

**Title 2**

**Business**

650-03.2

**ARTICLE 1**

**ADMINISTRATION**

**SECTION 1. APPLICATIONS.** Applications for all licenses and permits required shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall contain:

1) name of the applicant; 2) the permit or license desired; 3) the location to be used, if any; 4) the time covered; and 5) the fee to be paid. Each application also shall contain the number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the license or permit applied for.

**SECTION 2. APPLICATION PROCESS.**

2.1 Upon receipt of an application for a license or permit, where an inspection is required by ordinance before the issuance of such permit or license, or where an inspection shall be deemed reasonably necessary or appropriate, the Village Clerk, within three (3) business days of such receipt, shall refer the application to the appropriate official(s) for the making of such inspection.

2.2 The official(s) to whom the application has been referred shall prepare a report, favorable or otherwise, within ten (10) days after receiving such application or copy.  
The original copy of the report shall be returned to the Village Clerk.

2.3 Upon receipt of such reports, the Village Clerk shall forward such reports, together with the application, to the Village President and Board of Trustees for evaluation and determination.

2.4 If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Village Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

2.5 If, after due consideration of the information contained within the application and the related inspection reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefore. Thereupon, the Village Clerk shall be directed to promptly notify the applicant his or her application is disapproved, and that no license or permit will be issued.

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2 6 If, after due consideration of the information contained within the application and the related inspection reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. The Village Clerk shall then be directed to promptly notify the applicant that his or her application is approved, and the license or permit may be issued.

**SECTION 3. PERSONS SUBJECT TO LICENSE.** Whenever in this article, or in any Village ordinance, a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by the individual, or through the agent, employee or partner.

**SECTION 4. SIGNATURES.** Each license or permit issued shall bear the signature of the Village President and the Village Clerk in the absence of any provisions to the contrary.

**SECTION 5.**

**FEES.** In the absence or provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the Village Clerk in the amounts prescribed by the Village. When applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated bi-annually and the fee paid for each half year during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part, by reasons of death, or departure of the licensee or permittee; nor shall any rebate or refund be made by reasons of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment business, or activity.

**SECTION 6. TERMINATION OF LICENSES.** All annual licenses shall be operative and the license year for the Village shall commence on the first day of May of each year and shall terminate on the last day of April of the following year, where no provision to the contrary is made. Licensees shall be responsible for renewing any appropriate license.

**SECTION 7.**

**BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village, County of Henry, and the State of Illinois.

**SECTION 8. CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that ten (10) days' notice is given the Village Clerk in the absence of any provision to the contrary, provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

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**SECTION 9. LOCATION.** No license for the operation of a business or establishment in the Village shall be construed to permit the operation of a licensed business or establishment in more than one location in the Village; a separate license shall be required for each location of a licensed establishment. For the purposes of this article the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

**SECTION 10. NUISANCES PROHIBITED.** Generally, no business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

**SECTION 11. UNSAFE OR UNHEALTHFUL BUSINESS.**

11.1 No budding or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.

11.2 No substance, matter, or thing of any kind whatever which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

**SECTION 12. SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

12.1 When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

12.2 Within eight (8) days after he or she has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

12.3 Licenses and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in Subsection 12.4 of this Section for any of the following causes:

12.3.1 Any fraud, misrepresentation, or false statement contained in the application for the license or permit;

12.3.2 Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

12.3.3 Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

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12.3.4 Failure of the licensee or permittee to pay any fine or penalty owing to the Village;

12.3.5 Refusal to permit any inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his or her duties in making such inspections.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.

12.4 Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address at least five (5) days prior to the date set for the hearing.

**SECTION 13. APPEAL.** Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within ten (10) days after notice of a denial of any application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee. The decision of the Board of Trustees on such appeal shall be final.

**SECTION 14. LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in the Village to keep his or her license posted in a prominent place on the premises used for such business at all time

**ARTICLE 1**

**SOLICITORS AND CANVASSERS**

**SECTION 1. REGISTRATION REQUIRED.** It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions or business of any kind, or seeking information or donations without first having registered in the office of the Village Clerk or Chief of Police. The registrant shall give his complete identification, his signature, the name of his employer, the address and phone number of his employer, the nature of the product or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the Village.

