

VILLAGE OF PLAINFIELD

ORDINANCE NO. 2007- 2716

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II OF THE
CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD

An Ordinance Amending the Chapter and Articles Regulating the Sale and
Consumption of Alcoholic Liquors

ADOPTED BY THE
PRESIDENT AND BOARD
OF TRUSTEES OF THE
VILLAGE OF PLAINFIELD
THIS 3rd DAY OF DECEMBER, 2007.

Published in pamphlet form by
the authority of the President
and Board of Trustees of the
Village of Plainfield, Will
County, Illinois, this 4th
day of December, 2007.

ORDINANCE NO. 2007 - 2716

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II OF
THE CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD

An Ordinance Amending the Chapter and Articles Regulating the
Sale and Consumption of Alcoholic Liquors

WHEREAS, the Village of Plainfield ("Village"), Will County, Illinois, as a home rule municipality in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, is enacting this Ordinance pursuant to its home rule authority; and

WHEREAS, pursuant to the laws of the State of Illinois, the Village has the authority to adopt ordinances providing for protection of the health, safety and general welfare of the Village; and

WHEREAS, the regulation of the sale and consumption of alcoholic beverages is a matter which affects the health, safety and general welfare of the citizens of the Village; and

WHEREAS, incidents involving the sale of alcoholic beverages to underage persons and the over-serving of alcoholic beverages in violation of state and local law by establishments licensed by the Village have occurred in the Village; and

WHEREAS, the Village President and the Village Board of Trustees ("Village Board") have determined that, in the interest of promoting the health, safety and welfare of the Village, it is necessary and desirable to amend the

Village's Code of Ordinances to further comprehensively regulate the sale and consumption of alcoholic liquor in the Village; and

WHEREAS, the Village President and the Village Board specifically find that the passage of this Ordinance will promote the health, safety and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PLAINFIELD, WILL COUNTY, ILLINOIS, as follows:

SECTION ONE. That the Preamble to this Ordinance and Exhibits are adopted by this reference as if fully set forth herein.

SECTION TWO. That Chapter 4, Article II entitled "Alcoholic Liquors" be and hereby is amended as set forth below. The amended text with document markings is attached hereto as Exhibit "A". Deletions from the Code are ~~overstruck~~ and additions to the Code are double underlined.

Section 4-15. Definitions.

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

Alcoholic beverages or alcoholic liquor.

- (1) Any spirits, wine, beer, ale or other liquid intended as a beverage and containing more than one-half of one (0.5) percent of alcohol by volume.
- (2) Any beverage containing any scientifically detectable trace of alcohol and commonly known as "near beer," "nonalcoholic beer", or "nonalcoholic wine" whose taste, color, odor and consistency are similar to the alcoholic beverages known as beer and wine and, except for the reduced alcohol content, is marketed as being similar to beer or wine.

Bar. A barrier or counter at and over which alcoholic liquors and sometimes food are passed or served.

Beer. A beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt or hops, in water. This shall include beer, light beer, ale, stout, lager beer, porter and other similar brews.

Beer Garden. A privately owned outdoor location adjacent to a premises licensed for retail sale of any alcoholic liquor where alcoholic liquor may be sold and/or consumed subject to the provisions of this Ordinance. All such outdoor locations shall be entirely enclosed with a fence demarcating the perimeter of the beer garden.

Caterer, Catering Establishment, Catering Service. A person or business entity that for compensation processes, prepares and serves meals or food items for immediate off premises consumption at banquets, dinners or other special occasions where the recipients of the food or service are specifically invited to each particular event. This definition shall not include any business location where on premises over the counter retail sale of food items occurs.

Control of premises. The legal or beneficial ownership, rental, lease or holding of a license shall constitute control of property. Control may also exist where none of the aforesaid legal relationships apply, but where an adult is otherwise in charge of or charged with controlling a particular premises.

Delivery of alcoholic liquor. The sale, giving or exchange of an alcoholic liquor from one person to another. Delivery is meant to include the provision of any alcoholic beverage by whatever means to one person from another.

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

Drink. Beer, wine or distilled spirits in a cup, glass, bottle or other container measured as follows:

- (a) a serving of not more than twenty-six (26) ounces of beer;
- (b) a serving of not more than seven (7) ounces of wine;
- (c) a serving of not more than three (3) ounces of distilled spirits; or
- (d) a serving of not more than sixteen (16) ounces of beer accompanied by a separate serving of not more than one and one-half (1.5) ounces of distilled spirits.

Drive-in restaurant. A food service establishment with or without interior facilities for eating, which caters to and permits the consumption of food either in customers' automobiles parked on the premises or in any other designated area on the premises outside the establishment where the food is so prepared. "Drive-in restaurant" shall not be construed to include "restaurant."

Employee. Any individual hired to regularly provide services related to the licensee's sale or offer for sale of alcoholic liquor pursuant to the licensee's license classification, in exchange for compensation from which applicable taxes are withheld, and over whom the licensee maintains control for employment purposes. This definition does not include individuals who provide services as an independent contractor.

Entertainment. Any live act or live performance whether or not using sound amplification, and/or any playing of pre-recorded music or voices by use of a juke box or music vending machine or device which, upon insertion of a coin, slug, token, plate, disc or key into any slot or other opening, or by the payment of any other consideration, operates or may be operated for the emission of songs, music or similar amusement.

False identification. Any document used for identification or proof of age that has been altered or defaced or that contains false or misleading information or that contains a name that is not the actual name of the person using it.

Fighting. Any threatening or touching of another person which provokes or tends to provoke a breach of the peace.

Gambling. Any act in violation of sections 5/28-1(a)(1)--(a)(12), 5/28-1.1 or 5/28-3 of the Illinois Criminal Code of 1961 (720 ILCS 5/1-1 *et seq.*), as amended.

General public. The whole body politic including the people of the neighborhood, the Village, the State of Illinois, the United States of America, and/or persons at large traveling through the Village, as different from the designation of a particular person or group of persons.

Hotel/motel. Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually prepared, served and consumed and sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for sleeping accommodations and where dining rooms are maintained in the same building or buildings.

Impairment. Any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic beverage. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.

License or local liquor license. That specific grant of the privilege and authority to a licensee to sell or offer for sale alcoholic liquor at retail in the manner set forth in the text of the particular license classification.

Licensee. That person who by issuance of a license has been given the right or privilege by the local liquor control commissioner to engage in the retail sale of alcoholic liquor in the Village. This shall include the holder of a local liquor license or any officer, principal, employee or agent of the license holder.

Licensed premises. The building, portion of the building, place or location described in a local liquor license or supplemental permit where alcoholic liquor may be stored, displayed, or offered for sale by the licensee in the operation of the licensed business. Not included in this definition are sidewalks, streets, parking areas and grounds adjacent to any such building, place or location unless specified in the license or supplemental permit.

Liquor Control Act. The Liquor Control of Act of 1934, as amended (235 ILCS 5/6-1, *et seq.*).

Local liquor control commission. The office of the mayor or the president of the Village as assisted by appropriate legal counsel; this may include such other persons as the mayor may appoint to aid in the exercise of the powers and the performance of the duties of the local liquor control commissioner.

Local liquor control commissioner. The mayor or president of the board of trustees of the Village acting *ex-officio*.

Lounge. That portion of a licensed premises that is kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is offered for retail sale for consumption on the premises only and not necessarily in conjunction with the full service of meals. This definition may also include the term cocktail lounges, bars and sportbars.

Maintenance of order standard. That standard by which it shall be determined whether a licensee has maintained order on the licensed premises. Adherence to this standard shall be a duty of the licensee and shall generally be stated as the establishment and maintenance of the optimum precautions and actions that are practical for deterring and preventing fighting as defined in this chapter.

Original package. Any bottle, flask, jug, can, barrel, keg or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey or distribute any alcoholic liquor.

Parent. A natural or adoptive parent or a court-designated guardian.

Patron. Any customer of or visitor to a licensed premises.

Private club. A not-for-profit corporation organized and operated under the laws of this State, supported by the dues of its members and organized solely for the

promotion of some common objective other than the sale or consumption of alcoholic liquors, and owning or leasing a building or space in a building suitable and adequate for the reasonable accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees or staff for cooking, preparing and serving food and meals for its members and their guests. No member, officer, agent or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members beyond the amount of the salary fixed by the club's governing body out of the general revenue of the club.

Restaurant. Any public place, without sleeping accommodations, maintained, and held out to the public as a place primarily devoted to full-service, sit-down dining, including dinner and/or luncheon menus at which the service of alcoholic liquor is incidental and complementary to the service of such meals. Limited food service, as typically provided by drive-in restaurants, luncheonettes, diners, coffee shops, fast food operations and similar uses, does not satisfy the requirements of this definition.

Retail sale. The transfer, sale, delivery, exchange or barter in any manner of an alcoholic beverage to a consumer, private club member, or general public by any person, whether principal, proprietor, agent, servant or employee of a licensee, as differentiated from the sale or delivery for legal resale.

School. An educational institution, including preschools and daycare centers, but not including undergraduate or postgraduate colleges and universities, having a formal curriculum consisting of recognized academic subjects.

Shot. A serving of not more than three (3) ounces of distilled spirits.

State commission. The State of Illinois Liquor Control Commission, as defined under the Liquor Control of Act of 1934, as amended (235 ILCS 5/6-1, *et seq.*).

Supper club. Any public place kept, used, maintained, advertised and held out to the public as a place where patrons are served food and offered live entertainment.

Underage person. Any person under twenty-one (21) years of age.

Vicarious liability. That liability which is implied as a matter of law even though the person may not have directly caused an injury to another person.

Video poker game. A casino game based upon five card draw poker and played on a computerized console which, upon insertion of a coin, slug, token, plate or

disc, or by payment of any other consideration, may be operated by the public generally as a video game for entertainment or amusement.

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

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Definitions relating to liquor control, 235 ILCS 5/1-3; local liquor control commissioner, 235 ILCS 5/4-2.

Sec. 4-16. Local liquor control commissioner; powers, duties and functions; compensation.

(a) Commissioner. The Village President shall, in accordance with statute, serve as the local liquor control commissioner of the Village, and shall be charged with the administration of the provisions of Chapter 235 of the Illinois Compiled Statutes, "The Liquor Control Act of 1934," and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Village President may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided for such local liquor control commissioner. Any person so appointed by the local liquor control commissioner shall have the powers granted to the local liquor control commissioner by this section.

(b) Powers, Duties and Functions. The local liquor control commissioner shall have all of the powers, functions and duties delegated to that office by the Liquor Control Act and the resolutions and ordinances of the Village, including but not limited to the following powers, duties and functions with respect to local liquor licenses:

1. To grant and/or suspend for not more than thirty (30) days or revoke for cause, any local liquor license issued by the Village to persons or entities for premises within the local liquor control commissioner's jurisdiction, and to impose fines as authorized by this article.
2. To adopt rules and regulations for the conduct and operation of a licensee's business which are not inconsistent with state law or the resolutions and ordinances of the Village.
3. To enter or to authorize any law enforcement officer(s) to enter, at any time, upon any licensed premises to determine whether the provisions of applicable state law, Village ordinances or the rules or regulations adopted by the local liquor control commissioner or by the state commission, have been or are being violated, and at such time to examine the licensed premises in connection therewith.

4. To receive complaints from any citizen within his jurisdiction that any of the provisions of state law or the ordinances of the Village have been or are being violated and to act upon such complaint in the manner provided by law.
5. To order local liquor license fees paid to the Village.
6. To examine, or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the state commission; to examine, or cause to be examined, the books and records of any such applicant, licensee or respondent; to hear testimony and take proof for his information in the performance of his duties; and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.
7. To order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises unrelated to the local liquor license, such order shall not be applicable to such other business or businesses.
8. To suspend, pending a hearing within fifteen (15) days of service of a notice of suspension, the privilege of delivering alcoholic beverages by any licensee who does not display a currently valid state and local liquor license, or who in the judgment of the local liquor commissioner is operating a business in such a manner as to endanger the health or safety of patrons of the premises or of the community.

(c) Duty to Report. The local liquor control commissioner shall, upon entering an order or ruling relative to a local liquor commission hearing, report to the Village Board at its next regularly scheduled meeting his findings and the penalties, if any, initiated against the licensee.

(d) Compensation. As compensation for such duties, the local liquor control commissioner shall receive the sum of One Thousand Five Hundred Dollars (\$1,500.00) annually, payable in twelve (12) monthly installments. The corporate authorities may from time to time fix and pay compensation to the deputies, assistants or employees of the local liquor control commissioner as

may be deemed necessary for the proper performance of the duties vested in them.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-17. License required.

(a) It shall be unlawful to sell at retail, deliver, give away, or dispense in any fashion in the Village, any alcoholic liquor without first having obtained a local liquor license for each location, place or premises where the retailer is located, or to do so in violation of the terms of such license.

(b) Where two (2) or more such locations, places or premises are under the same roof or at the same street address, a separate license shall be obtained for each such location, place or premises. Nothing in this section shall prevent any hotel/motel operator licensed under the provisions of this chapter from serving liquor to registered guests in any room or other part of the hotel/motel, if the liquor is kept in and served from a licensed location within the hotel/motel. This shall include the maintenance of a unit within an individual guest room commonly known as a mini bar or an honor bar. This may also apply to a licensee at a restaurant premises within a hotel/motel even if the restaurant operator does not own the hotel/motel or operate that business so long as the licensee is a lessee of the restaurant premises, has written authority from the hotel/motel operator to deliver alcohol throughout the hotel/motel pursuant to this section and has notified the local liquor control commissioner in writing of its intent to do so. Both the hotel/motel operator and restaurant operator must qualify as a licensee in this circumstance. Only one restaurant operator within a hotel/motel may be granted this privilege. If a restaurant operator within a hotel/motel does not provide room service then the owner or operator of the hotel/motel must possess a separate local liquor license in order to provide such room service.

(c) The issuance to or possession by any person of a retail liquor dealer tax stamp issued for a current tax period by the United States Government or any of its agencies shall constitute prima facie evidence that such person is subject to the provisions of this chapter.

(d) Within fifteen (15) days after obtaining a local liquor license pursuant to this article, the licensee shall obtain a similar liquor license required by the State of Illinois for the sale at retail of any alcoholic liquor. No alcoholic beverage may be purveyed by the licensee under a license issued pursuant to this article until the state license has been obtained by the licensee and proof of same is provided to the local liquor control commissioner. The licensee must maintain its state license in good standing for the term of its local liquor license.

(e) All licensees shall cause the local liquor license issued pursuant to this article, the similar state license, and the signage requirements set forth in

section 4-46 below, to be framed and displayed at all times on the licensed premises in a conspicuous location, prominently visible to all patrons. (Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-18. Application for local retailer's liquor license.

(a) Application for a local retailer's liquor license shall be made to the local liquor control commissioner. The application shall be in writing, upon forms provided by the local liquor control commissioner, signed by the applicant if an individual, or by a duly authorized agent if a club or corporation, verified by oath or affidavit, and shall require such information as determined by the local liquor control commissioner, including but not limited to the following:

- (1) The full name, age, address, date of birth and citizenship of the applicant in the case of an individual; and if a naturalized citizen, also the date and place of naturalization.
- (2) In the case of a partnership, the name(s), age(s), date(s) of birth and citizenship of the persons entitled to share in the profits thereof; in the case of a corporation or limited liability company, the date of incorporation if an Illinois corporation or the date of becoming qualified under the Illinois Business Corporation Act (805 ILCS 5/1.01 *et seq.*) to transact business in Illinois if a foreign corporation, and the name(s), address(es) and date(s) of birth of each officer, director, manager, member, persons owning directly or beneficially more than five (5) percent of the stock of such corporation, and of the person to act as manager of the licensed premises.
- (3) The purpose and character of the applicant's business.
- (4) The length of time said applicant has been in business of that character.
- (5) The location and description of the premises or place of business which is to be operated under such license.
- (6) If a leased premises, a copy of the lease shall be provided and shall be for a term of sufficient length to encompass the period of the license sought; and the name(s) and address(es) of the owner(s) of the premises and the name(s) and address(es) of the owner(s) of the beneficial interest of any trust if said premises is held in trust along with a statement from such owner(s) authorizing the use of the premises for such purpose if the owner(s) is different from the applicant.
- (7) A statement that the 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, laws of the State of Illinois, or the ordinances or resolutions of the Village.

(8) Whether a previous license by any state or subdivision thereof, or by the federal government has been applied for or issued; if so where and when, or if any such license was revoked, the reasons for the revocation.

(9) 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 business.

(10) A statement that the applicant has not received or borrowed money or anything of value, and that he will not receive or borrow money or anything of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety (90) days, as provided by statute), directly or indirectly from any manufacturer, importing distributor or distributor representative of any such manufacturer, importing distributor or distributor of alcoholic liquor and has not been a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor as prescribed by statute.

(11) A statement that at least one person eligible to be issued, and to sign the application for the local liquor license is eighteen (18) years of age or older (e.g., officer, director, stockholder, manager, agent or partner).

(b) Only completed and fully executed applications will be considered by the local liquor control commissioner. Applications that are incomplete, inaccurate or fail to contain the statements or information required by this section will not be considered. Each application shall be accompanied by a nonrefundable application fee of Two Hundred Fifty Dollars (\$250.00).

(c) Applications for a new local liquor license shall also require a criminal background check, including fingerprinting of the applicant/owner(s) and all managers of the prospective licensee. The applicant's background check shall be without charge, however all background checks required for manager(s) of each licensee shall be at a cost of Fifty Dollars (\$50.00) per individual. At the discretion of the local liquor control commissioner the fingerprints of an applicant for renewal of a license, whether said applicant be an individual, firm, association or partnership, may also be required. Should the applicant be a corporation, or a limited liability company, the local liquor control commissioner shall require the following individuals to be fingerprinted: the officer(s), manager(s) or director(s) thereof, or any member(s) or stockholder(s) owning in the aggregate more than five (5) percent of the capital stock of said corporation or limited liability company. These individuals shall appear at the Plainfield Police Department for fingerprinting so that an adequate investigation may be performed to enable the local liquor control commissioner to ascertain whether the issuance of a license

will comply with the statutes of this state and all applicable ordinances of the Village. The fingerprints shall be processed by the Illinois State Police in conjunction with the Federal Bureau of Investigation. The cost of fingerprinting and processing shall be paid by the applicant.

