

Chapter 33
LIQUOR CONTROL AND LIQUOR LICENSING

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33.01 **DEFINITIONS** *Amended, 16-O-28, 13-O-09, 06-O-69, 95-O-48*

In addition to the definitions found in Appendix A, terms used in this Chapter, whether capitalized or not, shall mean as follows:

Alcohol: A product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin, and includes synthetic ethyl alcohol; it does not include denatured alcohol or wood alcohol.

Alcoholic Liquor: Alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

Banquet/Catering Facility: Any public place kept, used, maintained, advertised and held out to the public as a place where by prearrangement, events which involve the service of food may be catered.

BASSET: A state certified Beverage Alcohol Sellers and Servers Educational Training program or other similar program, licensed by the state Liquor Control Commission pursuant to 235 ILCS 5/2-12(11.1) and 6-27 and Title 77 of the Illinois Administrative Code, Chapter XVI, Section 3500.

Beer: A beverage obtained by the alcohol fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Bowling Alley: A recreational area or facility both contained within a building and so constructed as to permit the public to engage in a recreational form commonly known as bowling and constructed primarily for use in connection with such recreational pursuit.

Club: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Commissioner at both the time of its initial application and its annual application for a license under this Chapter, 2 copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member, his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other government body out of the general revenue of the club.

Commission: The Local Liquor Control Commission as defined herein.

Commissioner: The Local Liquor Control Commissioner as defined herein.

Country Club: A recreational area with buildings or structures used in conjunction therewith for the primary use of members, their guests or the public, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, e.g. golf, tennis, swimming, etc.

Entertainment: Entertainment shall include but not be limited to video gaming as provided in Section 43.38 of this Code

Golf Course: A recreational area with or without club house facilities primarily for the use of members and their guests or the general public engaging in a form of recreation or game commonly known as golf.

Hotel: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is both actually served and consumed, and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for sleeping accommodations.

License Year: May 1 through April 30 of the following calendar year.

Local Liquor Control Commission: The President may appoint members of the Village Board to sit as a Local Liquor Control Commission.

Local Liquor Control Commissioner: The President of the Village.

Manager: A person either directly in control of day-to-day operations of a facility in which beverages described herein are kept, sold, or served.

Population: The population determined by the most recent official Federal, State or Village census.

Public accommodation: A refreshment, entertainment or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges or advantages are extended, offered, sold or otherwise made available to the public.

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals are both actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, patrons and clientele.

Retail Sales: A sale for use or consumption and not for resale.

Sale: Any transfer, exchange or barter in any manner or by any means whatsoever and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

Spirits: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Underage Person: A person under the age of 21 years.

Wine: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing either sugar or a sugar substitute, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

33.02 **LICENSE REQUIRED** *Amended, 12-O-01*

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a local liquor dealer's license and a valid liquor license from the State of Illinois or in violation of the terms, conditions and restrictions of such license.

33.03 **APPLICATION** *Amended, 13-O-37, 13-O-18, 12-O-15, 12-O-01, 07-O-34, 06-O-69, 02-O-6, 99-O-40, 99-O-14, 95-O-1*

A. Application for a liquor license shall be made to the Commission in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the Commission. All applicants may be subject to a background check, which may be conducted by the Village through the Federal Bureau of Investigation, the Illinois State Police or other law enforcement agency. The Commission shall act to approve or deny the application and, if approved, to issue the license. In furtherance of the public good, safety and morals, when evaluating an application for a liquor license, the number of establishments already operating under such classification in the Village, and the proposed establishment's marketing plan as it compares to the Village's profile, branding and image objectives.

B. For any start-up business, the applicant must make application not less than 45 days prior to the issuance date of the license to provide sufficient time for a background check.

C. An applicant applying for an annual liquor license shall first deposit the license fee and application fee, if applicable, with the Commissioner. If application is made after the beginning of the license year but on or before November 1 of that year, the full amount shown in Section 33.08 will apply. If application for a liquor license is made after November 1 but prior to the beginning of the next license year (May 1), 50 percent of the amount shown in Section 33.08 will apply.

D. In the event there is a change of ownership in a licensed business, or change of managers, or partners in a partnership, or shareholders in a corporation who own more than 5 percent of the stock of a corporation, or members in a limited liability company, or partnership, the Commissioner may issue the license prior to receiving the results of the background check. The owner/manager of the existing business is to be retained by the purchaser until such time as the purchaser's background investigation has been received, reviewed and approved by the Commissioner. However, if the background check reveals information provided in the application is false, the license will be subject to immediate revocation, the applicant will be subject to a fine and there shall be no refund of any portion of the license fee.

E. A liquor license application shall contain the following statements, information and attachments:

1. If a partnership, proprietorship or joint venture: The name, date of birth and address of all applicants, including all partners, general or limited, character of business in which applicant is engaged and for which said license is desired.

