

Chapter 4

LIQUOR CONTROL

3-4-1: DEFINITIONS:

For the purposes of this chapter:

ALCOHOLIC LIQUORS: Any alcohol, spirits, wine or beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol nor to any liquid or solid containing one-half of one percent (0.5%) or less of alcohol by volume, nor shall the provisions of this chapter apply to flavoring extracts, concentrates, syrups or medicinal, mechanical, scientific, culinary or toilet preparations, or food products unfit for beverage purposes. But the provisions of this chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation or compounding of such products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

BANQUET FACILITIES: A room or rooms in a building specifically set aside for private parties scheduled in advance. Food and drinks are not normally served in these rooms on a regular basis.

BAR: A counter over and upon which alcoholic beverages are prepared from the area where consumers of alcoholic beverages sit or stand to receive and/or consume such beverages.

LICENSEE: Any person, firm, corporation, partnership or club holding a license under the provisions of this chapter.

LIVE ENTERTAINMENT: A person or persons acting, singing, playing an instrument, disc jockey, or otherwise performing in person, whether the same be for compensation or not.

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

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

SELL OR SALE AT RETAIL: Selling or offering for sale alcoholic liquor for use or consumption and not for resale in any form.

SERVICE BAR: Counter over or upon which alcoholic beverages are prepared to be served to

customers not seated at or in the bar area.

TAVERN: An establishment where alcoholic liquors are sold to be consumed on the premises.

WINE: Any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits. (Ord. 2001-18, 9-25-2001; amd. Ord. 2006-33, 8-22-2006)

3-4-2: LIQUOR CONTROL COMMISSIONER:

- A. The president of the board of trustees shall be the local liquor control commissioner for the village, and he shall annually appoint two (2) members of the village board of trustees as the liquor control commission to assist him in the exercise of the powers and performance of duties herein provided for the local liquor control commissioner. The liquor control commission herein created shall have power to grant and revoke for cause all local licenses; to enter or authorize any law enforcing officer to enter at any time upon any premises licensed hereunder, to determine whether any of the provisions of this chapter are being violated; to receive complaint from any citizen within the village that any provisions of this chapter have been or are being violated; and to act upon such complaint in the manner hereinafter provided; and to receive local license fees and pay the same forthwith to the village treasurer.
- B. The local liquor control commission shall have the right to examine or cause to be examined under oath any applicant for a local license, or for any renewal thereof, or any licensees upon whom notice of revocation has been served in the manner hereinafter provided, and to examine or cause to be examined the books and records of any such applicants or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas. (Ord. 2001-18, 9-25-2001)

3-4-3: LICENSE REQUIRED:

No person shall be engaged in the business of selling alcoholic liquors at retail within the limits of the village without having first procured a license therefor. (Ord. 2001-18, 9-25-2001)

3-4-4: RESTRICTIONS ON ISSUANCE OF LICENSE:

- A. A license shall be a purely personal privilege, good for not to exceed one year after issuance, unless formally revoked as herein provided, and shall not be transferable.
- B. No license of any kind shall be issued by the local liquor control commission to:
1. A person under the age of twenty one (21).
 2. A person who is not a resident of the village unless such person shall appoint a registered agent for the purpose of receiving a summons, mail and notices; provided, that such registered agent shall be a resident of the village and shall be a person who would be eligible to receive a license hereunder.
 3. A person who is not of good character and reputation in the community in which he resides. (Ord. 2001-18, 9-25-2001)
 4. A person who is not a legal resident of the United States. (Ord. 2005-08, 3-8-2005)
 5. A person who has been convicted of a felony under any federal or state law.
 6. A person who has been convicted of being the keeper or is keeping a house of ill fame.
 7. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
 8. A person whose license issued under the laws of the state or this chapter has been revoked for cause.
 9. 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.
 10. A copartnership unless all of the members of such copartnership shall be qualified to obtain a license.
 11. 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.
 12. A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois business corporation act¹ to transact business in Illinois.
 13. 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.
 14. 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 violations.

