

CHAPTER 33
LIQUOR CONTROL AND LIQUOR LICENSING

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33.01 DEFINITIONS

In addition to the following definitions, terms used in this Chapter 33 ("Chapter" shall mean this Chapter 33) are defined in Appendix A of this Code.

Criminal Code: 720 ILCS 5/1-1 et seq.

Liquor Commissioner: The Local Liquor Control Commissioner

Liquor Control Act: 235 ILCS 5/1-2 et seq.

33.02 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

33.03 APPLICATION REQUIREMENTS

A. **APPLICATION CONTENTS:** Application for a liquor license shall be filed with the Commissioner, in writing and verified by oath or affidavit, as follows:

1. **INDIVIDUAL:** The application shall be signed by the applicant or by a duly authorized agent and contain the name, birth date, social security number and address of the applicant; the character of the applicant's business; and the length of time the applicant has been in business.
2. **PARTNERSHIP:** The application shall be signed by each partner (including silent partners if any) and contain the name, birth date and social security number of each partner and silent partner; and state the type of partnership, the character of the business and the date the partnership was formed.
3. **CLUB, CORPORATION:** The application shall be signed by the president and secretary; list the names, birth dates, social security numbers and addresses of the officers and directors; if a majority interest of the stock of such corporation is owned by one person or his or her nominee, the name, address, birth date and social security number of such person shall be listed; and list the date the Articles of Incorporation were issued; and list the objects for which the club or corporation was organized.
4. **LIMITED LIABILITY CORPORATION (LLC):** The

application shall be signed by each member, managing member and manager; list the names, birth dates, social security numbers and addresses of the members, managing member(s) and manager(s); and list the date the Articles of Organization were issued and the purpose or purposes for which the LLC was organized.

B. ADDITIONAL REQUIREMENTS: Applications shall also contain the following information:

1. The full and complete responses to the requested statements and information, which shall be immediately updated if any of the statements or information changes during the term of any license.
2. Each applicant must submit a copy of a fully-executed lease of premises whenever the applicant is not the property owner of the premises for which he or she is seeking a license and such lease must have coverage period equal to, or longer than, the duration of the applicant's liquor license. Said lease must name the applicant as lessee.
3. The applicant(s)' place of birth, and if a naturalized citizen, the time and place of his or her naturalization.
4. The amount of goods, wares and merchandise on hand at the time application is made.
5. The location and legal description of the premises or place of business which is to be operated under such license. Each application shall contain a diagram of the premises which depicts the location of any service bars and the location of one designated dancing area.
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.

7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Section 33.03, laws of this State or the ordinances, rules or resolutions of the Village.
8. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.
9. A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance, rule or resolution of the Village in the conduct of his or her place of business.

C. INVESTIGATION, FINGERPRINTS: No license shall be issued hereunder until the applicant shall have been investigated by the Liquor Commission and a report filed in the records of said Liquor Commission approving the issuance of such license. As a part of this investigation, the Liquor Commission shall require fingerprints of each applicant. The Village's cost of processing the fingerprints shall be the responsibility of the applicant. A copy of fingerprints shall be held on record by the Chief of Police or his or her designee.

D. RESTRICTIONS, CONDITIONS: Any and all licenses issued pursuant to this Chapter shall be subject to any and all changes or amendments which may be hereafter made, and any and all rules adopted by the Liquor Commissioner or Liquor Commission. Any and all licenses shall be subject to any restrictions or conditions deemed desirable by the Liquor Commission or the Liquor Commissioner.

E. INSURANCE: No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the state insuring said person or entity against liability for any injury or death which said parties may incur while operating under the provisions of the Liquor Control Act as follows:

1. The amount of \$500,000.00 per person and \$1,000,000.00 per occurrence for bodily injury liability; \$100,000.00 for loss of means of support; \$100,000.00 for property damage

liability; or

2. A \$1,000,000.00 single limit dram shop policy.
3. No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the State insuring said person or entity against general liability in the amount of \$500,000.00.