If a corporation: The name, corporate address, principal place of business; character of business; the names and addresses of the officers and directors; if a majority interest of stock in said corporation is owned by 1 person or his nominee, the name and address of such person; the name and address of the 2 largest shareholders of each class of stock in said corporation; the name and address of the person or persons owning controlling interest in said corporation; the name and address of the manager or person(s) in daily charge and control of the business operation; in the case of a copartnership, the persons entitled to share in the profits thereof; the name, date of birth and address of the party to be manager of the corporate facility for which the license is sought; a certified copy of the corporate charter; and a copy of by-laws, including the objects for which organized.

If a limited liability corporation: The name, date of birth and address of all members, character of business in which applicant is engaged and for which said license is desired; and the name and address of the manager or person(s) in daily charge and control of the business operation.

2. Citizenship of the applicant(s), respective places of birth, and if a naturalized citizen(s) of the United States, the date and place of said respective naturalization.
3. Length of time said applicant has been in business of that character; or if a corporation, whether the corporation is either a continuation or successor of a prior entity and if so, the character of the prior entity's business.
4. Amount of all goods, wares and merchandise on hand at the time application is made.
5. Location, general description and approximate square footage of the premises or place of business which is to be operated under such license, including a scaled drawing of the premises showing all ingress and egress locations, windows and location of bar.
6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application; a statement whether an application was filed or a similar license was issued in any other state, county or local municipality; the date of issuance, name and address of the governmental entity; the disposition of said application or license; and the reasons therefore.
7. On initial applications, or whenever there has been remodeling, photographs depicting the interior of the premises including all ingress and egress locations, windows and bar and service areas.
8. A statement that the applicant will allow neither illegal gambling nor illegal gambling devices on the premises.
9. Whether a previous license issued by any municipality, state or subdivision thereof, or the federal government has been either revoked or sus-

pendent and the reasons therefore and date of said revocation or suspension. This includes, but is not limited to suspension and revocation of licenses held by any individual, partner, corporation, majority of controlling shareholder or manager of the applicant seeking a license hereunder.

10. A statement that applicant has neither been convicted of a felony nor is disqualified to receive a license by reason of any matter or thing contained in this Chapter, the ordinances of this Village or the laws of this State and the United States of America.
11. A statement that applicant will not violate any laws of the State, the United States or any ordinance of the Village in the conduct of his place of business.

F. Refunds: No portion of the annual license fee shall be refunded in the event the licensed business ceases to operate during the license year except when a licensee's business is terminated due to eminent domain proceedings. If a licensee's business ceases during the license year due to eminent domain proceedings, the Village shall prorate the license fee and refund the portion relating to the part of the license year after the business ceases.

33.04 **DISPOSITION OF FEES**

All license and application fees, as set forth in Section 33.08, shall be paid to the Commissioner at the time the application is made, and shall be forthwith turned over to the Collector.

If a license applied for is denied, the license fee, but not the application fee, shall be returned to the applicant. If a license is granted, the fee shall be deposited in the General Corporate Fund or in such other fund as designated by the Finance Director.

33.05 **RESTRICTIONS ON LICENSES** *Amended, 06-O-11, 05-O-55, 04-O-34, 99-O-40, 97-O-45, 94-O-8*

The issuance of a liquor license is a privilege and the Commission may deny an application if the issuance of such license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the area in which the licensed premise is to be located. No such license shall be issued to:

1. An applicant who is an individual other than a resident of the Village;
2. An applicant who is not of good character and reputation either in the Village or otherwise;
3. An applicant, if it is an individual, who is not a citizen of the United States;
4. An applicant, if it is an individual, who has been convicted of a felony under any Federal or State law, if the Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The burden of proof of sufficient rehabilitation shall be on the applicant;
5. An applicant who has been convicted of being a keeper or is keeping a house of ill fame;

6. An applicant, if it is an individual, who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
7. An applicant whose license has been revoked for cause either under this Chapter or similar liquor control chapters in any state or subdivision thereof;
8. An applicant who, at the time of application for renewal of any license issued hereunder, would be ineligible for such license upon a first application;
9. A copartnership applicant, if any general partner thereof, or any limited partner thereof, owning more than 5 percent of the aggregate limited partnership interest in such copartnership would be ineligible to receive a license hereunder for any reason other than residence in the Village;
10. An applicant corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in an aggregate more than 5 percent of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than citizenship and residence in the Village;
11. An applicant corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 *et seq.*) to transact business in Illinois;
12. An applicant whose place of business is conducted by either a manager or agent unless the manager or agent possesses the same qualifications required of the licensee, except those relating to residency;
13. An applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) or has forfeited bond to appear in court to answer charges for any such violation;
14. An applicant who neither beneficially owns the premises for which a license is sought, nor has a lease thereon for the full period for which the license is to be issued unless the license for said premises is a multi-year lease both due to expire within the license year and which contains provisions for renewal of said lease;
15. Any individual who is responsible for administering or enforcing any of the provisions of this Chapter, including any employee of the Police Department, members of the Commission, the President, any member of the Village Board or any president, chairman or member of a county board; and no such official shall be interested directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the Commissioner;
16. A person other than a beneficial owner of the business to be operated by the licensee;

17. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of 720 ILCS 5/28-1, or as proscribed by 720 ILCS 5/28-3, the Criminal Code of 1961, as amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
18. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
19. A copartnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
20. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20 percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period; or
21. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

If a licensee shall, during the term of said license, fall into any of the above listed categories, said licensee shall no longer be eligible to hold a license and said license shall be subject to revocation.

