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BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GALVA, HENRY COUNTY, ILLINOIS:

**SECTION 1: TITLE.**

This Ordinance shall be known and cited as “The Liquor Control Ordinance of the City of Galva, Illinois.”

**SECTION 2: PURPOSE.**

The purpose of this Ordinance is to protect and promote the public health, safety and general welfare of the City of Galva. This Ordinance is in addition to, and does not preempt, the Liquor Control Act of Illinois.

**SECTION 3: DEFINITIONS.**

Unless otherwise defined herein, terms used in this Ordinance shall have the meanings set forth in an Act Relating to Alcoholic Liquors of the State of Illinois, approved January 31, 1934, as amended (also known as the “Liquor Control Act”), 235 ILCS 5/1-1, *et. seq.*

**SECTION 4: LICENSE REQUIRED; APPLICATION.**

(A) No person shall sell at retail, or solicit or receive an order for, or keep or expose for sale, or keep with the intention of selling, any alcoholic liquor without first obtaining a license therefore, or in violation of the terms of such license or of this Ordinance.

(B) Applications for a liquor license shall be made to the City Mayor (The Local Liquor Control Commissioner), in writing, signed by the applicant if an individual, a managing partner if a partnership, or by a duly authorized agent thereof if a club, corporation or limited liability company, verified by oath or affidavit, and shall contain the following information and statements:

- (1) The name, date of birth, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names, dates of birth, and addresses of officers, managers, directors, stockholders owning more than 5% in aggregate of the stock of the corporation, and any manager or agent thereof who will actually conduct and control the business at the proposed business location of the corporation or club in question.
- (2) The citizenship of the applicant and his place of birth; and, if a naturalized citizen, the time and place of his naturalization.
- (3) The character of business of the applicant; and, in case of a corporation, the objects for which it was formed.
- (4) The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.
- (5) The amount of goods, wares and merchandise on hand at the time application is made.
- (6) The location and description of the premises or place of business which is to be operated under such license.
- (7) A statement whether applicant has made similar application for a similar license on premises other than described in the application, and the disposition of such application.
- (8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state or the ordinances of this City.
- (9) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked, and the reasons for any such revocation.

(10) A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of the City, in the conduct of his place of business.

(11) In the case of an individual or co-partnership, employment history for the past five years.

#### **SECTION 5: BOND.**

An applicant for a liquor license shall, at the time of application, execute and deliver a bond in the penal sum of \$750 to the village as obligee, conditioned for the faithful performance of this ordinance 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 or such other person delegated by him to approve the same. Said bond shall remain in full force and effect during the term of the license.

#### **SECTION 6: INELIGIBLE PERSONS.**

No license shall be issued under this ordinance to:

- (A) A person who is not a resident of the City.
- (B) A person who is not of good character and reputation in the community.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under the laws of the state.
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill fame.
- (F) A person who has been convicted of pandering or other crimes or misdemeanors opposed to decency and morality.
- (G) A person whose license issued under this chapter has been revoked for cause.

(H) A person who at the time of application for renewal of any liquor license issued hereunder would not be entitled to such license upon a first application.

(I) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

(J) A corporation, if an 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 or residence within the City.

(K) A person whose place of business is conducted by a manager or agent unless the manager or agent is otherwise qualified or possesses and maintains the same qualifications required of 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 January 31, 1934, or shall have forfeited his bond to appear in court to answer charges for any such violation.

(M) A person who does not 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; a purchaser under the terms of a real estate installment contract shall be deemed to be the owner of the premises for the purpose of this division.

(N) Any law enforcing public official, Mayor, or Alderman, or any official interested directly 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 to any alderman in relation to premises that are located within the corporate limits of the City of Galva if the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; the issuance of the license is approved by the State Commission; and the official

granted a license does not vote on alcoholic liquor issues pending before the council to which the license holder is elected.

(O) Any person, association, or corporation not eligible for a state retail liquor dealer's license.