(d) All local liquor licenses shall be conditioned on the acquisition and maintenance in good standing by the applicant and licensee of a surety bond. Prior to the issuance of a local liquor license to an applicant, the applicant shall furnish to the Village a surety bond in the amount of One Thousand Dollars (\$1,000.00) against any violation by the principal, the principal's agents or employees, of any of the terms of this article, or any ordinances, rules and regulations or penalties now in force or which may hereafter be in force in the Village affecting the operation of the licensed business. The surety company must be acceptable to the local liquor control commissioner in his sole discretion. Such bond shall be forfeited automatically on revocation of the local liquor license for which the bond was furnished if revocation was for cause.

(e) All local liquor licenses shall be conditioned on the acquisition and maintenance in good standing by the applicant and licensee of general liability insurance in the amounts of at least Two Million Dollars (\$2,000,000.00) for injury or death to any person and Two Million Dollars (\$2,000,000.00) for damage to property and dram shop liability insurance at least to the maximum amount recoverable under applicable state statutes and as required under Section 4-39 of this article. Before any local liquor license may be issued, the applicant shall furnish the local liquor control commissioner with a certificate from an insurance company authorized to do business in this state certifying that the applicant has such insurance policies in force for the full period for which the local liquor license is to be issued.

(f) No license may be issued by the local liquor control commissioner until all information and documentation required in the application or required by this section have been provided, all of the reports from the various departments and agencies with respect to background checks have been completed and all fees due from the applicant have been paid in full.

(g) Upon issuance of any license under this article, the licensee shall keep the information contained in the application current by furnishing to the local liquor control commissioner, within thirty (30) days of any change in such information, written notice of the change in information.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-19. Management.

(a) It is recognized that a licensee may, from time to time, desire to hire or retain, as an independent contractor, a management entity to manage, generally

operate and be responsible for the licensed premises. No licensee shall permit a management entity to perform such a function unless the management entity has been certified to do so by the local liquor control commissioner. In order to be certified by the local liquor control commissioner, a management entity must execute a liquor license application that reflects the entity's business status, i.e., sole proprietorship, partnership or corporation. A management entity must meet all pertinent licensing requirements of this chapter as if it were an applicant for an individual license (other than for a surety bond and dram shop coverage) and meet the same standards as a licensee. The application shall be accompanied by a non-refundable application fee of Two Hundred Fifty Dollars (\$250.00) and no management entity may be qualified unless a certification fee of Seven Hundred Fifty Dollars (\$750.00) has been paid. A management entity shall be subject to the jurisdiction of the local liquor control commissioner in the same manner as a licensee. The application, approval and qualification requirements for management entities shall be conditions attached to the license of the business employing them, and any violations of those requirements may result in license penalties for the employing business, including suspension, revocation and/or fines. If there is a violation on the licensed premises, the management company and the licensee shall be jointly and severally responsible.

(b) At all times when a local liquor license is in effect a licensee shall have available a manger or owner who is identified in the licensee's liquor license application as a member of the licensee's managerial staff. When a licensee changes managers or adds additional managers, the licensee must provide to the Village all information for such new manager(s) as required by this article. Each manager shall be fingerprinted by the Village's police department within ten (10) business days of such change in personnel.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-20. Restrictions on issuance of liquor licenses.

- (a) No license under this article shall be issued to the following:
- (1) A person who is not a resident of the Village or the county in which the licensed premises is located.
 - (2) A person who is not of good character and reputation in the community in which he resides.
 - (3) A person who is not a citizen or a legal resident of the United States.
 - (4) A person who has been convicted of a felony under any federal or state law or violation of a local ordinance under this chapter unless the local liquor control commissioner determines in his sole discretion that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the

commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper of or is the keeper of 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 article 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 under a first application.

(9) A co-partnership if any general partnership, limited partnership or other member of such co-partnership owning more than five (5) percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this article for any reason other than citizenship and residence within the county or Village.

(10) A corporation or limited liability company, if any member, officer, manager, or director thereof, or any stockholder(s) owning in the aggregate more than five (5) percent of the stock of such corporation or limited liability company would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the county or Village.

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

(12) A person who is a beneficial owner of the business to be operated by the licensee on the premises for which the license is sought, or does not have a lease for that premises for the full term of the license sought.

(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, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

(14) Any law-enforcing public official, including the president of the Village Board, any member of the Village Board, and any member of the corporate authorities within their own community; and no such official shall have a direct interest in the manufacture, sale or distribution of alcoholic

liquor, except that a license may be granted to such official in relation to premises 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 commissioner and the state commission; and except that a license may be granted to a member of the Village Board in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; (ii) the issuance of the license is approved by the state commission; (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located; and (iv) the official granted a license does not vote on alcoholic liquor issues before the board to which the license holder is elected. Notwithstanding any provision of this paragraph to the contrary, a member of the Village Board other than the Village President may have a direct interest in the manufacture, sale or distribution of alcoholic liquor as long as he is not a law enforcing public official or president of the Village Board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale or distribution of alcoholic liquor.

(15) Any person not eligible for a state retail liquor dealer's license.

(16) Any other person where prohibited by state statute.

(17) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation qualified and registered under the Business Corporation Act of 1983 (805 ILCS 5/1.01 *et seq.*) or the Limited Liability Company Act (805 ILCS 180/1-1 *et seq.*) to transact business in Illinois.

(18) A member or manager of a partnership if any such member or manager is not a resident of the Village or the county in which the licensed premises is located or is not a citizen or legal resident of the United States.

(19) A person who has been convicted of a gambling offense as proscribed by 720 ILCS 5/28-1(a)(1)--(a)(11), as amended, or as proscribed by 720 ILCS 5/28-1.1 or 5/28-3, as amended, or any other applicable state statute.

(20) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0/01 *et seq.*) or the Illinois Pull Tabs and Jar Games Act (235 ILCS 20/1 *et seq.*).

(b) Corporate exception.

A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor; or if the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The local liquor control commissioner shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated. (Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-21. Term; prorating application fee.

(a) Each license issued under this chapter shall commence on July 1 and shall terminate on June 30 next following the date of issuance.

(b) License fees shall not be prorated except in the following instances:

(1) Where the license is obtained after July 1 of any license year the fee shall be reduced in proportion to the number of full calendar months that have expired in the license term.

(2) Where the license is returned by the license holder upon the permanent closing of the business, and not upon the sale or transfer of the business or assets thereof, the fee paid shall be returned in proportion to the number of full calendar months which have not expired in the license term, less an administrative fee of One Hundred Dollars (\$100.00).

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Privilege granted by license, 235 ILCS 5/6-1.

Sec. 4-22. Licenses and permits.

Except as may be provided for the issuance of certain permits under the terms of this section, every person engaged in the retail sale of alcoholic liquor in the Village shall first have obtained the appropriate license authorizing the sale and delivery of the specific type and character of alcoholic liquor and the specific type of business at which it may be sold.

(a) *License classifications.* All new, transferred or renewed licenses issued after July 21, 1997 shall be divided into the following classifications (no license may be issued unless it complies with the restrictions of one of these classifications):

Class A: Class A license shall authorize the retail sale of all alcoholic liquor for consumption on and off the licensed premises. This class of license shall not allow the retail sale of alcoholic liquor by grocery stores or convenience stores. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than one (1) Class A license issued at any one time.

Class B: Class B license shall authorize the retail sale of all alcoholic liquor, but not for consumption on the premises where sold, by retail food establishments commonly referred to as grocery stores and convenience stores; provided that the retail floor area devoted to the display of alcoholic liquor shall not exceed five (5) percent of the total retail floor area of said store or one thousand five hundred (1,500) square feet of retail floor area, whichever is less. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than three (3) Class B licenses issued at any one time.

Class B-1: Class B-1 license shall authorize the retail sale of beer and wine, but not for consumption on the premises where sold, by retail food establishments commonly referred to as grocery stores and convenience stores; provided that the retail floor area devoted to the display of beer and wine shall not exceed five (5) percent of the total retail floor area of said store or one thousand five hundred (1,500) square feet of retail floor area, whichever is less. The annual fee for such license shall be One Thousand Two Hundred Dollars (\$1,200.00). There shall be no more than two (2) Class B-1 licenses issued at any one time.

Class C: Class C license shall authorize the retail sale of alcoholic liquors only in the original package and not for consumption on the licensed premises. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than four (4) Class C licenses issued at any one time.

Class D: Class D license shall authorize the retail sale of all alcoholic liquor in a restaurant and served only at dining tables with food, for consumption on the premises. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than three (3) Class D licenses issued at any one time.

Class E: Class E license shall authorize the retail sale of alcoholic liquor commonly referred to as beer and wine only at dining tables with food for consumption on the premises. The annual fee for such license shall be One Thousand Dollars (\$1,000.00). There shall be no more than five (5) Class E licenses issued at any one time.

Class F: Class F license shall authorize the retail sale on the specified premises of alcoholic liquor for consumption on said premises, when the primary business conducted upon said premises is that of a restaurant where not less than seventy-five (75) percent of the retail floor area is devoted to the service of complete sit down meals from a menu and not more than twenty-five (25) percent of the retail floor area is devoted to lounge, bar and/or banquet purposes. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than twelve (12) Class F licenses issued at any one time.

Class G: Class G license shall authorize the sale of alcoholic liquor in its original package for consumption offsite in connection with the preparation and purchase of what is commonly referred to as a gift basket consisting of fruits, nuts, cheeses, flowers and other similar items wherein the alcoholic liquor is ancillary to the gift basket. The annual fee for such license shall be One Hundred Dollars (\$100.00). There shall be no more than one (1) Class G license issued at any one time.

Class H: The local liquor control commissioner may grant a Class H license to any local organization or group such as a fire department, veterans organization, lodge, church or similar organization, or to any other such local organization as the local liquor control commissioner may, from time to time, determine. A Class H license shall be effective for a period of one (1) day (24 hour period) and shall authorize the sale of such alcoholic liquor as the local liquor control commissioner may permit, at any picnic, carnival or similar function given by said organization, at the premises specified in the Class H license, which premises shall be entirely enclosed with a fence demarcating the serving area. The issuance of a Class H license shall require written consent of the Village's police and fire departments to confirm compliance with applicable state and local public health and fire prevention ordinances and statutes, and applicable Village ordinances. The local liquor control commissioner may impose such other restrictions on said license as he deems necessary. The fee for a Class H license is One Hundred Dollars (\$100.00). In no event shall an organization be issued more than six (6) Class H licenses in any calendar year.

Class I: Class I license shall authorize the storage, distribution and retail sale, on the premises of hotels/motels with twenty-five (25) or more rooms, of alcoholic liquor for consumption on the premises. The retail sale of alcoholic liquor in the original package to occupants of the hotel/motel only shall also be authorized. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than none (0) Class I licenses issued at any one time.

Class J: Class J license shall authorize the sale on the specified premises of alcoholic liquor for consumption on said premises when the primary business conducted upon said premises is that of a recreational facility. For the purpose of this class license, a "recreational facility" shall be defined as a racquetball club, tennis club, health club, sports complex or bowling alley, wherein at least eighty-five (85) percent of the retail floor area is devoted to recreational purposes other than the sale or consumption of alcoholic liquor. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than one (1) Class J license issued at any one time.

Class J-2: Class J-2 license shall authorize the retail sale of alcoholic liquor by a bona fide social or fraternal organization or club organized under the laws of this state, and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, to its members, their guests, and/or functions officially sanctioned by the organization or club, for consumption within the premises maintained by the club, and which shall permit live entertainment. The annual fee for a Class J-2 license shall be Seven Hundred Fifty Dollars (\$750.00). There shall be no more than one (1) Class J-2 license issued at any one time.

Class K: On application and payment of an investigation and processing fee, the holder of a Class A, D, E, F, J or N license may be issued an outdoor beer garden license. This license shall allow the above licensees to sell all alcoholic liquor as authorized by his primary classification in a beer garden. The annual fee for an outdoor beer garden license shall be Three Hundred Dollars (\$300.00) per year. There shall be no more than nine (9) Class K licenses issued at any one time.

Class L: Class L license shall authorize the retail sale of bottled wines and beers only in the original package and not for consumption on the licensed premises. This class of license shall allow the delivery of alcoholic liquor, without a charge, by such a licensee in small and limited amounts for sampling purposes only in conjunction with sales promotional efforts occurring on the licensed premises. The sampling shall be attended and supervised by a full-time employee and only in a designated area on the licensed premises, and shall be subject to such further regulation as deemed necessary by the local liquor control commissioner. Only products registered with the state liquor commission may be tasted in the following amounts: Wine--One (1) ounce and Beer--Two (2) ounces. A Class L license authorizes the sale of alcoholic liquor-related accessories, fine food-related accessories, small gourmet food and drink products, and not quick preparation foods, general supermarket foods, or household products. The annual fee for a Class L license shall be One Thousand

Dollars (\$1,000.00). There shall be no more than one (1) Class L license issued at any one time.

Class M: Class M license shall authorize the retail sale of alcoholic beverages on the premises for consumption on the premises inside a bar and grill. For purposes of this section, a bar and grill must derive at least forty (40) percent of its gross revenue (on an annual basis) from the sale of food. The determination of whether the forty (40) percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The records used to determine whether the forty (40) percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports; tax return information, state liquor license reports, or any other form of information deemed acceptable by the local liquor control commissioner or his designee. The annual fee for such license shall be One Thousand Seven Hundred Fifty Dollars (\$1,750.00). There shall be no more than two (2) Class M licenses issued at any one time.

Class N: Class N license shall authorize for retail sale by microbreweries on the specified premises, alcoholic liquors primarily for consumption on the premises as well as other incidental retail sales and wholesale sales of beer brewed on the premises and in original packages for consumption off premises; provided however that such licenses shall be issued only to microbreweries having restaurants as defined in this chapter under Class F licenses. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than one (1) Class N license issued at any one time.

Class O: Class O license shall authorize the removal from a restaurant, as that term is defined in section 4-15 of this chapter, of one unsealed and partially consumed bottle of wine for off-premise consumption provided the patron removing the partially consumed bottle of wine has purchased a meal and consumed a portion of the bottle of wine with the meal on the licensed premises. Every such bottle shall be opened by the licensee's agent or employee. The partially consumed bottle of wine may be removed from the licensed premises only upon being securely sealed in a transparent one-time use tamper-proof bag by the licensee or his agent prior to removal from the licensed premises. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine being removed from the licensed premises by the patron. It shall be unlawful for the licensee or any agent or employee of the licensee to permit any patron to leave the licensed premises with any open liquor, including a bottle wine not sealed in compliance with this section. The annual fee for a Class N license shall be Three Hundred Dollars (\$300.00). There shall be no more than none (0) Class O license issued at any one time.

(b) *Special event permit/Entertainment permit.* The local liquor control commissioner may grant to any person holding a valid Class A, D, E, F, J, J-2, M or N local liquor license a special event permit and/or entertainment permit as follows:

Special event permit. A special event permit may be granted to eligible licensees for up to two (2) special events per year, to allow for the selling or serving of alcoholic beverages at a specified site adjacent to the licensee's current licensed premises for a special event. Special events shall be those events designated by the local liquor control commissioner as being eligible under this section. It shall be unlawful to hold a special event without first obtaining a special event permit, or to do so in violation of the terms of the permit. A special event permit shall apply only to the event, location, duration and/or hours authorized by the local liquor control commissioner and shall only be issued to licensees compliant with existing Village, county and state public health and fire prevention ordinances and statutes. The local liquor control commissioner may impose such other restrictions on a special event permit as deemed necessary. The fee for a special event permit shall be One Hundred Dollars (\$100.00) per event, in addition to the licensee's regular class license.

Restrictions on special events include, but are not limited to, the following:

1. All alcoholic liquor must be dispensed in plastic or paper cups.
2. Identification of all patrons must be checked, as with normal business operations.
3. All alcoholic liquor must stay within the licensee's outdoor serving area. No alcoholic liquor may be brought onto or consumed on the licensed premises other than that provided by the licensee under the terms and conditions of this chapter and the licensee's license.
4. Outdoor liquor sales must stop at 1:00 a.m. on Friday and Saturday and 10:00 p.m. Sunday through Thursday. Service area must be clear of customers within thirty (30) minutes after stopping sales. Licensees are solely responsible for the timely clearance of all customers from the service area.
5. Licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities as may be required by the local liquor control commissioner to protect the public health, safety, welfare and morals of the residents of the Village, and shall restore the premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage in accordance with

Village code. Licensees must provide refuse containers at each exit of the service area for garbage and/or unconsumed liquor.

6. Outside service shall be limited to the premises specified in the special event license, which premises shall be entirely enclosed with a fence demarcating the licensed premises. Each licensee is responsible for ensuring that patrons do not leave the premises with alcohol and/or hand alcohol to people outside the serving area.

7. Outside servers who sell, serve or dispense any alcoholic beverages must be readily identifiable and must have attended the course of instruction identified in section 4-25 of this chapter prior to the event for which the special event license is issued.

8. Each special event shall not exceed seventy-two (72) hours in duration.

9. Live music may be played for each special event outdoors on the specified site adjacent to the licensed premises. Such live music may only occur on dates and times when the licensed premises is actually open and operating and shall not occur after 10:00 p.m. prevailing time Sunday through Thursday, after 11:00 p.m. prevailing time on Friday and Saturday, or before the hour of 11:00 a.m. prevailing time of any day.

Each licensee granted a special event permit pursuant to this article, shall also obtain an amplification license as required by Chapter 6, Article VII of the Village's Code of Ordinances. The local liquor control commissioner may attach such other conditions to the special event permit as may be advisable to protect the peace and quiet of the surrounding area. The local liquor control commissioner or his designee shall have the absolute right, for cause and without the necessity of a hearing, to order the immediate cessation of such live music.