33.06 VIOLATION OF FEDERAL LAW, STATE STATUTE OR VILLAGE ORDINANCE OR REGULATION; PRIVILEGE; TERM *Amended, 13-O-18, 97-O-59*

A. A liquor license is purely a personal privilege. It is effective until the first or earliest of 1) one year from the date of issuance; 2) April 30 of the year following the date of issuance; 3) suspension or revocation; or 4) abandonment as defined in this Chapter.

B. No person holding a liquor license issued by the Village shall:

1. Except as provided in Section 43.38 of this Code, violate or allow or permit a violation of any federal or state statute including, but not limited to, gambling, or any rule or regulation of the Illinois Liquor Commission, or any ordinance or regulation regulating the sale of alcoholic liquor, or violate any rule or regulation of the Commission.
2. Make any false statements on the Liquor License Application or do any act which would cause statements on said Liquor License Application to be false if currently made, even though true at the time of the application.

C. Violations of federal law, state statute or Village ordinance or regulation may be proved by:

1. Evidence that the licensee has been convicted of a violation of a federal law or a law of the State, or has been found guilty of violating any Village ordinance regulating the sale of alcoholic liquor or

2. Proof before the Commission of facts which establish, by a preponderance of the evidence, a violation of any federal law, state statute, Village ordinance or resolution or rule of the Illinois Liquor Control Commission.

D. A violation shall be sufficient cause of the revocation or suspension and/or fine of any license issued by the Village, irrespective of whether or not a conviction has been obtained in any court.

33.07 LICENSE CLASSIFICATIONS, EVENT PERMIT, DAILY PERMIT *Amended, 18-O-31, 18-O-18, 18-O-07, 17-O-16, 16-O-34, 16-O-31, 16-O-25, 16-O-17, 16-O-16, 16-O-09, 16-O-14, 16-O-07, 15-O--27, 15-O-23, 15-O-20, 15-O-16, 15-O-15, 15-O-10, 15-O-09, 15-O-03, 14-O-40, 14-O-24, 14-O-16, 14-O-14, 14-O-07, 13-O-61, 13-O-52, 13-O-37, 13-O-26, 13-O-22, 12-O-15, 12-O-01, 11-O-32, 10-O-04, 09-O-05, 08-O-36, 07-O-49, 07-O-34, 06-O-69, 06-O-11, 05-O-55, 05-O-32, 04-O-34, 03-O-36, 03-O-02, 02-O-15, 00-O-49, 99-O-40, 95-O-48, 94-O-19*

A. Classes, Fees: Liquor licenses shall be divided into the following classes:

1. Class A, which shall only permit a retail sale on the premises specified of alcoholic liquor for consumption either on or off the premises and where the principal source of sales is alcoholic liquor and not entertainment.
2. Class A-1, which shall only permit a retail sale on the premises specified, of alcoholic liquor only for consumption on the specified premises and where the principal source of sales is food and neither alcoholic liquor nor entertainment, such food having been cooked and/or prepared on the premises.
3. Class A-2, which shall only permit a retail sale on the premises specified of alcoholic liquor only for consumption on the specified premises and where the principal source of sales is food and not alcoholic liquor and the specified premises meets the definition of a banquet/catering facility, as defined in Section 33.01.
4. Class A-3, which shall permit a retail sale on the premises specified of alcoholic liquor only for consumption on the specified premises and shall permit the sale of wine in sealed cartons, bottles, casks, flasks, cases or other containers where the principal source of sales is food and neither alcoholic liquor nor entertainment.
5. Class A-4(a), which shall permit a retail sale of wine in sealed cartons, bottles, casks, flasks, cases, or other containers and beer in sealed growlers that have been brewed only on the premises specified in the license, where sold for consumption both on and off the premises. A-4(a) shall also permit a retail sale of alcoholic liquor only for consumption on the licensed premises and where the facility has meal service, and a restaurant capacity of not less than 75 seats. A-4(a) also allows a licensee to conduct wine and beer tasting pursuant to the product sampling provisions in the Illinois Liquor Control Act, 235 ILCS 5/6-31, as amended.

