



ORDINANCE NO. 976

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE
NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE
AMENDMENTS TO CHAPTER 113: ALCOHOLIC BEVERAE AND
LIQUOR CONTROL RELATING TO EMPLOYEES**

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw.

DECEMBER 11, 2018

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *10TH day of DECEMBER 2018*, insofar as same relates to the adoption of *Ordinance No. 976*, entitled:

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS TO CHAPTER 113: ALCOHOLIC BEVERAGE AND LIQUOR CONTROL RELATING TO EMPLOYEES

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.976*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *DECEMBER 11, 2018* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by **SIX** members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 21ST DAY OF DECEMBER, 2018.



[Redacted Signature]

Village Clerk

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BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW:

SECTION 1: §113.230 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing §113.230 and inserting in its place a new Section which shall be as follows:

113.230 Employees.

- (A) It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any infectious or communicable disease, contained in the list of infectious and communicable diseases published annually by the U.S. Secretary of Health and Human Services, in a capacity in which such person may transmit the infectious or communicable disease through the handling, preparation or distribution of food or alcoholic liquor; and it shall be unlawful for any person who is afflicted with, or a carrier of, any such disease to work in a capacity where the disease may be transmitted through the handling, preparation or distribution of food or liquor.
- (B) Except as provided in subsection (C) of this section, it shall be unlawful to permit any person under the age of 21 to serve, mix, dispense or sell alcoholic liquor or to be otherwise involved in the handling of such alcoholic liquor.
- (C) Holders of a Class B retail liquor dealer's license may employ 20 year old persons to sell packaged alcoholic liquor to patrons if all of the following conditions are met:
 - 1. The primary duties of the 20 year old person are cash registers duties;
 - 2. The sale of alcoholic liquor is incidental to the sale of fuel, food or other retail items to patrons;
 - 3. The licensed premise is, at all times, under the control of either the licensee or an adult agent or employee of the licensee. To be in control of the premise, an adult possessing those responsibilities and duties normally associated with a manager must be present on the premise.
- (D) Nothing in this section shall be interpreted as allowing any licensee issued a Class F retail liquor dealer's license, or any officer, associate, member, representative, agent or employee of such licensee to serve alcoholic liquor other than beer or wine within the licensed premises.
- (E) Restrictions on servers.
 - 1. *Prohibition.* It shall be unlawful for a licensee or an agent or employee of the licensee to serve or supervise the service of alcoholic beverages in a licensed premise while under the influence of alcohol, a controlled substance, a synthetic alternative drug or any combination of alcohol, a controlled substance and/or synthetic alternative drug. Under the influence means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol beverages, controlled substance or synthetic alternative

drug and which tends to deprive a person of the clearness of intellect and control of himself which he would otherwise possess.

2. *Presumption.* A test of the person's breath, blood, or urine, including a preliminary breath test, that shows the person has an alcohol concentration of 0.04 or more is prima facie evidence that he is under the influence. Blood tests indicating impairment by controlled substance or synthetic alternative drug is also evidence that he is under the influence. Law enforcement officials shall be allowed to ask for a preliminary breath test upon reasonable suspicion. Refusal to submit to a requested test may be considered by the local liquor commission as grounds for fines, suspension, revocation, non-issuance, or non-renewal of the licensee's liquor license.

3. *Effect of violation on premises.* If the principal business of the licensed premises is the sale of alcohol beverages, law enforcement officials will order it closed until such time as another licensed server of the licensee who is not in violation of this section shall take charge of such premises. It shall be a violation of this subsection for any licensed premises to be open contrary to such order of law enforcement officials.

SECTION 2: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 3: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 4: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

Passed in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 10th day of December, 2018.



APPROVED:

[Redacted Signature]

President of the Board of Trustees of the Village of Mackinaw

ATTEST:

[Redacted Signature]

Village Clerk

AYES: 5

NAYS: 1

ABSENT: _____

ABSTAIN: _____