15. 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.
 16. Any law enforcing public official, any mayor, alderman or member of a city council or commission, any president of the village board of trustees, any member of the village board of trustees or any president or member of a county board, and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.
 17. A person who is not a beneficial owner of the business to be operated by the licensee.
 18. 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, or as proscribed by section 28-1.1 or section 5/28-3 of the criminal code, as heretofore or hereafter amended² or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
 19. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
 20. A copartnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
 21. A corporation if any officer, manager or director thereof or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
 22. Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- C. No license shall be issued for the purpose of selling or offering for sale, at retail, any intoxicating liquor in any dwelling, house, flat or apartment building. (Ord. 2001-18, 9-25-2001)
- D. A licensee is further subject to the following restrictions:
1. It is unlawful for any person having a retailer's license or any agent of such licensee to accept, receive, or borrow money or anything of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor, or distributor of alcoholic liquor.
 2. No licensee shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any licensed premises.

3. No licensee shall sell liquor to any persons on credit, or in payment for services rendered, but this does not apply to clubs and hotels and liquor purchased for consumption off the premises.
4. No licensee shall fill or refill any original package of alcoholic liquor with the same or any other kind or quality of liquor. No liquor shall be sold except in original packages. (Ord. 2002-01, 1-8-2002)

3-4-5: APPLICATION FOR LICENSE:

- A. An applicant for license shall submit to the local liquor control commission an application in writing under oath, stating:
1. The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof, and in case of a corporation, the date of incorporation, the purpose for which it was organized, the names and addresses of the officers and directors and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person.
 2. The citizenship of the applicant, and if a naturalized citizen, the time and place of his naturalization.
 3. The location and description of the premises which is to be operated under such license.
 4. The character of business of the applicant and, in case of a corporation, the object for which it was formed.
 5. The length of time that said applicant has been in business of that character or, in case of a corporation, the date on which it was chartered.
 6. 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 chapter.
 7. A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.
 8. That applicant will not violate any of the laws of the state of Illinois, of the United States or the provisions of this code in the conduct of his place of business.
 9. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefor.
- B. All applications for license shall be accompanied by a certified check, cashier's check, United States postal money order or cash in the full amount of the license fee required to be

paid, which fee shall be returned to such applicant if such application is denied. (Ord. 2001-18, 9-25-2001)

3-4-6: CLASSIFICATION OF LICENSES:

Every person engaged in the retail sale of alcoholic liquor in the village shall pay an annual license fee. Such licenses shall be divided into the following classes:

- A. **Class A - Restaurant, Permitting Bar, Carryouts, And Live Entertainment:** Class A licenses shall authorize the retail sale of alcoholic liquor for consumption upon the specified premises in conjunction with the operation of a "restaurant", as herein defined. Sales at or over a bar, service bar and/or at tables. Including the sale, at retail, of alcoholic beverages in their original containers, with seals unbroken, for consumption elsewhere than upon the premises (carryouts) are permitted. Live entertainment is permitted.

- B. **Class A1 - Restaurant, Permitting Bar, And Carryouts, Live Entertainment Prohibited:** Class A1 licenses shall authorize the retail sale of alcoholic liquor for consumption upon the specified premises in conjunction with the operation of a "restaurant", as herein defined. Sales at or over a bar, service bar and/or tables. Including the sale, at retail, of alcoholic beverages in their original containers, with seals unbroken, for consumption elsewhere than upon the premises (carryouts) are permitted. Live entertainment is expressly prohibited.

- C. **Class A2 - Restaurant, Prohibiting Bars, Carryouts And Live Entertainment:** Class A2 licenses shall authorize the sale of alcoholic liquor for consumption upon the specified premises in conjunction with a "restaurant" as herein defined. The sale of alcoholic liquor for consumption off the premises (carryouts) is expressly prohibited. Live entertainment is expressly prohibited. A service bar(s) is permitted. (Ord. 2001-18, 9-25-2001)

- D. **Class A3 - Restaurant, Permitting Bar And Live Entertainment, Prohibiting Carryouts:** Class A3 licenses shall authorize the sale of alcoholic liquor for consumption upon the specified premises in conjunction with the operation of a "restaurant" as herein defined. Sales at or over a bar, service bar and/or tables is permitted. Live entertainment is permitted. The sale of alcoholic liquor for consumption off the premises (carryouts) is expressly prohibited. (Ord. 2004-06, 1-27-2004)