Class A-4(b), which shall permit the licensee (i) to manufacture beer only on the licensed premises, (ii) to make sales of beer manufactured on the li-

censed premises in sealed casks, bottles, growlers, or other containers for consumption off the premises, (iii) to store the manufactured beer upon the licensed premises, (iv) to serve as a distributor of the beer provided the licensee obtains a distributor's license from the State Liquor Control Commission, and (v) to operate a tap room to conduct product sampling of the beer brewed on the licensed premises as provided in the Illinois Liquor Control Act, 235 ICLS 5/6-31, as amended, as well as sales of beer brewed on the licensed premises. The licensee shall be permitted to conduct tours of the brewing facilities. In no event shall the licensee give away any beer or other alcoholic beverages for commercial purposes or in connection with the sale of such products or to promote the sale of such products contrary to Section 100.280 of the Title 11 of the Illinois Administrative Code.

6. Class B, which shall permit a retail sale of alcoholic liquor in sealed cartons, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises where sold and not for resale in any form, and where the principal source of sales is alcoholic liquor and not entertainment. Food for consumption on the premises shall neither be sold by any Class B license holder, nor shall there be a direct entry between the premises of a Class B License holder and any other premises.
7. Class B-1, which shall only permit a retail sale of alcoholic liquor in sealed cartons, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises where sold and not for resale in any form where said premises have an overall sales area of 10,000 square feet or more, and where the principal source of sales is for goods and commodities other than alcoholic liquor or entertainment.
8. Class B-2, which shall only permit a retail sale of alcoholic liquor in sealed cartons, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises where sold and not for resale in any form and the principal source of sales is of goods and commodities other than alcoholic liquor or entertainment.
9. Class C, which shall only permit a retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, to be issued to a regularly organized golf club, country club, bowling alley or billiards parlor.
10. Class C-1, which shall only permit a retail sale of beer and wine for consumption only on the premises where sold, and not for resale in any form, to be issued to a regularly organized golf club, country club, bowling alley or billiards parlor.
11. Class D, which shall permit a retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized club, as hereinbefore defined, which has been established for at least 3 years prior to making application for such license, and said license shall

authorize the licensee to sell liquor in the club quarters only, and liquor shall not be sold to any person other than members of said club holding said license or to guests of said club, and said clubs are hereby authorized 48 social nights yearly whereby liquor may be sold to the public. No Class D license shall be issued until the Commissioner is satisfied that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor.

12. Class E, which shall only permit a retail sale of beer and wine in sealed cartons, bottles, casks, flasks, barrels, cases or other containers for consumption off the premises where sold and not for resale in any form and the principal source of sales is of goods and commodities other than alcoholic liquor or entertainment. Food for consumption on the premises shall be permitted, but consumption of beer and wine on the premises is strictly prohibited.
13. Class F, which shall only permit a retail sale on the premises specified of beer and wine for consumption on the premises and where the principal source of sales is food and neither beer and wine nor entertainment, such food having been cooked and/or prepared on the premises.

B. Number of Licenses Issued: There shall be issued in the Village not more than:

1. Three Class A licenses at any one time.
2. Twenty-three Class A-1 licenses at any one time.
3. Zero Class A-2 licenses.
4. Seven Class A-3 licenses at one time.
5. One Class A-4(a) license at any one time.
One Class A-4(b) license at any one time.
6. Four Class B licenses at any one time.
7. Eight Class B-1 licenses at any one time.
8. Eight Class B-2 licenses at any one time.
9. Two Class C licenses at any one time.
10. One Class C-1 license at any one time.
11. Zero Class D licenses.
12. Three Class E licenses at any one time.
13. Ten Class F licenses at any one time.

C. Event Permit: The Commissioner may grant an event permit to any licensee as defined herein, to any non-profit organization or club located within the Village, such as a church, order or lodge, veterans' organization, civic organization or other similar organization, authorizing the sale of beer and wine at any picnic, club or similar function sponsored by such organization or club. The following restrictions are applicable for event permits:

1. No more than 5 such event permits shall be issued to any 1 such organization or club during a 1-year period. An event shall be limited to no more than 4 consecutive days.
2. A permit fee as found in Section 33.08-B per event shall be payable by the permittee upon the issuance of an event permit.
3. All sales and consumption pursuant to an event permit issued in accordance with this Section 33.07-C shall be conducted within an enclosed area, such area shall have only 1 combined and controlled entrance and exit area and shall be adequately lighted.
4. Any beer or wine sold pursuant to an event permit must be consumed within the area described in the permit.
5. All sales and consumption pursuant to the event permit shall be conducted only during the hours specified on the permit.
6. Unless specifically provided otherwise, all requirements of this Chapter shall apply to permits granted under this Section 33.07-C.

D. Daily Permit: The Commissioner may grant a daily permit to any educational, fraternal, political, civic, religious or non-profit organization, whether or not located within the Village, authorizing the sale of beer and wine at any picnic, club or similar function sponsored by such organization or club. The restrictions applicable to Event Permits shall be applicable to Daily Permits except that no more than 2 such Daily Permits shall be issued to any 1 educational, fraternal, political, civic, religious or non-profit organization during a 1-year period and the permit shall be valid for only 1 day. The permit fee per day, as found in Section 33.08-B, shall be payable by the permittee upon issuance of the Daily Permit.

