

VILLAGE OF VOLO

LIQUOR LICENSE RULES & REGULATIONS

VILLAGE CODE – TITLE 4.2 LIQUOR CONTROL

TITLE 4.2

LIQUOR CONTROL

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4-2-1: SCOPE AND CONSTRUCTION:

This chapter shall be liberally construed to the end that the health, safety, and welfare of the residents of the village shall be protected, and, to the end that temperance in the consumption of alcoholic liquors be fostered and promoted by sound and careful regulation and control of the sale and distribution of alcoholic liquors. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-2: DEFINITIONS:

A. Definitions Pursuant To Statute: All words and phrases used in this chapter which are defined in the Illinois liquor control act of 19341 shall be as defined in said act.

B. Village Defined: The word "village" as used in this chapter shall be taken to mean and include all territory within the geographical limits of the village of Volo. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-3: LOCAL LIQUOR CONTROL COMMISSIONER AND COMMISSION:

A. Appointments:

1. Commissioner Defined: The president of the board of trustees of the village shall be the local liquor control commissioner, and shall act as such in and for the village. (Ord. 94-22, 6-9-1994)
2. Liquor Control Commission: The liquor control commissioner may appoint two (2) additional members of the board of trustees of the village to serve at the will of the local liquor control commissioner to advise him in the exercise of his powers and duties as such commissioner. The president and such additional board members shall constitute the liquor control commission of the village. (Ord. 96-52, 5-14-1996)

B. Powers And Duties:

1. Commissioner: The liquor commissioner of the village shall have the following powers and duties:
 - a. To grant, and/or suspend for not more than thirty (30) days, or to revoke for cause, all local licenses issued to persons, firms or corporations subject to his jurisdiction.
 - b. To enter, or to authorize any law enforcing officer or peace officer to enter, at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this chapter, or any rules or regulations adopted by him, have been or are being violated, and to inspect or examine such premises at the time of entry thereon.

- c. To require that all licensed premises be maintained and operated in a sanitary condition, and in compliance with all applicable rules and regulations of the health department of the county of Lake, and in compliance with all zoning regulations of the village; and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the village and the state of Illinois; to assure the public safety, welfare, and best interests of people of the village; to determine the environmental and economic impact of the area surrounding the licensed premises; and to enforce said ordinances against any public nuisance.
- d. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the health department of the county of Lake, and a certificate of approval from the building and zoning department of the village showing compliance with all applicable rules and regulations of said building and zoning department.
- e. To require each licensee to comply with all regulatory provisions of the county of Lake and the state of Illinois.
- f. To require fingerprints of any applicant for a local license or renewal thereof. If so required, each applicant shall submit his or her fingerprints to the department of state police in the form and manner prescribed by said department. For the purposes of obtaining fingerprints under this section, the local liquor commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the department of state police. The local liquor commissioner may waive this requirement as he/she deems appropriate. (Ord. 94-22, 6-9-1994; amd. 2008 Code)
- g. To receive complaints from any citizen regarding violations of any of the provisions of this chapter or of the Illinois liquor control act; or complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof; and to act upon such complaints as herein provided.
- h. To receive all local license fees and to pay the same forthwith to the village treasurer.
- i. To serve notice of hearing upon any licensee to consider suspension or revocation of a license under circumstances which involve repeated reports of law enforcement officers of violations of the law upon the premises (real estate) adjacent to, and surrounding the structure in which alcoholic liquors are served pursuant to a license issued in compliance with this chapter and which violations consist of any offensive language, or loud music, affrays, assaults, and other breaches of the peace amounting to a nuisance.
- j. The liquor commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to

examine or cause to be examined the books and records of any such applicant or licensee. The commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and in connection with such examination may issue subpoenas which shall be effective in any part of the state of Illinois. In conducting such examinations, the liquor commissioner may authorize his agent to act on his behalf.

B. Commission: The liquor commission of the village shall have the following duties:

- a. To recommend to the board of trustees of the village such further regulations and restrictions regarding the issuance of, and operations under, local licenses, not inconsistent with law, as the public good and convenience may require.
- b. To conduct hearings upon all matters referred to it by the liquor control commissioner and to make recommendations thereon to the liquor control commissioner of the village.