- E. **Class A4 - Restaurant, Wine And Beer Only, Prohibiting Bars, And Permitting Carryouts And Live Entertainment:** Class A4 licenses shall authorize the sale of wine and beer only for consumption upon the specified premises in conjunction with the operation of a "restaurant"

as herein defined. A service bar is permitted. Including the sale, at retail, of wine only in its original container, with seals unbroken, for consumption elsewhere than upon the premises (carryouts) is permitted. Live entertainment is permitted. The following restrictions shall apply to class A4 licenses:

1. All wine shall be dispensed in returnable or disposable bottles or cups, or sold in its original container, with seals broken and cap and/or cork removed, for consumption on the premises.
2. The retail sale or distribution of wine and/or beer through a drive-through is strictly prohibited.
3. All entertainment must be confined solely within the fully enclosed building of the licensed premises.
4. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises. (Ord. 2010-08, 1-26-2010)

F. Class B - Tavern, Banquet Facilities, Permitting Bar And Live Entertainment: Class B licenses shall authorize the retail sale of alcoholic liquor for consumption upon the specified premises at or over a bar(s), service bar(s) and at tables for businesses operating both as a public "tavern" and "banquet facilities", as herein defined, for private parties scheduled in advance including, but not limited to, wedding receptions, political and charitable fundraisers, club gatherings, bowling and other sport banquets, anniversary parties, company parties and similar events. The following restrictions apply to class B licenses:

1. All entertainment must be confined solely within the fully enclosed building of the licensed premises.
2. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.
3. Except for arrival and departure, the public is required to stay within the enclosed building on the licensed premises. (Ord. 2001-18, 9-25-2001; amd. Ord. 2004-06, 1-27-2004; Ord. 2006-33, 8-22-2006)
4. For licensed premises with banquet facilities that exceed two thousand five hundred (2,500) square feet in size the following parking regulations shall apply. Public customer parking for the licensed facility is strictly controlled by the licensee and limited exclusively to a private parking lot owned or operated by the licensee. No roadside, curbside or neighborhood parking is permitted. (Ord. 2010-13, 3-23-2010)

G. Class B1 - Banquet Facilities, Permitting Bar And Live Entertainment: Class B1 licenses shall authorize the retail sale of alcoholic liquor for consumption upon the specified premises at or over bar(s), a service bar(s) and/or at tables for businesses operating as a banquet facility, as herein defined, only for private parties scheduled in advance including, but not limited to, wedding receptions, political and charity fundraisers, club gatherings, bowling and other sport banquets, anniversary parties, company parties and similar events. The

following restrictions apply to class B1 licenses:

1. All entertainment must be confined solely within the fully enclosed building of the licensed premises.
2. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.
3. For other than operation as a banquet facility and except for arrival and departure, the public is required to stay within the enclosed building on the licensed premises.
4. Public customer parking for the licensed facility is strictly controlled by the licensee and limited exclusively to a private parking lot owned or operated by the licensee. No roadside, curbside or neighborhood parking is permitted.

H. Class C License - Tavern, Permitting Bar And Carryouts, Live Entertainment Prohibited: Class C licenses shall authorize the retail sale of alcoholic liquor for consumption upon specified premises at or over bar(s), service bar(s) and/or at tables. Including the sale, at retail, of alcoholic beverages in their original containers, with seals unbroken, for the consumption elsewhere than upon the premises (carryouts). Live entertainment is expressly prohibited.

I. Class D License - Package Liquor Store (Carryouts): Class D licenses shall authorize the retail sale of alcoholic liquor in their original package, with seals unbroken, for consumption at places other than upon the licensed premises. (Ord. 2001-18, 9-25-2001; amd. Ord. 2004-06, 1-27-2004; Ord. 2006-33, 8-22-2006)

J. Class D1 License - Beer And Wine Carryouts: Class D1 licenses shall only authorize the retail sale of beer and wine in their original package, with seals unbroken, for consumption at places other than upon the licensed premises. The following restrictions apply to class D1 licenses:

The licensed premises shall have a maximum of twenty five percent (25%) of the total square feet of sales area devoted to the sale and display of beer and wine.

The licensee shall submit a floor plan indicating the total square feet of the sales area and the total square feet of the sales area devoted to the sale and display of beer and wine. (Ord. 2007-16, 4-10-2007)

K. Class E License - Outing And Temporary Permits: Class E licenses shall authorize the temporary sale of alcoholic liquor at the place and for the date(s) specified in the application for public outings or gatherings. However, no single outing or temporary permit shall exceed three (3) consecutive days.