Entertainment permit. An entertainment permit allows for dancing by patrons only, or other live entertainment including the appearance of amateur or professional entertainers other than dancers, and the showing of commercially produced movies or motion pictures upon the licensed premises only, and not upon any site for which a licensee has obtained a special permit. It shall be unlawful to permit such entertainment on the licensed premises without first having obtained an entertainment permit, or to do so in violation of the terms of that permit. Entertainment permits shall only be issued to current licensees compliant with existing Village, county and state public health and fire prevention ordinances and statutes. The annual fee for an entertainment permit shall be Three Hundred Dollars (\$300.00) per year, in addition to license fee for the licensee's regular class license. Licensees may amplify recorded background music

and brief business related announcements on the licensed premises without necessity of an entertainment permit provided such amplification is not audible more than twenty-five (25) feet beyond the property line of the licensed premises.

The local liquor control commissioner may impose such other restrictions on a special event permit or entertainment permit as deemed appropriate in his discretion, including but not limited to requiring the presence of uniformed police officer(s) for any event for which a special event permit is issued or for the appearance of live entertainment for which an entertainment permit is issued. Violation(s) of this article may result in the suspension or revocation of a licensee's special event or entertainment permit.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1746, §§ 1--3, 8-18-97; Ord. No. 1757, §§ 1, 2, 10-6-97; Ord. No. 1798, § 1, 7-13-98; Ord. No. 1835, § I, 2-1-99; Ord. No. 1868, § I, 7-12-99; Ord. No. 1885, § 1, 10-4-99; Ord. No. 1975, § 1, 5-15-2000; Ord. No. 2041, § 1, 6-18-01; Ord. No. 2045, § I, 7-2-01; Ord. No. 2078, § 1, 1-7-02; Ord. No. 2139, § 1, 6-17-02; Ord. No. 2153, § 1, 2, 8-5-02; Ord. No. 2160, § I, 10-7-02; Ord. No. 2163, § 1, 11-4-02; Ord. No. 2176, § 1, 12-2-02; Ord. No. 2237, § I, 7-7-03; Ord. No. 2405, §§ I, II, 6-21-04; Ord. No. 2443, § 1, 11-15-04; Ord. No. 2460, § I, 3-7-05; Ord. No. 2462, § I, 3-21-05; Ord. No. 2529, § 1, 12-5-05; Ord. No. 2543, § 1, 4-3-06; Ord. 2007- eff. -2007)

Sec. 4-23. Number of licenses.

(a) The corporate authorities shall determine, by ordinance, the number of licenses available in each classification. Neither the local liquor control commissioner nor any other person or entity may issue local liquor licenses in a number that is in excess of the number authorized by the corporate authorities. A current schedule of the authorized number of licenses available in each classification shall be maintained by the Village Administrator for the local liquor control commissioner.

(b) Upon the alienation, sale, transfer, assignment or donation of the business that underlies the license to any third party or person other than the licensee, the license shall automatically become void and the number of available licenses in that classification as authorized by the corporate authorities shall automatically and immediately be reduced by one.

(c) Any licensed establishment that has discontinued the sale or service of alcoholic liquor or that has not been open for business at least four (4) days per week for a period of thirty (30) days or more shall automatically forfeit its license. Upon forfeiture of the license, the number of available licenses in that classification as authorized by the corporate authorities shall automatically and immediately be reduced by one. This forfeiture shall not apply in instances where the licensee has previously notified the Village Administrator, in writing, of

the licensee's intent to close the licensed premises temporarily for remodeling or other similar purpose.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-24. Disposition of fees.

All fees shall be made payable to the Village and submitted to the local liquor control commissioner at the time application is made. The fee shall be immediately turned over to the Village's finance department. In the event the license applied for is denied, all fees, except for the nonrefundable application fee, shall be returned to the applicant.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-25. B.A.S.S.E.T certification required.

(a) For all original or renewal licenses issued pursuant to this chapter the licensee shall cause those employees, agents or representatives who sell or serve alcoholic beverages on the licensed premises, all management personnel working on the licensed premises, and all other employees, agents or representatives whose job description entails the checking of identification for the purchases of alcoholic beverages pursuant to a license issued under this chapter, to complete a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program. Each licensee shall be responsible for causing training to be administered to as many of its employees as necessary to assure that at least one trained employee is present at the licensed premises at all times when alcoholic beverages are being sold for consumption on the licensed premises. For licenses issued prior to February 1, 2008, compliance with this section shall be completed on or before July 1, 2008.

(b) A state certified BASSET training program shall be defined as a BASSET program licensed by the state commission (ILCC) as required by 235 ILCS 5/3-12(11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card, to participants as proof of completion.

(c) Any new owner, manager, employee, agent or representative requiring BASSET training, shall within ninety (90) days from the commencement of their employment with a licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the direct supervision of a person who has completed BASSET training.

(d) The licensee shall maintain copies of the certificates of completion for each of the licensee's certified employees, evidencing the licensee's compliance with the Bassett training requirements of this section 4-25 and shall, at the request of any Village law enforcement officer and/or the local liquor control

commissioner or his designee, produce such copies for inspection. The certificate of completion shall be maintained by the licensee in a manner that will allow inspection, upon demand, by any designee of the state and/or local liquor control authorities.

(e) All costs associated with a licensee's compliance with the BASSET training required under this article shall be paid by the licensee.

(f) Any licensee found to be in violation of this section shall be subject to suspension or revocation of any license issued under this chapter.
(Ord. 2007- eff. -2007)

Sec. 4-26. Hearings before the local liquor control commissioner.

(a) The local liquor control commissioner may suspend or revoke any liquor license for any violation of any provision of this article, or for any violation of any state law pertaining to the sale of alcoholic liquor. Upon due investigation of any claim of violation, the Village Administrator, upon his motion or upon the motion of any five (5) residents of the Village, shall have the right to file a complaint with the local liquor control commissioner stating that a licensee within the Village has been or is violating the provisions of the Liquor Control Act, applicable Village ordinances, or the rules or regulations of the local liquor control commissioner. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the local liquor control commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall, within thirty (30) days of receipt of the complaint, set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. If the local liquor control commissioner is not satisfied that there is a reasonable basis for the complaint, he shall respond to the residents in writing explaining why a hearing is not necessary.

(b) Notice, hearing and order. Except as provided in Sec. 4-16(b)(7) of this chapter, no such liquor license shall be revoked or suspended except after a public hearing before the local liquor control commissioner. The local liquor control commissioner shall give written notice to the licensee not less than three (3) days prior to the hearing, affording the licensee an opportunity to appear and defend or otherwise answer. If after a hearing on any alleged violation the local liquor control commissioner finds there is any violation of any ordinances of the Village or statutes of the state, or that there was any other activity or omission of the licensee for which a penalty should be imposed, the local liquor control commissioner may fine the licensee and/or suspend or revoke his/her license. The local liquor control commissioner shall, within five (5) days after such hearing, make a determination regarding suspension, revocation and/or the

issuance of a fine to the licensee. If the local liquor control commissioner determines that the license should be revoked or suspended, he shall state the reason(s) for such determination in a written order of revocation or suspension and shall serve a copy of such order within the five (5) days upon the licensee. If the local liquor control commissioner decides to suspend the license, the term of suspension shall not be less than one (1) day nor more than thirty (30) days. If in addition to or in lieu of a license suspension or revocation, the local liquor control commissioner imposes a fine upon the licensee, the amount of the fine shall not be less than Fifty Dollars (\$50.00) or more than One Thousand Dollars (\$1,000.00). However, any failure of a licensee to fulfill an affirmative duty set forth in this chapter shall subject the licensee to a mandatory minimum penalty of One Hundred Dollars (\$100.00). If the local liquor control commissioner finds the licensee to be guilty of any charges, the licensee will be responsible for all costs incurred for a hearing before the local liquor control commission, including but not limited to court reporter fees, witness fees, attorneys fees and any other miscellaneous fees incurred by the Village. This shall be in addition to any other penalties assessed against the licensee. Failure to pay such costs within thirty (30) days of notification is a violation of this section. The remedies afforded hereunder are not exclusive, and any such sums assessed hereunder may be collected as any other debt.

(c) All proceedings before the local liquor control commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by a certified court reporter.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Similar provisions, revocation, suspension, when licensee fined, 235 ILCS 5/7-5.

Sec 4-27. Appeals from an order of the liquor control commissioner.

(a) Any order or action of the local liquor control commissioner granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license, may within twenty (20) days after notice of such order or action be appealed to the state commission. In the event of an appeal from an order or action of the local liquor control commissioner, the appeal to the state commission shall be limited to a review of the official record of the proceedings before the local liquor control commissioner. The only evidence which shall be considered in the review by said state commission shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner. At such time as the local liquor control commissioner receives notice of an appeal, the local liquor control commissioner shall file with the state commission the certified official record of the proceedings.

(b) Order of the state commission. A copy of the order or decision of the state commission shall be served upon each party of record to the proceeding

before the commission. It shall be the duty of the local liquor control commissioner to take such action as may be necessary to conform with the terms of any order or decision of the state commission properly served upon the Village.

(c) Review under administrative review act. All final administrative decisions of the state liquor control commission shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Procedure Act (5 ILCS 100/1.1 *et seq.*).

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Similar provisions, revocation, suspension, when licensee fined, 235 ILCS 5/7-5.

Sec. 4-28. Transfer of license.

(a) A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as set forth in this chapter. The license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The license is not transferable either for consideration or not for consideration. As to a closely held corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if any person owning twenty (20) percent or more of the stock, transfers the stock to another person who previously held less than fifty (50) percent of the stock. As to a public corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if there has been a buy out, a takeover or any other transaction involving the sale or transfer of more than fifty (50) percent of the stock or assets of the corporation.

(b) A license issued to an individual or a partnership shall cease upon the death of the licensee or a partner of a licensee and shall not descend by the laws of testate or intestate devolution. However, the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may, upon written notice to the local liquor control commissioner, continue the business of the sale of alcoholic liquor under the order of the appropriate court. In such cases, the executor, administrator, or trustee may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of decedent, or such insolvency or bankruptcy until the expiration of the license, but not longer than six (6) months after the death, bankruptcy or insolvency of the licensee.

(c) If a corporation to whom a license has been issued is ordered into receivership or files for bankruptcy, the receiver or trustee may continue the operation of the business under the existing license under order of the appropriate court until the expiration of the license or until the passage of six (6)

months from the date of appointment of a receiver or trustee whichever comes first.

(d) Upon the death of any person owning five (5) percent or more of the shares in a closely held corporation, the local liquor control commission shall be notified and if the shares are transferred to a person who is not currently named in the application as a shareholder, then the licensee shall apply for a new license.

(Ord. No. 1742, § 1, 7-21-97)

Sec. 4-29. Renewal of license; decrease in available licenses.

Any licensee may apply to renew its license upon expiration thereof, provided the applicant is then qualified to receive a license and the premises for which the renewal license is sought is suitable for that purpose. This renewal privilege shall not be construed as a vested right, but shall be completely subject to the local liquor control commissioner's right of review of the licensee's background and history of operation in the Village. Further, the corporate authorities shall not be prevented from decreasing the number of licenses available in any or all classifications within the Village. If the number of licenses in any or all classifications is decreased, the licenses may be eliminated on the basis of seniority, so that the premises holding a license the least amount of time shall be eliminated first. However, the local liquor control commissioner may, with an accompanying written statement, eliminate licenses in those instances on the basis of quality of operation of the premises, considering such matters as charges before the local liquor control commissioner, the state commission or other law enforcement issues and/or on the basis of articulable benefit or lack of benefit to the Village.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-30. Change of location.

A retail liquor dealer's license issued hereunder shall permit the sale of alcoholic liquor only on the premises described in the application and license. The location may be changed only upon written permission issued by the local liquor control commissioner. A change of location is within the sole discretion of the local liquor control commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter. Notwithstanding the foregoing, the local liquor control commissioner may, in writing, grant permission to Class H licensees to sell alcoholic beverages at more than one location.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Cross references: Zoning, Ch. 9.

Sec. 4-31. Consumption on premises.

(a) No liquor shall be sold, offered for sale, kept for sale, displayed or advertised for sale or delivered to any person except at the location, place or premises described in the liquor license.

(b) Except for licensees holding a Class L license, it shall be unlawful for anyone not having a license which provides for consumption on the premises where sold, to offer for sale, deliver or donate any alcoholic beverage for consumption on the licensed premises, or to permit the same to be consumed on the premises where sold or donated. Notwithstanding the foregoing, the local liquor control commissioner may grant a daily sampling permit to any general package, wine only package, or wine and beer only package licensee under this chapter, which permit shall authorize the delivery, without charge, of alcoholic liquor by such licensee in small and limited amounts for sampling purposes only in conjunction with sales promotional efforts occurring on the licensed premises during the term of the sampling permit. Such a sampling permit shall include the following conditions and limitations:

1. The sampling shall be attended and supervised by a full-time employee over twenty-one (21) years of age and only in one designated area on the licensed premises.

2. Only products registered with the state commission may be tasted in the following serving amounts:

Distilled Spirits: One-quarter (1/4) ounce.

Beer: Two (2) ounces.

Wine: One (1) ounce.

3. Up to three (3) samples consisting of one of the serving amounts set forth in subsection (b)2 above may be served to a customer per day. Each sample shall be served in a single use container which shall be disposed of following the sampling.

4. There shall be a permit fee of Ten Dollars (\$10.00) per day for the issuance of a sampling permit.

(c) Annual permit for sampling in connection with sales promotions.

In lieu of the permit fee described above of Ten Dollars (\$10.00) per day, the local liquor control commissioner may, in his sole discretion and at the request of a licensee, issue an annual sampling permit for a fee of Three Hundred Dollars (\$300.00) per year. No licensee shall be allowed to engage in such sales promotional efforts as described above for more than eight (8) hours in any one (1) week. Additionally, the local liquor control commissioner shall be

authorized to impose the days and the hours for which said sampling shall be allowed. Sampling permits shall be subject to the other conditions described in this section for daily permits in addition to any other conditions or limitations imposed by the local liquor control commissioner.

(d) It shall be unlawful to consume or permit the consumption of alcoholic beverages in public restaurants, catering establishments or other places of public gathering not having the appropriate liquor license.

(e) It shall be unlawful for any licensee to sell and/or offer for sale at retail alcoholic liquor in other than its original package, except for consumption on the premises where sold.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 2234, § 1, 6-16-2003; Ord. 2007- eff. -2007)

Sec. 4-32. Restrictions on premises.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station or any undertaking establishment or mortuary. This prohibition shall not apply to motels or hotels offering restaurant service, regularly organized clubs, restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business, to the renewal of a license issued prior to the effective date of this ordinance for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school, or where such church or school was established within such one hundred (100) feet of the licensed premises after the issuance of the licensee's original license. The distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to the property boundaries.

(b) The display and sale of alcoholic liquor in its original package under a general package license on premises where any other commodities are sold or offered for sale, shall be conducted only in a portion of the premises set aside or physically separated from that portion of the premises used in conjunction with the display or sale of such other commodities.

(c) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful for a general package licensee or a wine and beer only package licensee who sells alcoholic liquor as a part of, but not as its principal business, to consummate the sale of alcoholic liquor except at a counter with a cash register designated to be used for the sale of alcoholic liquor and which cash register is operated by a person of at least twenty-one (21) years of age. No more than two (2) cash registers may be designated for the sale of alcoholic

beverages and to the extent practicable shall be separated from the remaining cash registers and checkout lines in the establishment.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Hazardous occupations in certain businesses where alcoholic liquor are manufactured, bottled or served, 820 ILCS 205/7; retail sales near churches, schools, etc., 235 ILCS 5/6-11.

Sec. 4-33. Closing hours; Sunday closing.

(a) It shall be unlawful for any licensee holding a liquor license in Classification A, D, E, F, J, K, M and N to sell, offer for sale, or deliver any alcoholic liquor in the Village or to permit any person to consume any alcoholic liquor in or on any premises for which a license providing for consumption on the premises has been issued pursuant to this chapter, between the hours of 1:00 a.m. to 9:00 a.m. on Monday through Friday inclusive; between the hours of 2:00 a.m. and 9:00 a.m. on Saturday; and between the hours of 2:00 a.m. and 12:00 noon on Sunday; and on January 1 of each year said closing hour shall be 3:00 a.m. If any persons other than the licensee or the licensee's employees are on the premises after the aforesaid hours and there are alcoholic beverages in any form or container other than in the corked or re-closed place of display or storage, it shall be presumed that a violation of this section has occurred. All unfinished drinks shall be cleared from the bar, tables and any other serving areas within ten (10) minutes after closing time.

(b) It shall be unlawful for any licensee holding a liquor license in Classification, B, C, G, and L to sell or offer for sale any alcoholic liquor in the Village between the hours of 1:00 a.m. to 7:00 a.m. on Monday through Friday inclusive; between the hours of 1:00 a.m. and 7:00 a.m. on Saturday; between the hours of 1:00 a.m. and 10:00 a.m. on Sunday; and on January 1 of each year said closing hour shall be 2:00 a.m.

(c) It shall be unlawful for any premises for which a retail liquor dealer's license has been issued pursuant to this chapter to remain open for business or to admit or permit to remain any persons other than employees on any licensed premises during the hours within which the sale of liquor is prohibited. Retail establishments, restaurants and clubs may be kept open during such hours, but no alcoholic liquor may be sold, consumed by the public, or remain on tables or a bar during such hours. Nothing contained in this section shall be deemed to authorize any retail establishments, restaurant or club to remain open for business or to admit the public to the premises at or during any hour when that premises is required to be closed by virtue of the regulations or restrictions imposed by any other provisions of this Code.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, a licensee holding a liquor license in Classification A, D, E, F, M or N may request permission from the local liquor control commissioner to commence alcohol sales at 10:30 a.m. on two Sundays during the term of the license, for a

planned event on the licensed premises. Such requests must be in writing and submitted to the local liquor control commissioner at least ninety (90) days prior to the planned event. It shall be unlawful to commence such alcohol sales without first obtaining permission of the local liquor control commissioner. Such permission shall only be granted during the term of the requestor's liquor license and shall only be granted to licensees compliant with existing Village, county and state public health and fire prevention ordinances and statutes.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 2405, § III, 6-21-04; Ord. No. 2462, § II, 3-21-05; Ord. 2007- eff. -2007)

State law references: Hours of sales, 235 ILCS 5/6-14.