A. Transfer To Different Premises; Hearing Before Commissioner:

1. For purposes of this chapter, the movement of a business from one location to a second location shall constitute a "transfer". The sale or disposition of a business by the licensee to a person who will continue the business on the same location shall constitute a "waiver".
2. After a license has been granted for a particular premises, the commissioner, upon proper showing, may permit the licensee to abandon the premises therein described and to move his place of business to other premises approved by the commissioner. However, in order to obtain a hearing on the matter, the licensee shall make written application to the commissioner and pay a hearing fee of two hundred dollars (\$200.00). The application shall contain proof that notice of application was served upon the owner of the original premises. The applicant has the burden of showing that the premises to which removal is to be made complies in all respects with the provisions of all applicable ordinances of the village pertaining to zoning, health, and safety. Upon receipt of such request, the commissioner will conduct a hearing to inquire into, and receive evidence bearing upon, the question of removal to other premises. No person may "transfer" a license to a new location unless they have operated the current licensed premises for a reasonable period of time. (Ord. 94-22, 6-9-1994)

4-2-4: LICENSING REQUIREMENTS AND RESTRICTIONS:

A. License Required: No person shall sell or permit the sale, use or consumption of any alcoholic liquors in the village in that territory subject to the control of the liquor commissioner without first having obtained a license to sell such liquors in each location, place, or premises wherein it is proposed by a prospective licensee to sell such liquors.

B. Places Serving Food Or Providing Entertainment: Restaurants, dining rooms, cabarets, nightclubs, dance halls, and places in which entertainment is provided or food served and which are not part of a premises licensed hereunder, are prohibited from allowing patrons to bring upon the premises alcoholic beverages to be there served or consumed by said patrons.

C. Separate License For Each Location: Where two (2) or more locations, places, or premises are under the same roof, or are located at one street address, a separate license shall be obtained for each such location, place, or premises, unless all rooms in which it is intended to serve alcoholic liquors are directly connected or are adjacent to and accessible to each other without leaving the building. Each licensee shall define with certainty the room or rooms in which liquor is to be sold.

D. Business Restricted To Licensed Premises; Hotel/Motel Operators: No person licensed to sell liquor under any license issued by the village liquor commissioner shall be permitted to sell, give away, or otherwise dispose of alcoholic liquor at any place other than the place specifically described in his license whether such place be in the same building or not; provided, that nothing herein contained shall be so construed as to prevent any hotel operator, or motel operator licensed under this chapter from serving alcoholic liquor to registered guests of the hotel or motel in any room or part of the hotel or motel. However, such liquor so served shall be kept in and served from a licensed location, place or room in said hotel or motel. The foregoing provisions shall apply only to hotels and motels conducted and maintained as such. (Ord. 94-22, 6-9-1994)

4-2-5: APPLICATION FOR LICENSE; INFORMATION REQUIRED:

Application for license hereunder shall be made to the liquor control commissioner of the village in writing, under oath, signed by the applicant, if an individual, or by the duly authorized agent thereof, if a club or corporation. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-6: ISSUANCE OF LICENSES TO CERTAIN PERSONS PROHIBITED:

A. Circumstances Under Which License Issuance Prohibited: No license shall be issued to:

1. A person who is not a resident of the village.
2. A person who is not of good character and reputation in the community in which he resides.
3. A person who is not a citizen of the United States.

4. A person who has been convicted of a felony under any federal or state law, unless the commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
5. A person who has been convicted of being the keeper or is keeping a house of ill fame.
6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
7. A person whose license issued under this chapter has been revoked for cause.
8. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
9. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the village, unless residency is required by local ordinance.
10. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) 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 village.
11. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the business corporation act of 19832 to transact business in Illinois.
12. 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.
13. A person 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 effective date hereof or has forfeited his bond to appear in court to answer charges for any such violation.
14. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
15. Any law enforcing public official, including members of the local liquor control commission, the president of the village board of trustees, any member of the village

board of trustees; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.

16. A person who is not a beneficial owner of the business to be operated by the licensee.
17. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of section 5/28-1 of, or as proscribed by section 5/28-1.1 or 5/28-3 of, the criminal code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions³.
18. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the raffles act⁴ or the Illinois pull tabs and jar games act⁵.
19. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 Illinois Compiled Statutes 5/6-21(a).