F. CHANGE IN OWNERSHIP/MANAGER: 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, a background check for the new owner, manager, partner or shareholder or member shall be required. The Liquor Commissioner may issue or renew the license prior to receiving the results of the background check. The owner/manager of the existing business is to be retained until such time as the background investigation has been received, reviewed and approved by the Liquor Commissioner. However, if the background check reveals information provided is false, the license will be subject to immediate revocation, the licensee will be subject to a fine and there shall be no refund of any portion of the license fee.

33.04 DISPOSITION OF FEES; SALARY OF LOCAL LIQUOR CONTROL COMMISSIONER

All license fees shall be paid to the Local Liquor Control Commissioner at the time the application is made, and shall be forthwith turned over to the Collector.

If the license applied for is denied, the license fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the General Corporate Fund or in such other fund as designated by the Board of Trustees.

The Local Liquor Control Commissioner shall receive an annual salary of \$1,200.00 payable in monthly installments.

33.05 RESTRICTION OF LICENSES

No such 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 Village;
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, if the Local Liquor Control 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. 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 co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder;
10. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence in 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 1983 (805 ILCS 5/1.01 et seq.) 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 by the licensee, except those required in paragraph 14 hereof;
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 passage of the Illinois Liquor Control Act of 1934 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 Village President, any member of the Board of Trustees or any president or member of a county board; and no such official shall be interested directly 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 Local Liquor Control Commission;
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 prescribed by any of subsections (a)(3) through (a)(10) of Section 5/28-1 of, or as proscribed by Section 5/28-3 of the "Criminal Code of 1961" approved July 28, 1961, as amended (720 ILCS 5/28-1 and 5/28-3), 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 gambling 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.
22. Any person, firm or corporation whose application for a liquor license has not been reviewed and approved by the Liquor Commissioner.

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 BOND

Each applicant must submit a bond executed by the applicant, and by good and sufficient corporate surety, in the sum of \$3,000.00 and conditioned that the licensee shall faithfully observe and conform to State laws and to all of the provisions of this Chapter and any and all amendments hereafter passed during the period of said license; and conditioned further for the payment of any and all fines or penalties levied or assessed against such licensee for the violation of any of the terms and conditions of this Chapter or any amendments thereof, or of the State law. Such bond shall be further conditioned that the licensee shall pay all the necessary costs and charges incurred by reason of any complaint filed for the suspension or revocation of his or her license herein by the Liquor Commissioner where same is occasioned by any violation by the licensee of the terms and provision of this Chapter or any other Village ordinance or State law. Such bond must have a coverage period equal to or longer than the duration of the applicant's liquor license. Provided, however, the requirement for surety on the bond may be excused upon submission by any license holder to

the Liquor Commissioner, the following:

1. Proof that the holder of the license has held the same for a period of five years.
2. That the holder of the license has not been adjudicated by the Liquor Commissioner of any offense or violation of any of the laws or ordinances of the Village pertaining to the holding of a license or the operation of a dramshop, for a period of three years.
3. Submission to the Liquor Commissioner of a financial statement, upon forms to be prescribed by the Village, showing a net worth of not less than \$10,000.00.

33.07 TERM, PRORATING FEES

A. TERM: A license is a purely personal privilege that shall be effective for a term not to exceed one year from the date of issuance. Liquor licenses shall be operative and valid, unless terminated, revoked, or suspended, for a term of one year commencing May 1 of each year and terminating on April 30 of the following year. Liquor licenses issued after May 1 of any year shall be operative and valid, unless terminated, revoked, or suspended, for a term commencing on the date of issuance and terminating on April 30 of the following year.

B. PRORATING FEES: The fee to be paid for a license issued under the provisions of this Chapter 33 after May 1 shall be reduced in proportion to the number of full calendar months that have expired between May 1 and the date of issuance of the license. All licenses, regardless of the date of issuance, shall terminate on April 30 of each year.

C. APPLICATION, TRANSFER FEES: A nonrefundable application fee in the amount of \$500.00 shall be payable upon initial application, \$250.00 upon the transfer or conveyance of corporate stock in an amount which would either transfer control or the corporation or would result in a new stockholder owning more than five percent of the corporate stock or upon the transfer or conveyance of corporate assets, and \$50.00 for the change in manager or agent. There shall be imposed a fine of not less than \$250.00 for failure to report the change of a manager or agent or the transfer or conveyance of corporate stock or assets of a licensee.