Sec. 4-34. Peddling.

It shall be unlawful to peddle alcoholic liquor in the Village.
(Ord. No. 1742, § 1, 7-21-97)

Sec. 4-35. Compliance with building, sanitary, safety and other regulations of the village.

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale shall be kept in full compliance with all other regulations of the Village, or applicable county, including but not limited to those relating to the storage or sale of food and sanitary and safety conditions. The sanitary regulations of the state commission also apply to such licensed premises unless those regulations conflict with the Village, county and/or state building, public health and/or fire prevention ordinances and statutes, in which case the most stringent regulations shall apply to the licensed premises.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Health and sanitation, Ch. 3.

Sec. 4-36. Applicability of other laws.

All of the provisions including the words and phrases of the Liquor Control Act and rules and regulations issued by the state commission pertaining to local control of alcoholic liquor, as the same may be amended from time to time, are hereby incorporated into and declared to be a part of this article as if expressly set forth herein. Nothing in this article shall excuse or release any person from compliance with the requirements of any other applicable Village, county and/or state code, statute, ordinance, regulation or rule.

(Ord. 2007- eff. -2007)

Sec. 4-37. Happy hour prohibited.

(a) It shall be unlawful for any licensee or officer, associate, member, representative, agent or employee of such licensee to:

1. Serve more than one (1) drink of alcoholic liquor at one time to one person for consumption by that person, except to sell or deliver wine by the bottle or carafe as a compliment to a meal served to that person.
2. Serve a pitcher, bucket or similar container containing more than sixty-four (64) ounces of beer.
3. Serve distilled spirits in an original container.
4. Pour or display for purchase in the service area of the licensed premises individual drinks of undiluted distilled spirits, commonly referred to as "shots", except to the extent that such drinks have, prior to being poured, been ordered by patrons.
5. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price.
6. Sell, offer to sell or serve any drink of alcoholic liquor to any person on any date at a reduced price, or free of charge, other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor.
7. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day.
8. Encourage or permit, on licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such games or contest on the licensed premises.
9. Advertise or promote, in any form, on or off the licensed premises, the provisions set forth in paragraphs (a)1 through (a)8 above.

(b) All licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof.

(c) Nothing in this subsection shall be construed to prohibit a licensee from:

1. Offering free food or entertainment as permitted under this chapter at any time.
2. Including drinks of alcoholic liquor as part of a meal package.

3. Including drinks of alcoholic liquor as part of a hotel package.
 4. Providing room service to persons renting rooms at a hotel/motel.
 5. Selling a pitcher, bucket or similar container containing less than sixty-four (64) ounces of beer, when the pitcher, bucket or similar container is delivered to two (2) or more persons at one time.
 6. Except as allowed pursuant to subsection (a)(1) above, selling a bottle or carafe of wine, when the bottle or carafe is delivered to two (2) or more persons at one time.
 7. Selling distilled spirits by the bottle, but not delivered in their original container, when the spirits are delivered to four (4) or more persons at one time.
 8. Negotiating a price for the purchase of drinks of alcoholic liquor as part of a contract between a caterer, catering establishment, catering service, restaurant or supper club and a group holding a private function.
 9. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- (Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-38. Prohibited conduct; licensees conduct.

The following conduct is prohibited on licensed premises:

(a) Nudity.

(1) No person, while on the licensed premises and in public view, shall engage in the following conduct:

(i) Expose his or her genitals, pubic hair, buttocks, anus, or anal cleft;

(ii) Employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or

(iii) Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft.

(2) No female person, while on the licensed premises and in public view, shall engage in the following conduct:

- (i) Expose that area of the human breast below the top of the areola;
- (ii) Employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or
- (iii) Appear without a fully opaque covering of that area of the human breast below the top of the areola.

(b) Gambling; Pool tables; Video poker games.

It shall be unlawful for a licensee to permit gambling on any premises licensed to sell alcoholic liquor pursuant to this article or to permit more than three (3) pool tables on the licensed premises at any time. Notwithstanding the foregoing, a licensee may have up to eight (8) video poker games on the licensed premises at any time.

(c) Fighting.

(1) Fighting, by patrons, either inside a licensed premises or any place outside the premises that is owned or leased by and used for the licensed premises or on any public way adjacent to the licensed premises is prohibited. For purposes of this section, "fighting" shall mean any threatening or touching of another person which provokes or tends to provoke a breach of the peace. If self defense is offered as a defense to a charge of fighting, that defense must be established by the presentation of clear and convincing evidence. Any person violating this section shall be fined not less than One Hundred Fifty Dollars (\$150.00).

(2) Every licensee shall cause the full text of subsection (1) above to be prominently displayed on the licensed premises in a conspicuous location visible to all patrons. The notice shall further state that any person on a licensed premises observing a fight shall immediately notify the Village police department. A sign stating the regulations being the subject of this section shall be available from the Village Administrator's office.

(3) Each licensee shall maintain a peaceful and orderly business premises. This shall be accomplished by establishing and maintaining the optimum precautions and actions that are practical to deter and prevent fighting. This is referred to as the "maintenance of order standard." The duty to prevent fighting shall be applicable both to precautionary and training matters and to the steps taken once a fight breaks out or is in imminent danger of breaking out. If a fight does occur, the local liquor control commissioner shall have the right to conduct a hearing to consider the circumstances surrounding the fight and to determine the extent to

which the licensee failed to adhere to the "maintenance of order standard." At such a hearing, the local liquor control commissioner may consider the following matters, among others:

- (i) Prior incidents of reported or unreported fighting.
- (ii) Whether any fight participant was intoxicated and the extent to which the intoxication occurred on the licensed premises.
- (iii) Whether any participant was served by the licensee after the participant's intoxication should have been evident to the licensee.
- (iv) Whether any participant was intoxicated and whether the licensee had an opportunity to effect that person's removal from the premises.
- (v) The degree of expediency the licensee observed in calling the police when it should have been evident that a fight was imminent.
- (vi) The actions of the licensee in reacting to the fight.
- (vii) The extent and type of training given to the licensee's employees in such matters as recognizing intoxication, over serving and prevention of altercations.
- (viii) Whether minors were involved in the fighting.
- (ix) The sufficiency or number of persons on duty and employed by the licensee at the time of the fight.

(4) Considering all of the circumstances brought into evidence at the hearing, the local liquor control commissioner shall make a determination of whether the licensee violated the "maintenance of order standard." If it is determined that a violation occurred, the local liquor control commissioner may impose any penalty set forth in section 4-49 of this chapter up to and including license revocation.

(5) The licensee, or his agent or employee on the licensed premises, shall notify the Village police department immediately when the licensee knows or in the exercise of ordinary judgment should know that a fight is occurring or imminent. In addition, within forty-eight (48) hours of the occurrence, the licensee shall file with the local liquor control commissioner a report on a form provided by the Village containing the following information:

- (i) The number of the persons involved in the fight.
- (ii) The approximate amount of alcohol consumed at the licensed premises by each person involved in the fight.
- (iii) What action, if any, was taken by the licensee to prevent the fight.
- (iv) What action, if any, was taken by the licensee subsequent to the start of the fight.
- (v) The licensee's opinions as to why the fight occurred.

(6) Failure by the licensee to give immediate notification to the police department of a fight on a licensed premises or failure to file a report as required in subsection (c)(5) with the local liquor control commissioner shall subject the licensee to a fine of not less than One Hundred Dollars (\$100.00) for a first offense, and for subsequent offenses a fine of not less than Two Hundred Dollars (\$200.00) and a possible suspension or revocation of the licensee's liquor license. For purposes of this section the word "immediate" shall refer to such time as one party threatens another or actually commences fighting with another.

(7) The provisions of this section shall not generally apply in circumstances where alcohol is used in an individual guest room within a hotel/motel or where alcohol is mixed and poured at the hotel/motel bar but it is delivered to a separate banquet or meeting room. This section shall apply to any other delivery of alcohol at a hotel/motel, including, but not limited to, delivery in the restaurant or lounge or in those cases where a bar is set up in an area away from the main bar for the convenience of banquet room guests.

(d) Soliciting drinks.

No person shall engage in the solicitation of drinks from patrons other than to take orders for drinks and to mix or deliver drinks as requested by patrons. (Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-39. Dram shop insurance.

Every licensee shall be required to obtain and maintain dram shop insurance coverage and every person who owns, rents, leases as lessor or permits the occupation of any building or premises with knowledge that alcoholic liquors are to be sold there, or, who leases the premises for other purposes but knowingly permits the sale of any alcoholic liquors, shall be required to carry host liability insurance coverage for such facility. Each shall carry coverage in an

amount at least equal to the maximum insurance limits of exposure set forth in 235 Illinois Compiled Statutes 5/6-21. No license shall be granted hereunder to any applicant until such applicant shall furnish evidence satisfactory to the local liquor control commissioner that such applicant is covered by the required insurance policy issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant and the owner of the premises. The insurance policy or certificate of insurance providing evidence of insurance shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought. Such insurance policy shall provide that no cancellation or modification of the policy shall occur without at least thirty (30) calendar days prior written notice given to the local liquor control commissioner. In the event of cancellation of such insurance the local liquor control commissioner shall be notified immediately of the cancellation. (Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-40. Conduct of employees and agents.

The following shall apply to employees and agents of licensees:

(a) Any act or failure to act of any employee of either the licensee or a management company with respect to the licensed business shall be deemed to be the act of the licensee.

(b) No employee or other deliverer of alcohol may consume or be permitted to consume any alcoholic liquor on the license premises while on duty or while performing any duties of employment.

(c) No person, including any employee, manager, owner or agent of the licensee may consume alcoholic liquor on the licensed premises before or after the licensee's permitted hours of operation.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-41. Sales to minors; intoxicated persons; others.

It shall be unlawful for any licensee or officer, associate, member, representative, agent or employee of a licensee, while on the licensed premises to sell, deliver or give any alcoholic liquor to any of the following:

(a) Any person under the age of twenty-one (21) years of age.

(b) An intoxicated person.

(c) A person known to the licensee, or officer, associate, member, representative, agent or employee of the licensee, to have been involved in a

fight at the licensed premises within the immediately preceding forty-eight (48) hour period.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-42. Regulations with respect to underage persons.

(a) *Employment.* Nothing in this section shall prohibit any persons under the age of twenty-one (21) years but at least eighteen (18) years of age from serving or delivering alcoholic liquor at dining tables for consumption on the premises in those licensed premises holding a retail license Class D, E, F or N license pursuant to this article. It shall be unlawful for any person under the age of twenty-one (21) years to draw, pour, mix or sell any alcoholic liquor to patrons of establishments licensed pursuant to this article. Persons under the age of twenty-one (21) may however deliver or carry out alcoholic beverages in the original package and not for consumption on the licensed premises to the automobiles or other motor vehicles of patrons after the alcoholic liquor has been properly purchased. This section shall not be interpreted as prohibiting the employment of persons under the age of twenty-one (21) years as stock persons or in other positions of a similar character. A person at least eighteen (18) years of age, employed at a convenience store or supermarket, may sell alcoholic liquor in the original package and not for consumption on the licensed premises if another employee at least twenty-one (21) years of age registers the sale on the cash register or other similar device.

(b) *Bars and lounges.* It shall be unlawful for any licensee to allow any person under the age of twenty-one (21) years to be seated at a bar or remain in or be seated in a lounge. It shall also be unlawful for a licensee to allow any person under the age of eighteen (18), who is not an employee of the licensee, to remain on the licensed premises between the hours of 10:00 p.m. and the opening hour(s) permitted pursuant to section 4-33 above for the respective license classification held by the licensee. This subsection (b) shall apply only to those lounges where the seating at tables with the full service of the establishment's food menu is not available.

(c) *Consumption, purchase, acceptance or possession prohibited.* It shall be unlawful for any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age to consume, purchase, accept a gift of or have such alcoholic liquor in his or her possession within the Village. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to a person under the age of twenty-one (21) years.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 1, 1-19-98; Ord. 2007- eff. 2007)

Sec. 4-43. Identification.

If a licensee, in the exercise of ordinary judgment, should have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, the licensee shall, before making such sale or delivery, demand presentation of a form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties. No person shall transfer, alter or deface any identification card; use any identification card of another; carry or use a false or forged identification card; obtain an identification card by means of false information; or otherwise misrepresent his/her age for the purpose of purchasing or obtaining alcoholic liquor in the Village.
(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 2, 1-19-98; Ord. 2007- eff. 2007)

Sec. 4-44. Responsibility of owner or occupant of premises.

It shall be unlawful for any owner or occupant of any premises located within the Village to knowingly allow any person under the age of twenty-one (21) years to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquor.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-45. Parental responsibility.

It shall be unlawful for any person knowingly to allow or permit any minor child of whom he is the parent or guardian to violate any provision of this article. Notwithstanding the foregoing, the possession, dispensing, and/or consumption, by a person under the age of twenty-one (21) years, of alcoholic liquor in the performance of religious service or ceremony, or the possession and delivery of alcoholic liquors in pursuance of a person's employment by a licensee under this article as allowed in section 4-42 is not prohibited.
(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 2, 1-19-98; Ord. 2007- eff. 2007)

Sec. 4-46. Notices; signage.

In addition to the signage required pursuant to sections 4-17 and 4-38 of this article, all licensees shall cause the following notices/signs to be framed and displayed at all times on the licensed premises in a conspicuous location, prominently visible to all patrons:

- (a) Underage drinking card. A printed card approximately 8" x 10" bearing an underage drinking warning which reads substantially as follows:

UNDERAGE DRINKING

If you are under 21, you are subject to a mandatory fine of up to \$750.00 if you purchase and/or consume any alcoholic liquor on this premises. If you buy for or deliver an alcoholic beverage to an underage person, you will also be subject to a fine of up to \$750.00.

(b) Governmental warning card/Surgeon General's Warning. A printed card approximately 8" x 10" bearing the following governmental warning which shall read substantially as follows:

"Government Warning: According to the surgeon general, a women should not drink alcoholic beverages during pregnancy because of the risk of birth defects."

On any licensed premises where cigarettes are offered for retail sale, a white card bearing red letters at least ½ inch in height the following Surgeon General's Warning which shall read substantially as follows:

"Surgeon General's Warning: Smoking by pregnant women may result in fetal injury, premature birth, and low birth weight."

(c) Health Department Certificate. A copy of the certificate issued by the applicable county health department evidencing the licensee's current compliance with all applicable regulations of that department.

(d) Business License. A copy of the current Business License issued to the licensee by the Village.

(e) Occupancy Restrictions. A printed card approximately 5" x 7" bearing the occupancy restrictions applicable to the licensed premises pursuant to state and/or local fire code regulations, codes and ordinances.

(f) Price List. A copy of the current price list for all alcoholic liquor sold at the licensed premises, as required to be maintained pursuant to section 4-37(b) of this article.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 1, 1-19-98; Ord. 2007- eff. 2007)

Sec. 4-47. View from street.

In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than a restaurant, hotel, recreational facility 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; and no booth, screen, partition, or other

obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on 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. All window signs displayed on the licensed premises shall comply with the Village's then current sign ordinance.

(Ord. 2007- eff. -2007)

Sec. 4-48. Recordkeeping.

The local liquor control commissioner shall keep, or cause to be kept, a complete record of all licenses issued pursuant to this article and shall furnish the Village Clerk, Village Administrator and Chief of Police each with a copy. 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 within forty-eight (48) hours of the action.

(Ord. 2007- eff. -2007)

Sec. 4-49. Penalties to license holder.

In addition to any other penalty set forth in this article, every licensee found guilty of a violation of any of the provisions of this chapter shall be subject to a fine of Two Hundred and Fifty Dollars (\$250.00) for the first offense, Five Hundred Dollars (\$500.00) for a second offense, and Seven Hundred and Fifty Dollars (\$750.00) for a third or subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Each violation of any provision of this article may, in addition to the imposition of a fine, also result in the suspension and/or revocation of the license issued pursuant to this article. Any fines set forth in this article shall be assessed regardless of whether the violator is convicted or placed on supervision by a court. The foregoing licensing penalties are in addition to any criminal or civil penalties which might be prosecuted by the Village.

(Ord. 2007- eff. -2007)

Sec. 4-50. Penalties to non-license holder.

Unless another penalty is expressly set forth in this article, every person found guilty of a violation of any of the provisions of this chapter shall be subject to a fine of Two Hundred and Fifty Dollars (\$250.00) for the first offense, Five Hundred Dollars (\$500.00) for a second offense, and Seven Hundred and Fifty Dollars (\$750.00) for a third or subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this article shall be assessed regardless of whether the violator is convicted or placed on supervision by a court. If the court is of the opinion that the ends of justice would be better served

by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every Ten Dollars (\$10.00) of the mandatory fine. If the offense is related to alcohol or substance abuse and the offender is under twenty one (21) years of age, the local adjudicator (with the agreement of the offender) or court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four (4) hours of counseling.
(Ord. 2007- eff. -2007)

Secs. 4-51- 4-85. Reserved.

SECTION THREE. That any Village Ordinance or Resolution, or part thereof, in conflict with the provisions of this Ordinance is, to the extent of such conflict, expressly repealed.

SECTION FOUR. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be stricken and shall not affect any other provision of this Ordinance.

SECTION FIVE. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

SECTION SIX. This Ordinance shall be numbered as Ordinance No. 2716.

PASSED the 3rd day of December, 2007.

AYES: Fay, Lamb, Manning, Racich, Vaupel, Dement

NAYS: None

ABSENT: None

APPROVED this 4th day of December, 2007.

JAMES A. WALDORF

James A. Waldorf
Village President

ATTESTED AND FILED IN MY OFFICE:

MICHELLE GIBAS

Michelle Gibas
Village Clerk

Exhibit A

Section 4-156. Definitions.

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

Alcoholic beverages or alcoholic liquor.

- (1) Any spirits, wine, beer, ale or other liquid intended as a beverage and containing more than one-half of one (0.5) percent of alcohol by volume.
- (2) Any beverage containing any scientifically detectable trace of alcohol and commonly known as "near beer," "nonalcoholic beer", or "nonalcoholic wine" whose taste, color, odor and consistency are similar to the alcoholic beverages known as beer and wine and, except for the reduced alcohol content, is marketed as being similar to beer or wine.