B. Criminal Conviction Of Corporation: A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The commission shall determine if all provisions of this subsection have been met before any action on the corporation's license is initiated. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-7: TERM OF LICENSE:

A license shall be a personal privilege good for a period not to exceed one year. Every class A, B, C, E, and G license shall terminate on December 31 of each year in which issued. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-8: PROHIBITED TRANSACTIONS:

A. Noncompliance With Statute: No person shall sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes, except as specifically provided in the liquor control act⁶, and the provisions of this chapter. (Ord. 94-22, 6-9-1994)

B. Restrictions For Minors, Certain Persons:

1. Sales:

a. Except as provided in 235 Illinois Compiled Statutes 5/6-16.1, no licensee under this chapter, 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 twenty one (21) years or to any intoxicated person.

b. Any person found guilty of selling or delivering alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

2. Acceptance: Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor, nor shall such person have alcoholic liquor in his possession.

C. Demand Proof Of Age: If a licensee or his agents or employees believe, or have reason to believe, that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he or such agents or employees shall, before making such sale or delivery, demand presentation of some form of positive identification, showing proof of age, which identification has been issued by a public officer in the performance of his official duties. (Ord. 94-22, 6-9-1994)

D. Misrepresentation Of Age; Altering ID Card:

2. Any person under the age of twenty one (21) years who misrepresents his or her age for the purpose of purchasing or obtaining any alcoholic beverage in any place where such beverage is sold, shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code.

3. No person shall transfer, alter, or deface an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. Any person found guilty of any of the foregoing acts shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

E. Use Of Premises After License Revocation: No person shall operate, or attempt to operate, any premises for the sale of alcoholic beverages for which the license has been revoked, for any cause, for the period of one year after such revocation.

F. Issuance Of License To Church Or School: Nothing in this chapter shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor; provided, that such

sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale of alcoholic liquors.

G. Firearms And Weapons Restricted: No licensee, nor any officer, associate, member, representative, agent, or employee of such licensee shall permit anyone to carry, possess, or discharge any firearm, stun gun, taser, or other deadly weapon on or about said licensed premises or grounds thereon, except that the owner or licensed manager, with a valid firearm permit, may keep such firearm on said premises. The above sentence notwithstanding, patrons may possess firearms on the grounds for purposes of practice shooting or hunting at targets upon established target ranges or hunting reserves. In the case of the target shooter or hunter, upon completion of the shoot or when not in use, said weapon should be broken down in a nonfunctioning state or not immediately accessible upon entering the liquor establishment. (Ord. 94-22, 6-9-1994)

H. Give-away prohibited.

It is unlawful for any person to give away or otherwise dispense free of charge, by the drink or in any other manner, within the village, an alcoholic beverage with the intent of promoting the sale of an alcoholic beverage except that the giving away by a Class C-1 licensee, without charge, of wine and beer in small and limited amounts for tasting purposes only, immediately prior and incidental to the prospective sale of wine or beer in the original package for consumption off the licensed premises, shall not be considered a violation of this section. Such give-away, however, shall be subject to the following conditions and limitations: (1) the individual tasting shall be twenty-one (21) years of age or older; (2) the tasting shall be attended by and supervised by a full-time employee of the licensee who is twenty-one (21) years of age or older; (3) tastings shall be conducted only in a designated area on the licensed premises as approved by the liquor commissioner and designated in the liquor license; (4) for each individual tasting portion, the actual amount of wine tasted may not exceed one ounce and the actual amount of beer tasted may not exceed two ounces; (5) no more than four tasting samples of wine and/or beer may be served to an individual patron per day; and (6) tasting samples shall be served in a single-use, disposable container which shall be disposed of immediately following the sampling. Furthermore, no Class C-1 licensee, or any employee or agent thereof, shall advertise the availability of wine or beer tasting or sampling through any public media or other means of public or mass communication other than by the display of signage in the interior of the licensed premises, which signage shall not be visible from any public street and shall not exceed one square foot in total size.

4-2-9: REGULATIONS APPLICABLE TO ALL LICENSEES:

All licenses shall be granted subject to the following regulations, and, by the act of acceptance of a license to sell alcoholic liquors at retail, all licensees agree:

A. Compliance With State And Local Regulations: To operate the licensed premises in compliance with all applicable statutes and ordinances and all applicable zoning, building, fire, health, and other regulations of the village. (Ord. 94-22, 6-9-1994)

B. Minors: To see that the premises are at all times kept free of all persons under twenty one (21) years of age. However, this restriction does not prohibit the serving of food to persons under twenty one (21) years of age, who are escorted by a parent or legal guardian, in a dining room on the premises separated from any bar for the serving of alcoholic liquors.