- L. Class F License - Outdoor Amusement Licenses: Class F licenses shall authorize the retail sale of beer and wine only on the premises designated in the license and at concession stands. This license shall be available only to concessionaires at properly zoned outdoor amusement areas. This license shall permit entertainment on the premises, but shall be restricted as follows:
1. There shall be no tailgating or possession of any kind of alcoholic liquor in the parking lots or any location other than as expressly approved herein. "Tailgating" shall mean persons driving to the facility and commencing to consume food and/or beverages brought with them.
 2. There shall be no dispensing of alcohol in their original containers, nor in bottles or cans of any kind whatsoever. All drink containers must be either plastic or paper and must be made of either recyclable and/or biodegradable products.
 3. The maximum size drink to be dispensed for beer shall be twenty four (24) ounces, for wine shall be eight (8) ounces.
 4. The Minooka police department as agents for the local liquor commissioner reserve the right to prohibit the sale of or to stop all sales of alcohol or to restrict the number of drinks sold to any one individual, when the public health, welfare and safety so require.
 5. All the concession stands, including portable stands, shall be subject to review and approval by the building inspector and the village police department, and no liquor license shall be issued without such approval. Also, such concession stands shall be subject to continuing inspection and if such structures are not in compliance with all village codes, the liquor license shall be suspended by appropriate proceedings until such time as such structures are brought into conformance. (Ord. 2001-18, 9-25-2001; amd. Ord. 2004-06, 1-27-2004; Ord. 2006-33, 8-22-2006)
- M. Class G License - Outdoor Food And Liquor Consumption: Class G licenses shall authorize the holder of a class A, A1, A2, A3, A4, B, B1, or C liquor license pursuant to this chapter to apply for a license for the purpose of outdoor food and liquor consumption. "Outdoor food and liquor consumption" shall mean an open outdoor area with or without a roof where food and/or alcoholic beverages are served and/or consumed. It shall be unlawful for any person to keep, maintain, conduct, operate, or allow outdoor food and liquor consumption without first obtaining a license in compliance with this chapter. The following restrictions shall apply to class G licenses: (Ord. 2014-18, 5-27-2014)
1. The licensed outdoor area floor space shall be no greater than two thousand (2,000) square feet and shall not be expanded beyond the area approved in the class G license.
 2. There shall be no dispensing of alcohol in glass bottles or glass containers of any kind whatsoever. All drink containers must be either plastic or paper and must be made of either recyclable and/or biodegradable products.
 3. Floors shall be of a hard surface; i.e., concrete, asphalt or brick material.

4. No live entertainment permitted outside the enclosed building of the licensed premises.
5. While emergency exits are required, any part of the licensed outdoor area not abutted by a building shall be enclosed by a fence, with an enclosed area that prohibits unrestricted access from a public way.
6. The entrance to the licensed outdoor area shall be through the indoor licensed premises.
7. Noise emitting from the licensed outdoor area shall not unreasonably disturb the area in which it is located.
8. The licensed outdoor area shall be particularly described and approved as to location and construction and adjacent to and operated as part of the premises licensed to sell such alcoholic beverages for consumption on the adjoining premises.
9. Food must be available from the kitchen facility of the indoor licensed facility during the hours of operation of the licensed outdoor area. (Ord. 2005-37, 8-9-2005; amd. Ord. 2006-33, 8-22-2006)

N. Class G1 License - Outdoor Food And Liquor Consumption, Outdoor Live Entertainment Permitted: Class G1 licenses shall authorize the holder of a class A, A1, A2, A3, A4, B, B1, or C liquor license pursuant to this chapter to apply for a license for the purpose of outdoor food and liquor consumption. "Outdoor food and liquor consumption" shall mean an open outdoor area with or without a roof where food and/or alcoholic beverages are served and/or consumed. It shall be unlawful for any person to keep, maintain, conduct, operate, or allow outdoor food and liquor consumption without first obtaining a license in compliance with this chapter. The following restrictions shall apply to class G1 licenses: (Ord. 2014-18, 5-27-2014)