Bar. A barrier or counter at and over which alcoholic liquors and sometimes food are passed or served.

Beer. A beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt or hops, in water. This shall include beer, light beer, ale, stout, lager beer, porter and other similar brews.

Beer Garden. A privately owned outdoor location adjacent to a premises licensed for retail sale of any alcoholic liquor where alcoholic liquor may be sold and/or consumed subject to the provisions of this Ordinance. All such outdoor locations shall be entirely enclosed with a fence demarcating the perimeter of the beer garden.

Caterer, Catering Establishment, Catering Service. A person or business entity who ~~that~~ for compensation ~~processes, prepares and serves meals or food items provides food for immediate off premises consumption and/or provides services for a~~ at banquets, dinners or other special occasions and where the recipients of the food or service are specifically invited to each particular event. This definition shall not include any business location where on premises over the counter retail sale of food items occurs.

Control of premises. The legal or beneficial ownership, rental, lease or holding of a license shall constitute control of property. Control may also exist where none of the aforesaid legal relationships apply, but where an adult is otherwise in charge of or charged with controlling a particular premises.

Delivery of alcoholic liquor. The sale, giving or exchange of an alcoholic liquor from one person to another. Delivery is meant to include the provision of any alcoholic beverage by whatever means to one person from another.

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

Drink. Beer, wine or distilled spirits in a cup, glass, bottle or other container measured as follows:

- (a) a serving of not more than twenty-six (26) ounces of beer;
- (b) a serving of not more than seven (7) ounces of wine;
- (c) a serving of not more than three (3) ounces of distilled spirits; or
- (d) a serving of not more than sixteen (16) ounces of beer accompanied by a separate serving of not more than one and one-half (1.5) ounces of distilled spirits.

Drive-in restaurant. A food service establishment with or without interior facilities for eating, which caters to and permits the consumption of food either in customers' automobiles parked on the premises or in any other designated area on the premises outside the establishment where the food is so prepared. "Drive-in restaurant" shall not be construed to include "restaurant."

Employee. Any individual hired to regularly provide services related to the licensee's sale or offer for sale of alcoholic liquor pursuant to the licensee's license classification, in exchange for compensation from which applicable taxes are withheld, and over whom the licensee maintains control for employment purposes. This definition does not include individuals who provide services as an independent contractor.

Entertainment. ~~Any playing of pre-recorded music or voices or live act or live performance whether or not using sound amplification, and/or any playing of pre-recorded music or voices by use of a juke box or music vending machine or device which, upon insertion of a coin, slug, token, plate, disc or key into any slot or other opening, or by the payment of any other consideration, operates or may be operated for the emission of songs, music or similar amusement.~~

False identification. Any document used for identification or proof of age that has been altered or defaced or that contains false or misleading information or that contains a name that is not the actual name of the person using it.

Fighting. Any threatening or touching of another person which provokes or tends to provoke a breach of the peace.

Gambling. Any act in violation of sections 5/28-1(a)(1)--(a)(12), 5/28-1.1 or 5/28-3 of the Illinois Criminal Code of 1961 (720 ILCS 5/1-1 et seq.), as amended.

General public. The whole body politic including the people of the neighborhood, the Village, the State of Illinois, the United States of America, and/or persons at large traveling through the Village, as different from the designation of a particular person or group of persons.

Hotel/motel. Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually prepared, served and consumed and sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for sleeping accommodations and where dining rooms are maintained in the same building or buildings.

Impairment. Any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic beverage. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.

License or local liquor license. That specific grant of the privilege and authority to a licensee to sell or offer for sale alcoholic liquor at retail in the manner set forth in the text of the particular license classification.

Licensee. That person who by issuance of a license has been given the right or privilege by the local liquor control commissioner to engage in the retail sale of alcoholic liquor in the Village. This shall include the holder of a Plainfield local liquor license or any officer, principal, employee or agent of the license holder.

Licensed premises. The building, portion of the building, place or location described in a local liquor license or supplemental permit where alcoholic liquor may be stored, displayed, or offered for sale by the licensee in the operation of the licensed business. Not included in this definition are sidewalks, streets, parking areas and grounds adjacent to any such building, place or location unless specified in the license or supplemental permit.

Liquor Control Act. The Liquor Control of Act of 1934, as amended (235 ILCS 5/6-1, et seq.).

Local liquor control commission. The office of the mayor or the president of the Village as assisted by appropriate legal counsel; this may include such other persons as the mayor may appoint to aid in the exercise of the powers and the performance of the duties of the local liquor control commissioner.

Local liquor control commissioner. The mayor or president of the board of trustees of the Village acting ex-officio.

Lounge. That portion of a licensed premises that is kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is offered for retail sale for consumption on the premises only and not necessarily in conjunction with the full service of meals. This definition may also include the term cocktail lounges, bars and sportbars.

Maintenance of order standard. That standard by which it shall be determined whether a licensee has maintained order on the licensed premises. Adherence to this standard shall be a duty of the licensee and shall generally be stated as the establishment and maintenance of the optimum precautions and actions that are practical for deterring and preventing fighting as defined in this chapter.

Original package. Any bottle, flask, jug, can, ~~case~~, barrel, keg ~~head~~ or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey or distribute any alcoholic liquor.

Parent. A natural or adoptive parent or a court-designated guardian.

Patron. Any customer of or visitor to a licensed premises.

Private club. A not-for-profit corporation organized and operated under the laws of this State, supported by the dues of its members and organized solely for the promotion of some common objective other than the sale or consumption of alcoholic liquors, and owning or leasing a building or space in a building suitable and adequate for the reasonable accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees or staff for cooking, preparing and serving food and meals for its members and their guests. No member, officer, agent or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members beyond the amount of the salary fixed by the club's governing body out of the general revenue of the club.

Restaurant. Any public place, without sleeping accommodations, maintained, and held out to the public as a place primarily devoted to full-service, sit-down dining, including dinner and/or luncheon menus at which the service of alcoholic liquor is incidental and complementary to the service of such meals. Limited food service, as typically provided by drive-in restaurants, luncheonettes, diners, coffee shops, fast food operations and similar uses, does not satisfy the requirements of this definition.

Retail sale. The transfer, sale, or delivery, exchange or barter in any manner of an alcoholic beverage to ~~the~~ a consumer, private club member, or general public

by any person, whether principal, proprietor, agent, servant or employee of a licensee, as differentiated from the sale or delivery for legal resale.

School. An educational institution, including preschools and daycare centers, but not including undergraduate or postgraduate colleges and universities, having a formal curriculum consisting of recognized academic subjects.

Shot. A serving of not more than three (3) ounces of distilled spirits.

State commission. The State of Illinois Liquor Control Commission, as defined under the Liquor Control Act of 1934, as amended (235 ILCS 5/6-1, et seq.).

Supper club. Any public place kept, used, maintained, advertised and held out to the public as a place where patrons are served food and offered live entertainment.

Underage person. Any person under twenty-one (21) years of age.

Vicarious liability. That liability which is implied as a matter of law even though the person may not have directly caused an injury to another person.

Video poker game. A casino game based upon five card draw poker and played on a computerized console which, upon insertion of a coin, slug, token, plate or disc, or by payment of any other consideration, may be operated by the public generally as a video game for entertainment or amusement.

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

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Definitions relating to liquor control, 235 ILCS 5/1-3; local liquor control commissioner, 235 ILCS 5/4-2.

Sec. 4-16. Definitions. Local liquor control commissioner; powers, duties and functions; compensation.

~~*Alcoholic beverages or liquor.*~~

~~(1) Any spirits, wine, beer, ale or other liquid intended as a beverage and containing more than one-half of one (0.5) percent of alcohol by volume.~~

~~(2) Any beverage containing any scientifically detectable trace of alcohol and commonly known as "near beer," "nonalcoholic beer", or "nonalcoholic wine," whose taste, color, odor and consistency are similar to the alcoholic beverages known as beer and wine and, except for the reduced alcohol content, is marketed as being similar to beer or wine.~~

~~*Bar.* A barrier or counter at and over which alcoholic liquors and sometimes food are passed or served.~~

~~*Beer.* A beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt or hops, in water. This shall include beer, light beer, ale, stout, lager beer, porter and other similar brews.~~

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~~*Caterer.* A person who for compensation provides food and/or provides services for a banquet, dinner or other special occasions where the recipients of the food or service are specifically invited to each particular event.~~

~~*Control of premises.* The legal or beneficial ownership, rental, lease or holding of a license shall constitute control of property. Control may also exist where none of the aforesaid legal relationships apply, but where an adult is otherwise in charge of or charged with controlling a particular premises.~~

~~*Delivery of alcoholic liquor.* The sale, giving or exchange of an alcoholic liquor from one person to another. Delivery is meant to include the provisions of any alcoholic beverage by whatever means to one person from another.~~

~~-~~

~~*Drive-in restaurant.* A food service establishment with or without interior facilities for eating, which caters to and permits the consumption of food either in customer's automobile parking on the premises or in any other designated area on the premises outside the establishment where the food is so prepared. "Drive-in restaurant" shall not be construed to include "restaurant."~~

~~*Entertainment.* Any playing of pre-recorded music or voices or any live act or live performance whether or not using sound amplification.~~

~~*False identification.* Any document used for identification or proof of age that has been altered or defaced or that contains false or misleading information or that contains a name that is not the actual name of the person using it.~~

~~*Fighting.* Any threatening or touching of another person which provokes or tends to provoke a breach of the peace.~~

~~*General public.* The whole body politic including the people of the neighborhood, the Village, the State of Illinois, the United States of America, and/or persons at large traveling through the Village, as different from the designation of a particular person or group of persons.~~

~~*Hotel/motel.* Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually prepared, served and consumed and sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which twenty five (25) or~~

~~more rooms are used for sleeping accommodations and where dining rooms are maintained in the same building or buildings.~~

~~*Impairment.* Any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic beverage. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.~~

~~*License or local license.* That specific grant of the privilege and authority to a licensee to sell or offer for sale alcoholic liquor at retail in the manner set forth in the text of the particular license classification.~~

~~*Licensee.* That person who by issuance of a license has been given the right or privilege by the local liquor control commissioner to engage in the retail sale of alcoholic liquor in the Village. This shall include the holder of a Plainfield license or any officer, principal, employee or agent of the license holder.~~

~~*Local liquor control commissioner.* The mayor or president of the board of trustees of the village acting ex-officio.~~

~~*Lounge.* That portion of a licensed premises that is kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is offered for retail sale for consumption on the premises only and not necessarily in conjunction with the full service of meals. This definition may also include the term cocktail lounges, bars and sportbars.~~

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~~*Maintenance of order standard.* That standard by which it shall be determined whether a licensee has maintained order on the licensed premises. Adherence to this standard shall be a duty of the licensee and shall generally be stated as the establishment and maintenance of the optimum precautions and actions that are practical for deterring and preventing fighting as defined in this chapter.~~

~~*Original package.* Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.~~

~~*Parent.* A natural or adoptive parent or a court-designated guardian.~~

~~*Private club.* A not-for-profit corporation supported by the dues of its members and organized solely for the promotion of some common objective other than the sale or consumption of alcoholic liquors.~~

~~*Restaurant.* Any public place, without sleeping accommodations, maintained, and held out to the public as a place primarily devoted to full-service, sit-down dining, including dinner and/or luncheon menus at which the service of alcoholic~~

~~liquor is incidental and complementary to the service of such meals. Limited food service, as typically provided by drive-in restaurants, luncheonettes, diners, coffee shops, fast food operations, and similar uses, does not satisfy the requirements of this definition.~~

~~*Retail sale.* The sale, delivery of an alcoholic beverage to a consumer, private club member, or general public as differentiated from the sale or delivery for legal resale.~~

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

~~*Supper club.* Any public place kept, used, maintained, advertised and held out to the public as a place where patrons are served food and offered live entertainment.~~

~~*Underage person.* Any person under twenty-one (21) years of age.~~

~~*Vicarious liability.* That liability which is implied as a matter of law even though the person may not have directly caused an injury to another person.~~

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

(a) Commissioner. The Village President shall, in accordance with statute, serve as the local liquor control commissioner of the Village, and shall be charged with the administration of the provisions of Chapter 235 of the Illinois Compiled Statutes, "The Liquor Control Act of 1934," and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Village President may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided for such local liquor control commissioner. Any person so appointed by the local liquor control commissioner shall have the powers granted to the local liquor control commissioner by this section.

(b) Powers, Duties and Functions. The local liquor control commissioner shall have all of the powers, functions and duties delegated to that office by the Liquor Control Act and the resolutions and ordinances of the Village, including but not limited to the following powers, duties and functions with respect to local liquor licenses:

1. To grant and/or suspend for not more than thirty (30) days or revoke for cause, any local liquor license issued by the Village to persons

or entities for premises within the local liquor control commissioner's jurisdiction, and to impose fines as authorized by this article.

2. To adopt rules and regulations for the conduct and operation of a licensee's business which are not inconsistent with state law or the resolutions and ordinances of the Village.

3. To enter or to authorize any law enforcement officer(s) to enter, at any time, upon any licensed premises to determine whether the provisions of applicable state law, Village ordinances or the rules or regulations adopted by the local liquor control commissioner or by the state commission, have been or are being violated, and at such time to examine the licensed premises in connection therewith.

4. To receive complaints from any citizen within his jurisdiction that any of the provisions of state law or the ordinances of the Village have been or are being violated and to act upon such complaint in the manner provided by law.

5. To order local liquor license fees paid to the Village.

6. To examine, or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the state commission; to examine, or cause to be examined, the books and records of any such applicant, licensee or respondent; to hear testimony and take proof for his information in the performance of his duties; and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

7. To order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises unrelated to the local liquor license, such order shall not be applicable to such other business or businesses.

8. To suspend, pending a hearing within fifteen (15) days of service of a notice of suspension, the privilege of delivering alcoholic beverages by any licensee who does not display a currently valid state and local liquor

license or who in the judgment of the local liquor commissioner is operating a business in such a manner as to endanger the health or safety of patrons of the premises or of the community.

(c) Duty to Report. The local liquor control commissioner shall, upon entering an order or ruling relative to a local liquor commission hearing, report to the Village Board at its next regularly scheduled meeting his findings and the penalties, if any, initiated against the licensee.

(d) Compensation. As compensation for such duties, the local liquor control commissioner shall receive the sum of One Thousand Five Hundred (\$1,500.00) annually, payable in twelve (12) monthly installments. The corporate authorities may from time to time fix and pay compensation to the deputies, assistants or employees of the local liquor control commissioner as may be deemed necessary for the proper performance of the duties vested in them. (Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-17. License required.

(a) It shall be unlawful to sell at retail, deliver, give away, or dispense in any fashion in the Village, any alcoholic liquor without first having obtained a local liquor license for each location, place or premises where the retailer is located, or to do so in violation of the terms of such license.

(b) Where two (2) or more such locations, places or premises are under the same roof or at the same street address, a separate license shall be obtained for each such location, place or premises. Nothing in this section shall prevent any hotel/motel operator licensed under the provisions of this chapter from serving liquor to registered guests in any room or other part of the hotel/motel, if the liquor is kept in and served from a licensed location within the hotel/motel. This shall include the maintenance of a unit within an individual guest room commonly known as a mini bar or an honor bar. This may also apply to a licensee at a restaurant premises within a hotel/motel even if the restaurant operator does not own the hotel/motel or operate that hotel business so long as the licensee is a lessee of the restaurant premises, has written authority from the hotel/motel operator to deliver alcohol throughout the hotel/motel pursuant to this section and has notified the liquor commissioner in writing of its intent to do so. Both the hotel/motel operator and restaurant operator must qualify as a licensee in this circumstance. Only one restaurant operator within a hotel/motel may be granted this privilege. If a restaurant operator within a hotel/motel does not provide room service then the owner or operator of the hotel/motel must possess a separate local liquor hotel license in order to provide such room service.

(c) The issuance to or possession by any person of a retail liquor dealer tax stamp issued for a current tax period by the United States Government or any

of its agencies shall constitute prima facie evidence that such person is subject to the provisions of this chapter.

(d) Within fifteen (15) days after obtaining a local liquor license pursuant to this article ~~the provisions of this section~~, the licensee shall obtain a similar liquor license required by the State of Illinois for the sale at retail of any alcoholic liquor. ~~However, n~~No alcoholic beverage may be purveyed by the licensee under a license issued pursuant to this section ~~article~~ until the state license has been obtained by the licensee and proof of same is provided to the local liquor control commissioner. The licensee must maintain its state license in good standing for the term of its local liquor license.

(e) ~~All licenses and permits~~ licensees shall cause the local liquor license issued pursuant to this article, shall be displayed in a prominent place and visible to patrons the similar state license, and the signage requirements set forth in section 4-46 below, to be framed and displayed at all times on the licensed premises in a conspicuous location, prominently visible to all patrons.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-18. Application for local retailer's liquor license.

(a) Application for a local retailer's liquor license shall be made to the ~~Village president as~~ local liquor control commissioner. The application shall be in writing, upon forms provided by the local liquor control commissioner, signed by the applicant if an individual, or by a duly authorized agent if a club or corporation, verified by oath or affidavit. ~~The application and~~ shall require such information as determined by the local liquor control commissioner, including but not limited to the following:

(1) The full name, age, address, date of birth and citizenship of the applicant in the case of an individual; and if a naturalized citizen, also the date and place of naturalization.

(2) In the case of a partnership, the name(s), age(s), date(s) of birth and citizenship of the persons entitled to share in the profits thereof; in the case of a corporation or limited liability company, the date of incorporation if an Illinois corporation or the date of becoming qualified under the Illinois Business Corporation Act (805 ILCS 5/1.01 et seq.) to transact business in Illinois if a foreign corporation, and the name(s), address(es) and date(s) of birth of each officer, director, manager, member, persons owning directly or beneficially more than five (5) percent of the stock of such corporation, and of the person to act as manager of the licensed premises.

(3) The purpose and character of the applicant's business.

(4) The length of time said applicant has been in business of that character.