C. False Statements: That any false or untrue statements contained in the application for license or at a license hearing, or any violations of the terms and conditions of the application, or of any of the statutes, ordinances, rules, and regulations hereof, shall be cause for revocation or suspension of the license by the liquor control commissioner as is provided in the liquor control act7. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

C. Employees:

1. Not to employ any persons under sixteen (16) years of age, nor to employ any persons under the age of twenty one (21) years for the purpose of drawing, pouring, or mixing any alcoholic liquor.
2. However, a person less than twenty one (21) years of age, but at least eighteen (18) years of age, may serve or deliver alcoholic liquor when in the presence of and under the direct supervision and control of an employee twenty one (21) years of age or older. A class C license holder must employ a person twenty one (21) years of age for the purpose of selling package liquor.
3. Not to employ any waitress under eighteen (18) years of age.

E. Obscene Conduct: Not to permit the following conduct on licensed premises:

4. Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual act.
5. The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.
6. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
7. Permitting any person to remain upon licensed premises who exposes to public view
 - a. any portion of his or her breasts, buttocks, genitals, vulva, or anus.
8. The display of films or photographs, including slides, depicting a live performance of anything prohibited in subsections E1 through E4 of this section.

F. Disorderly Conduct: To operate licensed premises so that assaults, fights and disorderly conduct do not occur on or about the licensed premises. (Ord. 94-22, 6-9-1994)

G. Liability Insurance: To show evidence, satisfactory to the commission, of the issuance of a policy of liquor liability insurance (dramshop) and insuring against liability for any injury or death on account of acts of negligence, omission, or violating the liquor control act. Said policy shall carry a minimum of one hundred thousand dollars (\$100,000.00) per person and two hundred fifty thousand dollars (\$250,000.00) per occurrence for injury or death; and fifty thousand dollars (\$50,000.00) for loss of means of support. Each licensee shall furnish the commission a certificate of such insurance and, in the event of cancellation, notify the commission immediately of such cancellation. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-10: HOURS OF OPERATION:

- A. Class A, B, D And E Licenses: Persons holding class A, B, D, or E licenses may not sell, permit to be sold, give away or allow to be consumed, any alcoholic beverages between the hours of two o'clock (2:00) A.M. and five o'clock (5:00) A.M. on weekdays, and between three o'clock (3:00) A.M. and five o'clock (5:00) A.M. on Saturdays and Sundays, and New Year's Day, Memorial Day, Independence Day, and Labor Day.
- B. Class C and C-1 Licenses: Persons holding class C or C-1 licenses shall not sell, permit to be sold, or give away any alcoholic beverages between the hours of ten o'clock (10:00) P.M. and four o'clock (4:00) A.M. on any day, and must illuminate the licensed premises at all times after regular business hours by means of an interior electric light of at least twenty five (25) watts located at the rear of the premises and visible from the street.
- C. Class G Licenses: Persons holding class G licenses shall not sell, permit to be sold, or give away any alcoholic beverages between the hours of one o'clock (1:00) A.M. and five o'clock (5:00) A.M. on any day, and must illuminate the licensed premises in such a manner as to allow the front, rear, and sides of the business to provide adequate visibility. (Ord. 03-201, 5-13-2003)
- D. Class H Licenses: Persons holding Class H licenses shall not sell, permit to be sold, give away, or allowed to be consumed, any alcoholic beverages between the hours of twelve o'clock (12:00) A.M. and seven o'clock (7:00) P.M. on weekdays and twelve o'clock (12:00) A.M. and twelve o'clock (12:00) P.M. on Saturdays and Sundays.

4-2-11: CLASSIFICATION; FEES:

There shall be the following classes of licenses with the following license fees:

- A. Class A Licenses: The annual fee for the license year, or any part thereof, shall be two thousand five hundred dollars (\$2,500.00) and shall permit the holder to sell, deal, or traffic in intoxicating liquors to be consumed only on the premises so licensed, and in the original package for consumption off the premises. Any display area of alcoholic liquor for retail sale in the original package shall not exceed eighteen (18) square feet in the premises so licensed, and no advertising of retail sales of package goods shall be carried on, other than the price of the package being attached to the display area.

