

**ORDINANCE # \_\_\_\_\_**

**WARREN COUNTY LIQUOR ORDINANCE PERTAINING TO LICENSES AND REGULATIONS  
FOR SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY OF WARREN AND THE STATE OF  
ILLINOIS OUTSIDE THE LIMITS OF ANY INCORPORATED CITY, INCORPORATED VILLAGE  
OR INCORPORATED TOWN IN SAID COUNTY.**

Whereas the legislature of the State of Illinois has enacted “An Act relating to alcoholic liquors, “said act having been approved January 31, 1934, and whereas by virtue of said act certain powers are invest in Counties;

**THEREFORE, BE IT RESOLVED BY THE WARREN COUNTY BOARD AS FOLLOWS:**

**Section 1.** Whenever in the Resolution the following terms are used, they shall have, for the purpose of this Resolution, the meanings respectively ascribed to them in this Section.

- (a) The word “alcohol” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- (b) The word “spirits” means any beverage which contains alcohol obtained by distillation, mixed with water whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
- (c) The word “wine” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits and beverages, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.
- (d) The word “beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- (e) The phrase “alcoholic liquor” includes the four varieties of liquor above defined “alcohol, spirits, wine, and beer” and every liquid or solid, patented, or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as beverage by a human being. The provisions of this Act shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing one-half of one per cent, or less, of alcohol by flavoring extracts, concentrates, syrups, or medicinal,

mechanical, scientific, culinary or toilet preparations, or food products unfit for beverage purposes, but the provisions of this Act shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation or compounding of such products. None of the provisions of this Act shall apply to wine intended for use and used by any church or religious organization for sacramental purpose.

- (f) “Sell at retail” and “sale at retail” refer to and mean sales for use or consumption and not for resale in any form.
- (g) The word “sale” means any transfer, exchange or barter in any manner or by means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.
- (h) The words “to sell” include to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.
- (i) The word “restaurant” means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.
- (j) The word “club” means a 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 and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Local Commission at the time of its application for a license under this Act two copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

- (k) The word “hotel” or “motel” means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- (l) The word “manufacture” means every brewer, fermenter, distiller, rectifier, winemaker, blender, processor, bottler or person who fills or refills an original package.
- (m) The phrase “limited retail sales” means sales as an ancillary item and in conjunction with the display and sale of other non-alcoholic items, and where the sale of non-alcoholic items constitute a substantial portion of the licenses business.

**Section 2.** No person shall sell, keep or offer for sale, at retail or conduct any place for the sale at retail of alcoholic beverages within the territory in the County of Warren in the State of Illinois outside of the limits of any incorporated City, incorporated Village, or incorporated Town in said County, without first having a valid license so to do issued by the said County, provided that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians.

**Section 3.** Licenses, as issued by the County under this resolution, shall be of six (6) classes, as follows:

Class 1: License shall authorize the holder to sell alcoholic liquors at retail, for consumption on or off the premises where the sale is made.

Class 2: License shall authorize clubs to sell alcoholic liquors for consumption on or off the premises, and the sales of such liquor shall be confined substantially to the members of the club, and at the time of application for license the club shall furnish to the Local Liquor Commission the names and local residences of its members.

Class 3: License shall authorize the holder of a Class 1 license to sell “beer” and “wine” at retail for consumption on or off the premises where the sale is made at a different location from the premises of the Class 1 license within a 10 mile radius of the Class 1 premises.

Class 4: License shall authorize the manufacture, wholesale distribution, tasting, and limited retail sales, of alcoholic liquor on the premises.

Class 5: License shall authorize an education, fraternal, political, civic, or religious organization, organized as a not for profit organization under the laws of this State, to sell or offer wine and beer as part of an event conducted by the organization. Event not to exceed seven (7) calendar days in length.

Class 6: License shall authorize the holder to sell alcoholic liquor for consumption on the premise for a one day special event.

**Section 4.** The license fee for each license issued by the County shall be as follows:

Class 1 license.....	\$ 1,000.00 per year
Class 2 license .....	\$ 500.00 per year
Class 3 license .....	\$ 200.00 per year
Class 4 license .....	\$ 500.00 per year
Class 5 license .....	\$ 250.00 per event
Class 6 license .....	\$ 50.00 per event

A non-refundable \$150 fee to cover the cost of processing of the application, and the cost of any background check required in Section 5, in advance to the Chairman of the Board of Warren County who is ex-officio Local Liquor Control Commissioner, who in turn, shall pay the same over to the County Treasurer to be placed in the general corporate fund of Warren County for use for general corporate purpose. This \$150 fee is in addition to the fee for each license.

All licenses issued shall expire on the April 30 next following the date of their issuance. Should the date of the issuance of such license be less than eleven months prior to the date of the expiration of the license so to be issued, the license fee shall be reduced in proportion to the full calendar month where applicable.

