

ORDINANCE NO. 2021-15

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AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA CONCERNING LIQUOR  
CONTROL REGULATIONS FOR THE CITY OF ANNA, ILLINOIS

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANNA

AUGUST 17, 2021

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ORDINANCE NO. 2021-15

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA CONCERNING  
LIQUOR CONTROL REGULATIONS FOR THE CITY OF ANNA, ILLINOIS

WHEREAS, the City Council of Anna, Illinois [hereinafter the "City"] is authorized by the Illinois Liquor Control Act of 1934, as amended, otherwise known as the "Act" (235 ILCS 5/1-1 et seq.) [hereinafter "the Act"], to determine the kind and classification of licenses for the sale of alcoholic liquor at retail, number, amount of license fees to be paid, and further regulations and restrictions on the issuance of, and operations under the licenses, as the public good and convenience requires, and to provide penalties for the violations of the regulations and restrictions; and

WHEREAS, the City therefore deems it appropriate and necessary, to legislate, as set forth hereinafter, in those areas where the Liquor Control Act authorizes and enables municipal corporations to exercise local discretion in the regulation of alcoholic liquor sales at retail, while the Act controls and regulates all other aspects of the retail sale of alcoholic liquor in the City; and

WHEREAS, the regulation of alcoholic liquor sales at retail promotes the public health, safety, and general well-being of the citizens and business owners of the City; and

WHEREAS, it is in the best interests of the citizens and businesses of the City to promote and stimulate commercial development and business activity in the City, as it is vital to the City's economy; and

WHEREAS, the *City* Council of Anna, Illinois, deems it appropriate to reallocate the number of liquor licenses available under the "General Retail" and "Original Package Only" provisions of the City's existing Liquor Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ANNA, UNION COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: NAME AND EFFECTIVE DATE

- (A) This Ordinance shall be known and shall be cited as "THE REVISED LIQUOR CONTROL ORDINANCE FOR THE CITY OF ANNA – 2021-15".
- (B) The Ordinance is in full force and effect upon its passage.
- (C) This Ordinance shall be published in pamphlet form within ten (10) days.

(D) This Ordinance shall apply to any License issued for, or during the calendar years beginning January, 2021.

## SECTION TWO: REPEALER

(A) Whereas the City Council did previously adopt Ordinance No. 2021-09 to regulate the retail sale of alcoholic liquor in the City, that Ordinance is repealed effective with the enactment of this Ordinance No 2021-15.

(B) All other ordinances, resolutions, motions, or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

## SECTION THREE: DEFINITIONS

Unless the context otherwise requires, the words and phrases herein defined are used in this Ordinance in the sense given them in the following definitions:

(A) "Alcoholic Liquor" means and 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. It does not mean nor include any liquid or solid containing one half of one percent, or less of alcohol by volume.

(B) "Alcohol" means the product of distillation of any fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

(C) "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.

(D) "Beer Garden-Outdoor Garden/Cafe Area" means a City authorized open air area both adjacent to and accessible through a "Club", "Lounge", Restaurant" or "Retailers" "Building", as defined in this Ordinance, where the subject business possesses a license pursuant to Section Five (A), (C), (D), or (E) of this title, and for which a "Schematic" has been submitted to the Liquor Commissioner for pre-approval. The "Schematic" shall contain a detailed plan for a fence, wall, or other construction surrounding the perimeter of the area in which beer, wine, and/or any other alcoholic beverages are sold, offered for sale, delivered or consumed in conformity with the particular classification of liquor license possessed by each such business. "Beer Garden-Outdoor Garden Cafe Areas" will be allowed to remain open during each business normal business hours, but shall be prohibited from activities which disturb the peace of surrounding areas within the Anna City Limits and, in particular, will not be allowed to offer provide amplified "Entertainment" of any type.

(E) "Building" means a structure with a roof and walls used to conduct the Owner or Lessee's business. Building, as used herein, may include a "Beer Garden Outdoor Garden/Cafe Area" upon approval of same as provided in this Ordinance.

(F) "City Block Party" means an event sponsored by the City of Anna wherein specified street(s)/right(s)-of-way are closed to through traffic for the purpose of having an outdoor social gathering event, and where the outdoor/public consumption of alcohol shall be permitted in designated areas.