- B. Class B Licenses: Holders of Class A Licenses may apply for a Class B License to operate, outside the structure designated for such sale, upon those premises a beer garden, or area for use of umbrella, or cabana type structures for serving alcoholic liquors at retail. Such license may be issued pursuant to written application, after hearing before the Liquor Commission, and payment of an additional fee of two hundred fifty dollars (\$250.00) annually.
- C. Class C Licenses: The annual fee for the license year, or any part thereof, shall be one thousand five hundred dollars (\$1,500.00) and shall permit the holder to sell at retail, but not for consumption on the premises where sold, alcoholic liquor in the original package, and without any limitation of inside display area or advertising by a person so engaged in the retail sale of alcoholic liquor.
- D. Class C-1 Licenses: The annual fee for the license year, or any part thereof, shall be one thousand five hundred dollars (\$1,500.00), and the license shall permit the license holder to sell at retail, but not for consumption on the premises where sold, alcoholic liquor in the original package, subject to the following:
1. The sale of alcoholic liquor at the licensed premises shall:
 - a. Account for no more than thirty (30) percent of the establishment's annual gross sales, as determined from sales receipts;
 - b. Account for no more than thirty (30) percent of the establishment's inventory at any one time, whether measured by retail dollar value or number of items; and
 - c. Account for no more than thirty (30) percent of the establishment's stock in trade at any one time, whether measured by retail dollar value or number of items.
 2. The display area for retail sales of alcoholic liquor shall not exceed thirty (30) percent of the gross floor area of the licensed premises excluding storerooms, stock areas, bathrooms, basements, and any other portions of the establishment not open to the public.
 3. No advertising of retail sales or tasting of alcoholic liquors shall be carried on, other than the price of the package being attached to the display area and on-premises signage advertising authorized beer and wine tastings in accordance with Section 4-2-8-H of this Code.

The Liquor Commissioner, upon application of the holder of a Class C-1 liquor license, may further authorize such licensee to give away wine or beer for tasting purposes only on the licensed premises subject to all the terms and conditions set out in Section 4-2-8-H of this chapter. There shall be no additional fee for this authorization.

- E. Class D Licenses: The fee for the Class D License shall be seventy five dollars (\$75.00) for a period of twenty four (24) hours; provided, that the permit may be extended to ninety six (96) hours, consecutively, at a fee of twenty five dollars (\$25.00) for each additional twenty four (24) hour period or fraction thereof. Class D Licenses shall be available only to not for profit organizations registered with the state of Illinois, political organizations, or for any other group or organization that for good cause shown to the Liquor

Commissioner would qualify. An unlimited number of Class D Licenses may be issued, but no organization shall be granted more than three (3) licenses during the calendar year without permission from the Liquor Commissioner. Each Class D applicant shall furnish evidence, satisfactory to the commissioner, of the issuance of a policy of liquor liability insurance (dramshop) and insuring against liability for any injury or death on account of acts of negligence, omission, or violating the Liquor Control Act. Said policy shall carry a minimum of one hundred thousand dollars (\$100,000.00) per person and two hundred fifty thousand dollars (\$250,000.00) per occurrence for injury or death; and fifty thousand dollars (\$50,000.00) for loss of means of support.

- F. Class E Licenses: The annual fee for the license year, or any part thereof, shall be one thousand five hundred dollars (\$1,500.00) and shall permit the holder to sell, deal, or traffic in beer or wine to be consumed only on the premises so licensed. To qualify for this license, a business must have a service bar serviced by at least one waiter or waitress. Said licensed premises must have a kitchen and serve food to be eaten on the premises, and said premises must have minimum seating at tables for twenty (20) patrons and a maximum seating of fifty (50) patrons.
- G. Class F Licenses: The annual fee for the license year, or any part thereof, shall be one thousand five hundred dollars (\$1,500.00) and shall permit the license holder to sell and serve beer and wine only, and no other alcoholic liquor, from service bars only and for consumption only on the premises where sold. This license shall be issued only to establishments in which the primary and principal business is the sale of coffee or tea and in which the sale of beer and wine is secondary and incidental.

The sale and service of beer and wine shall be subject to the following:

1. Any beer or wine poured, served, and/or sold for consumption on the premises must be served in individual servings with no individual serving of beer exceeding sixteen (16) ounces and no individual serving of wine exceeding six (6) ounces. Such service shall be provided in a clear container. Not more than one individual serving may be delivered to a customer at any one time. The sale or service of beer or wine is prohibited at drive-through facilities.
2. The sale of beer and wine may only occur between the hours of 11:00 a.m. and 10:00 p.m.
3. All on-premise advertisements promoting beer or wine sales at the establishment must be located in the building interior, and shall not be permitted anywhere on the exterior of the building or site.
4. The consumption of beer and wine in an outdoor seating area shall be permitted, subject to the following restrictions:
 - a. Designated Area: Any outdoor seating area, where beer and wine are consumed, shall be clearly designated with a permanent or semipermanent fence and/or barrier consistent with building and zoning codes.
 - i. A detailed site plan showing the outdoor seating area including, but not limited to, permanent and semipermanent fences and/or barriers, tables, chairs, and trash receptacles shall be provided and approved by the

Village. The outdoor seating area shall be maintained in compliance with the approved site plan.