The County reserves the right to amend this Resolution, add additional requirements thereto (or change the amount of license fee required to be paid), or in any manner to otherwise amend and change this Resolution in any respect that the County shall consider advisable, except changing the amount of any license fee of any existing license for the period for which it was issued.

In the event the license does not desire to comply with such changed, amended or additional requirements, the licensee may, within three days after approval of such amending Resolution, elect to surrender his license to the County, in which event the County shall determine the unexpired proportionate part of his license and shall refund to such licensee such proportionate part of the license fee therefor paid by him. In the event, however, that a license shall be revoked by the County for failing to comply with the terms or provisions of this Resolution, the licensee shall not be entitled to receive any refund or any portion of the license fee previously paid by him.

**Section 5.** Upon the initial application for a Liquor License or any renewal thereof, each applicant for a Liquor License shall submit his or her fingerprints to the Illinois Department of State Police in the form and manner prescribed by the Illinois Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois Department of State Police and Federal Bureau of Investigation criminal history records databases. After receiving the criminal history for the applicant from the Illinois Department of State Police and Federal Bureau of Investigation, the Local Liquor Control Commissioner may use such information to determine whether the applicant qualifies for the issuance or renewal of a Retail Liquor Dealer's License. The applicant shall pay a fee to the County Clerk, in an amount as determined by the Illinois Department of State Police, which shall be forwarded to the Illinois Department of State Police for the purposes of conducting a criminal history records check.

At any time during the pendency of an application the Local Liquor Control Commissioner shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the Local Liquor Control Commissioner, are material to the determination of whether the applicant is qualified to receive a license under the provisions of this Ordinance, or whether the premises sought to be licensed are suitable for such purposes. The Local Liquor Control Commissioner shall also have the right to require the applicant to answer any charges made in any objection to the issuance of the license. The failure of any applicant to appear at the time and place fixed by the Local Liquor Control Commissioner for his examination or to produce books and records requested, unless for good cause shown, shall be deemed to be an admission that the applicant is not qualified to receive a license.

At any time during the pendency of the application, a building inspector authorized by the County, or its respective designees may, at any reasonable time, inspect the premises for compliance with applicable provisions of Warren County Ordinances.

**Section 6.** No license of any kind shall be issued by Warren County to:

- (a) A person who is not a resident of the city, village or county in which the premises covered by the license are located; except in the case of railroad or boat licenses;
- (b) A person who is not of good character and reputation in the community in which he resides;
- (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 of Illinois;
- (e) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (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 the 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 any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five per cent (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;
- (k) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses 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 the passage of this Act, 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;
- (n) Any law enforcing public official, or any member of the County Board of Supervisors; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- (o) 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 Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act.
- (p) Any person who is delinquent on property taxes owed to Warren County.

**Section 7.** No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels or motels offering restaurant services, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Act. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary. No alcoholic liquor shall be sold for consumption on the premises within fifteen hundred feet from any building used for regular classroom or laboratory instruction on the main campus of any State university owned maintained, in whole or in part, by the State of Illinois, and which is endowed by the proceeds of the sale of public lands set apart for that purpose by

the Act of the Congress of the United States of July 2, 1862, entitled “An Act donating public land to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts.”

**Section 8.** No license shall permit any person or persons in any intoxicated or drunken condition to be or remain upon the licensed premises, or in any room or other enclosure adjacent with or connected thereto; nor shall any loud or boisterous talking, or disorderly conduct, be permitted upon the licensed premises.

**Section 9.** Closing. No alcoholic beverages shall be sold at retail or consumed on any licensed premises on the first day of the week commonly called Sunday before nine (9) o'clock in the morning; or after midnight or earlier than six (6) o'clock in the morning of any week day.

**Section 10.** Nothing shall prevent an applicant from seeking and/or being issued a license for a premises which has not yet been zoned to allow for the sale of alcoholic beverages. In the event that an applicant who has been issued a license under this ordinance is unable to obtain a zoning change or variance which would allow for that location to sell alcoholic beverages, the applicant may voluntarily surrender the license to the County under the same procedure as stated in Section 4 of this ordinance.

**Section 11.** Any person who violated any of the provisions of this ordinance is guilty of a petty offense and shall be fined an amount not to exceed \$500.00 for each violation of this ordinance. In each case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

**Section 12.** All previous resolutions passed by the Warren County Board of Supervisors relating to the sale of liquor and all amendments thereto, and parts thereof in conflict herewith are hereby expressly repealed.

**Section 13.** The sections, paragraphs, sentences, clauses, portions or phrases of this ordinance shall be deemed to be separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

**Section 14.** This ordinance shall be in full force and effect upon its due passage.

Passed and adopted this 16th day June, 2021 by the County Board of Warren County.

ATTEST:

COUNTY OF WARREN

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Tina M. Conard  
Warren County Clerk

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Michael L. Pearson  
Chairman, Warren County Board