## **SECTION 7: CLASSIFICATION; FEES.**

Liquor licenses and fees are hereby divided into classes as follows:

(A) Class "A" license, which shall authorize the retail sale on the premises specified, of alcoholic liquor for consumption on the said premises as well as other retail sales of such liquor, on all days except as provided by law. The annual fee for such class "A" license is \$1,000.00.

(B) Class "B" license, which shall authorize the retail sale by not-for-profit clubs, nationally affiliated, on club premises, of alcoholic liquor for consumption on the premises of said club, by members and their guests, on all days except as otherwise provided by law. The annual fee for such class "B" license is \$500.00.

(C) Class "C" license, which shall authorize the retail sale of draft beer and wines with alcoholic content no greater than 20% by volume, by establishments which also serve prepared and ready to eat food, such beer and wines to be served with order or orders of such food and to be consumed only on the premises. There shall be no bar or barstool in such licensed premises. The annual fee for such class "C" license is \$600.00.

(D) Class "D" license, which shall authorize the retail sale of packaged liquor of all kinds. The annual fee for such class "D" license is \$600.00.

(E) Class "E" license, which shall authorize the retail sale of packaged liquor of all kinds in an establishment physically located separate and apart from any other type of retail business. The annual fee for such class "E" license is \$800.00.

(F) Class "F" license, which shall authorize the retail sale of alcoholic beverages by bowling alleys. The sale of alcoholic beverages shall be incidental to the primary function of the subject premises as a bowling alley. The alcoholic beverages shall be sold for consumption only on the premises by patrons of the facility and their guests. The annual fee for such class "F" license is \$800.00.

(G) Class "G" license, which shall authorize the retail sale of alcoholic beverages by the drink or by the pitcher only, for consumption only on the premises, in the course of a rental hall business. In the course of said business, the licensee is entirely responsible for the control of all patrons on the premises. At no time shall patrons be allowed to act as bartenders or otherwise dispense alcoholic beverages. The licensee or a manager acting for the licensee must be on the premises whenever said premises are used for the sale of alcoholic liquor. The annual fee for such class "G" license is \$250.00.

(H) Class "H" license, which shall permit the sale of alcoholic liquor by a caterer or current holder of another type of liquor license under this chapter in connection with the sale of prepared food, for service at private parties, weddings or other similar private events which are not open to the public, at a location other than the premises leased, owned or otherwise operated by the licensee. For the purposes of the application of the regulations of this Ordinance, the location of the catered event shall be deemed the licensed premises. In addition to compliance with other requirements for licensed premises in this Ordinance, a Class "H" licensee shall meet and operate in compliance with the following requirements:

(a) The Class H licensee shall be a bona fide caterer or current holder of another type of liquor license provided for in this Ordinance.

(b) Consumption of alcoholic liquor shall be permitted only on the premises where the food is catered.

(c) Gross revenues from the sale of alcoholic liquor at any event catered by a Class H licensee shall not exceed forty percent (40%) of the total gross revenues generated from the sale of alcohol and food at that event. The Class H licensee shall submit an affidavit on a quarterly basis, on a form provided by the Liquor Commissioner, certifying compliance with this requirement.

(d) In the event that the Class H licensee has entered into a contract with another individual or entity for the service of food at the catered event, a copy of said contract shall be available for inspection on the premises of the catered event, during said event.

(e) No event catered by a Class H licensee shall exceed three days in length, nor shall alcoholic liquor be served at such an event for more than eight (8) consecutive hours.

The annual fee for such class "H" license is \$250.00.

#### **SECTION 8: TERM OF LICENSE.**

(A) All classes of licenses shall terminate on the thirtieth day of April next following the date of their issuance. The fees to be paid for such licenses shall be payable annually in full, in advance for the term on or before the first day of May of the fiscal year for which application is made. No license shall be issued for any part or portion of the fiscal year, except the whole, and no rebate or refund shall be given for any license issued after the commencement of the fiscal year.

(B) Any issued license shall automatically terminate, prior to the end of the fiscal year, on the thirtieth day following the closure of the business for which the license was issued.