E. Auxiliary License: The Commissioner may grant an Auxiliary License for the sale, dispensing, and consumption of alcoholic liquor in an outdoor area adjacent to the licensed building. Except as provided herein, the area for which an Auxiliary License is issued shall be subject to review by the Commissioner and shall be of a secure, permanent nature and shall facilitate access in the area only through the licensed premises or through an occupied host or hostess station. Additional exits may be required to facilitate emergency egress from the licensed premises. Said additional exits shall be self-closing with latching gates or doors approved by the Village, and signs stating "EMERGENCY EXIT ONLY." Entertainment or music in said area shall be by a special license or permit issued by the Village Board and in accordance with Village ordinances and regulations. When special events are planned for the premises that are the subject of an Auxiliary License, or adjacent to the premises, and the licensee requests alternate access to the premises, the Commissioner, in his or her sole discretion, may permit the licensee to use the alternate access, which may be subject to certain restrictions.

F. Riverboat License. To the extent permitted by State Statute, the Commissioner may grant a Riverboat License which is auxiliary to an A-1 and A-2 licensed premise for the sale, dispensing and consumption of alcoholic liquor on a licensed riverboat. Access to said riverboat shall be by reservation or arrangements only, obtained through the licensed premises.

G. Premises. Any license issued pursuant to this Chapter shall be good only for the premises described in the application and license, Event Permit, Daily Permit, Riverboat License or Auxiliary License, and all sales, service and dispensing shall be done within an enclosed building, except for an Event Permit, Daily Permit, Riverboat License or Auxiliary License.

33.08 **FEES** *Amended, 12-O-01, 07-O-49, 07-O-34, 05-O-55, 03-O-02, 02-O-6, 01-O-19, 00-O-49*

A. Application Fee: A nonrefundable application fee in the amount of \$500 shall be payable upon initial application; \$250 upon any change in ownership or interest of any corporation, partnership, co-partnership, limited liability company or other entity holding a liquor license which would result in a change of ownership interest of more than 5 percent of the entity's ownership; and \$50 for the change in manager or agent. There shall be imposed a fine of not less than \$250 for failure to report the change of a manager or agent or the internal change of ownership within 30 days.

B. License Classifications Fees: The following fees shall be paid upon application for a new or renewed license:

1. Class A, \$2,000;
2. Class A-1, \$1,500;
3. Class A-2, \$1,200;
4. Class A-3, \$1,700
5. Class A-4, \$2,000
6. Class B, \$1,500;
7. Class B-1, \$1,500;
8. Class B-2, \$1,200;
9. Class C, \$1,500;
10. Class C-1, \$1,000
11. Class D, \$700;
12. Class E, \$700;
13. Class F, \$900;
14. Event permit, \$25;

15. Daily permit, \$100
16. Riverboat license, \$500; and
17. Auxiliary license, \$500.

33.09 **RECORDS**

The Commissioner shall keep, at the Office of the Clerk, a current and complete record of all licenses issued and shall furnish the Chief of Police with a copy thereof. Upon either the issuance of a new license, or the suspension or revocation of any license, the Commissioner shall file written notice of such action with the Clerk and a copy to the Chief of Police.

33.10 **DEATH OR BANKRUPTCY OF LICENSEE**

A license shall be a purely personal privilege, not to exceed 1 year after issuance unless revoked sooner, and shall neither constitute property, nor be subject to attachment, garnishment or execution nor be alienable or transferable, voluntarily or involuntarily, or be encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or in testate devolution, provided that either the executors or administrators of the estate of a deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankruptcy, until the expiration of such license, but only for a period of 6 months after the date of death, bankruptcy or insolvency of such licensee.

33.11 **CHANGE OF LOCATION** *Amended, 99-O-40*

The location of the license may be changed only upon the receipt of written permission from the Commission. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Chapter. The written permission of change shall be posted with the license as provided for in this Chapter.

33.12 **ABANDONMENT**

If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for a period of 60 consecutive days, (except as hereafter set forth) or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation. If said discontinued operation is due to fire or other such damage wherein the Building Commissioner deems the premises uninhabitable, said 60 day period shall be tolled only until occupancy is granted by the Building Commissioner.

33.13 **RENEWAL OF LICENSE** *Amended, 06-O-69*

A. Any licensee may renew his liquor license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought is suitable for such purpose; provided further, that the renewal privilege herein shall not be con-

strued as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the Village.

B. Late Fee: Not less than 30 days prior to the expiration of a liquor license, a renewal application with the required documentation and fees shall be submitted to the Village. When a renewal application is filed less than 30 days prior to the expiration of the license, a late fee equal to 20 percent of the total license fee(s) shall be submitted with the completed renewal application. The late fee is in addition to the license fee(s) required in Section 33.08-B of this Code.

