

ORDINANCE 2010- 08

**AN ORDINANCE PROHIBITING THE
CONSUMPTION AND/OR POSSESSION
OF OPEN ALCOHOL IN PUBLIC PLACES**

WHEREAS, the Village of Ina, situated in Spring Garden Township, Jefferson County, Illinois is a Village where the sale at retail of alcoholic liquor is prohibited by law as each of the Village of Ina and Spring Garden Township are "dry" as that term is used and understood under Illinois Statutes; and

WHEREAS, the Board of Trustees of the Village of Ina believes that the prohibition on the retail sale and public consumption of alcoholic liquor within the Corporate Limits of the Village of Ina is in the public interest to maintain social order, health, welfare, and safety of citizens; and

WHEREAS, the Board of Trustees desires to prohibit the possession of open alcohol in public places and to prohibit the consumption of alcoholic liquor in public places; and

WHEREAS, the Board of Trustees desire to preserve the "dry" status of the Village of Ina to the fullest extent permitted by law.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Ina, Illinois as follows:

No person shall possess any open container of alcoholic liquor or consume alcoholic liquor or transport or carry any alcoholic liquor except on the original package with the seal unbroken upon any public property or public place as herein defined within the corporate limits of the Village of Ina. "Alcoholic Liquor" includes alcohol, spirits, wine, and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine and beer and capable of being consumed as a beverage by a human being. "Alcoholic liquor" shall not include any liquid or solid containing one half of one

percent or less of alcohol by volume or alcohol used in the manufacturing of denatured alcohol produced in accordance with Acts of Congress.

“Public Property” or “Public Place” means any public street, alley, sidewalk, or public way, or any property owned by the United States, the State of Illinois, or other State or Municipality, or other political subdivision or agency thereof, or any property, including privately owned, which is open to or held out for use by the public or is otherwise available to the public. This Ordinance shall not be construed so as to violate any superseding state or federal law.

Any person who violates or refused to comply with the provisions of this Ordinance shall upon conviction thereof be fined not less than \$100.00 nor more than \$750.00 for each violation; each instance of public possession or of public possession and consumption shall be a separate punishable offense. In addition to any other fine authorized by law, any person who violates or refuses to comply with this Ordinance shall be subject to an action for an injunction to eliminate or prevent violation of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Ina this 6th day of December, 2010.

APPROVED by the Mayor of the Village of Ina this 6th day of December, 2010.

APPROVED

Andy Hutcheson

Mayor

ATTEST:

Mary Beth Bowers

Village Clerk