**SECTION 2. FEE.** Each registrant shall pay to the Village Clerk or Chief of Police a registration fee either per day or per year for the period expiring one (1) year after the date of said registration. Any organization which is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal charitable, benevolent or non-profit organization shall be excepted from the payment of the registration fee. A fee schedule is set and outlined in Appendix A.

**SECTION 3. CERTIFICATE.** Each applicant who shows evidence of good character and who pays the fee provided for herein or who has been exempted from the payment of said fee shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration, after the Village Clerk or Chief of Police has had opportunity to investigate all information furnished to said Clerk by the applicant, said period of investigation not to exceed fourteen (14) days.

Each registrant shall notify the Village Clerk or Chief of Police before making any solicitations in the Village; and, shall at all times while soliciting or canvassing in the Village, any upon his person the registration certificated and said certificate shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

**SECTION 4. EXCEPTIONS.** The provisions of this Ordinance shall not apply to officers or employees of the Village, County, State or Federal Government, or any subdivision thereof, when on official business.

**SECTION 5. REVOCATION.** Any such registration may be revoked by the President of the Board of Trustees or the Chief of Police because of any violation by the registrant of this Ordinance or of any other Ordinance of the Village, or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this Ordinance for the original registration.

**SECTION 6. HOURS.** Applicants conducting sales pursuant to this Article shall conduct such sales within the Village limits only between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Saturdays.

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**LIQUOR**

**SECTION 1. DEFINITIONS.** Unless the context requires otherwise, the following terms as used in this Article shall be construed according to the definitions given below.

**Alcoholic Liquor.** Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume which is fit for beverage purposes.

**Retail Sale.** The sale for use or consumption and not for resale.

**Restaurant.** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually served and regularly served, without sleeping accommodations, the space being provided with adequate and sanitary accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests: provided that no establishment shall qualify as a restaurant or shall continue to be qualified as a restaurant unless at least fifty percent (50%) of its gross income is derived from the sale of food. For such an establishment, which has been in operation for at least one (1) year, such percentage shall be determined from the gross income received during the year preceding the year for which the application for the license or the renewal is made. For an establishment, which has begun operation for less than one year, the percentage shall be determined on the projected gross income for the year which the application for license is being made.

**Hotel or Motel.** Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty (20) or more rooms are used for the sleeping accommodations and dining rooms are being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**Club.** A corporation organized under the laws of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors that conforms to the definition of club as provided by Statute.

**SECTION 2. ADMINISTRATION.** Village president to be liquor control commissioner; compensation. Village Board to be Liquor Commission, compensation.

2.1 The village president shall be the village liquor control commissioner and shall receive a salary of \$1000 per fiscal year and shall be paid according to Title 1, Chapter 2, Article 1, Section 8.

2.2 The Village Board will act as village liquor control board and receive compensation equal to the per diem meeting pay as per liquor control board meeting and shall be paid according to Chapter 2, Article 1, Section 8.

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2.3 - Records and notices. The village president shall keep a complete record of all licenses issued by him and shall furnish the village clerk, village treasurer and chief of police each with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the village president shall give written notice of such action to each of these officers within 48 hours after such action.



**SECTION 3. LICENSE REQUIRED.** No person shall sell or offer for sale at retail in the Village any alcoholic liquor without having a retail dealer's license, or in violation of the terms of the license.

**SECTION 4. APPLICATION & DISPOSITION OF FEES.** Applications for licenses shall be made at the local Liquor Control Commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent if a club or corporation. The application shall be verified by oath or affidavit, after ten (10) days residence in the Village of Alpha, Illinois, and shall contain the following statements and information.

- 4.1 The name, age, and address of the applicant in the case of an individual; In the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of that person
- 4.2 The citizenship of the applicant, place of birth, and if a naturalized citizen, the time and place of naturalization.
- 4.3 The character of the business of the applicant, place of birth, and in the case of a corporation, the objects for which it was formed.
- 4.4 The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- 4.5 The amount of goods, wares and merchandise on hand at the time the application is made.
- 4.6 The location and description of the premises or place of business which is to be operated under the license.
- 4.7 A statement whether the applicant has made an application for a similar or other license on premises other than described in this application, and the disposition of the application.
- 4.8 A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Section, laws of State, or ordinances of this Village.
- 4.9 Whether a previous license by any state or subdivision or by the federal government has been revoked, and the reasons.
- 4.10 A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance in the Village in the conduct of his place of business.