#### **SECTION 9: NUMBER OF LICENSES.**

Licenses in the respective classes shall be limited in number as follows:

- (A) The maximum number of class "A" licenses shall be four (4).
- (B) The maximum number of class "B" licenses shall be one (1).
- (C) A Class "C" license may be issued to any qualified applicant.
- (D) The maximum number of class "D" licenses shall be five (5).
- (E) A Class "E" license may be issued to any qualified applicant.
- (F) A Class "F" license may be issued to any qualified applicant.
- (G) A Class "G" license may be issued to any qualified applicant.
- (H) A Class "H" license may be issued to any qualified applicant.

**SECTION 10: DISPOSITION OF FEES.**

The Local Liquor Commissioner, upon the issuance of any license or licenses and receiving the fees therefore, shall pay the same forthwith to the City Clerk to be placed in the General Fund of the City.

**SECTION 11: TRANSFER.**

A license shall be purely a personal privilege, good for a period of time not to exceed one year after issuance, unless sooner revoked as in this chapter provided; and, said license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, either voluntarily or involuntarily, nor subject to being encumbered or hypothecated. Such license shall descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate which 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.

**SECTION 12: RENEWAL.**



Any licensee may renew his license at the expiration thereof, provided he 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 Mayor or City Council from decreasing the number of licenses to be issued within their jurisdiction.

### **SECTION 13: LIST.**

The Mayor shall keep or cause to be kept a complete record of all such licenses issued by the Mayor, and shall furnish the Clerk, and Chief of Police each a copy thereof. Upon the issuance of any new license or the revocation of any existing license, the Mayor shall give written notice of such action to each of these officers within 48 hours of such action.

### **SECTION 14: CHANGE OF LOCATION.**

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the building on the premises described in the application and license. Such location may be changed only upon the written permission to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the state and the ordinances of the City.

### **SECTION 15: SEPARATE LICENSE FOR EACH LOCATION.**

A separate license is required for each stand, room or enclosure, or for each suite of rooms or enclosures, which are not in direct connection and contiguous to each other, in and from which alcoholic liquor is sold or offered for sale for consumption on the premises. No license shall be issued for the sale of alcoholic liquor in any dwelling house, flat or apartment building. Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which leads from such premises to any other portion of the

same building or structure used for dwelling or lodging purposes, and which is permitted to be used or kept accessible for use by the public. This provision does not prohibit any connection between such premises and such other portions of the building or structure which is used only by the licensee, his family and personal guests.

**SECTION 16: DISPLAY OF LICENSE.**

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

**SECTION 17: SANITARY CONDITIONS.**

All premises used for the sale of alcoholic liquor or for the storage of such liquor for sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

**SECTION 18: MAINTENANCE OF ORDER.**

It shall be unlawful to permit loitering or disorderly conduct in any place of business licensed for the sale at retail of alcoholic liquor.

**SECTION 19: COMPLAINT OF VIOLATION, HEARING.**

Any five (5) residents of the City shall have the right to file a complaint with the Mayor stating that any retailer licensee subject to jurisdiction of the Local Commissioner has been or is violating the provision of this Ordinance or the rules or regulations issued pursuant hereto. Such complaint shall be in writing in the form prescribed by the Mayor and shall be signed and sworn to by the parties complaining. The complaint shall state the

particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the Local Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is a reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

**SECTION 20: REVOCATION.**

The Mayor may revoke any retail liquor dealer's license for any violation of any provision of this code, or for any violation of any law of the state pertaining to the sale of alcoholic liquor.

**SECTION 21: BUSINESS MANAGER OR AGENT APPROVAL.**

The licensee is required to have current approval of any business manager or agent who actually conducts the operation of the business at the location sought to be licensed throughout the license period.

