

NOVEMBER 3, 2020,
SANGAMON COUNTY LIQUOR COMMISSIONER TEMPORARY RULE
REQUIRING LIQUOR LICENSEES TO COMPLY WITH COVID-19 REQUIREMENTS
[NOTE: Supersedes July 24, 2020, Temporary Rule]

WHEREAS, businesses licensed to sell alcoholic beverages at retail have operated with restrictions designed to protect the public health during the COVID-19 pandemic in order for the businesses and the overall economy to prosper; and

WHEREAS, the COVID-19 pandemic continues, positivity rates in our area have increased, and the pandemic threatens the health of all persons in Sangamon County, including employees and patrons of these licensees; and

WHEREAS, based upon current data in Sangamon County, our medical advisory group has recommended additional mitigation restrictions to avoid those conditions in which the safety of any person is likely to be endangered by the keeping open of such place where alcoholic liquor is sold at retail or dispensed; and

WHEREAS, the Sangamon County Board Chairman, in his capacity as the Sangamon County Liquor Commissioner, is authorized to make rules relating to the administration and enforcement of the Sangamon County Code, Chapter 5.04, entitled “Alcoholic Beverages;” and

WHEREAS, Section 5.04.380 of the Code grants the Liquor Commissioner the authority to close for a time period as determined by the Liquor Commissioner a licensee’s business if, in his opinion, the safety of any person is likely to be endangered by the keeping open of such place where alcoholic liquor is sold at retail or dispensed; and

WHEREAS, it is the Liquor Commissioner’s opinion that the operation of a licensee’s business while not in compliance with the COVID-19 protective measures set forth in Exhibit A (attached hereto) endangers the safety of persons who are employees and patrons of the business and, thus, the business is subject to closure for a time period determined by the Liquor Commissioner pursuant to Section 5.04.380; and

WHEREAS, a violation of Section 5.04.380 also subjects licensees to Section 5.04.370 monetary penalties, which may include a fine of not less than two hundred fifty dollars for the first offense, not less than five hundred dollars for the second offense, and not less than one thousand dollars for any offense thereafter; and

WHEREAS, any such violation may also subject licensees to any other action that may be taken by the Liquor Commissioner under Section 5.04.140, including, but not limited to, the revocation or suspension of a license; and

WHEREAS, Section 5.04.360 of the Code incorporates the Illinois Liquor Control Act and all regulations issued by the Illinois Liquor Commission applicable to Sangamon County; and

WHEREAS, the Illinois Liquor Control Act is to be liberally construed, to the end that the health, safety, and welfare of the People of the State of Illinois shall be protected (235 ILCS 5/1-2); and

WHEREAS, the Illinois Liquor Control Act gives the Liquor Commissioner the authority to grant or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises within his jurisdiction (235 ILCS 5/4-4(1)); and

WHEREAS, the Illinois Liquor Control Act further provides the Liquor Commissioner with the authority to revoke or suspend any license issued by him if he determines that the licensee has violated the Act, any provision of Chapter 5.04, any Liquor Commissioner rule, or any regulation of the Illinois Liquor Commissioner, in addition to imposing fines as allowed by the Act (235 ILCS 5/7-5).

WHEREFORE, through the authority granted by the aforementioned laws, the Liquor Commissioner hereby enacts the following temporary rule, which has the force of law, and shall apply to all classes of license under Section 5.04.050 of the Code, but shall not apply to licenses granted for internet sales: **All licensees must operate their businesses in compliance with Exhibit A (attached hereto).**

This temporary rule shall remain in effect until further action by the undersigned.

Sangamon County Board Chairman
Sangamon County Liquor Commissioner

Date: _____