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- 4.11 All fees for licenses required by this article shall be paid to the village president at the time application is made, and shall be forthwith turned over to the village treasurer. If the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate fund or in such other fund designated by the board of trustees by proper action.

**SECTION 5. RESTRICTION OF LICENSES.** No such license shall be issued to:

- 5.1 A person who is not of good character and reputation in the community which he resides.
- 5.2 A person who is not a citizen of the United States or a person who does not have permanent residency.
- 5.3 A person who has been convicted of a felony.
- 5.4 A person who has been convicted of being the keeper of a house of illfame.
- 5.5 A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- 5.6 A person whose license under this Article has been revoked for cause.
- 5.7 A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application.
- 5.8 A co-partnership, unless all members of the co-partnership shall be qualified to obtain a license.
- 5.9 A corporation, if any officer, manager or director or any stockholder owning in aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
- 5.10 A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee.
- 5.11 A person who has been convicted of a Violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
- 5.12 A person who does not own the premises for which a license is sought, or does not have a lease for the full period for which the license is issued.
- 5.13 Any law enforcing public official, any Board President, or member of the Village Board of Trustees and no official shall be interested in any either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- 5.14 Any person, firm, or corporation not eligible for a state retail liquor dealer's license.
- 5.15 A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3)—(a)(11) of section 28-1 (720 ILCS 5/28-1(a)(1)—(a)(11)) of, or as proscribed by section 28-1.1 (720 ILCS 5/28-1.1) or 28-3 (720 ILCS 5/28-3) of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of these statutory provisions.

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**SECTION 6. TERM OF LICENSE.** Each license shall terminate on the 30<sup>th</sup> day of April following issuance. New businesses will be prorated.

**SECTION 7. EXAMINATION OF APPLICANT FOR LOCAL LICENSE.** The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for suspension that has been served as provided by Statute, and to examine the books and records of any applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for the purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the liquor Control Commissioner under this section, the Commissioner may authorize an agent to act on his behalf, as provided by the Statute.

**SECTION 8. CLASSIFICATION AND FEES**

8.1 Such licenses shall be divided into the following classes:

Class "A", which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold and not for resale in any form. Sunday sales are prohibited. The annual fee for such license shall be one thousand dollars (\$1,000) including Sunday Sales. Fee is payable semi-annually, April 30th and October 31st.

Class "A-1", which shall permit a non-profit organization to the retail sale of Beer and Wine only for consumption on or off the premises where sold and not for resale in any form. Sunday sales are prohibited. The annual fee for such license shall be Three Hundred dollars (\$300) including Sunday sales. Fee is payable semi-annually, April 30th and October 31st.

Class "AA", which shall permit the retail safe of alcoholic for consumption on or off the premises where sold, that is, in restaurants, in hotels, or motels. as herein defined but not for in any form. The fee for such a license shall be one thousand dollars (\$1,000.00) Fee may be paid semi-annually April 30<sup>th</sup> and Oct 31<sup>st</sup>.

Class "B", which shall permit the retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises where sold. The annual fee for such a license shall be one thousand dollars (\$1000.00) including Sundays. Fee may be payable semi-annually April 30<sup>th</sup> and Oct 31<sup>st</sup>.

Class "C", which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, containing not more than four percent of alcohol by weight, to be issued for temporary stands, booths, and counters such as used at celebrations, and the like. The daily fee for such licenses shall be twenty-five dollars (\$25.00).

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8.2 (For Future Expansion)

8.3 (For Future Expansion)

8.4 All licenses issued shall be designated by the classification letter provided.

8.5 Restrictions on the retail package sale of alcohol, spirits, wine or beer for holders of class A, A-1, AA or B liquor licenses:

The holders of class A, A-1 or AA liquor licenses shall not engage in the retail package sale of any containers of alcohol, spirits or wine containing an amount less than 200 milliliters (6.76 ounces) of alcohol, spirits or wine. The holders of class A, A-1 or AA liquor licenses shall not engage in the retail package sale, for off-premises consumption, of any single can, single bottle or other single container of any beer unless the individual can, bottle or other container of beer is marketed for individual sale. It shall be a violation of this Code to sell individual cans, bottles or other individual containers of beer that are removed from a six-pack, 12-pack, case, or other type of packaging with more than one can, bottles or container of beer. After holding a hearing as required by state statute, the liquor commissioner may impose a fine for a violation of this section that shall not exceed \$1,000 for a first violation in a 12-month period, \$1,500 for a second violation in a 12-month period and \$2,500 for a third or subsequent violation in a 12-month period. Not more than \$15,000.00 in fines may be imposed against any license during the period of the license. For the purpose of this section the terms "alcohol," "spirits," "wine" and "beer" shall have the same meaning as that set forth, in the Illinois Liquor Control Act.