(5) The location and description of the premises or place of business which is to be operated under such license.

(6) If a leased premises, a copy of the lease shall be provided and shall be for a term of sufficient length to encompass the period of the license sought; and the name(s) and address(s) of the owner(s) of the premises and the name(s) and address(es) of the owner(s) of the beneficial interest of any trust if said premises is held in trust along with a statement from such owner(s) authorizing the use of the premises for such purpose if the owner(s) is different from the applicant.

(7) A statement that the 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, laws of the State of Illinois, or the ordinances or resolutions of the Village.

(8) Whether a previous license by any state or subdivision thereof, or by the federal government has been applied for or issued; if so where and when, or if any such license was revoked, the reasons for the revocation.

(9) 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 business.

(10) A statement that the applicant has not received or borrowed money or anything of value, and that he will not receive or borrow money or anything of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety (90) days, as provided by statute), directly or indirectly from any manufacturer, importing distributor or distributor representative of any such manufacturer, importing distributor or distributor of alcoholic liquor and has not been a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor as prescribed by statute.

(11) A statement that at least one person eligible to be issued, and to sign the application for the local liquor license is eighteen (18) years of age or older (e.g., officer, director, stockholder, manager, agent or partner).

(b) Only completed forms shall and fully executed applications will be considered by the local liquor control commissioner. Applications that are incomplete, inaccurate or fail to contain the statements or information required by this section will not be considered. Each application shall be accompanied by a nonrefundable application fee of Two Hundred Fifty Dollars (\$250.00).

(c) Before any license shall be issued to the applicant Applications for a new local liquor license shall also require a criminal background check, including fingerprinting of the applicant/owner(s) and all managers of the prospective licensee. The applicant's background check shall be without charge, however all background checks required for manager(s) of each licensee shall be at a cost of Fifty Dollars (\$50.00) per individual. At the discretion of the local liquor control commissioner the fingerprints of an applicant for renewal of a license, whether said applicant be an individual, firm, association or partnership, may also be required. Should the applicant be a corporation, or a limited liability company, the local liquor control commissioner shall require the following individuals to be fingerprinted: the officer(s), manager(s) or director(s) thereof, or any member(s) or stockholder(s) owning in the aggregate more than five (5) percent of the capital stock of said corporation or limited liability company. These individuals each principal, owner, partner officer or stockholder owning an aggregate of more than five (5) percent of the stock of a corporation shall appear at the Plainfield Police Department for fingerprinting so that an adequate investigation may be performed to enable the local liquor control commissioner to ascertain whether the issuance of a license will comply with the statutes of this state and all applicable ordinances of the Village. The fingerprints shall be processed by the Illinois State Police in conjunction with the Federal Bureau of Investigation. The cost of fingerprinting and processing shall be paid by the applicant.

(d) All local liquor licenses shall be conditioned on the acquisition and maintenance in good standing by the applicant and licensee of a surety bond. Prior to the issuance of a local retailer's liquor license to an applicant, the applicant shall furnish to the Village a surety bond in the amount of One Thousand Dollars (\$1,000.00) against any violation by the principal, the principal's agents or employees, of any of the terms of this article, or any ordinances, rules and regulations or penalties now in force or which may hereafter be in force in the Village affecting the operation of the licensed business. The surety company must be acceptable to the village local liquor control commissioner in his sole discretion. Such bond shall be forfeited automatically on revocation of the local liquor license for which the bond was furnished if revocation was for cause.

(e) All local liquor licenses shall be conditioned on the acquisition and maintenance in good standing by the applicant and licensee of general liability insurance in the amounts of at least Two Million Dollars (\$2,000,000.00) for injury or death to any person and Two Million Dollars (\$2,000,000.00) for damage to property and dram shop liability insurance at least to the maximum amount recoverable under applicable state statutes and as required under Section 4-39 of this article. Before any local liquor license may be issued, the applicant shall furnish the local liquor control commissioner with a certificate from an insurance company authorized to do business in this state certifying that the applicant has such insurance policies in force for the full period for which the local liquor license is to be issued.

(f) No license may be issued by the local liquor control commissioner until all information and documentation required in the application or required by this section have been provided, all of the reports from the various departments and agencies with respect to background checks have been completed and all fees due from the applicant have been paid in full.

~~(b)~~ (g) Upon issuance of any license under this article, the licensee shall keep the information contained in the application current by furnishing to the local liquor control commissioner, within thirty (30) days of any change in such information, written notice of the ~~any change status regarding ownership,~~ residency, management, surety bond or any other in information set forth in the application.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007-_____ eff. _____-2007)

Sec. 4-19. Management.

(a) It is recognized that a licensee may, from time to time, desire to hire or retain, as an independent contractor, a management entity to manage, generally operate and be responsible for the licensed premises. No licensee shall permit a management entity to perform such a function unless the management entity has been certified to do so by the local liquor control commissioner. In order to be certified by the local liquor control commissioner, a management entity must execute a liquor license application that reflects the entity's business status, i.e., sole proprietorship, partnership or corporation. A management entity must meet all pertinent licensing requirements of this chapter as if it were an applicant for an individual license ~~qualify in the same manner~~ (other than for a surety bond and dram shop coverage) and meet the same standards as a licensee. The application shall be accompanied by a non-refundable application fee of Two Hundred Fifty Dollars (\$250.00) and no management entity may be qualified unless a certification fee of Seven Hundred Fifty Dollars (\$750.00) has been paid. A management entity shall be subject to the jurisdiction of the local liquor control commissioner in the same manner as a licensee. The application, approval and qualification requirements for management entities shall be conditions attached to the license of the business employing them, and any violations of those requirements may result in license penalties for the employing business, including suspension, revocation and/or fines. If there is a violation on the licensed premises, the management company and the licensee shall be jointly and severally responsible.

(b) At all times when a local liquor license is in effect a licensee shall have available a manger or owner who is identified in the licensee's liquor license application as a member of the licensee's managerial staff. When a licensee changes managers or adds additional managers, the licensee must provide to the Village all information for such new manager(s) as required by this article.

Each manager shall be fingerprinted by the Village's police department within ten (10) business days of such change in personnel.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-20. Restrictions on issuance of liquor licenses.

(a) No license under this article shall be issued to the following:

- (1) ~~A person or persons operating as a sole proprietorship or a co-partnership~~ who is not a resident of the Village or the county in which the licensed premises is located.
- (2) A person who is not of good character and reputation in the community in which he resides.
- (3) A person who is not a citizen or a legal resident of the United States.
- (4) A person who has been convicted of a felony under any federal or state law or violation of a local ordinance under this chapter unless the local liquor control commissioner determines in his sole discretion that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- (5) A person who has been convicted of being the keeper of or is the keeper of 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 article 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 under a first application.
- (9) ~~A co-partnership unless all of the members of such co-partnership shall be qualified to receive a license if any general partnership, limited partnership or other member of such co-partnership owning more than five (5) percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this article for any reason other than citizenship and residence within the county or Village.~~

(10) A corporation or limited liability company, if any member, officer, manager, or director thereof, or any stockholder(s) owning in the aggregate more than five (5) percent of the stock of such corporation or limited liability company would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the county or Village.

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

(12) A person who ~~does is not own the premises~~ a beneficial owner of the business to be operated by the licensee on the premises for which the license is sought, or does not have a lease for that premises for the full term of period for which the license sought is to be used.

(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, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

(134) Any law-enforcing public official, including members of local liquor control commission, the president of the Village Board, any member of the Village Board, and any member of the corporate authorities within their own community; any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that a 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 commissioner and the state liquor control commission; and except that a license may be granted to a member of the Village Board in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; (ii) the issuance of the license is approved by the state commission; (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located; and (iv) the official granted a license does not vote on alcoholic liquor issues before the board to which the license holder is elected. Notwithstanding any provision of this paragraph to the contrary, a member of the Village Board, other than the Village President, may have a direct interest in the manufacture, sale or distribution of alcoholic liquor as long as he is not a law enforcing public official or president of the Village Board. To prevent any conflict of interest, the elected official with the direct

interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale or distribution of alcoholic liquor.

(15) Any person not eligible for a state retail liquor dealer's license.

(16) Any other person where prohibited by state statute.

(17) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation qualified and registered under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) or the Limited Liability Act (805 ILCS 180/1-1 et seq.) to transact business in Illinois.

(18) A member or manager of a partnership if any such member or manager is not a resident of the Village or the county in which the licensed premises is located or is not a citizen or legal resident of the United States.

(19) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1(a)(1)--(a)(12), as amended, or as prescribed by 720 ILCS 5/28-1.1 or 5/28-3, as amended, or any other applicable state statute.

(20) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0/01 et seq.) or the Illinois Pull Tabs and Jar Games Act (235 ILCS 20/1 et seq.).

(b) Corporate exception.

A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor; or if the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The local liquor control commissioner shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-21. Term; prorating application fee.

(a) Each license issued under this chapter shall commence on July 1 and shall terminate on June 30 next following the date of issuance.

(b) License fees shall not be prorated except in the following instances:

(1) Where the license is obtained after July 1 of any license year the fee shall be reduced in proportion to the number of full calendar months that have expired in the license term.

(2) Where the license is returned by the license holder upon the permanent closing of the business, and not upon the sale or transfer of the business or assets thereof, the fee paid shall be returned in proportion to the number of full calendar months which have not expired in the license term, less an administrative fee of One Hundred Dollars (\$100.00).

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Privilege granted by license, 235 ILCS 5/6-1.

Sec. 4-22. Licenses and permits.

Except as may be provided for the issuance of certain permits under the terms of this section, every person engaged in the retail sale of alcoholic liquor in the Village shall first have obtained the appropriate license authorizing the sale and delivery of the specific type and character of alcoholic liquor and the specific type of business at which it may be sold.

~~(4)~~(a) *License classifications.* All new, transferred or renewed licenses issued after July 21, 1997 shall be divided into the following classifications (no license may be issued unless it complies with the restrictions of one of these classifications):

Class A: Class A license shall authorize the retail sale of all alcoholic liquor for consumption on and off the licensed premises. This class of license shall not allow the retail sale of alcoholic liquor by grocery stores or convenience stores. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than one (1) Class A license issued at any one time.

Class B: Class B license shall authorize the retail sale of all alcoholic liquor, but not for consumption on the premises where sold, by retail food establishments commonly referred to as grocery stores and convenience stores; provided that the retail floor area devoted to the display of alcoholic liquor shall not exceed five (5) percent of the total retail floor area of said store or one thousand five hundred (1,500) square feet of retail floor area, whichever is less. The annual fee for such license shall be One Thousand

Five Hundred Dollars (\$1,500.00). There shall be no more than ~~three one~~ (31) Class B licenses issued at any one time.

Class B-1: Class B-1 license shall authorize the retail sale of beer and wine, but not for consumption on the premises where sold, by retail food establishments commonly referred to as grocery stores and convenience stores; provided that the retail floor area devoted to the display of beer and wine shall not exceed five (5) percent of the total retail floor area of said store or one thousand five hundred (1,500) square feet of retail floor area, whichever is less. The annual fee for such license shall be One Thousand Two Hundred Dollars (\$1,200.00). There shall be no more than ~~two three~~ (23) Class B-1 licenses issued at any one time.

Class C: Class C license shall authorize the retail sale of alcoholic liquors only in the original package and not for consumption on the licensed premises. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than ~~four two~~ (42) Class C licenses issued at any one time.

Class D: Class D license shall authorize the retail sale of all alcoholic liquor in a restaurant and served only at dining tables with food, for consumption on the premises. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than three (3) Class D licenses issued at any one time.

Class E: Class E license shall authorize the retail sale of alcoholic liquor commonly referred to as beer and wine only at dining tables with food for consumption on the premises. The annual fee for such license shall be One Thousand Dollars (\$1,000.00). There shall be no more than ~~five three~~ (53) Class E licenses issued at any one time.

Class F: Class F license shall authorize the retail sale on the specified premises of alcoholic liquor for consumption on said premises, when the primary business conducted upon said premises is that of a restaurant where not less than seventy-five (75) percent of the retail floor area is devoted to the service of complete sit down meals from a menu and not more than twenty-five (25) percent of the retail floor area is devoted to lounge, or bar and/or banquet purposes. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than ~~twelve eleven~~ (1211) Class F licenses issued at any one time.

Class G: Class G license shall authorize the sale of alcoholic liquor in its original package for consumption offsite in connection with the preparation and purchase of what is commonly referred to as a gift basket consisting of fruits, nuts, cheeses, flowers and other similar items wherein the

alcoholic liquor is ancillary to the gift basket. The annual fee for such license shall be One Hundred Dollars (\$100.00). There shall be no more than one (1) Class G license issued at any one time.

Class H: The local liquor control commissioner may grant a Class H license to any local organization or group such as a fire department, veterans organization, lodge, church or similar organization, or to any other such local organization as the local liquor control commissioner may, from time to time, determine. A Class H license shall be effective for a period of one (1) day (24 hour period) and shall authorize the sale of such alcoholic liquor as the local liquor control commissioner may permit, at any picnic, carnival or similar function given by said organization, at the premises specified in the Class H license, which premises shall be entirely enclosed with a fence demarcating the serving area. The issuance of a Class H license shall require written consent of the Village's police and fire departments to confirm compliance with applicable state and local public health and fire prevention ordinances and statutes, and applicable Village ordinances. The local liquor control commissioner may impose such other restrictions on said license as he deems necessary ~~he/she shall see fit.~~ The fee for such temporary license is One Hundred Fifty Dollars (\$10050.00) per 24 hour period. ~~and in no event shall an organization be issued more than six (6) twelve (12) such Class H licenses permits~~ in any calendar year.

Class I: Class I license shall authorize the storage, distribution and retail sale, on the premises of hotels/motels with twenty-five (25) or more rooms, of alcoholic liquor for consumption on the premises. The retail sale of alcoholic liquor in the original package to occupants of the hotel/motel only shall also be authorized. The annual fee for such license shall be One Thousand Five Hundred Dollars (\$1,500.00). There shall be no more than none (0) Class I licenses issued at any one time.

Class J: Class J license shall authorize the sale on the specified premises of alcoholic liquor for consumption on said premises when the primary business conducted upon said premises is that of a recreational facility. For the purpose of this class license, a "recreational facility" shall be defined as a racquetball club, tennis club, health club, sports complex or bowling alley, wherein at least eighty-five (85) percent of the retail floor area is devoted to recreational purposes other than the sale or consumption of alcoholic liquor. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than one (1) Class J license issued at any one time.

Class J-2: Class J-2 license shall authorize the retail sale of alcoholic liquor by a bona fide social or fraternal organization or club organized under the laws of this state, and not for pecuniary profit, solely for the

promotion of some common object other than the sale or consumption of alcoholic liquor, to its members, their guests, and/or functions officially sanctioned by the organization or club, for consumption within the premises maintained by the club, and which shall permit live entertainment. The annual fee for a Class J-2 license shall be Seven Hundred Fifty Dollars (\$750.00). There shall be no more than one (1) Class J-2 license issued at any one ~~(4)~~ time.

Class K: On application and payment of an investigation and processing fee, the holder of a Class A, ~~Class D, Class E and Class F, J or N~~ license may be issued an outdoor beer garden license ~~restaurant permit~~. This ~~permit~~ license shall allow the above licensees to sell all alcoholic liquor as authorized by his primary classification in a beer garden. ~~outside of the permanent structure of his premises~~. The annual fee for an outdoor beer garden license ~~restaurant permit~~ shall be Three Hundred Dollars (\$300.00) per year. There shall be no more than nine ~~three (93)~~ Class K licenses issued at any one time.

Class L: Class L license shall authorize the retail sale of bottled wines and beers only in the original package and not for consumption on the licensed premises. This class of license shall allow the delivery of alcoholic liquor, without a charge, by such a licensee in small and limited amounts for sampling purposes only in conjunction with sales promotional efforts occurring on the licensed premises. The sampling shall be attended and supervised by a full-time employee and only in a designated area on the licensed premises, and shall be subject to such further regulation as deemed necessary by the local liquor control commissioner. Only products registered with the state liquor commission may be tasted in the following amounts: Wine--One (1) ounce and Beer--Two (2) ounces. Class L license authorizes the sale of alcoholic liquor-related accessories, fine food-related accessories, small gourmet food and drink products, and not quick preparation foods, general supermarket foods, or household products. The annual fee for ~~such a~~ Class L license shall be One Thousand Dollars (\$1,000.00). There shall be no more than one (1) Class L license issued at any one time.

Class M: Class M license shall authorize the retail sale of alcoholic beverages on the premises for consumption on the premises inside a bar and grill. For ~~the~~ purposes of this section, a bar and grill must derive at least forty (40) percent of its gross revenue (on an annual basis) from the sale of food. The determination of whether the forty (40) percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The records used to determine whether the forty (40) percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports; tax return information, state liquor license reports, or any other form of

information deemed acceptable by the local liquor control commissioner or his/~~her~~ designee. The annual fee for such license shall be One Thousand Seven Hundred Fifty Dollars (\$1,750.00). There shall be no more than ~~two~~ one (1) Class M licenses issued at any one time.

Class N: Class N license shall authorize for retail sale by microbreweries on the specified premises, alcoholic liquors primarily for consumption on the premises as well as other incidental retail sales and wholesale sales of beer brewed on the premises and in original packages for consumption off premises; provided however, that such licenses shall be issued only to microbreweries having restaurants as defined in ~~the Village of Plainfield Liquor Code~~ this chapter under Class F Licenses. The annual fee for such license shall be One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). There shall be no more than one (1) Class N license issued at any one time.

Class O: Class O license shall authorize the removal from a restaurant, as that term is defined in section 4-15 of this chapter, of one unsealed and partially consumed bottle of wine for off-premise consumption provided the patron removing the partially consumed bottle of wine has purchased a meal and consumed a portion of the bottle of wine with the meal on the licensed premises. Every such bottle shall be opened by the licensee's agent or employee. The partially consumed bottle of wine may be removed from the licensed premises only upon being securely sealed in a transparent one-time use tamper-proof bag by the licensee or his agent prior to removal from the licensed premises. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine being removed from the licensed premises by the patron. It shall be unlawful for the licensee or any agent or employee of the licensee to permit any patron to leave the licensed premises with any open liquor, including a bottle wine not sealed in compliance with this section. The annual fee for a Class N license shall be Three Hundred Dollars (\$300.00). There shall be no more than none (0) Class O license issued at any one time.