**SECTION 22: LOCATION RESTRICTIONS.**

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church or school. No license shall be issued for the sale at retail of any alcoholic liquor within any residential district of the City; and no license shall be issued permitting such sales except on the following streets:

Main Street

Exchange Street

Front Street

Market Street

Chester Street  
East Division Street  
West Division Street  
Southeast Second Street  
Southwest Second Street  
100 Block of North Center Avenue

**SECTION 23: CLOSING HOURS.**

It shall be unlawful to consume, sell, offer for sale, cause to be sold or to give away in or upon any licensed premises, any alcoholic liquor during the hours set forth below:

Monday	12:01 A.M. to 7:00 A.M.
Tuesday	12:01 A.M. to 7:00 A.M.
Wednesday	12:01 A.M. to 7:00 A.M.
Thursday	12:01 A.M. to 7:00 A.M.
Friday	1:00 A.M. to 7:00 A.M.
Saturday	1:00 A.M. to 7:00 A.M.
Sunday	12:01 A.M. to NOON
New Year's Day	2:00 A.M. to 6:00 A.M.
New Year's Day (if on Sunday)	2:00 A.M. to NOON
Independence Day	2:00 A.M. to 6:00 A.M.
Independence Day (if on Sunday)	2:00 A.M. to NOON

It shall be unlawful to keep open for business or to admit the public to or to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any licensed premises during the above hours by any person, including employees of the licensee; provided, however, that in the case of restaurants and hotels, such establishments may be kept open for business during such hours, but no alcoholic liquor

may be sold or consumed by any person, including employees of such establishments, on or about such licensed premises.

**SECTION 24: INSPECTIONS.**

(A) All rooms where liquor is sold for consumption or where liquor is consumed after sale shall be open and accessible to any health official, police officer or other law enforcement official at all times, notwithstanding the fact that the hours for lawful sale are past. Any and all rooms on the premises shall be accessible at any time to any health official, police officer or other law enforcement official for inspection and entry to such rooms shall be granted immediately after the request for such access.

(B) In case the view into any such licensee's premises required by the foregoing provisions shall be obscured by the licensee or by him allowed to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided.

(C) The Mayor, as local Liquor Control Commissioner, shall have the power to enter or to authorize any law enforcing officers to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Ordinance or any rules or regulations adopted by the City or by the state commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith.

**SECTION 25: SALES RESTRICTED.**

(A) 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 21 years or to any intoxicated person. No person after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(B) If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient he shall, before making such sale or delivery, demand positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

(C) No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of an identification card obtained by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section.

(D) The consumption or possession of alcoholic liquor by any person under 21 years of age is forbidden.

(E) The possession, dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this section.

#### **SECTION 26: ILLINOIS LIQUOR CONTROL ACT.**

(A) All provisions of the act known as the Illinois Liquor Control Act of 1934, and all amendments thereto, are hereby made a part of this Ordinance.

(B) Any appeal taken from a decision of the Liquor Control Commissioner (Mayor) shall be reviewed on the record as recorded by a tape recorder or other audio recording device.

#### **SECTION 27: AGE RESTRICTIONS.**

No retail liquor licensee shall employ any person under the age of 21 years for the purpose of selling, distributing or otherwise handling liquor in any place where liquor is sold

or kept for sale. This section shall not be deemed to prohibit the employment of persons 16 years of age or older by a retail liquor licensee for purposes other than that of stocking, selling, distributing or handling liquor.

**SECTION 28: PENALTY.**

(A) Whoever violates any provisions of Section 21 hereof shall be punished by a fine of not less than \$100.00 nor more than \$750.00.

(B) Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$100.00 nor more than \$750.00 for each offense; and, a separate offense shall be deemed committed on each day during or on which a violation of this ordinance occurs or continues.

**SECTION 29: SAVING CLAUSE.**

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared or held unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

**SECTION 30: CONFLICTING ORDINANCES.**

This ordinance consolidates all prior liquor ordinances beginning with Ordinance No. 414 entitled "An Ordinance to Regulate the Sale of Alcoholic Liquor at Retail" as amended from time-to-time, and Ordinance No. 1125 entitled "An Ordinance to Regulate the Sale of Alcoholic Liquor At Retail" as amended from time-to-time. All ordinances or parts of ordinances that conflict herewith are hereby repealed to the extent of such conflict.