1. The licensed outdoor area floor space shall be no greater than two thousand (2,000) square feet and shall not be expanded beyond the area approved in the class G1 license.
2. There shall be no dispensing of alcohol in glass bottles or glass containers of any kind whatsoever. All drink containers must be either plastic or paper and must be made of either recyclable and/or biodegradable products.
3. Floors shall be of a hard surface; i.e., concrete, asphalt or brick material.
4. Live entertainment is permitted outside the enclosed building of the licensed premises, subject to the following:
 - a. There shall be a minimum of two hundred fifty feet (250') between the licensed establishment and R (residential) districts. For the purpose of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion where live entertainment is conducted to the nearest property line of a lot in an R (residential) district occupied by a dwelling unit.
 - b. The maximum noise levels are as follows:

MAXIMUM PERMISSIBLE EFFECTIVE SOURCE NOISE LEVELS¹

	Commercial Receiving Property	Residential Receiving Property	
Source Property	Daytime/Nighttime	Daytime	Nighttime
Business/commercial	65	60	50

Note:

1. When measured in dBA at or within the real property line of the receiving property. For purposes of this subsection, "decibel (dB)" means a unit which describes the sound pressure level or intensity of sound, "A-weighting" means the electronic filtering in sound level meters that models human hearing frequency sensitivity, and "daytime" means between the hours of 7:00 A.M. and 9:00 P.M. Monday through Friday, and between 8:00 A.M. and 9:00 P.M. Saturdays, Sundays, and legal holidays. When the measurement is A-weighted, the designation is "dBA". Measurements shall be taken within the property line of the affected person as close as practicable to the sound source to obtain a representative measurement. For the purpose of measuring the intensity and frequency of sound, the sound level meter calibrated in decibels shall be employed. Sounds which cannot be measured accurately with the sound level meter shall be measured with the octave band analyzer and the impact noise analyzer.

(Ord. 2008-22, 6-24-2008)

- c. The hours for live entertainment shall be not later than ten o'clock (10:00) P.M. Sunday through Wednesday and not later than eleven o'clock (11:00) P.M. Thursday, Friday and Saturday. (Ord. 2009-20, 5-12-2009)
5. While emergency exits are required, any part of the licensed outdoor area not abutted by a building shall be enclosed by a fence, with an enclosed area that prohibits unrestricted access from a public way.
 6. The entrance to the licensed outdoor area shall be through the indoor licensed premises.
 7. Noise emitting from the licensed outdoor area shall not unreasonably disturb the area in which it is located.
 8. The licensed outdoor area shall be particularly described and approved as to location and construction and adjacent to and operated as part of the premises licensed to sell such alcoholic beverages for consumption on the adjoining premises.
 9. Food must be available from the kitchen facility of the indoor licensed facility during the hours of operation of the licensed outdoor area.
 10. Smoking shall be prohibited in the licensed outdoor area. (Ord. 2008-22, 6-24-2008)

3-4-7: NUMBER OF LICENSES; FEES:

A. There shall be issued, in the village, not more than the following number of licenses:

Class	Number	Fees	
A	1	\$1,200.00	
A1	2	1,000.00	
A2	2	900.00	
A3	3	1,000.00	
A4	1	1,000.00	
B	1	1,200.00	
B1	0	800.00	
C	0	900.00	
D	4	750.00	
D1	4	750.00	
E	No limitation, but its issuance is entirely within the reasonable discretion of the village president and consent of the board	25.00	per day
F	1	1,000.00	
G	1	500.00	
G1	4	500.00	

(Ord. 2001-18, 9-25-2001; amd. Ord. 2002-07, 3-12-2002; Ord. 2004-06, 1-27-2004; Ord. 2005-02, 1-25-2005; Ord. 2005-09, 3-8-2005; Ord. 2005-37, 8-9-2005; Ord. 2005-38, 8-23-2005; Ord. 2005-42, 9-27-2005; Ord. 2005-51, 10-25-2005; Ord. 2005-52, 10-25-2005; Ord. 2006-31, 7-25-2006; Ord. 2006-33, 8-22-2006; Ord. 2006-51, 12-19-2006; Ord. 2007-15, 3-13-2007; Ord. 2007-17, 4-10-2007; Ord. 2007-23, 5-8-2007; Ord. 2007-33, 6-26-2007; Ord. 2007-59, 12-19-2007; Ord. 2008-09, 3-11-2008; Ord. 2008-22, 6-24-2008; Ord. 2008-30, 11-12-2008; Ord. 2009-14, 3-24-2009; Ord. 2009-32, 10-27-2009; Ord. 2010-11, 2-23-2010; Ord. 2010-12, 2-23-2010; Ord. 2010-16, 4-27-2010; Ord. 2010-24, 9-21-2010; Ord. 2010-25, 9-21-2010; Ord. 2011-13, 6-21-2011; Ord. 2012-05, 2-24-2012; Ord. 2012-26, 10-23-2012; Ord. 2013-06, 3-26-2013; Ord. 2013-07, 3-26-2013; Ord. 2013-12, 4-23-2013; Ord. 2013-17, 5-28-2013; Ord. 2013-19, 5-28-2013; Ord. 2014-18, 5-27-2014; Ord. 2015-20, 6-23-2015; Ord. 2015-21, 6-23-2015)

