

CITY OF ST. CHARLES

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ORDINANCE NO. 1987-M-81

AN ORDINANCE AMENDING CHAPTER 5.08, "ALCOHOLIC  
BEVERAGES," OF THE ST. CHARLES MUNICIPAL CODE

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ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF ST. CHARLES  
THIS 5th DAY OF OCTOBER, 1987

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PUBLISHED IN PAMPHLET FORM BY  
AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES,  
ILLINOIS, THIS 14th DAY OF  
OCTOBER, 1987

  
CITY CLERK

ORDINANCE NO. 1987-M-81

AN ORDINANCE AMENDING CHAPTER 5.08, "ALCOHOLIC BEVERAGES", OF THE ST. CHARLES MUNICIPAL CODE

REFER TO:  
MINUTES PAGE 10-5-87

DATE OF PUBLICATION 10/14/87  
NEWSPAPER Pamphlet Form

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, as follows:

1. That Chapter 5.08, "Alcoholic Beverages", Section 5.08.280, "Purchase or acceptance of gift of liquor by person of non-age - Identification cards", of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

"5.08.280 Sales to and possession by persons under 21, intoxicated person, persons under legal disability or in need of mental treatment-Proof of identity and age-Gatherings where one or more persons are under 18.

(a) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.

(b) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(c) For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

(d) Adequate written evidence of age and identity of the person is a document issued by a federal, state county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this Section is competent evidence and may be considered in any proceeding to enforce this section or to any proceedings for the suspension or revocation of any license based thereon.

(e) No person shall sell, give, or furnish to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person nor shall anyone sell, give or furnish to any person under the age of 21 years evidence of age and identification of any other person.

(f) No person under the age of 21 years shall present or offer to any licensee, his agent or employee, any written, printed, or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, nor shall any person have in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

(g) No person under the age of 21 years shall have any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(h) No person shall knowingly permit gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 18 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 18 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 18 is not otherwise permitted by the St. Charles Municipal Code, and

(3) the person occupying the residence knows that the person under the age of 18 leaves the residence in an intoxicated condition.

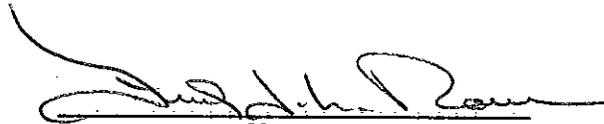
For the purposes of this subsection (h) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee."

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

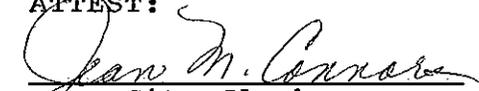
PRESENTED to the City Council of the City of St. Charles, Illinois, this 5th day of October, 1987.

PASSED by the City Council of the City of St. Charles, Illinois, this 5th day of October, 1987.

APPROVED by the Mayor of the City of St. Charles,  
Illinois, this 5th day of October, 1987.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: 8

Nays: 0

Absent: 2

STATE OF ILLINOIS                    )  
  )  
COUNTIES OF KANE AND DU PAGE    )

SS.

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on October 5, 1987 the Corporate Authorities of such municipality passed and approved Ordinance No. 1987-M-81, entitled AN ORDINANCE AMENDING CHAPTER 5.08, "ALCOHOLIC BEVERAGES", OF THE ST. CHARLES MUNICIPAL CODE

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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1987-M-81, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on October 14, 1987, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 12<sup>th</sup> day of October, 1987.

  
Municipal Clerk

( S E A L )