

ORDINANCE NO. 2021-1021

AN ORDINANCE TO AMEND SECTION 21-1-2 OF THE VILLAGE OF COBDEN, ILLINOIS
REVISED CODE OF ORDINANCES

BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE
VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, THAT:

Section 1. Section 21-1-2 of the "Revised Code of Ordinances of the Village of Cobden" shall be amended to read as follows:

21-1-2 DEFINITIONS. Unless the context otherwise requires, the following terms used in this Article shall be construed according to the definitions given below.

"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.

"ALCOHOLIC LIQUOR" includes 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 a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

"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. **(235 ILCS 1-3.04)**

"BEER GARDEN" shall be defined and mean any "open-air" area located both adjacent to and accessible by, a business possessing a Class A license issued pursuant to this Chapter to sell beer, wine and/or any other alcoholic liquor/beverage, which contains an opaque fence, wall, screen or any other means of construction which obstructs and/or blocks from public view as seen/observed from any adjacent public or private property, the consumption of beer, wine and/or any other alcoholic liquor/beverage, by any person, patron or customer on the licensee's property.

"CLOSE" means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

"COFFEEHOUSE" shall mean an establishment that sells coffee and usually other refreshments and that commonly serves its habitués as an informal club. **(Ord. No. 660; 03-20-00)**

"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, provided, that such club files with the local liquor control commissioner at the time of its application for a license under this act. 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 received, 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 member 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. **(235 ILCS 5/1-3.24)**

"LIQUOR CONTROL COMMISSIONER" shall mean the Mayor as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the Mayor unless otherwise provided.

"LOUNGE" means a public place kept, used, maintained and held out to the public as a place where alcoholic liquor may be served separately from the sale of a meal, but where a substantial portion is "Restaurant".

"ORIGINAL PACKAGE" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

"OUTDOOR DINING FACILITY" shall be defined and mean any "open-air" area located both adjacent to and accessible by, a business possessing a Class D license issued pursuant to this Chapter to sell beer, wine and/or any other alcoholic liquor/beverage with a meal.

"OWNER": The word "owner" or "proprietor" shall include all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on whether they are individuals, partnerships, corporations, joint stock companies, fiduciaries or officers, directors or otherwise.

"PACKAGE LIQUOR STORE" means any public place where packaged liquors are offered for sale in the original container for consumption away from the premises.

"PARTNER" is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

"PERSON" shall mean any individual, firm, partnership, club, association or corporation.

"PREMISES/PLACE OF BUSINESS" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

"PUBLIC ACCOMMODATIONS" means a refreshment, entertainment, recreation, or any other facility of any kind where people gather, whether licensed or not, whose goods, services, facilities, privileges, benefits or advantages are extended, offered, sold or otherwise made available to the public. **(Ord. No. 807; 12-15-08)**

"PUBLIC PLACE" means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms "**public place**" and "**public premises**" shall be interchangeable for the purposes of this Chapter.

"RESIDENT" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the Village in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license. **(Rule 100.10(a))**

"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.

"RETAIL": Refer to any sales for use or consumption and not for sale in any form. **(235 ILCS 5/1-3.18)**

"RETAILER" means any person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

"SUBSTANTIAL PORTION" means that not less than both **fifty-one percent (51%)** of the cost of food and alcoholic liquor and alcoholic beverages served and **fifty-one percent (51%)** of the Gross Sales on the Licensee's premises as represented on the Licensee's Federal Income Tax Return is attributable to the sale and purchase of food or food products, actually served or offered for sale on the premises. **(Ord. No. 761; 04-03-06)**


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

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

Section 2. That all ordinances and parts of ordinance in conflict herewith are expressly repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by the Illinois Compiled Statutes, Chapter 65; Section 5/1-2-4.

PASSED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, ON THIS 16th DAY OF AUGUST, 2021.

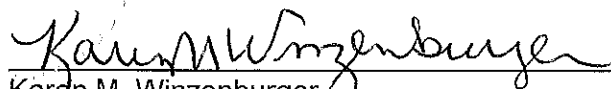

 Karen M. Winzenburger
 Village Clerk

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Jean A. Britt	X				
Patrick C. Brumleve	X				
Todd Dietterle	X				
Larry Hackethal	X				
Dennis Maze	X				
Austin Sellars		X			

APPROVED BY THE VILLAGE PRESIDENT OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, THIS 16TH DAY OF AUGUST, 2021.


 Paul Z. Tomazzoli
 Village President

ATTEST:


 Karen M. Winzenburger
 Village Clerk