(G) "Club" means a non-profit corporation organized under the laws of this state, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, which conforms to the definition of "club" in 235 ILCS 5/1-3.24.

(H) "Entertainment" means any amusement, recreation, show, radio show, satellite show, tv show, performance, presentation, production, spectacle or pageant.

(I) "Licensee" means a person or entity that has been issued a City Liquor License.

(J) "Licensee Premises" means the premises identified on the face of the Licensee's Application for a City Liquor License, and is the only premises whereon the Licensee is authorized to offer Alcoholic Liquor for sale at retail.

(K) "Liquor Control Act" means the Illinois Liquor Control Act of 1934, as amended, otherwise known as the "Act" (235 ILCS 5/1-1 et seq.).

(L) "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 of the business is used as a Restaurant, within the meaning of "Restaurant," as defined in this Ordinance.

(M) "Original Package" means any bottle, flask, jug, can, cast, 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 convey any alcoholic liquor.

(N) "Premixed Alcoholic Drinks" means alcoholic drinks, including spirits, wine, wine coolers, and cocktails which have already been mixed and are in a ready-to-drink format, typically sold in bottles and cans.

(O) "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where the sale of food represents at least 51% of the place's business, and where meals actually are served and regularly served, and 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.

(P) "Retailer" means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

(Q) "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; and includes to keep or expose liquor for sale, and to keep with intent to sell.

(R) "Schematic" means an illustration/plan. In the case of a proposed "Beer Garden-Outdoor Garden/Cafe Area" a schematic means the illustration/plan which is submitted to, and is subject to approval by, the Liquor Commissioner with the advice and consent of the Anna City Council.

(S) "Sell at Retail and/or Sale at Retail" refers to any sales for use or consumption and not for resale in any form.

(T) "Special Event" means any event conducted by an educational, fraternal, political, civic, religious, not-for-profit organization, or private entity.

(U) "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.

(V) "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.

(W) Other words and phrases used in this Ordinance shall be read consistently with the meanings given to them by the Act.

#### SECTION FOUR: MAYOR AS COMMISSIONER

The Mayor of the City shall be the Liquor Local Control Commissioner [the "Liquor Commissioner" hereinafter] pursuant to 235 ILCS 5/4-2 and shall have the authority to exercise all the powers of the Liquor Commissioner pursuant to 235 ILCS 5/7-5 and the Act. The Liquor Commissioner shall have the right to examine or cause to be examined, under oath, any applicant

for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose, to issue subpoenas which shall be effective in any part of this state.

The Liquor Commissioner shall prescribe forms and documents for applications and licenses. The Mayor may designate the City Administrator, City Clerk, and/or Chief of Police as agent to exercise the powers of Liquor Commissioner under the Act and this Ordinance, except for the issuance of Licenses.

#### SECTION FIVE: CLASSIFICATION OF LIQUOR LICENSES

Licenses shall be of the following classes:

- (A) GENERAL RETAIL LICENSE permitting the sale of alcoholic liquor both for consumption within the "Building" on the Licensee's Premises and in the original package.
- (B) ORIGINAL PACKAGE ONLY LICENSE permitting the sale of alcoholic liquor on the Licensee's Premises only in the original package.
- (C) RESTAURANT/BEER-WINE LICENSE permitting the sale of beer and wine only in conjunction with the sale of a meal and only for consumption within the "Building" on the Licensee's Premises.
- (D) RESTAURANT/LOUNGE LICENSE permitting the sale of alcoholic liquor for consumption within the "Building" on the Licensee's Premises both in conjunction with the sale of a meal and separately from the sale of a meal; provided that fifty-one percent (51%) of the Licensee's business shall be and remain the sale of meals. Sale of meals shall be available during all hours of the operation of the Licensee's Business.
- (E) CLUB LICENSE permitting the sale of alcoholic liquor both for consumption within the "Building" on the Licensee's Premises and in the original package, only to its members and their guests.
- (F) GOLF COURSE LICENSE permitting the sale of beer, wine, and premixed alcoholic drinks as defined in this Ordinance, for consumption on the licensee's premises, and in the original package, only to its members and guests.

(G) SPECIAL EVENT LICENSE permitting the sales and consumption of alcoholic liquor on City owned or private property only in conjunction with an approved Special Event Application, with additional limitations imposed, as detailed in this Ordinance, hereinbelow, and subject to all State of Illinois licensing and permitting requirements.