**33.08 CLASSIFICATIONS, FEES, AND DAILY AND EVENT PERMITS,
AND AUXILIARY LICENSES**

A. CLASSES, FEES: Liquor licenses shall be divided into eleven classes:

1. A Class A license authorizes the retail sale, in restaurants, hotels or country clubs only, as defined in Subsection 33.01 of this Chapter, of alcoholic liquor for consumption on the premises where sold. The annual fee for a Class A license shall be \$2,000.00.
- 2a. A Class B license authorizes the retail sale on the premises specified of alcoholic liquor; not for consumption on the premises where sold, but for carry out only. The annual fee for a Class B license shall be \$1,000.00.
- 2b. A Class B-1 license authorizes the retail sale on the premises specified of wine in sealed bottles, cases or other containers; not for consumption on the premises where sold, but for carry-out only. The annual fee for a Class B-1 license shall be \$1,000.00
3. A Class C license authorizes the retail sale of alcoholic liquor for consumption on the premises of a not-for-profit corporation where sold. The annual fee for a Class C license shall be \$300.00.
4. A Class D license authorizes the retail sale, in restaurants, hotels or country clubs only, as defined in Subsection 33.01 of this Chapter, of beer and wine for consumption on the premises. The Annual fee for a Class D license shall be \$1,000.00.
5. A Class E licenses authorizes the retail sale on the premises specified of beer and wine in sealed carton, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises where sold. The annual fee for a Class E license shall be \$1,000.00.

6a. A Class BWT license authorizes the tasting or supervised presentation of beer and wine for the purpose of disseminating product information and education, with the consumption of beer and wine being an incidental part thereof. The annual fee for a Class BWT license shall be \$1,000.00. The following restrictions shall apply to all class BWT licenses:

- i. There shall not be more than two tasting events per week conducted on the licensed premises.
- ii. The Local Liquor Control Commissioner and the Chief of Police shall be notified at least 48 hours in advance of the tasting event. Notice shall include a description of the product being offered and the vendor distributor conducting the event.
- iii. No more than one fluid ounce of beer or wine may be offered to each customer over twenty-one years of age.
- iv. The tasting event shall only be conducted between the hours of 1:00 P.M. and 7:00 P.M.
- v. Shall be issued only to holders of a Class B license.

6b. A Class BWT-1 license authorizes the tasting or supervised presentation of wine for the purpose of disseminating product information and education, with the consumption of wine being an incidental part thereof. The annual fee for a Class BWT-1 license shall be \$1,000.00. The following restrictions will apply to all Class BWT-1 licenses:

- i. Tasting of designated wines may be conducted on a daily basis.

ii. No more than one ounce of wine per pour may be offered to each customer over 21 years of age.

iii. Only a Class B-1 licensee is eligible for a Class BWT-1 license.

7. A Class F license authorizes the retail sale on the premises specified of beer and wine in sealed cartons, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises where sold, provided that there shall be no exterior signs and no signs in the interior of the premises which are visible from the exterior of the premises advertising or advising of the presence on the premises of such beer or wine. The annual fee for a Class F license shall be \$1,000.00.
8. A Class MBP license authorizes the licensee of a micro brew pub to manufacture beer only (the "Product") on the premises specified in the license, to make sales of the Product to distributors and non-licensees for use and consumption, to store the Product on the premises, and to sell and offer liquor, beer, and wine for sale at retail from the licensed premises. Every such license and all sales pursuant to any such license shall be subject to the following conditions and limitations:
- a. The retail sale of liquor, beer, and wine for consumption on the micro brew pub premises shall be incidental and complimentary to the service of complete meals, except in the designated bar area, lounge area, and patio area; and
- b. Food service shall be available each day within the premises at all times until at least one hour prior to the time the premises closes to the public. Such food service may be more limited

than a full menu during later business hours; and

- c. No alcoholic liquor shall be served to one individual for consumption on the micro brew pub premises by that individual only except in a container not larger than 23 ounces; and
- d. No alcoholic liquor shall be sold at retail for consumption off of the licensed premises unless the same shall be securely sealed so that the contents cannot be removed without breaking the seal so placed thereon by the licensee, in accordance with state law, 235 ILCS 5/6-7; and
- e. The sale of the Product for off-premises distribution or consumption shall not exceed 50,000 gallons each year.

