

## CHAPTER 6. LIQUOR CONTROL

6.01 Alcoholic Beverages: The Board of Trustees may regulate alcoholic beverages in all areas subject to its jurisdiction.

6.01.01 Unless the context clearly requires otherwise, the following terms as used in this ordinance shall be construed accordingly to the definitions given below.

A. "Alcohol", "spirits", "wine", "beer", "alcoholic liquor", "original package", "retailer", "sell at retail" and "sale at retail", "State Commission Department", "sale", "to sell", "restaurant", "club", "hotel", and "bowling alley" shall mean the same as defined by "An Act Relating to Alcoholic Liquors" enacted by the General Assembly of the State, approved January 31, 1939 as amended.

B. The Village President shall be the local Liquor Control Commissioner and shall have such power and perform such duties as prescribed by State law, including without limitation of the power to grant liquor licenses subject to the approval of the Board of Trustees.

6.01.02 License Required: No person shall sell or offer to sell at retail any alcoholic liquor without having a valid retail dealer's license or in violation of the terms of such license.

A. Applications: Applications for licenses shall be made to the Village President in writing and signed by the applicant, if an individual, or by a duly authorized agent, if a corporation. The application shall be verified by oath or by affidavit.

B. Information Required: The application shall contain the following information and statements.

(i) The name, age, and address of the applicant, in the case of an individual; in the case of a co-partnership, the persons entitled to share the profits thereof, and in the case of a corporation for profit, the date of incorporation, the object 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.

(ii) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.

(iii) The character of business of the applicant; and in case of a corporation the objects for which it was formed.

(iv) The length of time that the applicant has been in business of that character; or in the case of a corporation, the date on which its charter was issued.

(v) The amount of goods, wares, and merchandise on hand at the time application is made.

(vi) The exact location and legal description of the premises of the place of business which is to be operated.

(vii) A statement whether the applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.

(viii) 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 ordinance, the laws of the State, or the Village Code.

(ix) A statement whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefor.

(x) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinance of the Village in the conduct of his place of business.

C. Restrictions on Licenses: No license shall be issued to:

(i) A person who is not a resident of the Village;

(ii) A person who is not of good character and reputation in the community in which he resides;

(iii) A person who is not a citizen of the United States;

(iv) A person who has been convicted of a felony under the laws of this State;

(v) A person who has been convicted of being the keeper of or of keeping a house of ill fame;

(vi) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(vii) A person whose license issued under this Ordinance has been revoked for cause;

(viii) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application;

(ix) A co-partnership, unless all of the members of such co-partnership would individually be qualified to obtain a license;

(x) A corporation, if any officer, manager, or director thereof, or any 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 or residence within the political subdivision;

(xi) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

(xii) 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 this ordinance, or who has forfeited his bond to appear in court to answer charges of any such violation;

(xiii) A person who does not 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 issued;

(xiv) A person who is a member of the Board of Trustees, the Village Clerk, the Village Treasurer, or any other elected or appointed official of the Village or any employee of the Village;

(xv) Any person who is not eligible for a State Liquor dealer's license.

(xvi) A person who intends to sell alcohol or liquor for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Illinois Liquor Control Act.

6.01.03 Number of Licenses: No more than two (2) licenses shall be issued and outstanding at one time for the sale of alcoholic liquor, and it shall be unlawful to issue licenses at any time when two (2) licenses are issued and in force, without having been revoked, forfeited, abandoned or otherwise disposed of.

6.01.04 Term of Licenses: Each license shall terminate on the 30<sup>th</sup> day of April next following its issuance.

6.01.05 Classification of Licenses: Licenses shall be divided into two (2) classes, limited to only one (1) each of the following, to wit:

A. Class A licenses shall authorize the retail sale of alcoholic liquor for consumption on and off the premises. The annual fee for such license shall be \$400.00 to be paid in full in advance by May 1 for the applicable fiscal year.

B. Class C licenses which shall authorize the retail sale of beer, wine and malt beverages for consumption off the premises. The annual fee for such license shall be \$320.00 to be paid in full in advance by May 1 for the applicable fiscal year.