33.14 **DISPLAYING LICENSE; REPLACEMENT LICENSE** *Amended, 06-O-11*

Every licensee shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises. In the event the current license is not displayed pursuant to this Section, the Village shall presume that the license has been lost and the licensee shall purchase and display a replacement license pursuant to this Section. The replacement license fee shall be \$50.

33.15 **INSURANCE** *Amended, 95-O-1, 95-O-48, 96-O-30, 98-O-23*

No license or permit shall be issued hereunder unless the applicant files with the application an insurance certificate, issued by an insurance company that is authorized to do business in the State, certifying that the applicant, and the owner of the premises housing the establishment from where the liquor will be sold, has in force and effect liquor liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate and general liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. "Host" insurance shall not satisfy the terms of this Section.

33.16 **SANITARY CONDITIONS**

All premises used for retail sale of alcoholic liquor, or for storage of such liquor for sale, shall be kept in full compliance with the local, county and state laws and ordinances regulating the condition of premises used for the storage or sale of food or alcoholic liquor for human consumption.

33.17 **EMPLOYEE SERVER RESTRICTIONS** *Amended, 04-O-34, 94-O-1*

A. It shall be unlawful for any person under the age of 21 years to draw, pour or mix any alcoholic liquor or in any way tend bar as an employee of any retail licensee for consumption on or off said premises. This shall not prevent persons 18 years of age and over, as employees of licensed premises, from delivering alcoholic liquor for consumption on the premises which are licensed under the following classifications: A-1, A-2, A-3, C and C-1. Except as otherwise provided in this Section, no person under the age of 21 years shall be permitted to sell at retail any alcoholic liquor for consumption either on or off the premises.

B. It shall be unlawful for any person to consume, partake of or be under the influence of either any alcoholic liquor or drug while either tending any bar, drawing, pouring, mixing any alcoholic liquor for consumption on or off the licensed premises or selling or delivering any alcoholic liquor in its original unopened container for consumption on or off the licensed premises.

33.18 **LOCATION RESTRICTIONS** *Amended, 99-O-40, 95-O-48 94-O-8*

No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, day care center or other business or institution whose primary function is the custodial care of children, the aged or infirmed.

Exempt from the prohibitions of this Section are hotels offering restaurant services, regularly organized clubs, restaurants, food shops or other places of business where the sale or delivery of alcoholic liquor is not the principal business being conducted on said premises.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell, at retail, alcoholic liquor, if any such sales are limited to periods when groups are assembled on the premises solely for the promotion for some common object other than the sale or consumption of alcoholic liquor.

33.19 STORES SELLING SCHOOL SUPPLIES, LUNCHESES, ETC.

No license shall be issued to any person for either the sale at retail or delivery of any alcoholic liquor at any store or other place of business where the majority of customers are either persons under the age of 21 or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such persons.

33.20 BOOKS AND RECORDS OF LICENSEE

It shall be a duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or any Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase.

33.21 CLOSING HOURS *Amended, 06-0-60*

Except as provided herein, it shall be unlawful to sell or offer for sale, give away or deliver, either in, upon or from any licensed premises, any alcoholic liquor between the hours of 1 a.m. and 7 a.m. Monday through Friday, and between the hours of 2 a.m. and 7 a.m. on any Saturday or Sunday. In the event New Year's Eve falls on a Sunday, Monday, Tuesday, Wednesday or Thursday, a licensed premise that has been issued a Class A, A-1, A-2, A-3, C, C-1, D or F license shall be permitted to remain open until 2 a.m. the following morning.

It shall be unlawful to either keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on 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 and clubs, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited. Only employees engaged in the actual conduct of cleaning or closing the business shall be allowed in the premises during closed hours.

33.22 CONSUMPTION ON PREMISES, DRINKING ON PUBLIC STREETS

A. Consumption on Premises: It shall be unlawful for anyone having a Class B, B-1, B-2 or E license to either sell, offer for sale, give away or deliver any alcoholic liquor for consumption on the licensed premises, or to permit the same to be consumed on the licensed premises except in conjunction with promotional advertising.

B. Drinking in Public Places: Persons shall neither openly drink or furnish to others any alcoholic liquor to be drunk upon any street, sidewalk or public place within the Village except when a permit has been issued pursuant to this Code.

33.23 **PEDDLING**

It shall be unlawful either to peddle alcoholic liquor or to sell the same door to door in the Village.

33.24 **PURCHASE OR ACCEPTANCE OR GIFTS OF LIQUOR BY PERSONS UNDER THE AGE OF 21; IDENTIFICATION CARDS, PUNISHMENT; EXCEPTIONS** *Amended, 94-0-1*

A. Purchase or Acceptance: It shall be unlawful for any person under the age of 21 to purchase, obtain, accept delivery of, accept a gift of, consume, or have in his or her possession alcoholic liquor except as otherwise provided herein.