- b. Supervision: The outdoor seating area shall be supervised at all times by an employee of the establishment who has attained the age of twenty-one (21) years or older.
- c. Removal of Alcoholic Beverages: No beer or wine may be removed from the outdoor seating area, except to the interior of the licensed premises.
- d. The Village Administrator or his or her designee may impose any other reasonable restriction that ensures the health, safety, and welfare of persons residing or working in the vicinity.

H. Class G Licenses: The annual fee for the license year, or any part thereof, shall be one thousand five hundred dollars (\$1,500.00) and shall permit the holder to sell at retail, but not for consumption on the premises where sold, alcoholic liquor in the original package, and without any limitation of inside display area or advertising by a person so engaged in retail sale of alcoholic liquor. The Class G Licenses shall be available only to businesses in which greater than fifty percent (50%) of gross sales of the business are derived from the sale of petroleum products.

I. Class H License

The annual fee for the license year, or any part thereof, shall be seven hundred fifty dollars (\$750.00), and the license shall permit the license holder, on premises located only in non-residential zoning districts and greater than ten thousand (10,000) square feet, to sell, deal, or traffic in intoxicating liquors to be consumed only on the premises so licensed only in conjunction with not more than twelve (12) scheduled events per year, but in no case more than two (2) events per month, subject to the following:

Notice of an event shall be filed with the Village Clerk at least thirty (30) days prior to the event, which notice shall include the following:

- a. The date and time of the event.
- b. The organizer of the event and the number of guests.
- c. A list of bartenders with copies of certificates of completion of the Beverage Alcohol Sellers and Servers Education and Training Program (BASSET).

Payment of an additional fee of one hundred dollars (\$100.00) per event.

No retail sale of intoxicating liquors shall be made at any time to the general public other than to those in attendance at the scheduled events described in this Subsection.

4-2-12: NUMBER OF LICENSES:

The following shall be the number of licenses to be issued:

The maximum number of liquor licenses available to be issued by the Village is as follows:

License Class	Maximum Number of Licenses
A	0
B	0
C	1
C-1	0
D	Special Event; No Limit
E	0
F	0
G	2
H	1

Without further action of the Village Board, the maximum number of licenses in any class shall be automatically reduced by one upon the expiration, revocation, or non-renewal of an existing license in any such license class.

4-2-13: LIST OF LICENSES:

A. **Furnish Copies Of List To Village Officers:** The village liquor commissioner shall keep, or cause to be kept, a complete record of all licenses issued by him under this chapter, and shall furnish the clerk and treasurer of the village each with copies thereof. Upon the issuance of any new license, or the revocation of any old license, the commissioner shall give written notice of such action to these officers within forty eight (48) hours.

B. **Report To Trustees:** The liquor commissioner of village shall report to the board of trustees all of his acts in the enforcement of this chapter, and in regard to the collection of liquor license fees, the date collected, and the date the fees were turned over to the village treasurer, whenever such a report is requested by the board of trustees. (Ord. 94-22, 6-9-1994)

4-2-14: DISPLAY OF LICENSE:

All licenses issued under this chapter shall be displayed in plain view in a conspicuous place within the licensed premises. (Ord. 94-22, 6-9-1994)

4-2-15: LICENSE A PERSONAL PRIVILEGE; DECEASED LICENSEE:

A. A license issued under this chapter shall be purely a personal privilege, and shall expire on the next December 31 following the issuance thereof, and 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 be encumbered or hypothecated.

B. Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided, however, that the personal representative of any deceased licensee, when such decedent's estate consists in part of alcoholic liquor, shall apply for a license within thirty (30) days following the death of the licensee. Under such circumstances, no initial license fee shall be required, however, the applicant shall pay a two hundred fifty dollar (\$250.00) hearing fee as well as all renewal fees when they become due. A license issued under this provision shall expire upon the closure of the decedent's estate or two (2) years, whichever occurs first.

