



**CITY OF CARBONDALE, ILLINOIS
LOCAL LIQUOR CONTROL COMMISSION**

Tuesday, March 25, 2014 - 6:30 p.m.
City Council Chambers, Room 108
Carbondale Civic Center, 200 S. Illinois Avenue

AGENDA

1. Roll Call

Commissioner Harvey	y	n
Commissioner Adams	y	n
Commissioner Fronabarger	y	n
Commissioner McDaniel	y	n
Commissioner Bradshaw	y	n
Chairman Monty	y	n

2. Approval of Minutes from December 17, 2013

Commissioner Harvey	y	n
Commissioner Adams	y	n
Commissioner Fronabarger	y	n
Commissioner McDaniel	y	n
Commissioner Bradshaw	y	n
Chairman Monty	y	n

3. Consideration of an application for a Class F1 (Temporary – Beer and Wine Only) liquor license from Carbondale Main Street Inc., 121 South Illinois Avenue

Executive Director of Carbondale Main Street, Meghan Cole,

Commissioner Harvey	y	n
Commissioner Adams	y	n
Commissioner Fronabarger	y	n
Commissioner McDaniel	y	n
Commissioner Bradshaw	y	n
Chairman Monty	y	n

F. Class F Licenses:

1. Class F1 licenses shall authorize the retail sale of beer and wine by civic, service, charitable, or other not for profit organizations incorporated or authorized to do business according to the laws of the state at a picnic, outing, festival or other such similar occasions, subject to the conditions of subsections F1a through F1h of this section, and to the terms, conditions, and restrictions of this and all other pertinent sections of this code.
 - a. The retail sale of beer and wine shall be by the drink only for consumption on the premises or within an area specifically designated in the application for the class F1 license.
 - b. A class F1 license shall be valid for a period not to exceed forty eight (48) hours as determined by the local liquor control commission.
 - c. An applicant for a class F1 license shall submit an application for such license in the manner provided by this chapter at least thirty (30) days prior to the date for which the license shall be used. The applicant must show evidence that dramshop liability insurance has been obtained for the period of the license.
 - d. The application for a class F1 license shall state in the application for such license the hours during which beer and wine are to be sold.
 - e. The applicant shall complete the appropriate application on a form approved by the local liquor control commission.
 - f. A class F1 license, if issued, shall not in any manner be regarded to relieve the licensee of complying with any other requirement of law.
 - g. A fee of one hundred dollars (\$100.00) shall be paid at the time the license is issued. Said fee may be waived at the discretion of the local liquor control commission for good cause shown.
 - h. A class F1 temporary liquor license will be issued at the discretion of the local liquor control commission.

4. Review of Second Quarter Reports from the Police Department, Fire Department, and Building and Neighborhood Services

Commissioner Harvey	y	n
Commissioner Adams	y	n
Commissioner Fronabarger	y	n
Commissioner McDaniel	y	n
Commissioner Bradshaw	y	n
Chairman Monty	y	n

2-5-3: RESPONSIBILITY FOR VIOLATIONS:

A. Responsibility Of Licensee For Acts Of Employees: Every act or omission of whatsoever nature constituting a violation of any provision of this title or the Illinois liquor control act¹ by any officer, director, manager, member, or other agent or employee of the licensee, shall be deemed to be the act of the licensee or employer. The licensee or employer shall be punishable in the same manner as if the act or omission has been done or omitted by the licensee personally.

B. Responsibility Of Owner Of Property Permitting Violation: If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this title or the Illinois liquor control act, said owner, agent, or other person shall be deemed guilty of a violation of this title or the Illinois liquor control act to the same extent as said licensee and be subject to the same penalty.

C. Responsibility Of Persons In Control Of Premises: It shall be unlawful for any person in control of a premises located within the city to knowingly allow any person under the age of twenty one (21) years to possess or consume alcoholic liquor on the premises or to knowingly allow any person under the age of twenty one (21) years to remain on such premises while possessing or consuming alcoholic liquor in violation of this title or state law.

1. Obligation To Verify Age: The person in control of a premises has the affirmative obligation to verify that all persons on the premises in possession of or consuming alcoholic liquor are above the age of twenty one (21) years or otherwise doing so legally.

2. Validity Of License: It shall be unlawful for any person in control of a premises to sell alcoholic liquor on the premises without a valid liquor license or to knowingly allow any other person to sell alcoholic liquor on the premises without a valid liquor license.

3. Persons In Control Of A Premises: "Persons in control of a premises" for the purpose of this section includes, but is not limited to, the following persons:

a. In the case of an owner occupied premises, the person in control is the owner(s). In the event the owner is not a natural person, but a corporation, limited liability company, partnership, trust, or similar entity, the person in charge shall be that natural person(s) who is authorized to control and occupy the premises.

b. In the case of a leased or rented premises, the person in control is that person or those persons who have a lease, a rental agreement, or other form of control of the premises which has been conveyed by the owner or owner's agent. In the event the lessee or renter is not a natural person, but a corporation, limited liability company, partnership, trust, or similar

entity, the person in charge shall be that natural person who is in the day to day control of the premises, such as a manager.

- c. In the case of property such as a fraternity or sorority house, the person in control shall be the person who has been designated in charge of the day to day operation of the local organization. In the absence of a designation of another responsible person, the president of the local chapter shall be considered to be the person in control of the premises.
4. Exceptions: The provisions of this subsection do not apply to the following circumstances:
- a. Possessing, dispensing, or consuming small quantities of alcoholic liquor by persons under the age of twenty one (21) years in the performance of a religious service or ceremony by a religious group.
 - b. The consumption of small quantities of alcoholic liquor by persons under the age of twenty one (21) years under the direct supervision and approval of the parent(s) or guardian(s) of such under twenty one (21) year persons in the privacy of the parent's or guardian's home.
 - c. Subsection C1 of this section shall not apply to premises which are owned or otherwise controlled by a governmental or private entity when said premises is usually open to use by the general public such as rights of way, parks, and nature preserves or to situations of trespass or unauthorized entry onto a premises.

D. Responsibility Of Licensee For Acts On Control Premises: It shall be unlawful for any licensee to allow or permit upon the licensed premises or control premises any activity that is prohibited by the ordinances of the city.

E. Penalties: Any person who violates this section shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 2007-38)

5. Citizens' Comments and Questions

6. Adjournment

*Please note that discussion regarding the sale of beer and wine at Convenience Stores/Gas Stations, the sale of all packaged liquors at Convenience Stores/Gas Stations, and the sale of all packaged liquors at Grocery Stores will not be considered by the City Council at the meeting on March 25. Due the priority of the upcoming fiscal year's budget, the matter is expected to be taken up at a meeting of the City Council on April 22 or May 6, 2014.