The annual fee for a Class MBP license shall be \$2,500.

- 9. A Class G license authorizes the retail sale on the premises specified of wine in sealed cartons, bottles, casks, flasks, barrels, cases or other containers, for consumption off the premises where sold, provided that there shall be no exterior signs and no signs in the interior of the premises which are visible from the exterior of the premises advertising or advising of the presence on the premises of such wine. The annual fee for a Class G license shall be \$500.00.

B. NUMBER OF LICENSES ISSUED: There shall be in the Village not more than:

Class A:	Five Licenses
Class B:	Seven Licenses
Class B-1:	One License
Class C:	Two Licenses
Class D:	One License

Class E: One License
Class F: One License
Class G: Zero License
Class BWT: Two License
Class BWT-1: One License
Class MBP: One License

C. EVENT PERMIT: The Local Liquor Commissioner may grant an event permit to any licensee as defined herein, person, 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 five such event permits shall be issued to any one such licensee, person, organization or club during a one-year period. An event shall be limited to no more than four consecutive days.
2. The fee for an event permit shall be \$25.00.
3. All sales and consumption pursuant to an event permit issued in accordance with this Section 33.08-C shall be conducted within an enclosed area, such area shall have only one 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 an 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 33.08-C.

D. DAILY PERMIT: The Local Liquor Commissioner may grant a daily permit to any person, non-profit organization or club, whether or not 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 restrictions applicable to Event Permits shall be applicable to Daily Permits except that no more than two such Daily Permits shall be issued to any one licensee, person, organization or club during a one-year period and the permit shall be valid for only one day. The fee for daily permit shall be \$25.00 per day.

E. AUXILIARY LICENSE: The Local Liquor Commissioner may grant an Auxiliary License for the sale, dispensing and consumption of alcoholic liquor in an outdoor area adjacent to the licenses building. 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 only through the licensed premise. Entertainment or music in said area shall be by a specified license or permit issued by the Village Board and in accordance with Village Ordinances and regulations. The fee for an Auxiliary License shall be \$100.00.

F. 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 or Auxiliary License, and all sales, service and dispensing shall be done within an enclosed building, except for an Event Permit, Daily Permit, or Auxiliary License.

33.09 RECORDS

The Local Liquor Control Commissioner shall keep a complete record of all licenses issued, and shall furnish the Clerk, Treasurer and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the suspension or revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of these officers.

33.10 DEATH OR BANKRUPTCY OF LICENSEE

A license shall be a purely personal privilege, not to exceed one year after issuance unless revoked sooner, 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 being encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any 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 not longer than six months after the death, bankruptcy or insolvency of such licensee.

A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this Section 33.10.

33.11 CHANGE OF LOCATION, DISCONTINUANCE OF OPERATIONS

A. CHANGE OF LOCATION: A liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the receipt of written permission from the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with provisions and regulations of this Chapter.

B. DISCONTINUANCE OF OPERATIONS: If a licensee discontinues operations at the licensed premises for 90 consecutive days, or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation.

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 90 consecutive days, or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation.

33.13 RENEWAL OF LICENSE

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 are suitable for such purpose; provided further, that the renewal privilege herein shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the Village.

33.14 DISPLAYING LICENSE

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

33.15 INSURANCE

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 full 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, except as provided for in Chapter 8 of this Code for daily and event permits issued as part of a park use permit.

33.16 SANITARY CONDITIONS

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

33.17 EMPLOYEE RESTRICTIONS

It shall be unlawful for any person under the age of 21 years to draw, pour or mix any alcoholic liquor as an employee of any retail licensee. No person under the age of 21 years shall at any time attend any bar; or draw, pour or mix any alcoholic liquor; or sell any alcoholic liquor for consumption on or off the premises in any licensed retail premises.

It shall be unlawful to employ in any premises used for retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparing or distributing of such liquor.