6.01.06 Prorating Fees: Fees to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

6.01.07 Billing and Disposition of Fees: The Village Clerk shall send a billing statement for liquor licenses to the licensees at least thirty days prior to the date payment is due. All fees shall be paid to the Village Clerk at the time the application for a license is made, or renewal thereof, as the case may be, and the Village Clerk shall forthwith turn such fee payment over to the Village Treasurer.

6.01.08 License and Bond Requirement: It shall be a condition precedent to the granting of any license that an applicant for a Class A license shall furnish bond in a penal sum of \$1,000.00 and an applicant for the issuance of any other liquor license shall furnish a bond in the penal sum of \$500.00, said bond or bonds to be approved by the Board of Trustees. All bonds shall comply with the terms of the ordinance and an act of the legislature entitled, "An Act Relating to Alcoholic Liquors" enacted by the General Assembly of the State of Illinois approved January 31, 1934 as amended.

6.01.09 List of Licenses: The Village President shall keep a complete record of all licenses, or the revocation of any old license.

6.01.10 Transfer of Licenses: A license shall be purely a personal privilege and shall not constitute property. A license shall not be subject to attachment, garnishment, or execution and it shall not be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Licenses shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee provided that 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 under the order of an appropriate court, exercise the privileges of the deceased or insolvent, or bankrupt licensee after the death or insolvency or bankruptcy of the original licensee until the expiration of the license or for six months, whichever period is shorter.

A refund shall be made of that portion of the license fees for any period for which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

6.01.11 Renewal of licenses: Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license are 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 Board of Trustees from decreasing the number of licenses to be issued.

6.01.12 Location Regulations: No license shall be issued for the sale at retail of any alcoholic liquor within a district zoned residential or within 100 feet of any church, school, hospital, home for the aged, mortuary, or undertaking establishment PROVIDED, that this prohibition shall not apply to hotels offering restaurant service, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on if such place shall have been established for such purposes prior to the taking effect of this code.

A. Change of Location: A retail liquor dealer's 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 a written permit to make such change issued by the Board of Trustees. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the Code of the Village.

6.01.13 Operating Regulations: The Village President shall regulate the retail sale of alcoholic liquor subject to the provisions of this code.

A. Hours of Operation: The hours of operation shall be limited as follows:

(i) It shall be unlawful for a Class A licensee to sell or offer for sale on the premises any alcoholic liquors in the Village between the hours of 1:00 a.m. and 6:00 a.m. on any day; and between the hours of 1:00 a.m. and 9:00 a.m. on Sunday.

6:00 a.m. of any day; and between the hours of 1:30 a.m. and 9:00 a.m. on a Sunday.

(ii) It shall be unlawful for any other classes of licensee to sell or offer for sale on the premises any alcoholic liquors in the Village between the hours of 1:00 a.m. and 6:00 a.m. on any day; between the hours of 1:00 a.m. and 12:01 p.m. on Sunday; between 10:00 p.m. on Sunday and 6:00 a.m. on Monday, except that the retail sale of beer, wine and malt beverages for consumption off premises pursuant to a Class C license shall be permitted on Sundays from 6:00 a.m. to 1:00 a.m. on Monday.

Provided it shall not be unlawful to sell or offer for sale on the premises any alcoholic liquors in the Village between the hours of 3:00 p.m. on any December 31 and 1:30 a.m. on January 1, and it shall not be unlawful to consume on the premises where sold any alcoholic liquor in the Village between the hours of 3:00 p.m. on any December 31, and 2:00 a.m. of the following day, January 1.

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

It shall be unlawful for any persons under the age of twenty-one (21) years to tend any bar, to pour or mix an alcoholic liquor on the premises of any licensee, or to sell any alcoholic liquor for consumption off the premises; provided, however, that the retail sale of beer, wine and malt beverages for consumption off the premises may be performed by any person at least eighteen (18) years of age; and further provided that any person at least nineteen (19) years of age may tend bar, pour or mix an alcoholic liquor if there is another employee of the licensee present and on duty who is at least twenty-one (21) years of age.