~~(2) Supplemental permits available. Live entertainment, music, movies, dancing, may be permitted and the annual fee for the Entertainment Supplemental Permit shall be three hundred (\$300.00) per year, in addition to the regular class permits.~~

~~(3) License fees. Each licensee shall pay a fee for such license in the amount set forth below:-~~

License Classification	Fee
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Class A—	\$1,875.00 annually—
Class B—	1,500.00 annually—
Class B-1—	1,200.00 annually—
Class C—	1,500.00 annually—
Class D—	1,500.00 annually—
Class E—	1,000.00 annually—
Class F—	1,875.00 annually—
Class G—	100.00 annually—
Class H—	50.00 24-hr period—
Class I—	1,500.00 annually—
Class J—	1,875.00 annually—
Class J-2—	750.00 annually—
Class K—	300.00 annually—
Class L—	1,000.00 annually—
Class M—	1,750.00 annually—
Class N	_____ annually
Entertainment/ Supplemental Special Event License—	300.00 annually—

(2b) Special use permit license Special event permit/Entertainment permit. The local liquor control commissioner may grant to any person holding a valid Class A, D, E, F, J, J-2, M or N local liquor license a special use permit license to licensed retailers event permit and/or entertainment permit as follows:

Special event permit. A special event permit may be granted to eligible licensees for up to two (2) special events per year, to allow for the selling or serving of alcoholic beverages at a specified site which is adjacent to their licensee's current licensed building premises for a special event. Special events shall be those events designated by the president of the board of trustees local liquor control commissioner as being eligible under this section. It shall be unlawful to hold a special event without first obtaining a special event permit, or to do so in violation of the terms of the permit. A special permit license event permit shall apply only to the event, location, duration and/or hours authorized by the local liquor control commissioner and shall only be issued to licensees compliant with existing Village, county and state public health and fire prevention ordinances and statutes. The local liquor control commissioner may impose such other

restrictions on said a special event permit license as deemed necessary. The fee for any such license is at the discretion of the liquor commissioner per license. The fee for a special event permit shall be One Hundred Dollars (\$100.00) per event, in addition to the licensee's regular class license. The local liquor commissioner may also grant a special use permit license to any Class J licensee to allow the selling or serving of alcoholic beverages within the building confines for a special event herein defined.

~~Special events liquor~~ restrictions: The purpose of these guidelines is to inform the liquor licensee holder of their responsibilities in controlling sales during special events. Restrictions on special events include, but are not limited to, the following:

1. All alcoholic liquor must be dispensed in plastic or paper cups.
2. ~~ID's~~ Identification of all patrons must be checked, as with normal business operations.
3. All alcoholic liquor must stay within ~~your~~ the licensee's outdoor serving area. No alcoholic liquor may be brought onto or consumed on the licensed premises other than that provided by the licensee under the terms and conditions of this chapter and the licensee's license.
4. Outdoor liquor sales must stop at 1:00 a.m. on Friday and Saturday and 10:00 p.m. on Sunday through Thursday. Service area must be clear of customers within thirty (30) minutes after stopping sales. Licensees are solely responsible for the timely clearance of all customers from the service area.
5. Licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities as may be required by the local liquor control commissioner to protect the public health, safety, welfare and morals of the residents of the Village, and shall restore the premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage in accordance with Village code. Licensees must provide refuse containers ~~must be~~ at each exit of the service area for garbage and/or unconsumed liquor.
6. Outside service shall be ~~fenced~~ limited to the premises specified in the special event license, which premises shall be entirely enclosed with a fence demarcating the licensed premises. Each licensee is responsible for ensuring that patrons do not leave the premises with alcohol and/or hand alcohol to people outside the serving area.
7. Outside servers who sell, serve or dispense any alcoholic beverages must be readily identifiable and must have attended the course of

instruction identified in section 4-25 of this chapter prior to the event for which the special event license is issued.

8. Each special event shall not exceed seventy-two (72) hours in duration.

9. Live music may be played for each special event outdoors on the specified site adjacent to the licensed premises. Such live music may only occur on dates and times when the licensed premises is actually open and operating and shall not occur after 10:00 p.m. prevailing time Sunday through Thursday, after 11:00 p.m. prevailing time on Friday and Saturday, or before the hour of 11:00 a.m. prevailing time of any day.

Each licensee granted a special event permit pursuant to this article, shall also obtain an amplification license as required by Chapter 6, Article VII of the Village's Code of Ordinances. The local liquor control commissioner may attach such other conditions to the special event permit as may be advisable to protect the peace and quiet of the surrounding area. The local liquor control commissioner or his designee shall have the absolute right, for cause and without the necessity of a hearing, to order the immediate cessation of such live music.

Entertainment permit. An entertainment permit allows for dancing by patrons only, or other live entertainment including the appearance of amateur or professional entertainers other than dancers, and the showing of commercially produced movies or motion pictures upon the licensed premises only, and not upon any site for which a licensee has obtained a special permit. It shall be unlawful to permit such entertainment on the licensed premises without first having obtained an entertainment permit, or to do so in violation of the terms of that permit. Entertainment permits shall only be issued to current licensees compliant with existing Village, county and state public health and fire prevention ordinances and statutes. The annual fee for an entertainment permit shall be Three Hundred Dollars (\$300.00) per year, in addition to license fee for the licensee's regular class license. Licensees may amplify recorded background music and brief business related announcements on the licensed premises without necessity of an entertainment permit provided such amplification is not audible more than twenty-five (25) feet beyond the property line of the licensed premises.

Note: Each licensee is responsible for ensuring that individuals do not leave their area with alcohol, and/or hand alcohol to people outside the serving area. The local liquor control commissioner may impose such other restrictions on a special event permit or entertainment permit as deemed appropriate in his discretion, including but not limited to requiring the presence of uniformed police officer(s) for any event for which a special event permit is issued or for the

appearance of live entertainment for which an entertainment permit is issued. Violation(s) of this article may result in the suspension or revocation of a licensee's special event or entertainment supplemental your temporary license permit.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1746, §§ 1--3, 8-18-97; Ord. No. 1757, §§ 1, 2, 10-6-97; Ord. No. 1798, § 1, 7-13-98; Ord. No. 1835, § I, 2-1-99; Ord. No. 1868, § I, 7-12-99; Ord. No. 1885, § 1, 10-4-99; Ord. No. 1975, § 1, 5-15-2000; Ord. No. 2041, § 1, 6-18-01; Ord. No. 2045, § I, 7-2-01; Ord. No. 2078, § 1, 1-7-02; Ord. No. 2139, § 1, 6-17-02; Ord. No. 2153, § 1, 2, 8-5-02; Ord. No. 2160, § I, 10-7-02; Ord. No. 2163, § 1, 11-4-02; Ord. No. 2176, § 1, 12-2-02; Ord. No. 2237, § I, 7-7-03; Ord. No. 2405, §§ I, II, 6-21-04; Ord. No. 2443, § 1, 11-15-04; Ord. No. 2460, § I, 3-7-05; Ord. No. 2462, § I, 3-21-05; Ord. No. 2529, § 1, 12-5-05; Ord. No. 2543, § 1, 4-3-06; Ord. 2007- eff. -2007)

Sec. 4-23. Number of licenses.

(a) The corporate authorities shall determine, by ordinance, the number of licenses ~~that are~~ available in each classification. Neither the local liquor control commissioner nor any other person or entity may issue local liquor licenses in a number that is in excess of the number authorized by the corporate authorities. ~~An current up-to-date~~ schedule of the authorized number of licenses available in each classification shall be maintained by the Village Administrator for the local liquor control commissioner.

(b) Upon the alienation, sale, transfer, assignment or donation of the business that underlies the license to any third party or person other than the licensee, the ~~liquor~~ license shall automatically become void and the number of available licenses in that classification as authorized by the corporate ~~ior~~ authorities shall automatically and immediately be reduced by one.

(c) Any licensed establishment that has discontinued the sale or service of alcoholic liquor or that has not been open for business at least four (4) days per week for a period of thirty (30) days or more shall automatically forfeit its license. Upon forfeiture of the license, the number of available licenses in that classification as authorized by the corporate authorities shall automatically and immediately be reduced by one. This forfeiture shall not apply in instances where the licensee has previously notified the Village Administrator, in writing, of the licensee's an intent to close the licensed premises temporarily for remodeling or other similar purpose.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-24. Disposition of fees.

All fees shall be made payable to the Village and submitted to the local liquor control commissioner at the time application is made. The fee shall be immediately turned over to the Village's finance department. In the event the

license applied for is denied, the all fees, except for the nonrefundable application fee, shall be returned to the applicant.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-25. Application process completed B.A.S.S.E.T certification required.

~~No license may be issued by the local liquor control commissioner until all information and documentation required in the application has been provided, all of the reports from the various departments and agencies with respect to background checks have been completed and all fees have been paid. The foregoing notwithstanding, the local liquor control commissioner may, at the commissioner's sole discretion, issue a temporary license prior to the completion of a background check under the following circumstances:~~

~~(1) The temporary license shall not exceed ninety (90) days.~~

~~(2) No information currently exists which would cause the applicant to be ineligible for a license.~~

~~(3) The licensee has demonstrated, in writing, that the business will most likely not survive if the license is not granted immediately.~~

~~(4) The licensee executes a release and hold harmless statement that is satisfactory to the village Attorney and absolutely absolves the village, its officers or employees of any liability for the refusal of the local liquor control commissioner to subsequently issue a regular license.~~

(a) For all original or renewal licenses issued pursuant to this chapter the licensee shall cause those employees, agents or representatives who sell or serve alcoholic beverages on the licensed premises, all management personnel working on the licensed premises, and all other employees, agents or representatives whose job description entails the checking of identification for the purchases of alcoholic beverages pursuant to a license issued under this chapter, to complete a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program. Each licensee shall be responsible for causing training to be administered to as many of its employees as necessary to assure that at least one trained employee is present at the licensed premises at all times when alcoholic beverages are being sold for consumption on the licensed premises. For licenses issued prior to February 1, 2008, compliance with this section shall be completed on or before July 1, 2008.

(b) A state certified BASSET training program shall be defined as a BASSET program licensed by the state commission (ILCC) as required by 235 ILCS 5/3-12(11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card, to participants as proof of completion.

(c) Any new owner, manager, employee, agent or representative requiring BASSET training, shall within ninety (90) days from the commencement of their employment with a licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the direct supervision of a person who has completed BASSET training.

(d) The licensee shall maintain copies of the certificates of completion for each of the licensee's certified employees, evidencing the licensee's compliance with the Bassett training requirements of this section 4-25 and shall, at the request of any Village law enforcement officer and/or the local liquor control commissioner or his designee, produce such copies for inspection. The certificate of completion shall be maintained by the licensee in a manner that will allow inspection, upon demand, by any designee of the state and/or local liquor control authorities.

(e) All costs associated with a licensee's compliance with the BASSET training required under this article shall be paid by the licensee.

(f) Any licensee found to be in violation of this section shall be subject to suspension or revocation of any license issued under this chapter. (Ord. 2007- eff. -2007)

Sec. 4-26. ~~Compensation, powers and duties of local liquor control commissioner~~ Hearings before the local liquor control commissioner.

~~(a) The local liquor control commissioner shall receive as compensation the sum of one thousand five hundred dollars (\$1,500.00) annually, payable in twelve (12) equal monthly installments.~~

~~(b) The local liquor control commissioner shall have all of the powers, functions and duties delegated to that office by the Illinois Compiled Statutes and the ordinances of the village. This shall include, but in no way shall be limited to, the power to require any licensee, at any time, to produce any and all records, that directly or indirectly relate to the operation of the licensee's premises.~~

~~(c) In addition to any other powers set forth in this chapter, the local liquor control commissioner may immediately suspend, pending a hearing within fifteen (15) days of service of notice of suspension, the privilege of delivering alcoholic beverages of any licensee who does not display a currently valid state or local liquor license or who in the judgment of the local liquor control commissioner is operating the business in such a manner as to endanger the health or safety of patrons of the premises or of the community.~~

(a) The local liquor control commissioner may suspend or revoke any liquor license for any violation of any provision of this article, or for any violation of any state law pertaining to the sale of alcoholic liquor. Upon due investigation of any claim of violation, the Village Administrator, upon his motion or upon the motion of any five (5) residents of the Village, shall have the right to file a

complaint with the local liquor control commissioner stating that a licensee within the Village has been or is violating the provisions of the Liquor Control Act, applicable Village ordinances, or the rules or regulations of the local liquor control commissioner. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the local liquor control commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall, within thirty (30) days of receipt of the complaint, set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. If the local liquor control commissioner is not satisfied that there is a reasonable basis for the complaint, he shall respond to the residents in writing explaining why a hearing is not necessary.

(b) Notice, hearing and order. Except as provided in Sec. 4-16(b)(7) of this chapter, no such liquor license shall be revoked or suspended except after a public hearing before the local liquor control commissioner. The local liquor control commissioner shall give written notice to the licensee not less than three (3) days prior to the hearing, affording the licensee an opportunity to appear and defend or otherwise answer. If after a hearing on any alleged violation the local liquor control commissioner finds there is any violation of any ordinances of the Village or statutes of the state, or that there was any other activity or omission of the licensee for which a penalty should be imposed, the local liquor control commissioner may fine the licensee and/or suspend or revoke his/her license. The local liquor control commissioner shall, within five (5) days after such hearing, make a determination regarding suspension, revocation and/or the issuance of a fine to the licensee. If the local liquor control commissioner determines that the license should be revoked or suspended, he shall state the reason(s) for such determination in a written order of revocation or suspension and shall serve a copy of such order within the five (5) days upon the licensee. If the local liquor control commissioner decides to suspend the license, the term of suspension shall not be less than one (1) day nor more than thirty (30) days. If in addition to or in lieu of a license suspension or revocation, the local liquor control commissioner imposes a fine upon the licensee, the amount of the fine shall not be less than Fifty Dollars (\$50.00) or more than One Thousand Dollars (\$1,000.00). However, any failure of a licensee to fulfill an affirmative duty set forth in this chapter shall subject the licensee to a mandatory minimum penalty of One Hundred Dollars (\$100.00). If the local liquor control commissioner finds the licensee to be guilty of any charges, the licensee will be responsible for all costs incurred for a hearing before the local liquor control commission, including but not limited to court reporter fees, witness fees, attorneys fees and any other miscellaneous fees incurred by the Village. This shall be in addition to any other penalties assessed against the licensee. Failure to pay such costs within thirty (30) days of notification is a violation of this section. The remedies afforded

hereunder are not exclusive, and any such sums assessed hereunder may be collected as any other debt.

(c) All proceedings before the local liquor control commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by a certified court reporter.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Similar provisions, revocation, suspension, when licensee fined, 235 ILCS 5/7-5.

Sec 4-27. Penalties upon hearing before the local liquor control commissioner Appeals from an order of the liquor control commissioner.

~~Upon due investigation of any claim of violation, the village administrator or village attorney may file charges with the local liquor control commissioner alleging such a violation. The local liquor control commissioner shall then have the authority to conduct a public hearing, pursuant to the required public notice, on those charges in accordance with this chapter. Additionally, if a written complaint of a violation by a licensee, attested to by any five (5) village residents, is made to the local liquor control commissioner, the commissioner shall, within thirty (30) days of receipt of the complaint, either schedule a hearing on the complaint or respond to the residents in writing explaining why a hearing is not necessary.~~

~~(1) After a hearing on any alleged violation, if the village president, as local liquor control commissioner, finds that there was any violation of the ordinances of the village or statutes of the state, or that there was any other activity or omission of the licensee for which a penalty should be imposed, the local liquor control commissioner may suspend or revoke any retail liquor dealer's licenses, or may fine the licensee. The fine may be in addition to a suspension.~~

~~a. If the commissioner decides to suspend the license, the term of the suspension shall not be less than one day nor more than thirty (30) days.~~

~~b. If the commissioner elects to fine the licensee, the amount of the fine shall not be less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). However, any failure of a licensee to fulfill an affirmative duty set forth in this chapter shall subject the licensee to a mandatory minimum penalty of five hundred dollars (\$500.00).~~

~~c. If the commissioner finds the licensee to be guilty of any charges, the licensee will be responsible for all costs incurred for a hearing before the local liquor control commissioner, including, but not limited to court reporter fees, witness fees and attorneys fees. This shall be in addition to any other penalties assessed against the licensee.~~

~~(2) All proceedings before the local liquor control commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by a certified court reporter.~~

~~(3) The appeals procedure as set forth by the president and board of trustees of the village are as set forth in this section, including:~~

~~a. In the event of any appeal from an order or action of the local liquor control commissioner, the appeal to the state liquor commission shall be limited to a review of the official record of the proceedings before the local liquor control commissioner. The only evidence which shall be considered in the review by said state commission shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner.~~

(a) Any order or action of the local liquor control commissioner granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license, may within twenty (20) days after notice of such order or action be appealed to the state commission. ~~b. a.~~—In the event of any appeal from an order or action of the local liquor control commissioner, the appeal to the state liquor commission shall be limited to a review of the official record of the proceedings before the local liquor control commissioner. The only evidence which shall be considered in the review by said state commission shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner. At such time as the local liquor control commissioner receives notice of an appeal, the local liquor control commissioner shall file with the state liquor commission the certified official record of the proceedings.

(b) Order of the state commission. A copy of the order or decision of the state commission shall be served upon each party of record to the proceeding before the commission. It shall be the duty of the local liquor control commissioner to take such action as may be necessary to conform with the terms of any order or decision of the state commission properly served upon the Village.

(c) Review under administrative review act. All final administrative decisions of the state liquor control commission shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Procedure Act (5 ILCS 100/1.1 et seq.).

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Similar provisions, revocation, suspension, when licensee fined, 235 ILCS 5/7-5.

Sec. 4-28. Transfer of license.