- B. In the event that the number of outstanding licenses is not at the maximum allowable for classes A through D, such request will be acted upon by the liquor commission pursuant to the provisions in sections [3-4-4](#) and [3-4-5](#) of this chapter. (Ord. 2001-18, 9-25-2001)

3-4-8: TERM OF LICENSE, FEE ADJUSTMENTS, REBATES AND DISPOSITION:

- A. Term Of License: No license, except class E, shall be issued under this chapter for a period of less than one calendar year unless the same is issued pursuant to application made subsequent to the first day of any fiscal year, in which event, the license shall be issued for the remaining period of the year, and no license shall be issued for a period of more than one year. Except for class G licenses, all licenses issued hereunder shall be valid from May 1 to April 30 of each year. (Ord. 2006-51, 12-19-2006)
- B. Fee Adjustments, Credits And Rebates: The fee for all licenses other than class E, outing permits, shall be the full annual fee set forth herein in the case of all renewals of existing licenses and in the case of all new licenses applied for during the first quarter of any fiscal year, three-fourths ($\frac{3}{4}$) of the annual fee set forth for new licenses applied for during the second quarter of any fiscal year, one-half ($\frac{1}{2}$) of the annual fee set forth for new licenses applied for during the third quarter of any fiscal year and one-fourth ($\frac{1}{4}$) of the annual fee set forth for new licenses applied for during the last quarter of any fiscal year. In the event any licensee shall voluntarily surrender a liquor license prior to the expiration of its term, and a subsequent liquor license of any class shall be issued to any other person for the same premises during the same fiscal year, the village shall give a credit upon the required second license fee in the amount of one-fourth ($\frac{1}{4}$) of the annual fee paid by the former licensee if the first license is surrendered in the third quarter of such fiscal year, one-half ($\frac{1}{2}$) of the annual fee paid by the former licensee if the first license is surrendered in the second quarter of the fiscal year and three-fourths ($\frac{3}{4}$) of the annual fee paid by the former licensee if the first license is surrendered in the first quarter of the fiscal year. There shall be no rebate of any license fees, and no credit shall be given in the event a first license for any given premises is revoked during any portion of any fiscal year.
- C. Payment Of Fees; Disposition: 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 village treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in a general corporate fund or in such other fund as shall have been designated by the village board by proper action. (Ord. 2001-18, 9-25-2001)

3-4-9: BOND; INSURANCE:

A. Bond: Each applicant desiring a license under this chapter, except those applying for a class E license, shall execute a penal bond payable to the village in the penal sum of one thousand dollars (\$1,000.00). This bond shall be conditioned upon the faithful compliance with and performance of all of the provisions of the laws of the state relating to the sale of alcoholic liquor and with all of the provisions of the ordinances of the village regulating the sale of alcoholic liquor, and shall be subject to the approval of the president of the board. Upon approval thereof, the bond shall be filed with the village clerk. A breach of any of the conditions of the bond shall work a forfeiture of the penalty thereof, which amount shall be recoverable in an action of debt. Said bond shall further be conditioned for the payment of all fines, costs, penalties and forfeitures assessed against said licensee during the continuance of the license under the terms of this chapter and any and all other ordinances pertaining to the sale of alcoholic liquor now in force or hereafter adopted, on account of any act done in violation thereof during the term for which the license is granted. Nevertheless, any person who has become a surety upon a bond herein required may release himself from such liability in the following manner, such surety, at least ten (10) days before a regular meeting of the village board, shall give notice in writing over his signature to the village clerk of his intention to withdraw himself as a result from such bond. The village clerk shall forthwith notify the principal on said bond who shall thereafter file with the president of the board as hereinabove provided. If no new bond, with sufficient sureties, approved by the president of the village board, has been filed by the licensee within ten (10) days after notification from the clerk of the withdrawal of the former surety, the license heretofore granted to said licensee shall be revoked by the president of the village. No surety shall be released from any liability on a bond arising prior to the giving of a new bond or the revocation of any license.