C. This section shall not restrict or be construed to restrict the provisions of section 4-2-20 of this chapter. (Ord. 94-22, 6-9-1994)

4-2-16: LICENSE RENEWALS:

A. Renewal: Any licensee may apply for renewal of his license at the expiration thereof; provided, however, that he is then qualified as for an original application; and provided, that the premises for which such renewal of license is sought is in compliance with all applicable ordinances of the village. The ability to file an application for renewal of a license hereunder shall not be construed to create any vested interest, or right in an applicant. An application for renewal of a license hereunder shall not prevent the liquor commissioner from decreasing the number of licenses to be issued within his jurisdiction.

B. Delinquent Filing Of Tax Return: No retailer's license issued by the local liquor control commissioner shall be renewed unless the applicant provides documentation that any tax owed to the village by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-17: PAYMENT AND DISPOSITION OF FEES:

All fees for licenses issued under this chapter shall be delivered to the liquor control commissioner on or before January 1 of the calendar year for which such license is to be issued. For the period of January 1 through December 31, a license may only be renewed by payment of the original fee and a ten dollar (\$10.00) per day penalty. This penalty shall commence January 1 and accrue until the liquor commissioner has actual receipt of the fee, including the day of actual receipt, but in no event after January 1. Where a license application, license fee and respective penalty are not received on or before January 1, in the discretion of the liquor commissioner, such application for renewal may be denied. If the license application is granted, the fee shall be deposited by the village treasurer in the general corporate fund of the village. If the application for the license is denied, the fee shall be returned to the applicant. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-18: CHANGE OF PERSONNEL:

All changes in partnerships, officers, directors, or persons holding directly, or beneficially, more than five percent (5%) of the stock or ownership interest, or in managers of establishments licensed under this chapter, shall be reported in writing to the liquor control commissioner within ten (10) days of the change. All such personnel shall comply with all applicable requirements of this chapter. All such changes in personnel shall be subject to review, or hearing, by the liquor control commissioner, in his discretion. (Ord. 94-22, 6-9-1994)

4-2-19: TERMINATIONS:

A. Partnership: When a license has been issued to a partnership and a change of ownership occurs resulting in the creation of a partnership interest in a person owning more than five percent(5%) of the aggregate partnership interest who would not be eligible to receive a liquor license, such license shall thereby be terminated. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

B. Corporation: When a license has been issued to a corporation and a change takes place as to officers, or directors, or of shareholders holding more than five percent (5%) of the stock, or in a manager resulting in the holding of office, or if a change takes place in the transfer of shares to one who is not eligible for a license, such license shall thereby terminate.

C. Individual: When a license has been issued to an individual who becomes ineligible to receive a license, the license theretofore issued to such individual shall thereby terminate.

D. Transfer Of Stock, New Application: In the case of a license issued to a corporation or partnership, the transfer of more than thirty percent (30%) of the ownership interest of the original stockholders or original members of the partnership to a person with no ownership interest in the corporation or partnership at the time of the transfer, such transfer, or transfers, shall constitute the basis for a new license application, and the initial license fee shall then be payable.

E. Cease Doing Business: Any licensee who ceases to do business for whatever reason, or who closes his place of business for whatever reason for a period in excess of forty five (45) days, should notify the commissioner in writing of the same. The licensee may be required by the liquor commissioner, after receipt of notice of a hearing, to show cause why the license for such establishment should not be terminated. (Ord. 94-22, 6-9-1994)

4-2-20: WAIVER OF LICENSE:

If a licensee shall sell or dispose of his business during the period of the license, he may waive his rights as a licensee in writing to the village liquor control commissioner. The person to whom the business is being sold may make application for a new license and deliver to the liquor control commissioner with such application a check in payment of the initial license fee. However, in the case of a sale or disposition of a business by a security agreement whereby the buyer receives legal title to the premises only after complete performance of the respective sales agreement, and the buyer defaults in performance thereby enabling the secured party to retain

legal title to the premises, the secured party can apply for liquor license for the premises directly from the commissioner without an intermediate waiver under this section. The foregoing exception shall apply only to a secured party who previously held the license and is eligible for a license under this chapter. (Ord. 94-22, 6-9-1994)

4-2-21: LOCATION RESTRICTIONS:

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons, or for veterans, their spouses or children, or any military reservation or naval station; provided, that this prohibition shall not apply to hotels or motels offering restaurant services, regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of 235 Illinois Compiled Statutes 5/6-11; and provided, that such prohibition shall not apply to renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale of alcoholic liquor. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