#### SECTION SIX: LIMITATION OF LICENSES

As Liquor Commissioner, the Mayor shall not issue more than:

- A. Fourteen (14) GENERAL RETAIL Licenses;
- B. Five (5) ORIGINAL PACKAGES ONLY Licenses;
- C. Three (3) RESTAURANT/BEER-WINE Licenses;
- D. Six (6) RESTARANT/LOUNGE Licenses;
- E. Three (3) CLUB Licenses;
- F. One (1) GOLF COURSE License;
- G. Twelve (12) SPECIAL EVENT Licenses.

\*\*\* An individual person or legal entity shall be further limited to no more than three (3) special event licenses in a calendar year

#### SECTION SEVEN: APPLICATION FOR LICENSES

Applications for a liquor license shall be made to the Liquor Commissioner, by written forms furnished by the City Clerk to the Applicant. The application may be made by an individual or by a duly authorized agent. If made by a club or corporation, the application must be verified by an officer thereof. Applicants shall affirm the application by affidavit. The application shall substantially contain the following information and statements, and any further information prescribed by the Liquor Commissioner.

- (A) The name, age, and residential 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, non-profit corporation, or a club, the date of incorporation, the names and addresses of the officers and directors.

- (B) The trade name or business name of the applicant's operation, character of business of the applicant, length of time that the applicant has been engaged in the business of that character, or in the case of a corporation, the date on which its charter was issued.
- (C) Location and description of the premises or place of business which is to be operated under such license; days of the week and hours of operation.
- (D) Class of License requested.
- (E) That individual applicant(s), and/or the person who will manage that applicant's premises, reside within 30 minutes of Anna City Hall, 103 Market Street, Anna, IL.
- (F) Applicant is of good character and reputation in Union County, Illinois.
- (G) Applicant has been informed of the requirements of eligibility for licensure under the Illinois Liquor Control Act, and is eligible, under the Act, to obtain a Proper State License issued by the Illinois Liquor Control Commission, and has obtained said License.
- (H) The Applicant beneficially owns the premises on which the liquor is to be sold, or has a valid lease thereon for the full term of the City Liquor License, with satisfactory evidence of the same attached to the Application, or has a duly granted license to use the premises for the term of a Special Event License.
- (I) Completion of a form consenting to and authorizing a background check by the City.
- (J) Applicant has procured Dram Shop Liability Insurance, and has attached a certificate evidencing proof of such Insurance to the Application.
- (K) Applicant for Special Event license shall be submitted no less than forty-five (45) days before the proposed event.
- (L) Each applicant for Special Event License shall complete and submit the application detailed hereinbelow in either Section 10 and 11 of this Ordinance, depending on whether the proposed event will be on City Owned Property or Private Property, and shall procure and provide the City with proof of all necessary State Licenses/Permits for each Special Event, prior to being allowed to proceed with the Event.



(M) Applicant shall adhere to and abide by the Illinois Liquor Control Act, this Ordinance, all other applicable laws, and all other Ordinances and Resolutions of the City of Anna.

SECTION EIGHT: FEES FOR LICENSES

(A) Licensees shall pay the following fees, for the following terms, for the various classifications of Licenses:

For the 2021 Calendar Year:

(1) GENERAL RETAIL License	\$1,500.00	PER YEAR
(2) ORIGINAL PACKAGE ONLY License	\$1,500.00	PER YEAR
(3) RESTAURANT/BEER/WINE License	\$ 900.00	PER YEAR
(4) RESTAURANT/LOUNGE License	\$1,500.00	PER YEAR
(5) CLUB License	\$1,200.00	PER YEAR
(6) GOLF COURSE License	\$ 900.00	PER YEAR
(7) SPECIAL EVENTS License		
(a) One Day Event	\$50.00	PER EVENT
(b) Multiple Day Event (One to Fifteen consecutive days)	\$100.00	PER EVENT
(c) The total of all license fees charged to an individual/entity who/which applies for multiple Special Event Licenses in a single calendar year shall be capped at \$100.00 for that year.		

(B) Each applicant shall submit certified funds in the amount of the License fee with the Application for License, or Application for Renewal of License, whichever is applicable. The annual license fee shall be subject to the pro-rata provisions of Section 9(C).