B. Warning Placard: In every place in the Village where alcoholic liquor is sold or offered for sale, there shall be displayed at all times, in a prominent place, a printed card, which shall be supplied by the Manager which shall read substantially as follows:

Warning to Persons Under 21 Years of Age

You are subject to a fine up to One Thousand Dollars (\$1,000.00) under the Liquor Control Ordinance of the Village of Algonquin if you purchase, obtain, accept delivery of, accept a gift of, consume or have in your possession alcoholic liquor, or misrepresent either your age or identity for the purpose of the aforementioned.

Said card shall be displayed together with the license issued for the premises.

C. It shall be unlawful for any holder of a retail liquor license, or his or her agent or employee, to permit any under aged person to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this Section 33.24-C shall not apply to any under aged person who is accompanied by his or her parent or guardian, or any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor.

D. Exemptions: The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in a performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent, guardian or spouse of such minor in the privacy of a home, is not prohibited by this Chapter.

E. Penalty: Whoever violates any provision of this Section shall be fined not less than \$500 nor more than \$2,500.

33.25 SALE, GIFT, DELIVERY TO PERSONS UNDER 21 YEARS OF AGE *Amended, 94-0-1*

A. Sale by Licensee: It shall be unlawful for either a licensee or any officer, associate, member, representative, agent or employee of such licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years except as otherwise provided herein.

B. Sale by Other Persons: It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except as otherwise provided herein.

C. Proof of Identity and Age: Any licensee, associate, member, representative, agent or employee of said licensee, may refuse to sell, serve, give or deliver alcoholic beverages to any person who is unable to produce adequate written evidence of both identity and of the fact that the person is over the age of 21 years. 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.

D. Penalty: Whoever violates any provision of this Section shall be fined not less than \$200 nor more than \$2,500. In addition to all other fines and penalties, the Commissioner may either suspend or revoke the local liquor license for any violation of this Section.

33.26 SALE OR USE OF FALSE EVIDENCE OF AGE AND IDENTITY *Amended, 94-0-1*

A. It shall be unlawful for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photo static evidence of either the age or identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of either age or identification of any other person.

B. It shall be unlawful for any person under the age of 21 to present or offer to any licensee, associate, member, representative, agent or employee of said licensee, any written, printed or photo static evidence of either age or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage.

C. It shall be unlawful for any person to possess any false or fraudulent written, printed or photo static evidence of either age or identity.

D. Penalty: Whoever violates any provision of this Section shall be fined not less than \$100 nor more than \$1,000.

33.27 SALES TO INTOXICATED PERSONS AND HABITUAL DRUNKARDS *Amended, 06-0-69*

No licensee, associate, member, representative or agent or employee of the licensee, shall sell, give or deliver alcoholic liquor either to any intoxicated person or to any person known by him or her to be an habitual drunkard.

No licensee, officer, member, representative or agent or employee of the licensee, shall harbor or permit any intoxicated persons to either loiter on the licensed premises or permit any conduct which shall tend to disturb the peace or quiet of either the neighborhood or the premises.

33.28 INSPECTIONS AND ENFORCEMENT

Any law enforcing officer of the Village may enter at any time upon any licensed premises hereunder to determine whether any of the provisions of this Chapter or statutes of the State have been or are being violated and at such time may examine the premises of the licensee in connection therewith.

The Commissioner may receive complaint from any citizen within the jurisdiction of the Village that any of the provisions of this Chapter or any rules or regulations adopted by the President and Village Board or by the State or the Illinois Compiled statutes have been or are being violated, and may act upon such complaints in the manner provided.

The Commissioner shall have authority to make and establish rules and regulations of procedure concerning notice of hearings and all such other matters as may from time to time be necessary, and to appoint a Local Liquor Control Commission.

It shall be unlawful to refuse to grant admittance to the licensed premises at any time upon the verbal request of any police officer or any other legally authorized person.

33.29 REVOCATION OR SUSPENSION OF LICENSE; FINES; NOTICE; HEARING; APPEAL *95-O-19, Amended, 13-O-18, 06-O-69, 00-O-40*

The Commissioner may revoke or suspend any local retail liquor license if he determines that the licensee has violated any provision of this Chapter or of any valid ordinance or resolution enacted by the Village Board, or any applicable rule or regulation established by the Liquor Commission or the State Liquor Control Commission which is not inconsistent with law, either in addition to said revocation or suspension or in lieu of suspension or revocation; the Commissioner may levy a fine on the licensee for such violation. The fine imposed shall not exceed \$6,000.00 and the suspension shall not exceed 180 days. Each day on which a violation continues shall constitute a separate violation. Proceeds from such fines shall be paid into the General Corporate Fund of the Village.

The Commissioner may revoke, suspend or cause a fine to be paid by the licensee, if he determines that the licensee has violated Section 43.38 Video Gaming Terminals.