B. Insurance: No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the liquor control commissioner that such applicant is covered by a policy of dramshop insurance issued by a responsible insurance company authorized and licensed to do business in the state of Illinois insuring such applicant against liability which such applicant may incur under the provision of 235 Illinois Compiled Statutes 5/6-21. (Ord. 2001-18, 9-25-2001)

3-4-10: ISSUANCE OF LICENSE:

When the president of the village shall recommend the approval of any application and bond as herein provided, the applicant shall be issued a license, upon the payment in advance of the required fee, which license shall be in writing over the name and under the seal of the village, and executed by the president of the village and attested by the village clerk. (Ord. 2001-18, 9-25-2001)

3-4-11: RECORD OF LICENSES:

The president shall keep or cause to be kept a complete record of all such licenses issued by him and shall furnish the clerk of the village, the treasurer of the village, and the chief of police each with a copy thereof upon the issuance of any new license, and shall notify each of the said officers, in writing, upon the issuance of any new licenses or revocation of any old licenses. (Ord. 2001-18, 9-25-2001)

3-4-12: RENEWAL OF LICENSE:

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose, and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the president from decreasing the number of licenses to be issued within the village. (Ord. 2001-18, 9-25-2001)

3-4-13: SUSPENSION OR REVOCATION OF LICENSE:

The village president may suspend for not more than thirty (30) days³ or revoke for cause⁴ any license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in the state statutes, as heretofore or hereafter amended. (Ord. 2001-18, 9-25-2001)

Whenever any license has been revoked for any cause, no license shall be granted to any person for the same premises for which the license was revoked for a period of one year.

An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. (Ord. 2002-01, 1-8-2002)

3-4-14: HOURS OF OPERATION:

No person shall sell alcoholic liquors in the village unless he holds a valid license, and such licensees shall sell alcoholic liquors only during the following hours:

Class A, B, C: From ten o'clock (10:00) A.M. to twelve o'clock (12:00) midnight on Sundays and from six o'clock (6:00) A.M. to one o'clock (1:00) A.M. on all other days of the week.

Class D: From seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. on Sundays and from six o'clock (6:00) A.M. to one o'clock (1:00) A.M. on all other days of the week.

Class D1: From seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. on Sundays and from six o'clock (6:00) A.M. to one o'clock (1:00) A.M. on all other days of the week.

Class E: Requested at time license is applied for, but not outside the hours of operations for classes A through D.

Class F: To be determined by the liquor commission with the consent of the village board. (Ord. 2001-18, 9-25-2001)

Class G: The same hours which the kitchen of the indoor licensed premises is open, but not later than ten o'clock (10:00) P.M. Sunday through Thursday and not later than eleven o'clock (11:00) P.M. Friday and Saturday. (Ord. 2005-37, 8-9-2005)

Class G1: The same hours which the kitchen of the indoor licensed premises is open, but not later than ten o'clock (10:00) P.M. Sunday through Thursday and not later than eleven o'clock (11:00) P.M. Friday and Saturday. (Ord. 2008-22, 6-24-2008)

3-4-15: LICENSED PREMISES, TRANSFER:

Licenses issued under this chapter shall apply only to the premises described in the application and in the license issued thereon, and only one location shall be described in each license. After a license has been granted for a particular premises, the local liquor control commission, upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by it. But in order to obtain such approval, the licensee shall file with the local liquor control commission a request in writing and a statement under oath which shall show that the premises to which removal is to be made comply in all respects with the requirements of this chapter. (Ord. 2001-18, 9-25-2001)

3-4-16: POSTING LICENSE:

Every licensee shall cause his license to be hung in plain view in a conspicuous place on the licensed premises. (Ord. 2001-18, 9-25-2001)

3-4-17: SALES TO CERTAIN PERSONS PROHIBITED; MINORS:

A. Sales Prohibited, Identification:

1. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service. For the purpose of preventing violation of this subsection, any licensee or his agent or employees may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he is over the age of twenty one (21) years.
2. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government or subdivision or agency thereof including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal selective service act or an identification card issued to a member of the armed forces. Proof that the defendant, licensee or his employees or agent demanded, was shown and reasonably relied upon such written evidence in any transaction provided by this subsection 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.
3. Any person who sells, gives or furnishes to any person under the age of twenty one (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 twenty one (21) years evidence of age and identification of any other person is guilty of a violation of this chapter. Any person under the age of twenty one (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 sale 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 violation of this chapter. Any person under the age of twenty one (21) years who has any alcoholic beverage in his possession on any street or highway or in any public place open to the public is guilty of a violation of this chapter. Whoever violates provisions of this subsection shall be guilty of a violation of this chapter.