8-6 Late fees: Late fee for any license renewal fee due that is paid on or after May 1st but before June 1<sup>st</sup> - \$50.00

Late fee for any license renewal fee due that is paid on or after June 1st but before July 1<sup>st</sup> - \$100.00

Late fee for any license renewal fee due that is paid after on or after July 1<sup>st</sup> - 100% of the license renewal fee

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**SECTION 9. NUMBER OF LICENSES.**

9.1 There shall be no more than two Class (2) "A" licenses issued and in force at any one time in any year until the total population of the Village reaches two thousand (2,000), and thereafter not more than one (1) Class "A" license shall be issued and in force anyone time in any year for each two thousand (2,000) or major fraction of one thousand (1,000) of the population.

9.1 A There shall be no more than two Class (2) "A-1" licenses issued and in force at any one time in any year until the total population of the Village reaches two thousand (2,000), and thereafter not more than one (1) Class "A-1" license shall be issued and in force anyone

time in any year for each two thousand (2,000) or major fraction of one thousand (1,000) of the population.

- 9.2 There shall be no more than two (2) Class "AA" licenses issued and in force at any one time until the total population of the Village reaches the number of two thousand (2,000). After reaching that threshold, not more than one (1) Class "AA" license shall be issued and in force at any one time in any year for each one thousand (1,000) or major fraction of one thousand (1,000) of added population.
- 9.3 (For Future Expansion)
- 9.4 There shall be no more than two (2) Class "B" license issued and in force at any one time in any year until the total population of the Village reaches one thousand (1,000). Thereafter, not more than one (1) Class "B" license shall be issued and in force at any one time in any year for each five hundred (500) or major fraction of five hundred (500) of population.
- 9.5 (For Future Expansion)
- 9.6 The term "total population" shall mean the population determined by the most recent official federal, state or Village census.

**SECTION 10. INSURANCE REQUIRED.** No license shall be issued unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the insurance required by the State.

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**SECTION 11. TRANSFER OF LICENSE.** A license shall be a purely personal privilege, not to exceed one (1) year after issuance unless revoked sooner as provided in this Article. The license 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 pledged. The license shall cease on the death of the licensee and shall not descend the laws of the testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic under the order of the appropriate court, and may exercise the privileges of the deceased or the insolvency of the licensee. A refund shall be made of the portion of the license fee paid for any period in which the

licensee shall be prevented from operating under the license in accordance with the provisions of this section.

**SECTION 12. CHANGE OF LOCATION.** A license shall permit the sale of alcoholic in the premises described in the application and license. The location may be changed only when written permit to make the change is issued and the proposed new location is in compliance with the provisions and of this Article.

**SECTION 13. RENEWAL OF LICENSE.**

13.1 Any licensee may renew a license at expiration, provided that the licensee is then qualified to receive a license and the premises for which the renewal is sought is suitable for such purpose; further, that the renewal privilege shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within jurisdiction.

13.2 License must be renewed by 5:00 p.m. on the last business before expiration.

13.3 Violation of the terms of renewal before expiration could result in loss of licenses and/or a penalty of five hundred dollars (\$500.00)

**SECTION 14. PEDDLING.** It shall be unlawful to peddle alcoholic liquor in the Village.

**SECTION 15. SANITARY CONDITIONS.** All premises used for the retail sale of alcoholic or for the storage of liquor for sale, shall be kept in full with the regulating the condition of premises used for the storage or sale of food for human consumption; and shall obtain all necessary permits from the Health of the County and State.

**SECTION 16. EMPLOYEES.** No person shall 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 contagious, infectious or venereal disease; and it shall be unlawful for any person who is infected with or is a carrier of such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

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**SECTION 17. LOCATION RESTRICTIONS.** No license shall be issued for the sale of retail of any alcoholic liquor, within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels or motels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic beverages is not the principal business carried on, of such place of business so exempted shall have been established for such purposes prior to the taking effect of this ordinance. No person shall hereafter engage in the business as a retailer of alcoholic liquor within one hundred (100) feet of any mortuary.