C. View from the Street: In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel, or club), 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 sidewalk at all times. No booth, screen, partition or other obstruction or any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk.

D. Gambling: Except as otherwise permitted by State law, it shall be unlawful to own, operate or maintain games or devices used for gambling,

wagering or other form of remuneration. Gambling devices shall not be deemed to include: billiard or pool tables, and mechanical amusement devices, pinball machines, video games, arcade games or slot machines, so long as no form of gambling, wagering or any other remuneration is conducted in connection with the operation of such devices. Provided further, that it shall be unlawful for any person to operate or play any of the aforementioned devices upon the premises if such person is under the age of 21, unless or he she is accompanied by an adult age 21 or over.

E. Dancing: (Repealed)

F. Sale to Minors and Intoxicated Persons: No licensee or any officer, associate, member, representative, agent, or employee of any licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years of age or to any intoxicated person or to any person known by him to be an habitual drunkard, insane, spendthrift, mentally ill, mentally deficient, or in need of mental treatment.

6.01.14 Liability of Owner of Premises: If the owners of a licensed premises or any person from whom the licensee derives the right of possession of such premises or the agent of such owner or person, shall knowingly permit the licensee to use the licensed premises in the violation of this Chapter to the same extent as the licensee and shall be subject to the same punishment.

6.01.15 Liability of Licensee for Acts of Employees: Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Section by any officer, director, manager, or other agent or employee, shall be deemed to be the act of such employee or licensee. The employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

6.01.16 Adoption of State Law by Reference: Each and every part of “An Act Relating to Alcoholic Liquors”, enacted by the General Assembly of the State, approved January 31, 1934, as amended, which relates in any manner to the sale at retail of alcoholic liquors, is hereby adopted by this reference and made a part of this Chapter, to the same extent and with the same legal effect as if fully set forth herein. Any violation of such applicable and adopted provisions of such Act shall be deemed a violation of this Chapter and subject to the penalties herein provided.

Amended: 83-6  
(6.01.13B only)

Amended: 83-1, 89-1  
95-1 (6.01.13D only)

Amended 89-1  
(6.01.13E Only)

Amended 01-1  
(6.01-13A)

Amended 02-4  
(6.01-08 and 6.01.13)

6.01.17 Suspension or Revocation of License: The Liquor Control Commissioner may suspend or revoke any license issued under this section for any one (1) of the following reasons:

- A. Violation of the laws of the United States, the laws of the State, or the Code of the Village;
- B. Knowingly permitting, without protest, any violation of this Section or any disorderly or immoral practices upon the premises where the licensee is licensed to operate under this section;
- C. Willfully making a false statement as to the material fact in the application for the license; and
- D. Failure of the licensee for any cause whatsoever to operate and maintain a place of business at the location and on the premises pursuant to the purpose for which the license was issued.

6.01.18 Unlawful Liquor Establishments: No person shall establish, operate, or maintain any house, building, store or place for the unlawful sale of alcoholic liquor in this Village. No person shall frequent or patronize any such establishment.

6.01.19 Consumption on Unlicensed Premises: No person shall bring any alcoholic liquor in any form into any dining room of any hotel, restaurant, club-room or place where meals are served or where soft drinks are sold or a soda fountain is operated, or into any public place for consumption or for use of same for mixing with or “spiking” any alcoholic liquor any other beverage whatsoever.

No owner or proprietor or agent or employee thereof, of any restaurant, store, or other commercial establishment inviting or permitting public patronage shall permit the consumption of alcoholic liquors on the premises, except those specifically licensed for consumption on the premises.

6.01.20 Drinking on Public Property: No person shall consume any alcoholic liquor on any street, alley, sidewalk or other public property or in any automobile or vehicle traveling upon or parked on any street, alley, or public property in the Village.

6.01.21 Transporting 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 with the seal unbroken.

6.01.22 Peddling: No person shall peddle alcohol in the Village.