33.18 LOCATION RESTRICTIONS, NOTIFICATION

A. LOCATION RESTRICTIONS: No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, undertaking establishment or mortuary, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any park, provided that this prohibition shall not apply to clubs established prior to May 9, 1991.

B. NOTIFICATION: Prior to the initial application for a liquor license under this Chapter 33, the applicant shall notify, by certified mail, return receipt requested, the owners of all property adjoining and within 500 feet adjacent to the property for which the applicant is seeking a license, including the property directly opposite and across a public street or alley, of the filing of its application for a liquor license and the location of the property for which the license is sought. Proof of such notification shall be submitted with the applicant's initial application for the license.

The Village Board reserves the right to direct the initial applicant to notify additional interested property owners, groups or organizations. This notice shall be given not less than 15 days prior to the granting of an initial liquor license.

For the purpose of notice, "owner" shall mean the person to whom the most recent statement of real property taxes on the property in question was sent.

This Section 33.18 shall not apply to the renewal of a liquor license provided the renewal pertains to the same location for which the initial license was granted.

33.19 PREMISES

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

33.20 BOOKS AND RECORDS OF LICENSEE

It shall be the 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 Local Liquor Control 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 of Illinois. 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 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are 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.

33.22 CLOSING HOURS

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any Class A, C, D, E, F, or G licenses premises, any alcoholic liquor between the hours of 12:00 a.m. and 10:00 a.m. Monday through Friday, 2:00 a.m. and 10:00 a.m. Saturday, and 2:00 a.m. and 12:00 p.m. Sunday.

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any Class MBP licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 10:00 a.m. on any day.

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any Class B licensed premises, any

alcoholic liquor between the hours of 12:00 a.m. and 7:00 a.m. Monday through Friday, 2:00 a.m. and 7:00 a.m. Saturday, and 2:00 a.m. and 7:00 a.m. Sunday.

It shall be unlawful to 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 at any time during which the sale of such alcoholic liquor is prohibited; provided, however, that restaurants and clubs may be kept open, but no alcoholic liquor may be sold to or consumed by the public, during such hours when such sale is prohibited.

33.23 CONSUMPTION ON PREMISES, DRINKING ON PUBLIC STREETS, PROHIBITIONS

A. CONSUMPTION ON PREMISES: It shall be unlawful for anyone having a Class B license to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold, except for beer and wine tastings as license under Section 33.08A6 of this code.

B. DRINKING ON PUBLIC STREETS: No person shall openly drink or furnish to others any alcoholic liquor to be drunk upon any street, public place or vacant lot within the Village and no person shall connive at or assist in or procure others to violate any provision of this Chapter.

C. ACTIVITIES PROHIBITED: It shall be unlawful for any person maintaining, owning or operating a commercial establishment located with the Village at which alcoholic beverages 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 Chapter 22 of this Code: adult entertainment center; adults-only activity, bookstore, motion picture theater, nightclub, sauna; nudity; obscene activity; rap parlor; sadomasochistic activity; or sexual conduct activity.

D. PROHIBITION OF DISTURBANCE OF THE PEACE: It shall be unlawful for any licensee, individually or through his or her agents or employees, to allow intoxicated persons to loiter on

or about that part of the premises described in the license which part is in use by or in view of the general public, or permit any conduct which shall tend to disturb the people or quiet of the neighborhood or the premises.

E. PROHIBITION OF GAMBLING: It shall be unlawful for any licensee hereunder to permit or allow any gambling or betting of any money in or about the licensed premises or to permit or allow any slot machines or any vending machines on or about the licensed premises which slot machines or vending machines either directly or indirectly involve the element of chance.

F. RESTRICTIONS UPON SOUND AMPLIFICATION: It shall be unlawful for any licensee to permit or allow any noise or sound to be amplified outside the bounds of a structure on the premises if a residence is within 500 feet of the licensed premises.

33.24 PEDDLING

It shall be unlawful to peddle alcoholic liquor in the Village.