**SECTION 18. STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for minors.

**SECTION 19. HOURS OF OPERATION.** Alcoholic liquor shall only be sold, offered for sale at retail, or given away in or upon any licensed premises during the following hours.

- 19.1 Monday through Thursday: 5:30 A.M. to Midnight  
Friday: 5:30 A.M. to 2:00 a.m. Saturday  
Saturday: 5:30 A.M. to 2:00 a.m. Sunday
- 19.2 On Sundays, alcoholic liquor shall only be sold, offered for sale, or given away between the hours of 12:00 noon and 10:00 p.m.
  - a. During the regular NFL season, (generally from September 1 to February 15), license holders may extend the hours of operation to Midnight.
- 19.3 A person may sell, offer for sale at retail, or give away alcoholic liquor on any licensed premises until 2:00 a.m. on January 1, New Year's Day, of any year.
- 19.4 No person shall keep open for business any premises for consumption or sale at retail of alcoholic liquor during the hours that the sale of liquor is prohibited. However, in the case of restaurants, hotels or motels or convenience stores, the establishments may be kept open for business during those hours, but no alcoholic liquor may be sold to ~~or consumed~~ by the public during those hours.
- 19.5 It shall be unlawful to keep open for business or to admit the public to, or permit. the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited, provided that in the case of restaurants, hotels or motels, such establishments may be open for business during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

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**SECTION 20. VIEW FROM THE STREET.** Where the sale of alcoholic liquor for the consumption on the premises is licensed (other than as a restaurant, hotel or club) no screen, blind, curtain, partition, article or thing shall be permitted which of lights or lighting shall be permitted in or about the interior which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into the premises shall be willfully obscured or in any manner obstructed, then license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Village President shall have the right to require the filing of plans, drawings, and photographs showing the clearance of view as required.

**SECTION 21. MINORS - SALE TO.**

- 21.1 No person under the age of twenty-one (21) years shall purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.
- 21.2 No person under the age of twenty-one (21) years shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.
- 21.3 In every tavern or other place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:

**"Warning to Minors"**

**You are subject to a fine of up to \$500.00 under the ordinance of the Village of Alpha if you purchase alcoholic liquor, or misrepresent your age for the purpose or obtaining alcoholic liquor"**

- 21.4 No holder of a retail liquor dealer's license, or his or her agent or employee shall suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where the licensed premises is located; provided that this paragraph shall not apply to any minor accompanied by a parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.
- 21.5 In addition to all other fines and penalties, the Village President may suspend or revoke the retail liquor dealer's license for any violation of this Article.
- 21.6 No parent or guardian shall permit any minor child to violate any of the provisions of this section.
- 21.7 No person shall give or deliver alcoholic liquor to any minor.
- 21.8 No minor under twenty-one (21) years of age shall attend any Class "A" licensed establishment without parent or legal guardian.
- 21.9 No minor under twenty-one (21) years of age shall draw, pour, mix or sell any alcoholic liquor in any licensed retail premises.
- 21.10 No minor under twenty-one (21) years of age shall be seated at the bar of any establishment licensed for the sale of alcoholic liquor.

**TITLE 2 – BUSINESS  
BUSINESSES REGULATED**

**CHAPTER 2 -**

**SECTION 22. SALE TO INTOXICATED PERSONS - HABITUAL DRUNKARDS.** No holder of a retail liquor dealer's license shall sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

**SECTION 23. INSPECTIONS.** No person shall refuse to grant admittance to the premises for any license that has been issued at any time upon verbal request of any police officer, the health officer, or any member of the Village Board of Trustees for the purpose of making an inspection on the premises, or any part.

**SECTION 24. REVOCATION- SUSPENSION.** The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for violation of any provision of this



chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor as provided by law/

**SECTION 25. GAMBLING.** It shall be unlawful to gamble except for Video Gaming as allowed by the Illinois Legislature and as licensed by the Illinois Gaming Board, which shall be allowed. Video Gaming shall be limited by the number of Liquor Licenses available according to the Village Code.

**SECTION 26. VIDEO GAMING TERMINAL (MACHINE) FEE.** A licensee holding a State of Illinois Video Gaming License shall be assessed an annual Village fee of \$25.00 per video gaming terminal (machine.) Said fee shall be payable to the Village prior to installation of any State of Illinois authorized video gaming devices, and then shall be payable in full prior to the start (May 1st) of each succeeding year.

