohibition shall not apply to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on.

No license shall be issued to a person who is not a resident of the Village of Secor.

SECTION 9. It shall be unlawful to sell, or offer for sale, or distribute any alcoholic liquor within the corporate limits of the Village under a Class A or B license, except between:

Monday through Thursday, 5:00 a.m. to 12:30 a.m., after which time no beverages shall be sold. Persons will be allowed until 1:00 a.m. to finish their beverages and the building shall be completely closed and everyone out by 1:00 a.m.

Friday and Saturday, 5:00 a.m. to 1:30 a.m., after which time no beverages shall be sold. Persons will be allowed until 2:00 a.m. to finish their beverages and the building shall be completely closed and everyone out by 2:00 a.m.

Sunday, 12:00 noon to 12:30 a.m., after which time no beverages shall be sold. Persons will be allowed until 1:00 a.m. to finish their beverages and the building shall be completely closed and everyone out by 1:00 a.m.

Class C license hours to be set by the President and the Board of Trustees at the time of application for such license.

Holidays: Closing time shall be extended for New Year's Eve until 2:30 a.m., after which time no beverages shall be sold. Persons will be allowed until 3:00 a.m. to finish their beverages and the building shall be completely closed and everyone out by 3:00 a.m.

It shall further be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided that in the case of restaurants such establishments may remain open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

The President and Board of Trustees may, at their discretion, extend the hours of a Class A and B license for a set period of time, if the Licensee submits a request in writing at least ten days in advance.

SECTION 10. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of twenty-one years, or to any intoxicated person, or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining the alcoholic liquor shall sell, give or deliver such alcoholic liquor to any person under the age of twenty-one years, except in the performance of a religious ceremony or service. For the purpose of prevention of violation of the Section, any licensee, or his agent or employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and the fact that he is over the age of twenty-one years.

Adequate written evidence of age and identity of the person is a document issued by a Federal, State, County, or Municipal Government, or subdivision or agency thereof.

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

SECTION 12. Consumption; Any person using, consuming, or handling any alcoholic beverages whatsoever, shall do so only in an establishment provided for said consumption, or in a private home, and it shall be illegal to consume any alcoholic beverages whatsoever on any public property within the Village, whether this be on the streets, sidewalks, alleys, or parks, except as provided by resolution of the Village Board of Trustees.

SECTION 13. The Village President may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the Illinois Liquor Control Act or any valid ordinance or resolution of the Village enacted by the Board of Trustees or any applicable rule or regulation established by the Village President which is not inconsistent with law. However, no such license shall be revoked or suspended except after a public hearing by the President within a three-day written notice to the licensee affording the licensee an opportunity to appear and defend.

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

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

SECTION 14. Penalty; Unless otherwise provided, any person violating any provision of this Chapter shall be fined not less than fifty dollars nor more than two hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

SECTION 15. This ordinance shall be in full force and effect from and after its passage and due publication as provided by law.

PASSED by the Board of Trustees of the Village of Secor this thirteenth day of November, 1995.

Approved by me this 20th day
of November, 1995.

/s/ Betty Steidinger
Village Clerk

/s/ Albert Turner
President of the Village Board of Trustees