33.25 MINORS

A. SELLING OR FURNISHING LIQUOR: No person, either directly or indirectly by himself, bartender, clerk, agent or service or employee, shall at any time sell, furnish, give or deliver any alcoholic liquor to any person under the age of 21 years. No person under the age of 21 years shall be permitted in any place where beer and wine or other alcoholic liquors are sold for consumption on the premises, except places in which the principal business is the sale of services or commodities other than alcoholic liquors.

B. PREMISES RESTRICTIONS:

1. No holder of a Class A, Class C, Class D or Class MBP license or his or her bartender, agent or employee shall suffer or permit any person under the age of 21 to be in or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which such licensed premises is located unless such person is accompanied by his/her parent or guardian;

provided, that this shall not apply to any licensed premises or portion thereof which derives its principal business from the sale of services or commodities other than alcoholic liquor.

2. No holder of a retail liquor dealer's license or his bartender, agent or employee shall suffer or permit any person under the age of 21 to be in or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which such licensed premises is located after the hour of 9:00 p.m. on any night, regardless of whether that person is accompanied by a parent or guardian; provided, that this shall not apply to any licensed premises or portion thereof which derives its principal business from the sale of services or commodities other than alcoholic liquor.
3. No holder of a retail liquor dealer's license shall suffer or permit any person under the age of 21 to dispense, draw, pour, or mix any alcoholic liquor, or in any way tend bar as an employee of any licensed premises 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.

C. WARNING: Every tavern, drugstore or other place in the Village where alcoholic liquor is sold for beverage purposes shall display at all times in a prominent place in the entrance to the room or section in which liquor is sold a printed card which shall be issued by the Liquor Commission and which shall read substantially as follows:

Warning to Persons Under 21 Years of Age

You are subject to a fine up to \$500.00 under the Liquor Control Ordinance of the Village of Lake in the Hills if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

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

E. WRITTEN EVIDENCE OF AGE: Any licensee, or his agent or employee, shall refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years if requested by the licensee, agent or employee. Adequate written evidence of age and identity of the person is a document issue issued by a Federal, state, county or municipal government, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. Proof that the defendant licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this Section 33.25-E is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

If a licensee or his or her agent or employee is prosecuted under this Section 33.25-E for selling, giving or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to this Section 33.25, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or the Liquor Commissioner pursuant to a plan or action to investigate, patrol or conduct any similar enforcement action.

F. FALSE IDENTIFICATION: Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500.00.

Any person under the age of 21 years who presents or

offers to any licensee, his or her agent or employee, any written, printed or photostatic evidence of age and identity that 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, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent or employee of an express company, common carrier or contract carrier, or who has in his or her possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than \$500.00 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

G. GATHERINGS:

1. It is unlawful for any parent or guardian to knowingly permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section 33.25. A parent or guardian is deemed to have knowingly permitted his or her residence to be used in violation of this Section 33.25 if he or she knowingly authorizes, enables or permits consumption of alcoholic liquor by underage invitees. Any person who violates this Section 33.25-G1 is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500.00. Where a violation of this Section 33.25-G1 directly or indirectly results in great bodily harm or death to any person, the person violating this Section 33.25-G1 shall be guilty of a Class 4 felony as provided for in 235 ILCS 5/6-16(a-1). Nothing in this Section 33.25-G1 shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday.

2. Except as otherwise provided in this Section 33.25, whoever violates this Section 33.25 shall, in addition to other penalties provided for in this Chapter, be guilty of a Class A misdemeanor.
3. Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies, of two or more persons where any one or more of the persons is under 21 years of age and either of the following factors apply:
 - a. the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage and the possession or consumption of the alcohol by the person under 21 is not otherwise permitted in this Chapter; or
 - b. the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For purposes of this Section 33.25-G, where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

4. Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

H. PURCHASE OR ACCEPTANCE BY PERSONS OF NONAGE:

1. Any person under the age of 21 years shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his possession.
2. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

3. Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a Class A misdemeanor.
4. Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section 33.25-H4 does not apply to possession by a person under the age of 21 years making a delivery of any alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.
5. The possession and dispensing or consumption by a person under the age of 21 years of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by any person under the age of 21 years under the direct supervision and approval of the parents or parent of any person under the age of 21 years in the privacy of a home is not prohibited by this Section 33.25-H.