(C) Should the Applicant be denied issuance of a License, the City shall refund the amount of License fee to the Applicant.

(D) A Licensee whose License is suspended or revoked by the Local Commissioner shall not be entitled to a refund of any License fees.

SECTION NINE: TERM OF LICENSES AND DISPOSITION OF FEES

(A) All Licenses, except for the Special Event License, shall be valid from the date of issuance, until its expiration on December 31 of the year in which it was issued, unless suspended or revoked sooner.

(B) A Special Events License is valid only for the period stated on the face of the License.

- (C) Except for Special Events Licenses, the License fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the date of the issuance of the License. If the License is renewed thereafter, the license fee shall be for a full calendar year.

SECTION TEN: SPECIAL EVENT LICENSE FOR CITY OWNED PROPERTY

Concerning City owned property, Special Events Licenses, as classified in Section 5(H) of this Ordinance, and subject to the fees and rules set forth in Sections 8(A)(8) and Section 8(B), shall be subject to further regulation as follows:

- (A) Permitted Premises. Special Event Licenses may be granted for City owned property.
- (B) Applicants shall complete and submit an Application for Special Event License - City Owned Property, which substantially contains the following, and any further information prescribed by the City Council.
- (1) Description of each Event;
  - (2) Written plan and schedule of Event activities;
  - (3) Map or diagram of Event site;
  - (4) Projected numbers of Event attendees, number of participants/vendors, and staff;
  - (5) Parking requirements and plan;
  - (6) Security requirements and plan;
  - (7) Waste management/disposal and restroom requirements plan;
  - (8) Utility usage requirement;
  - (9) Liability insurance information.
- (C) After the Applicant completes and submits the Application for Special Event License, the City Council may assess additional fees, based on the information disclosed in the Application. Should the City Council assess additional fees, the City Council shall provide the Applicant with an itemized ledger of fees. The Applicant shall be required to pay all fees, as set by Section 8, and in the ledger of additional fees, to cause a License to be issued, subject to the regulations in this Ordinance.
- (D) Applicant has procured Liability Insurance, and has attached a certificate evidencing proof of such Insurance to the Application. The policy of Insurance shall meet the following minimum requirements:
- (1) \$1,000,000.00/per individual, \$2,000,000.00/aggregate, per event.
  - (2) Named the City of Anna, Illinois, an Illinois Municipal Corporation, as an additional insured.

- (E) The Special Event License Application shall be subject to the approval of the Liquor Commissioner AND City Council approval, the latter evidenced by written authorization.
- (F) The Applicant shall have procured all necessary State licenses/permits for the proposed Special Event, and shall provide satisfactory proof of same to the City of Anna before the event will be allowed to proceed.

#### SECTION ELEVEN: SPECIAL EVENT LICENSE FOR PRIVATE PROPERTY

Concerning privately owned property, Special Events Licenses, as classified in Section 5(H) of this Ordinance, and in Sections 8(A)(8) and 8(B), shall be subject to further regulation as follows:

- (A) Applicants shall complete and submit an Application for Special Event License-Private Property.
- (B) The Special Event License Application shall be subject to the approval of the Liquor Commissioner AND City Council approval, the latter evidenced by written authorization
- (C) The Applicant shall have procured all necessary State licenses/permits for the proposed Special Event, and shall provide satisfactory proof of same to the City of Anna before the event will be allowed to proceed.

#### SECTION TWELVE: CITY BLOCK PARTIES

The City of Anna may, from time to time, sponsor a City Block Party as defined in Section Three of this Ordinance. The City will publish the following information in advance of a City Block Party event:

- 1) The nature of the event;
- 2) The proposed date(s) of the event;
- 3) The location of the City street(s)/right(s)-of-way which will be closed for the event;
- 4) The hours during which the event will be held;
- 5) Whether amplifiers/amplified music will be used; and
- 6) The contact information for the person designated by the City as the Manager of the particular event.

During the hours of a City Block Party event, businesses which have a City issued liquor license, and which are adjacent to the areas designated for the outdoor/public consumption of alcohol, shall be permitted to allow patrons to take individual alcoholic beverages off their premises into such designated areas.

It shall be permissible for a vendor to apply for a Special Event Liquor License, as otherwise provided for in this Ordinance, in order to participate in the City Block Party event. Provided, however, that each such vendors participation in the event shall be subject to approval by the Anna City Council at its sole discretion.