**SECTION 27. RAFFLES AND POKER RUNS.** The purpose of this Ordinance is to regulate and control the conduct of raffles and poker-runs within the VILLAGE OF ALPHA, Henry County, Illinois. B.

**PURPOSE:**

The purpose of this Ordinance is to regulate and control the conduct of raffles and poker-runs within the VILLAGE OF ALPHA, Henry County, Illinois. C. **DEFINITIONS:**

In the construction of this Ordinance, the definitions hereunder shall be observed and applied:

"Business" is a voluntary organization composed of individuals and/or Businesses who have joined together to advance the commercial, financial, industrial and civic interest of a community.

"Charitable Organization" is an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

"Educational Organization" is an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

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"Fraternal Organization" is an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

"Hardship" is a Situation in which an organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license organizes for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness; disability, accident or disaster.

"Labor Organization" is an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit in the development of a higher degree of efficiency in their respective occupations.

"Licensee" is an organization which has been issued a license to operate a raffle or poker run.

"Net Proceeds" means the gross receipts from the conduct of raffles or poker runs, less sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

"Non-Profit" means organized, operated and conducted on a not-for-profit basis without personal profit to individual(s) or the organization.

"Person" means an individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

"Poker Run" is an event in which participants travel to multiple predetermined locations, including a key location, to draw a playing card or equivalent item at each location in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

"Raffle" means a form of lottery, as defined in Section 28-2 (b) of the Criminal Code of 2012, conducted by an organization licensed under 230 ILCS 15/ (Raffles and Poker Runs Act), in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated as the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Religious Organization" is any church, congregation, society or organization founded for the purpose of religious worship.

"Veterans Organization" is any association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

**D. LICENSE REQUIREMENTS:**

Any person seeking to conduct or operate a raffle or poker run as outlined in this Ordinance shall submit a Raffle/Poker Run Application using the form provided by the Village Liquor

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Commissioner. Applications must be submitted to the Village Liquor Commissioner at least five (5) days prior to conducting a raffle or poker run, and prior to selling tickets or chances for a raffle. The fee for the license application is \$25 for all license classes. Completion of an application does not guarantee approval or issuance of a raffle/poker run license.

An organization may appeal license decisions in writing within ten (10) business days of decision by submitting notice of appeal to the village Board office.

It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run, conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value, tickets or a chance on a raffle unless conducted pursuant to terms outlined on a raffle or poker run license duly issued by the VILLAGE OF ALPHA and in accordance with the provisions of this Ordinance and the Raffles and Poker Runs Act (230 ILCS 15). A raffle or poker run license shall be valid for the period outlined on the license and shall not be valid for more than twelve (12) months.

Raffle and poker run licenses shall be issued only to bona fide business, religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years or more immediately before applying for a license and which have had during that entire five (5) year period, a bona fide membership engaged in carrying out their objectives, or to an organization that the Village Liquor Commissioner determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident, or disaster. The Village Liquor Commissioner may waive the five (5) year requirement for bona fide business, religious, charitable, labor, fraternal, educational or veterans' organizations that apply for a license to conduct a raffle or poker run if the organization has identified and maintains a valid non-profit certification from the Internal Revenue Service, or if the organization is a local organization that is affiliated with and chartered by a national or state organization that meets the five (5) year requirement. A current copy of the organization's constitution, by-laws or other documentation must be included with the Raffle/Poker Run Application at the time of submission. The following groups or individuals are ineligible for any license under this ordinance:

1. Any person who has been convicted of a felony;
2. Any person who is or has been a professional gambler or gambling promoter;
3. Any person who is not of good moral character;
4. Any firm or organization in which a person defined in 1, 2, 3 (above) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
5. Any organization in which a person defined in 1, 2, 3 (above) is an officer, director, or employee, whether compensated or not; and
6. Any organization in which a person defined in 1, 2, 3 (above) is to participate in the management or operation of a raffle or poker run as defined in this ordinance.

Political committees must include documentation of raffle approval from the State Board of Elections when applying for a raffle license with Village Liquor Commissioner for political committees will be issued in accordance with the terms and provisions of this ordinance.