33.26 REVOCATION, SUSPENSION, FINES

A. REVOCATION: Licenses granted hereunder may be revoked by the Liquor Commissioner for the violation of any part or portion of this Chapter or of the Liquor Control Act (235 ILCS 5/1-1 et seq.) or of any valid resolution or ordinance enacted by the Village, or of any applicable rule or regulation established by the Liquor Commissioner or any violation of the Criminal Code which occurs on the licensed premises or any violation of the Criminal Code which occurs

off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises. Licenses granted hereunder may be revoked upon the conviction of the licensee under the Criminal Code. Should any applicant for a license make a false or fraudulent statement in such application, the same shall be cause for revocation by the Liquor Commissioner of such license.

No person holding a Village license shall, in the conduct of the licenses business or upon the licensed premises, either directly or through the agents or employees of the licensee:

1. Violate or permit a violation of any federal law or state statute related to the control of liquor.
2. Violate or permit a violation of any Village ordinance or resolution regulating the sale of alcoholic liquor or relating to the eligibility of the licensee to hold a liquor license.
3. Violate or permit a violation of any rule or regulation of the Illinois Liquor Control Commission as amended from time to time.
4. Permit the sale and/or consumption of any alcoholic beverages outdoors absent a specific permit issued by the Village.
5. Allow fighting, disorderly conduct or excessive noise constituting a nuisance to take place on the licensed premises or on, about and/or adjacent to the property where the licensed premises are located.
6. Allow patrons to serve or distribute alcoholic beverages to minors on the licensed premises or allow minors to drink alcoholic beverages on the licensed premises.
7. Fail to call the Village Police Department upon the violation of any Village ordinance or state law relating to fighting, disorderly conduct or excessive noise constituting a nuisance on the

licensed premises.

8. Submit to the Village a liquor license application containing a false or misleading statement.

B. Proof before the Local Liquor Control Commissioner of the facts which establish a violation of any federal law, state statute, Village ordinance or resolution or rule of the Illinois Liquor Control Commission shall be sufficient cause for revocation, suspension and fine of any liquor licensee, irrespective of whether or not a conviction has been obtained in any court.

C. **SUSPENSION:** Licenses granted hereunder may be suspended by the Liquor Commissioner for a period of not exceeding 30 days for the violation of any part or portion of this Chapter, or of the Liquor Control Act, or of any valid resolution or ordinance enacted by the Village, or of any applicable rule or regulation established by the Liquor Commissioner or by the State Liquor Control Commission or any violation of the Criminal Code which occurs on the licensed premises or any violation of the Criminal Code which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises. During such period of suspension, no alcoholic liquor shall be sold on said licensed premises.

D. **FINES:** In addition to revocation or suspension of the liquor license by the Liquor Commissioner, the Liquor Commissioner may fine any licensee up to \$1,000.00, plus the Village's cost of prosecution including reasonable attorney fees, for each violation of any part or portion of this Chapter, or the Liquor Control Act, or of any valid resolution or ordinance enacted by the Village, or of any applicable rule or regulation established by the Liquor Commissioner, or by the State Liquor Control Commission or any violation of the Criminal Code which occurs on the licensed premises, or any violation of the Criminal Code which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises.

33.27 HEARINGS BEFORE THE LIQUOR COMMISSIONER

A. NOTICE OF HEARING: Whenever this Chapter requires a hearing before the Liquor Commissioner or the Liquor Commissioner acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall be sent by certified mail return receipt requested or personal delivery to the address of the licensee contained on the liquor license application and shall state:

1. The time, place, and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
3. A reference to the particular sections of the ordinances or statute(s) involved.
4. A statement informing the licensee of his or her ability to respond by presenting evidence and argument.

B. CONDUCT OF 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 days after receipt by a licensee of the notice required under this Chapter.
 - c. A licensee may present evidence and argument.
 - d. The Liquor Commissioner may limit, but not prohibit, the presentation of evidence and argument. Evidence not admissible under the rules of evidence and privilege as applied in civil cases in the circuit courts of this state may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their

affairs.

