

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 20 - 25

**AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE RELATED TO
PROHIBITIONS REGARDING CONSUMPTION AND POSSESSION OF ALCOHOL
BY INDIVIDUALS UNDER THE AGE OF 21**

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Chatham

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Ordinance No. 20- 25

AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE RELATED TO PROHIBITIONS REGARDING CONSUMPTION AND POSSESSION OF ALCOHOL BY INDIVIDUALS UNDER THE AGE OF 21

WHEREAS, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

WHEREAS, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issued; and

WHEREAS, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of a local license not inconsistent with the law as the public good and convenience may require; and

WHEREAS, the Village wishes to amend its Code to provide for additional prohibitions regarding underage consumption of alcohol; and

WHEREAS, the President and Village Board believe it to be in the best interest of the Village to amend its Code as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment to Village Code. Section 111.37 of the Village of Chatham Code of Ordinances is hereby amended as follows:

~~111.37 PURCHASE OR ACCEPTANCE OF GIFT BY MINORS; IDENTIFICATION CARDS.~~ PROHIBITIONS REGARDING PERSONS UNDER THE AGE OF 21.

(A) Purchase or possession of alcoholic liquor by a person under 21 years of age.

(1) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(2) If a licensee or such licensee's agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent or employee shall, before making such sale or delivery, demand presentation of some form of positive identification (containing proof of age) issued by a public officer in the performance of his official duties. Reasonable care in compliance with the provisions of this division (A)(2) shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter relating to revocation or suspension for the violation of any other provision of this chapter.

(3) 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 for the purpose of allowing a minor to misrepresent his or her age to purchase or obtain alcoholic liquor. ~~No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this section.~~

(4) ~~The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.~~ No person under the age of 21 shall consume alcoholic liquor, purchase alcoholic liquor, accept a gift of alcoholic liquor, or have alcoholic liquor in his or her possession; provided, however that this paragraph shall not prohibit the consumption of alcoholic liquor by a person under the age of 21 in a home pursuant to the direct supervision and approval of the parent or legal guardian of

such person under the age of 21 nor the possession of alcoholic liquor by a person under the age of 21 making a delivery of such alcoholic liquor pursuant to the order of the parent, legal guardian or employer of such person under the age of 21.

(B) Parental Responsibility.

It shall be unlawful for any parent or guardian intentionally or knowingly to permit any person under the age of 21 for whom the parent or guardian is responsible to violate any provision of this chapter. Every parent or guardian whose residence is used by a person under the age of 21, child, or ward or a person under the age of 21 invitee of a child or ward for the consumption of any alcoholic beverage in a manner which violates this section shall be presumed to have permitted the conduct which constitutes the violation unless the contrary is established by a preponderance of the evidence.

(C) Prohibited Gatherings.

(1) It shall be unlawful for any person intentionally or knowingly to permit the gathering of two or more persons at a residence that he or she occupies where any one (1) or more of such persons is a person under the age of 21 if: (i) The person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic liquor; and (ii) the possession or consumption of the alcoholic liquor by such person under the age of 21 is not otherwise permitted by this chapter.

(2) No person shall rent a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor, or the possession or consumption of any cannabis or other controlled substance prohibited by Illinois statutes, by persons under the age of 21. No parent, legal guardian or other person having custody or control of any person under the age of 21 shall knowingly permit or encourage such person under the age of 21 to violate this section.

~~(B)~~(D) Religious services and ceremonies exempt.

Nothing in this section shall be construed to prohibit the possession and dispensing, or consumption by a person under the age of 21 years of alcoholic liquor in the performance of a religious service or ceremony.

(E) Penalty.

Any violation of this Section can result in a penalty as set forth in Section 111.99 of the Village Code.

§ 111.99 PENALTY.

(A) Any person other than a licensee violating any provision of this chapter, or a bartender selling to underage persons, shall, upon conviction, be fined not less than ~~\$400~~ \$250 nor more than \$ 500 for each offense. A bartender who sells to a person under the age of 21 may be fined not less than \$500 for a first offense and \$750 for a second offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) A licensee violating any provision of this chapter may be fined by the Local Commission in lieu of suspension or revocation. The fine shall not exceed, ~~\$1,000~~ \$500 for each such first violation, \$1,000 for each such second offense, and \$1,500 for each such third offense. Each day on which the violation occurs shall constitute a separate violation not more than \$ 10,000 in fines under this section may be imposed against any licensee during the period of the licensee's license.

(C) Proceeds of fines imposed by the Liquor Commissioner shall be paid into the Village Treasury.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.


Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SO ORDAINED this 22 day of Sept., 2020, at Chatham, Sangamon County, Illinois.

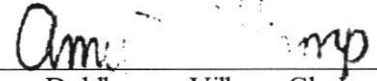
	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	✓			
ANDREW DETMERS	✓			
BRETT GERGER	✓			

RYAN MANN	✓			
MATT MAU	✓			
PAUL SCHERSCHEL	✓			
DAVE KIMSEY				
TOTAL	6			

APPROVED by the President of the Village of Chatham, Illinois this 22 day of Sept., 2020.


 Dave Kimsey, Village President

Attest:


 Amy Dahlkamp, Village Clerk