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All operation and conduct of raffles and poker runs shall be under the supervision of a single manager designated by the licensee. A Fidelity bond must be obtained by an organization conducting a raffle or poker run and the bond must be submitted with each Raffle/Poker Run Application. A Personal Surety Bond may

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be obtained from the raffle/poker manager in lieu of a Fidelity Bond for organizations conducting a raffle/poker run in which the total retail value of all prizes and merchandise awarded is less than \$5,000.00

Organizations may request a bond waiver from the Village Liquor Commissioner following a unanimous vote in support of the waiver by members of the organization conducting the raffle or poker run.

#### **E. LICENSE ISSUANCE:**

The Village Liquor Commissioner shall review all raffle and poker run applications and shall, within 30 days from the date of application, approve or deny the request for license. If the application is approved, the Village Liquor Commissioner shall issue the raffle or poker run license according to the following classification structure:

1. Class A — General Raffle License — A general raffle license shall permit an organization the ability to conduct a raffle. Multiple drawings may be held to award the prizes, but all drawings must occur on the same day and at the same location.
2. Class B — One Ticket, Multiple Raffles License — The license allows up to four raffles to be conducted with the same raffle tickets. Each ticket shall specify the dates of ticket sales and the dates of each drawing. Each drawing date shall be considered a separate raffle and will require a separate license. Each license will allow one drawing event for the prizes awarded.
3. Class C — One-Time Hardship Raffle License — This license allows a not-for-profit fund-raising organization or group organized for the sole purpose of providing emergency financial assistance to an identified individual or group of individuals suffering severe financial hardship because of an injury, disability, accident, or disaster to conduct one raffle for that purpose.
4. Class D — Twelve-Month Raffle License — A twelve-month license shall permit the conduct of a raffle or raffles. Class D licenses shall be licensed annually for a twelve (12) consecutive month period commencing on the day the license is approved.
5. Class E — Limited Annual Raffle License — This license permits an organization to regularly conduct raffles among its own membership at regularly scheduled organizations meetings. Drawing may only be held and chances for these raffles may only be sold on the day of the meeting. Class E raffles shall be licensed annually on a calendar year basis. Renewal applications shall be made on or before May 1st for the following calendar year.
6. Class F — Poker Run License - A Class F license allows an organization to conduct a single poker run, dice run, marble run, or other event where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game. A Class F license shall only be issued to provide financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster or to maintain the financial stability of the organization.

#### **F. OPERATION AND CONDUCT:**

1. The operation and conduct of a raffle or poker run shall be under the supervision of at least one raffle or poker run manager designated by the licensee.

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2. The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purpose of the license.

3. No person except a bona fide member of the licensee may participate in the management or operation of the raffle or poker run.

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4. No person may receive remuneration or profit for participating in the management or operation of the raffle or poker run.
5. A licensee may rent the premises on which to determine the winning chance or chances in a raffle or poker run only from an organization which is also licensed under this ordinance.
6. Raffle chances and poker run entrance fees may be sold, offered for sale, conveyed, issued or otherwise transferred for the value only within the area(s) stated and for the time period(s) outlined on the license. The winning chances may be determined only at the location(s) specified on the license.
7. If a raffle drawing or poker run is unable to be held as documented on the license due to an extreme emergency or natural disaster, the licensee must seek approval of the Village Liquor Commissioner before the drawing or poker run can be held on a different date. If a drawing or poker run is cancelled due to inadequate sale of entries or raffle tickets or due to some reason other than an extreme emergency or natural disaster, the licensee must notify all participants or ticket purchasers, refund all monies and return all prizes within 30 days. Such cancellation will be reported to the Village Liquor Commissioner within ten (10) days of that decision with a full explanation as to the reason.
8. The maximum price which may be charged for each entry or raffle chance sold, offered for sale, conveyed, issued or otherwise transferred for value shall not exceed \$250.
9. Each entry or raffle chance shall have printed thereon the cost of the entry chance, the aggregate retail value of all prizes to be awarded in the raffle or poker run, and the maximum number of raffle chances or entries to be issued, except as provided below:
  - a. When raffle chances or entries are sold, conveyed, issued, or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance.
  - b. When the raffle chance is also a ticket to an event and a portion of the cost of the ticket is designated for a dinner, golf or other item of value to be consumed or used by the purchaser at the event.
10. A person under the age of 18 years may participate in the conducting of raffles or poker runs only with written permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his or her parent or guardian.