### SECTION THIRTEEN: ISSUANCE OF LICENSE

Upon the application being prepared and executed by the applicant, the same shall be submitted to the Liquor Commissioner for review. The Liquor Commissioner shall review the application and make all inquiries and investigation as necessary in his authority. Should the Liquor Commissioner approve the Application, the Liquor Commissioner shall issue the License to the Licensee. Should an Application be disapproved, formal notice of the same shall be provided to the Applicant.

### SECTION FOURTEEN: RENEWAL OF LICENSE

- (A) A Licensee may review his license at the expiration thereof; provided, that he is then qualified to receive a license pursuant to the Act and this Ordinance, and the premises for which such renewal license is sought are in conformity with the Act and this Ordinance. The Licensee shall submit an Application for Renewal of License to the Liquor Commissioner for review and approval. Provided, however, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Liquor Commissioner or City Council from decreasing the number of licenses to be issued within his jurisdiction, or prevent the Liquor Commissioner from denying the Application for Renewal.
- (B) No License shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than ninety (90) days, without the business licensed for the sale of alcoholic liquor being in complete and full operation. However, if a business licensed for the sale of alcoholic liquor has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the ninety (90) day period, then in that event, the Local Commissioner may extend the period of time for which a license may be held by the payment of fees without the business licensed for the sale of alcoholic liquor being in full and complete operation for an additional ninety (90) days. If either of the above stated periods of time passes without the particular business licensed for the sale of alcoholic liquor returning to complete and full operation, the license for the particular business shall expire and not be subject to renewal, unless all other requirements of this Ordinance shall have been met.

### SECTION FIFTEEN: RECORD OF LICENSES

The Mayor shall keep or cause to be kept, a complete record of all such Licenses issued by him; and shall furnish the City Clerk and Chief of Police each, with a copy thereof. Upon the issuance of any new License, renewal of any License, or the revocation of any License, the Mayor shall

give written notice of such action to each of these officers within forty-eight (48) hours of such action.

#### SECTION SIXTEEN: DISPLAY OF LICENSE

Every licensee shall cause his License to be framed and hung in plain view in a conspicuous place on the Licensed Premises.

#### SECTION SEVENTEEN: TRANSFER OF LICENSE

A licensee shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this code provided; and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate 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 or bankrupt licensee after the expiration of such license; but not longer than six months after the death, bankruptcy or insolvency of such licensee.

#### SECTION EIGHTEEN: SUSPENSION AND REVOCATION OF LICENSE

The Liquor Commissioner shall have the following powers, functions and duties with respect to Licenses granted under this Ordinance:

- (A) In addition to and not limited by the specific penalties set out for violations of specific sections of this Ordinance, the Liquor Commissioner may suspend for thirty (30) days or revoke any Liquor License issued under this Ordinance for any violation of state law pertaining to the sale of alcoholic liquors by any Licensee, his agent, servants, or employees.
- (B) The Liquor Commissioner may suspend or revoke any liquor license if the Licensee makes any false statement or misrepresentation in the Application for a License, or Application for Renewal of License.
- (C) The Liquor Commissioner may enter or authorize any law enforcing officer to enter at any time upon any premises Licensed under this Ordinance to determine whether any of the provisions of this Ordinance or the laws of the State of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time to examine the premises of the Licensee in connection therewith.

#### SECTION NINETEEN: RESTRICTED HOURS

Any sale of alcoholic liquor is prohibited between the hours of:

- (A) Midnight to 6:00 A.M. Monday
- (B) 1:00 A.M. to 6:00 A.M., Tuesday through Saturday
- (C) 1:00 A.M. to 12:00 Noon, Sunday
- (D) The times referred to above shall be Central Daylight Savings Time/Central Standard Time.

SECTION TWENTY: LOCATION RESTRICTIONS AND CHANGE

OF LOCATION

- (A) Except for areas zoned business/commercial, no License shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any then-existing church, school other institution of higher education, hospital, home for the aged or indigent, measured to the nearest part of any building used for the same, as provided by the Act, and further subject to the provisions and exceptions of 235 ILCS 5/6-11.
- (B) The location restrictions of this Section shall be subject to the provisions of 235 ILCS 5/6-11 with regard to applications for the renewal of Licenses.
- (C) A retail liquor License shall permit the sale of alcoholic liquor only on the premises described in the Application and License. Such location may be changed only upon the written permit to make such change, and shall be approved and issued by the Liquor Commissioner. 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 Act and the Ordinances of the City.