4-2-22: WAITING LIST:

There is, and shall be kept by the village liquor control commission, a current list of all applicants who are seeking class A, C, or E licenses, which list shall be kept at the liquor control commission office. In order for an applicant to be placed and kept upon the waiting list, the applicant shall: (Ord. 94-22, 6-9-1994)

A. Filing; Payment Of Fee: At the time of filing for a place on the waiting list, the applicant shall submit a fee of two hundred fifty dollars (\$250.00) payable to the village. However, such fee for the waiting list shall not be refundable for any reason. (Ord. 94-22, 6-9-1994; amd. 2008 Code)

B. Notify Applicant Of License Availability: When a license is available, the commission shall notify the applicant in writing by certified mail, return receipt requested. If the applicant does not reply to such notification within twenty one (21) days from the date of mailing such notification, the application shall be removed from the waiting list.

C. Set Date For Hearing: Upon receipt, as provided above, of notification that an applicant desires to execute an application for a class A, C, or E liquor license, the liquor control commission shall set a date for hearing upon the application.

D. Position On Waiting List: Waiting list applicants shall be advanced in the order in which received by the commissioner. Said applicant's position on the waiting list is not transferable to another person or corporation. An applicant whose position is first on the waiting list shall complete the application for license within six (6) months from the time the applicant is notified that a license may be issued. Failure to so effect such completion may result in removal from the list. (Ord. 94-22, 6-9-1994)

4-2-23: HEARING AND APPEAL PROCEDURES:

A. Type Of Notice Required: Whenever this chapter requires a hearing before the liquor control commission or the commission acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall state:

- a. The time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the ordinances involved.
- d. A statement informing the licensee of his ability to respond by presenting evidence and argument.

B. Hearings:

1. A hearing required under this chapter shall be held in accordance with the following rules:
 - a. A hearing shall be held at a reasonable time, date and place.
 - b. No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this section.
 - c. A licensee may present evidence and argument.
 - d. The commission or commissioner may limit, but not prohibit, the presentation of evidence and argument.
2. Where a licensee has received the requisite notice under this section and fails to

appear at a hearing, the commission or commissioner may act ex parte. The liquor commissioner may also have informal hearings where the liquor license will not be affirmatively acted on at such hearing.

C. Decisions: Any decision, order, or determination rendered by the commission or commissioner which affects the rights, duties, or privileges of a licensee shall be in writing and shall notify the licensee personally or by certified mail of the decision.

D. Entry Onto Premises: Any entry authorized by this chapter onto premises licensed under this chapter shall be accomplished without breach of the peace.

E. Waiver: Compliance with any or all of the provisions of this section concerning procedure may be waived by written stipulation of all parties.

F. Continuances For Hearings:

1. A request for a continuance of any hearing in any matter before the commission will not be allowed by the commission unless for good and valid reason in writing, and unless made at least two (2) days prior to the date set for hearing.
2. The commission may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

G. Appeal On The Record: Any appeal taken from a decision of the commissioner shall be reviewed on the record taken by and prepared by a certified court reporter or certified shorthand reporter. (Ord. 94-22, 6-9-1994)

4-2-24: VIOLATIONS; PENALTIES:

A. Penalty Imposed: Any person violating any provision of this chapter shall be fined not more than one thousand dollars (\$1,000.00) for a first violation within a twelve (12) month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve (12) month period, and two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day that such violation is continued shall constitute a separate and distinct offense.

B. License Suspension Or Revocation: In addition to the penalty provided in subsection A of this section, the village liquor control commissioner may suspend for not more than thirty (30) days or revoke any license issued by him if he determines that the licensee has violated any of the provisions of this chapter or any provision of the Illinois liquor control act⁸; and when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquors in the

premises described in such revoked license. Not more than fifteen thousand dollars (\$15,000.00) in fines under this section may be imposed against any licensee during the period of his license (1 year). (Ord. 94-22, 6-9-1994; amd. 2008 Code)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: 235 ILCS 5/1-3 et seq.

Footnote 2: 805 ILCS 5/1.01 et seq.

Footnote 3: 720 ILCS 5/1-1 et seq.

Footnote 4: 230 ILCS 15/0.01 et seq.

Footnote 5: 230 ILCS 20/1 et seq.

Footnote 6: 235 ILCS 5/1-1 et seq.

Footnote 7: 235 ILCS 5/1-1 et seq.

Footnote 8: 235 ILCS 5/1-1 et seq.