#### **G. DOCUMENTATION & RECORDKEEPING:**

Each licensee shall report to the Village Liquor Commissioner its gross receipts, expenses, and net proceeds from raffles and poker runs, including the payee, purpose, amount and date of payment. Reporting shall occur within thirty (30) days of each raffle drawing or poker run. No new raffle or poker run licenses will be issued to an organization until all reports from the organization's previous raffles or poker runs have been completed and submitted to the Village Liquor Commissioner.

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#### **H. ENFORCEMENT:**

1. Failure to comply with any of the requirements of the Village of Alpha Raffle and Poker Run Ordinance shall constitute a violation. Any person, upon conviction thereof, shall be fined not more than \$750.00. Each day the violation continues shall be considered a separate offense.

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2. The imposition of the penalties as described in this section shall not preclude the state's attorney from instituting appropriate action to prevent unlawful raffle or poker runs, or to restrain, correct or abate a violation of this Ordinance. I. **CONFLICT:**

All ordinance or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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**ARTICLE 3  
MOBILE HOME PARKS**

**SECTION 1. DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these

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- a. "Mobile Home" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974."
- b. "Mobile Home Park" means a tract of land or two or more contiguous tracts of land upon which contain sites with the necessary utilities for five or more independent mobile homes for permanent habitation, either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used for or intended to be used for use as part of the equipment of such mobile home park. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being part of a mobile home park.
- c. "Immobilized Motor Home" means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act of the State of Illinois.
- d. "Permanent Habitation" means a period of two or more months.

**SECTION 2. LICENSE REQUIRED.** It shall be unlawful to establish, maintain and or operate any mobile home park in the Village of Alpha without first having obtained a license therefore. Applications for such licenses shall be submitted, in writing, to the Village Clerk, and shall contain the name of the applicant, the location of the proposed park, and the number of trailers to be accommodated. Each application shall be accompanied by two copies of all required forms, plans and documents required by licensing by the Illinois Mobile Home Park Act and Code.

**SECTION 3. ILLINOIS MOBILE HOME PARK ACT AND CODE.** Construction, maintenance, and or operation of a mobile home park shall comply with all applicable provisions of the State of Illinois Mobile Home Park Act and Code.





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**SECTION 4. FEE.** The Village's annual fee for such licenses is set and outlined in Appendix A.

**SECTION 5. CHARACTER.** No such license shall be issued to any but a person of good character, nor to any corporation or partnership if any officer or member thereof is not a person of good character. It shall be unlawful to hire or keep as a manager, superintendent, or person in charge of a mobile home park any person who is not a person of good character, or any person who has been convicted of a felony.

**SECTION 6. PERMANENT USE.** It shall be unlawful for any person to maintain any mobile home, used for human habitation, upon any plot of ground in the Village except in a licensed mobile home park. It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise affix said mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed a converting the mobile home into a building and subject to the requirements of the zoning and building ordinances. It shall be unlawful to occupy for sleeping or other residence purposes and mobile home which has been rendered immobile by the removal of wheels, or placing in the same on a foundation, or on the ground, unless such mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single family dwellings.

**SECTION 7. EXCEPTION.** Nothing in this Ordinance shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not being used for living or sleeping purposes.

**ARTICLE 4**  
**CANNABIS BUSINESS ESTABLISHMENTS**

**SECTION 1. DEFINITIONS.** For the purpose of this Article the following definitions shall apply

**CANNABIS BUSINESS ESTABLISHMENT:** A cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

**CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization.

**CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Cannabis Regulation and Tax Act) and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

**DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Chapter dispensing organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

**PROCESSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

**TRANSPORTING ORGANIZATION:** An organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under Community College Cannabis Vocational Training Pilot Program.

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**SECTION 2. CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.** Pursuant to the authority reserved to the Village of Alpha on under Section 55-25 of the Cannabis Regulation and Tax Act, the Village of Alpha does hereby prohibit all cannabis business establishments within the Village of Alpha. No cannabis business establishment may operate within the Village of Alpha at any time.

**SECTION 3. PENALTY.** Failure to comply with any requirements of this Chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined no less than \$250.00 but no more than \$750.00 for each offense. Each day the violation continues shall constitute a separate offense.

BE IT FURTHER ORDAINED that if any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately after publication thereof as provided by law.