SECTION TWENTY-ONE: UNLAWFUL CONDUCT

No Licensee, officer, associate, member, agent, representative, employee or patron of such Licensee, or any other person or entity, while within or about the Licensed Premises, in any area where alcohol is sold, served, or consumed, shall permit, promote, or do the following unlawful activities:

- (A) Expose or stimulate exposure of the genitals, pubic hair, buttocks, natal cleft, perineum, or anal, region of the human body;
- (B) Employ the use of any device, costume, or covering, which exposes or gives the appearance of, or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, or anal, region of the human body;
- (C) Expose any portion of the female breast at or below the areola thereof;
- (D) Appear topless, bottomless, or in any similar attire;
- (E) Perform any act, or simulated act, of sexual intercourse, masturbation, sodomy, bestiality, oral sex, flagellation, or any sexual acts prohibited by law; or

- (F) Touch, caress, or fondle the breast, buttocks, anus, or genitals, or simulate such touching, caressing, or fondling.
- (G) Allow any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct.

#### SECTION TWENTY-TWO: VIOLATIONS

It is a violation of this Ordinance for any person:

- (A) Without a valid License under this Ordinance to sell or offer for sale, at any time, alcoholic liquor for use or consumption within the City limits.
- (B) With a valid license to sell at retail, alcoholic liquor for use or consumption, at a time, place, or in a manner inconsistent with this Ordinance or Act.
- (C) To misrepresent any affirmation or declaration in an application for License, or to permit any representation or affirmation in any application to become false during the term of any License.

#### SECTION TWENTY-THREE: PENALTIES FOR VIOLATIONS AND/OR UNLAWFUL CONDUCT

Penalties for violation of this Ordinance or the Act are:

- (A) Suspension of License;
- (B) Revocation of License;
- (C) A fine, not exceeding \$1,000.00 for each violation, during the term of the License.
- (D) Any other penalty provided for in the Act.

#### SECTION TWENTY-FOUR: SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.



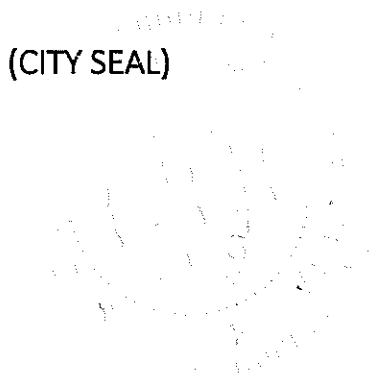
APPROVED this 17th day of August, 2021

  
\_\_\_\_\_  
STEVE HARTLINE, MAYOR

<u>RECORD OF VOTE</u>	YEA	NAY	ABSTAIN	ABSENT
Commissioner Bigler	<input checked="" type="checkbox"/>	___	___	___
Commissioner Bryan	___	___	<input checked="" type="checkbox"/>	___
Commissioner Miller	<input checked="" type="checkbox"/>	___	___	___
Commissioner Webb	<input checked="" type="checkbox"/>	___	___	___
Mayor Hartline	<input checked="" type="checkbox"/>	___	___	___

ATTEST:   
\_\_\_\_\_  
DORI BIGLER, CITY CLERK

FILED FOR RECORD ON August 17<sup>th</sup>, 20 21



**CERTIFICATE AND MEMORANDUM**  
**OF PASSAGE AND PUBLICATION OF ORDINANCE**

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF UNION        )

I, Dori Bigler, City Clerk, of the City of Anna, a Municipal Corporation, located in Union County, Illinois, hereby certify that the foregoing Ordinance constitutes a full, true, and complete copy of Ordinance No. 2021-15, as passed and adopted by the City Council of the City of Anna, Illinois, on August 17, 2021.

I further certify that the Ordinance was printed in pamphlet form, made available to the public, and therefore became effective August 17, 2021.

Given under my hand and seal of the Municipal Corporation on August 17, 2021.

  
\_\_\_\_\_  
Dori Bigler, City Clerk

[CORPORATE SEAL]