2. Where a licensee has received the requisite notice under this Chapter and fails to appear at a hearing, the Liquor Commission or Liquor Commissioner may act ex parte. The Liquor Commissioner may also have an informal hearing where the liquor license will not be affirmatively acted on at such hearing.

C. DECISIONS OF THE LIQUOR COMMISSIONER: Any decision, order or determination rendered by the Liquor 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. Any such decision, order or determination may include an assessment of all costs, fees and expenses as determined by the Liquor Commissioner and the reimbursement to the Village for all fees incurred, including attorney's fees, as a result of the prosecution of the offending licensee.

D. WAIVER: Compliance with any or all of the provisions of this Chapter concerning procedure may be waived by written stipulation of all parties.

E. CONTINUANCES FOR HEARINGS:

1. A request for a continuance of any hearing in any matter before the Liquor Commissioner will not be allowed by the Liquor Commissioner unless for a good and valid reason in writing and unless made at least two days prior to the date set for hearing.
2. The Liquor Commissioner may, in his or her discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.
3. Any continuances requested by the licensee shall be contingent upon payment by the licensee of all costs, fees and expenses as determined by the Liquor Commissioner.

F. APPEAL ON THE RECORD: Any appeal taken from a

decision of the Liquor Commissioner shall be reviewed on the record taken by and prepared by a certified court reporter or certified shorthand reporter.

33.28 SALES TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENCE

No licensee, or any officer, associate, member, representative or agent or employee of the licensee, shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, feeble minded or distracted, mentally ill, mentally deficient or in need of mental treatment.

No licensee, or agent or employee of the licensee, shall harbor or permit any intoxicated persons to loiter on the premises described in the license or permit any conduct which shall tend to disturb the peace or quiet or the neighborhood or the premises.

33.29 INSPECTIONS AND ENFORCEMENT

A. A licensee or his or her agent or employee may sell, give or deliver alcoholic liquor to a person under the age of 21 years or authorize the sale, gift or delivery of alcoholic liquor to a person under the age of 21 years pursuant to a plan or action to investigate, patrol or otherwise conduct a "sting operation" or enforcement action against a person employed by the licensee or on any licensed premises if the licensee, agent or employee of the licensee provides written notice, at least 14 days before the "sting operation" or enforcement action. Notice provided under this Section 33.29 shall be valid for a "sting operation" or enforcement action conducted within 60 days of the provision of that notice.

B. The Liquor Commission, through the Police Department that conducts alcohol and tobacco compliance operations, shall establish a policy and standards for alcohol and tobacco compliance operations to investigate whether a licensee is furnishing (1) alcoholic liquor to persons under 21 years of age in violation of this Chapter or (2) tobacco to persons in violation of the Sale of Tobacco to Minors Act (720 ILCS 675/0.01 et seq.).

C. Any Village law enforcement officer may at any time

enter upon any licensed premises to determine whether any of the provisions of this Chapter or whether any of the rules or regulations adopted by the Village Board or by the State of Illinois have been or are being violated and at such time may examine the licensed premises in connection therewith.

D. Any Village law enforcement officer may receive a complaint from any citizen that any of the provisions of this Chapter or any rules or regulations adopted by the Village Board or by the State have been or are being violated, and may act upon such complaints in the manner provided.

E. The Liquor Commissioner shall have the 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 deputy commissioners to the Liquor Commission.

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

33.30 LICENSE FORFEITURE

Whenever any licensee shall have been convicted by any court of a willful violation of any provision of this Chapter 33 or of the State law, he shall, in addition to the penalties for such offense, incur a forfeiture of his local license and monies that have been paid therefor. The Local Liquor Control Commissioner shall thereupon revoke his license.

33.31 PENALTY

Any person, firm or corporation who violates any provision of this Chapter shall, upon conviction, be subject to a fine of not less than \$500.00 nor more than \$2,000.00 for each offense, and be responsible for the Village's cost of prosecution including reasonable attorney fees, and/or the revocation of his or her liquor license. Each day that a violation continues shall be considered a separate offense.

Recodified July 11, 2002

Amended April 24, 2003
Amended July 10, 2003
Amended August 14, 2003
Amended February 26, 2004
Amended May 13, 2004
Amended November 11, 2004
Amended July 28, 2005
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