B. Purchase And Consumption By Minors:

1. 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 in his possession. If a licensee or his agents or employees believes or has reason to believe that the sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age issued by a public officer in the performance of his duties. No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false identification card or obtain an identification card by means of false information. It shall be unlawful for a person under the age of twenty one (21) years to purchase, offer to purchase, possess,

consume, solicit, or in any manner obtain or attempt to obtain, unlawfully, any alcoholic or intoxicating liquor. Whoever violates provisions of this subsection shall be guilty of a violation of this chapter.

2. Possession and dispensing or consumption by a minor of alcoholic liquor in a performance of religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parent or parents of such minor in the privacy of a home, is not prohibited by this subsection B. (Ord. 2001-18, 9-25-2001)

3-4-18: PROHIBITIONS APPLYING TO PERSONS UNDER THE AGE OF TWENTY ONE:

No person under the age of twenty one (21) years shall wait on, trade, or act as agent or employee to sell any alcoholic liquor at retail for consumption off of the premises. No person under the age of twenty one (21) years shall attend any bar or draw, pour, or mix any alcoholic liquor in any retail premises licensed under this act. (Ord. 2002-01, 1-8-2002)

3-4-19: VIEW OF PREMISES:

In the premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalks at all times. No booth, screen, partition or other obstruction, nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent the full view of the entire interior of the premises from the street, road or sidewalk. Said premises must be so located that there shall be a full view of the interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours, by natural light or artificial white light, so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by this section shall be wilfully obscured or by him wilfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner hereinafter provided. (Ord. 2001-18, 9-25-2001)

3-4-20: LIQUOR PROHIBITION:

- A. Drinking Alcoholic Liquor In Public Place: It shall be unlawful for any person to drink alcoholic liquor in or on any street, alley or other public place in the village or to drink alcoholic liquor

in or about any motor vehicle in or on any street, alley or other public place in the village, except as so licensed by the village.

B. Transporting Alcoholic Liquor: It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor upon his person on any street, alley or other public place within the village except in an unopened original package or container.

C. Possession Of Alcoholic Liquor In Motor Vehicle: No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle, except in the original package and with the seal unbroken.

D. Intoxication: It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley or other public place in the village. (Ord. 2001-18, 9-25-2001)

3-4-21: DISORDERLY CONDUCT ON PREMISES:

No person licensed under this chapter shall permit any disorderly conduct or disturbance of the peace on the premises. (Ord. 2001-18, 9-25-2001)

3-4-22: RESPONSIBILITY OF LICENSEE:

Licensee, and his or its agents, officers and employees, shall at all times be personally responsible for the proper operation of the business, including compliance with the provisions of this chapter and the observation of all laws and regulations applicable thereto. (Ord. 2001-18, 9-25-2001)

3-4-23: SANITARY CONDITIONS:

A. Premises:

1. All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage

or sale of food for human consumption.

2. Every person licensed to sell alcoholic beverages, at retail, who shall sell any alcoholic liquor for consumption on the premises of such licensee shall keep and maintain the licensed premises equipped with running hot and cold water and adequate sanitary washing facilities for the cleansing of glasses and service utensils and shall provide adequate toilet facilities.
3. The local liquor control commissioner can require, at the time the application is made, a statement from the Will or Grundy County health department on the adequacy of the sanitation facilities.

B. Employees: It shall be unlawful to employ in any premises used for the 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 a carrier of any such diseases to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. (Ord. 2001-18, 9-25-2001)

3-4-24: PENALTY:

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall, in addition to revocation of his license as above provided, if applicable, be sentenced as provided in section [1-4-1](#) of this code for each offense. (Ord. 2011-29, 12-20-2011)