Said license shall be either revoked or suspended and fines levied only after a public hearing before the Commissioner with a 3-day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another

business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The Commissioner shall, within 5 days after such hearing, state the reason or reasons in a written order served upon the licensee, for either the fine, suspension, revocation, or a combination thereof. The amount of the fine, the period of the suspension or the declaration of revocation of said license, and all costs shall be clearly set forth in said order. All costs of the public hearing incurred by the Village shall be charged to the licensee upon a determination of a violation and the issuance of an order setting forth a fine, suspension, revocation or any combination thereof.

Any order or action of the Commissioner may, within 20 days after notice of such order or action, be appealed. The appeal shall be limited to a review of the official record of the proceedings of the Commissioner. A certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the Commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript.

33.30 ACTS OF AGENT OR EMPLOYEE; LIABILITY OF LICENSEE; KNOWLEDGE OF LICENSEE *97-0-59*

Every act or omission of whatever nature constituting a violation of any of the provisions of federal law, state statutes, rules and regulations of the Illinois Liquor Control Commission and ordinances or resolutions of the Village by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally for the purposes of these regulations.

33.31 OWNER OF PREMISES PERMITTING VIOLATION; PENALTY *97-0-59*

If the owner of a licensed premises, or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use such licensed premises in violation of the terms of this Code, such owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same penalties.

33.32 POLICE TRAINING EVENTS *98-0-7*

A. Except as provided herein and upon approval of the Manager, the Police Department may serve alcoholic liquor in conjunction with Police Department sanctioned training events held in the Village Hall. Manager approval shall be required for each training event. All participants shall be required to sign a waiver, release and hold harmless agreement in a form approved by the Manager.

B. Prohibitions: Alcoholic liquor shall not be served as part of any activities of the Citizens Police Academy.

33.33 PROHIBITED ACTS AND CONDITIONS *98-0-31; Amended, 15-0-21, 06-0-69, 00-0-19*

A. Adult Business Prohibited: It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the Village at which alcoholic beverage

ages are offered for sale for consumption on the premises, to permit or allow the following activity to be conducted on the premises of such a commercial establishment, all of which activity is defined in Appendix A: Adult Business; Adult Entertainment Center; Adults-Only Activity, Bookstore, Motion Picture Theater, Nightclub, Sauna; Nudity; Obscene Activity; Rap Parlor; Sadomasochistic Activity; or Sexual Conduct Activity.

B. Beer, Alcoholic Beverages Prohibited: It shall be unlawful for any establishment defined as an Adult Business pursuant to this Code to sell, distribute or permit beer or alcoholic beverages on the premises.

C. “BYOB” Prohibited: Any business operating as a public accommodation that is not licensed under the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) or this Chapter shall not permit the consumption of alcoholic liquor on the premises. In addition, only alcoholic liquor provided by a licensee shall be consumed on the licensed premises.

D. Remote Orders; Curbside Pick-Up: The sale of alcoholic liquor shall only be conducted within the licensed premises. The purchase of alcoholic liquor in conjunction with curbside pickups is prohibited. Except for remote orders from outside the Village, the delivery of alcoholic liquor to unlicensed premises is also prohibited.

33.34 **BASSET PROGRAM** 06-O-69; Amended 16-O-07, 11-O-43, 11-O-32

A. BASSET Training Required: Successful completion of a BASSET program, or other similar program as approved by the Chief of Police, is required for all persons who sell or serve alcoholic liquor, all management personnel working in a licensed premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic liquor pursuant to the license. Any new owner, manager, employee, or agent requiring BASSET training shall, within 90 days from their first day of employment with a licensee, complete a BASSET approved program. Until successful completion of the program, such person shall work under the supervision of a person who has successfully completed BASSET training.

B. BASSET Training Expiration: BASSET training or other approved training shall be valid only for the following time periods:

1. On-line Program: Three years from the date of successful completion.
2. Algonquin Police Presentation and Certification, or any other approved BASSET In-Person or Classroom training program: Three years from the date of successful completion.

C. Certificate of Completion: Photocopies of certificates of completion of a BASSET program shall be maintained by the licensee in a manner that will allow inspection, upon demand, by a member of the Police Department or the Local Liquor Control Commission.

D. Liquor Violations: In the event a licensed premises is found to be in violation of any provision of this Chapter or the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*), the Commissioner, within his sole discretion, may require all persons who sell or serve alcoholic liquor and/or all management personnel working in a licensed premises and/or anyone whose job description entails the checking of identification for the purchase of alcoholic liquor pursuant to

the license to re-apply, attend and successfully complete a BASSET program at the Police Department.

33.35 **PENALTY**

Whoever violates any provision of any section of this Chapter for which a specific penalty is not stated shall be fined not less than \$100 nor more than \$1,000. Each day on which a violation continues shall constitute a separate violation.