(a) A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as set forth in this chapter. The license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The license is not transferable either for consideration or not for consideration. As to a closely held corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if any person owning twenty (20) percent or more of the

stock, transfers the stock to another person who previously held less than fifty (50) percent of the stock. As to a public corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if there has been a buy out, a takeover or any other transaction involving the sale or transfer of more than fifty (50) percent of the stock or assets of the corporation.

(b) A license issued to an individual or a partnership shall cease upon the death of the licensee or a partner of a licensee and shall not descend by the laws of testate or intestate devolution. However, the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may, upon written notice to the local liquor control commissioner, continue the business of the sale of alcoholic liquor under the order of the appropriate court. In such cases, the executor, administrator, or trustee may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of decedent, or such insolvency or bankruptcy until the expiration of the license, but not longer than six (6) months after the death, bankruptcy or insolvency of the licensee.

(c) If a corporation to whom a license has been issued is ordered into receivership or files for bankruptcy, the receiver or trustee may continue the operation of the business under the existing license under order of the appropriate court until the expiration of the license or until the passage of six (6) months from the date of appointment of a receiver or trustee whichever comes first.

(d) Upon the death of any person owning five (5) percent or more of the shares in a closely held corporation, the local liquor control commission shall be notified and if the shares are transferred to a person who is not currently named in the application as a shareholder, then the licensee shall apply for a new license.

(Ord. No. 1742, § 1, 7-21-97)

Sec. 4-29. Renewal of license; decrease in available licenses.

Any licensee may apply to renew ~~its~~ the license upon expiration thereof, provided ~~that~~ the applicant is then qualified to receive a license and the premises for which the renewal license is sought ~~is~~ are suitable for that purpose. This renewal privilege shall not be construed as a vested right, but shall be completely subject to the local liquor control commissioner's right of review of the licensee's background and history of operation in ~~Plainfield~~ the Village. Further, the corporate authorities shall not be prevented from decreasing the number of licenses available in any or all classifications within the Village. If the number of licenses in any or all classifications ~~are~~ is decreased, the licenses may be eliminated on the basis of seniority, so that the premises holding a license the least amount of time shall be eliminated first. However, the local liquor control

commissioner may, with an accompanying written statement, eliminate licenses in those instances on the basis of quality of operation of the premises, considering such matters as charges before the local liquor control commissioner, the state commission or other law enforcement issues and/or on the basis of articulable benefit or lack of benefit to the Village.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007-_____ eff. _____-2007)

Sec. 4-30. Change of location.

A retail liquor dealer's license issued hereunder shall permit the sale of alcoholic liquor only on the premises described in the application and license. The location may be changed only upon written permission issued by the local liquor control commissioner. A change of location is within the sole discretion of the local liquor control commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter. Notwithstanding the foregoing, additionally the local liquor control commissioner may, in writing, grant permission to Class H licensees ~~holders of park district licenses~~ to sell alcoholic beverages at more than one location.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007-_____ eff. _____-2007)

Sec. 4-31. Consumption on premises.

(a) No liquor shall be sold, offered for sale, kept for sale, displayed or advertised for sale or delivered to any person except at the location, place or premises described in the liquor license.

(b) Except for licensees holding a Class L license, it shall be unlawful for anyone not having a license which provides for consumption on the premises where sold, to offer for sale, deliver or donate any alcoholic beverage for consumption on the licensed premises, or to permit the same to be consumed on the premises where sold or donated. ~~(4) Notwithstanding the foregoing,~~ the local liquor control commissioner ~~however,~~ may grant a daily sampling permit to any general package, wine only package, or wine and beer only package licensee under this chapter, which permit shall authorize the delivery, without charge, of alcoholic liquor by such licensee in small and limited amounts for sampling purposes only in conjunction with sales promotional efforts occurring on the licensed premises during the term of the sampling permit. Such a sampling permit shall include the following conditions and limitations:

1a. The sampling shall be attended and supervised by a full-time employee over twenty-one (21) years of age and only in one a designated area on the licensed premises.

2b. Only products registered with the state liquor commission may be tasted in the following serving amounts:

Distilled Spirits: One-quarter (1/4) ounce.
Beer: Two (2) ounces.
Wine: One (1) ounce.

3e. Up to three (3) samples consisting of one of the serving amounts set forth in subsection (b)2 above may be served to a customer per day. The Each sample shall be served in a single use container which shall be disposed of following the sampling.

4d. There shall be a permit fee of ~~€~~Ten ~~d~~Dollars (\$10.00) per day for the issuance of ~~such~~ a sampling permit.

(c) Annual permit for sampling in connection with sales promotions.

In lieu of the permit fee described ~~in d~~ above of ~~€~~Ten ~~d~~Dollars (\$10.00) per day, the local liquor control commissioner may, in his sole discretion and at the request of a licensee, issue an annual sampling permit for a fee of ~~€~~Three ~~h~~Hundred ~~d~~Dollars (\$300.00) per year. No licensee shall be allowed to engage in such sales promotional efforts as described above for more than eight (8) hours in any one (1) week. Additionally, the local liquor control commissioner shall be authorized to impose the days and the hours for which said sampling shall be allowed. ~~Such~~ Sampling permits shall be subject to the other conditions described in this ~~section 4-34~~ for daily permits in addition to any other conditions or limitations imposed by the local liquor control commissioner.

(d) It shall be unlawful to consume or permit the consumption of alcoholic beverages in public restaurants, catering establishments or other places of public gathering not having the appropriate liquor license.

(e) It shall be unlawful for any licensee to sell and/or offer for sale at retail alcoholic liquor in other than its original package, except for consumption on the premises where sold.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 2234, § 1, 6-16-2003; Ord. 2007- eff. -2007)

Sec. 4-32. Restrictions on premises.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station or any undertaking establishment or mortuary. This prohibition shall not apply to motels or hotels offering restaurant service, regularly organized clubs, restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business, to the renewal of a license issued prior to the effective date of this ordinance for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school, or where such church or school

was established within such one hundred (100) feet of the licensed premises after the issuance of the licensee's original license. The distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to the property boundaries.

(b) The display and sale of alcoholic liquor in its original package under a general package license in premises where any other commodities are sold or offered for sale, shall be conducted only in a portion of the premises set aside or physically separated from that portion of the premises used in conjunction with the display or sale of such other commodities. ~~The sale of tobacco products is not subject to this separation requirement.~~

(c) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful for a general package licensee or a wine and beer only package licensee who sells alcoholic liquor as a part of, but not as, its principal business, to consummate the sale of alcoholic liquor except at a counter with a cash register designated to be used for the sale of alcoholic liquor and which cash register is operated by a person of at least twenty-one (21) years of age. No more than two (2) cash registers may be designated for the sale of alcoholic beverages and to the extent practicable shall be separated from the remaining cash registers and checkout lines in the establishment.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Hazardous occupations in certain businesses where alcoholic liquor are manufactured, bottled or served, 820 ILCS 205/7; retail sales near churches, schools, etc., 235 ILCS 5/6-11.

Sec. 4-33. Closing hours; Sunday closing.

(a) It shall be unlawful for any licensee holding a liquor license in Classification A, D, E, F, J, K, M and N to sell, offer for sale, or deliver any alcoholic liquor in the Village or to permit any person to consume any alcoholic liquor in or on any premises for which a license providing for consumption on the premises has been issued pursuant to this chapter, between the hours of 1:00 a.m. to 9:00 a.m. on Monday through Friday inclusive; between the hours of 2:00 a.m. and 9:00 a.m. on Saturday; and between the hours of 2:00 a.m. and 12:00 noon on Sunday; and on January 1 of each year said closing hours shall be 3:00 a.m. If any persons other than the licensee or the licensee's employees are on the premises after the aforesaid hours and there are alcoholic beverages in any form or container other than in the corked or re-closed place of display or storage, it shall be presumed that a violation of this section has occurred. All unfinished drinks shall be cleared from the bar, tables and any other serving areas within ten (10) minutes after closing time.

(b) It shall be unlawful for any licensee holding a liquor license in Classification, B, C, G, and L to sell or offer for sale any alcoholic liquor in the Village between the hours of 1:00 a.m. to 7:00 a.m. on Monday through Friday inclusive; between the hours of ~~one o'clock~~ 1:00 a.m. and 7:00 a.m. on Saturday;

between the hours of 1:00 a.m. and 10:00 a.m. on Sunday; and on January 1 of each year said closing hour shall be 2:00 a.m.

(c) It shall be unlawful for any premises for which a retail liquor dealer's license has been issued pursuant to this chapter to remain open for business or to admit or permit to remain any persons other than employees on any licensed premises during the hours within which the sale of liquor is prohibited. Retail establishments, restaurants and clubs may be kept open during such hours, but no alcoholic liquor may be sold, consumed by the public, or remain on tables or a bar during such hours. Nothing contained in this section shall be deemed to authorize any retail establishments, restaurant or club to remain open for business or to admit the public to the premises at or during any hour when that premises is required to be closed by virtue of the regulations or restrictions imposed by any other provisions of this Code.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, a licensee holding a liquor license in Classification A, D, E, F, M or N may request permission from the local liquor control commissioner to commence alcohol sales at 10:30 a.m. on two Sundays during the term of the license, for a planned event on the licensed premises. Such requests must be in writing and submitted to the local liquor control commissioner at least ninety (90) days prior to the planned event. It shall be unlawful to commence such alcohol sales without first obtaining permission of the local liquor control commissioner. Such permission shall only be granted during the term of the requestor's liquor license and shall only be granted to licensees compliant with existing Village, county and state public health and fire prevention ordinances and statutes.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 2405, § III, 6-21-04; Ord. No. 2462, § II, 3-21-05; Ord. 2007-____ eff. ____-2007)

State law references: Hours of sales, 235 ILCS 5/6-14.

Sec. 4-34. Peddling.

It shall be unlawful to peddle alcoholic liquor in the Village.
(Ord. No. 1742, § 1, 7-21-97)

Sec. 4-35. Compliance with building, sanitary, safety and other regulations of the village.

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale shall be kept in full compliance with all other regulations of the Village, or applicable Will county, including but not limited to those relating to the storage or sale of food, and sanitary and conditions and safety conditions. The sanitary regulations of the state commission also apply to such licensed premises unless those regulations conflict with the Village, county and/or state

building, public health and/or fire prevention ordinances and statutes, in which case the most stringent regulations shall apply to the licensed premises.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

State law references: Health and sanitation, Ch. 3.

Sec. 4-36. Applicability of other laws. Entertainment.

~~A licensee may apply, in writing, to the office of the village administrator for permission to hold one event per year not to exceed seventy-two (72) hours in duration when live music may be played outdoors on the licensed premises. No such live music may be played between the hours of 11:00 p.m. and eleven 11:00 a.m. and the village administrator may attach such other conditions to the permit as may be advisable to protect the peace and quiet of the surrounding area. Further, the local liquor control commissioner, the village administrator or his designate of either, shall have the absolute right, or cause and without the necessity of a hearing, to order the immediate cessation of such live music. Uniformed police officers may be required for certain events.~~

~~(Ord. No. 1742, § 1, 7-21-97)~~

All of the provisions including the words and phrases of the Liquor Control Act and rules and regulations issued by the state commission pertaining to local control of alcoholic liquor, as the same may be amended from time to time, are hereby incorporated into and declared to be a part of this article as if expressly set forth herein. Nothing in this article shall excuse or release any person from compliance with the requirements of any other applicable Village, county and/or state code, statute, ordinance, regulation or rule.

(Ord. 2007- eff. -2007)

Sec. 4-37. Happy hour prohibited conduct and activities.

The following kinds of conduct are prohibited on premises in this village which are licensed to sell alcoholic liquor:

~~(1) No person, while on the premises and in public view, shall engage in the following conduct:~~

- ~~a. Expose his or her genitals, pubic hair, buttocks, anus, or anal cleft;~~
- ~~b. Employ any device or covering which is intended to give the appearance of or simulate his or her genitals; pubic hair, buttocks, anus, or anal cleft; or~~
- ~~c. Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft.~~

~~(2) No female person, while on the premises and in public view, shall engage in the following conduct:~~

- ~~a. Expose that area of the human breast below the top of the areola;~~
- ~~b. Employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or~~
- ~~c. Appear without a fully opaque covering of that area of the human breast below the top of the areola.~~

(a) It shall be unlawful for any licensee or officer, associate, member, representative, agent or employee of such licensee to:

1. Serve more than one (1) drink of alcoholic liquor at one time to one person for consumption by that person, except to sell or deliver wine by the bottle or carafe as a compliment to a meal served to that person.

2. Serve a pitcher, bucket or similar container containing more than sixty-four (64) ounces of beer.

3. Serve distilled spirits in an original container.

4. Pour or display for purchase in the service area of the licensed premises individual drinks of undiluted distilled spirits, commonly referred to as "shots", except to the extent that such drinks have, prior to being poured, been ordered by patrons.

5. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price.

6. Sell, offer to sell or serve any drink of alcoholic liquor to any person on any date at a reduced price, or free of charge, other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor.

7. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day.

8. Encourage or permit, on licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such games or contest on the licensed premises.

9. Advertise or promote, in any form, on or off the licensed premises, the provisions set forth in paragraphs (a)1 through (a)8 above.

(b) All licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof.

(c) Nothing in this subsection shall be construed to prohibit a licensee from:

1. Offering free food or entertainment as permitted under this chapter at any time.
2. Including drinks of alcoholic liquor as part of a meal package.
3. Including drinks of alcoholic liquor as part of a hotel package.
4. Providing room service to persons renting rooms at a hotel/motel.
5. Selling a pitcher, bucket or similar container containing less than sixty-four (64) ounces of beer, when the pitcher, bucket or similar container is delivered to two (2) or more persons at one time.
6. Except as allowed pursuant to subsection (a)(1) above, selling a bottle or carafe of wine, when the bottle or carafe is delivered to two (2) or more persons at one time.
7. Selling distilled spirits by the bottle, but not delivered in their original container, when the spirits are delivered to four (4) or more persons at one time.
8. Negotiating a price for the purchase of drinks of alcoholic liquor as part of a contract between a caterer, catering establishment, catering service, restaurant or supper club and a group holding a private function.
9. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. -2007)

Sec. 4-38. Prohibited conduct; licensee's conduct.

The following ~~kinds of~~ conduct is ~~are~~ prohibited on licensed premises:

(a) Nudity. ~~in this village which are licensed to sell alcoholic liquor:~~

(1) No person, while on the licensed premises and in public view, shall engage in the following conduct:

(i) ~~(a)~~ Expose his or her genitals, pubic hair, buttocks, anus, or anal cleft;

(ii) ~~(b)~~ Employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or

(iii)e) Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft.

(2) No female person, while on the licensed premises and in public view, shall engage in the following conduct:

(ia) Expose that area of the human breast below the top of the areola;

(iib) Employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or

(iiie) Appear without a fully opaque covering of that area of the human breast below the top of the areola.

(b) Gambling; Pool tables; Video poker games.

It shall be unlawful for a licensee to permit gambling on any premises licensed to sell alcoholic liquor pursuant to this article or to permit more than three (3) pool tables on the licensed premises at any time. Notwithstanding the foregoing, a licensee may have up to eight (8) video poker games on the licensed premises at any time.

(c) Fighting.

(1a) Fighting, by patrons, either inside a licensed premises or any place outside the premises that is owned or leased by and used for the licensed premises or on any public way adjacent to the licensed premises is prohibited. For the purposes of this section, "fighting" shall mean any threatening or touching of another person which provokes or tends to provoke a breach of the peace. If self defense is offered as a defense to a charge of fighting, that defense must be established by the presentation of clear and convincing evidence. Any person violating this section shall be fined not less than One two Hundred Fifty Dollars (\$2150.00).

(2b) Every licensee shall cause the full text of A summary of subsection (1a) above to be prominently displayed on the licensed premises in a conspicuous location visible to all patrons. in all premises holding a liquor license. The notice shall further state that any person on a licensed premises observing a fight shall immediately notify the Village police department. A sign stating the regulations being the subject of this section shall be available from the Village Administrator's office.

(3e) Each licensee shall maintain a peaceful and orderly business premises. This shall be accomplished by establishing and maintaining the

optimum precautions and actions that are practical to deter and prevent fighting. This is referred to as the "maintenance of order standard." The duty to prevent fighting shall be applicable both to precautionary and training matters and to the steps taken once a fight breaks out or is in imminent danger of breaking out. If a fight does occur, the local liquor control commissioner shall have the right to conduct a hearing to consider the circumstances surrounding the fight and to determine the extent to which the licensee failed to adhere to the "maintenance of order standard." At such a hearing, the local liquor control commissioner may consider the following matters, among others:

- (i) Prior incidents of reported or unreported fighting.
- (ii) Whether any fight participant was intoxicated and the extent to which the intoxication occurred on the licensed premises.
- (iii) Whether any participant was served by the licensee after the participant's intoxication should have been evident to the licensee.
- (iv) Whether any participant was intoxicated and whether the licensee had an opportunity to effect that person's removal from the premises.
- (v) The degree of expediency the licensee observed in calling the police when it should have been evident that a fight was imminent.
- (vi) The actions of the licensee in reacting to the fight.
- (vii) The extent and type of training given to the licensee's employees in such matters as recognizing intoxication, over serving and prevention of altercations.
- (viii) Whether minors were involved in the fighting.
- (ix) The sufficiency or number of persons on duty and employed by the licensee at the time of the fight.

(4) Considering all of the circumstances brought into evidence at the hearing, the local liquor control commissioner shall make a determination of whether the licensee violated the "maintenance of order standard." If it is determined that a violation occurred, the local liquor control commissioner may impose any penalty set forth in section 4-4927 of this chapter up to and including license revocation.

~~(5d) The licensee. The following procedure shall be observed by a licensee with respect to fighting:~~(1)—or the his licensee's agent or employee on the licensed premises, shall notify the Village police department immediately when the licensee knows or in the exercise of ordinary judgment should know that a fight is occurring or imminent. ~~(2)~~—In addition, within forty-eight (48) hours of the occurrence, the licensee shall file with the local village liquor control commissioner a report on a form provided by the Village containing the following information:

~~(i)a.~~ The number of the persons involved in the fight.

~~(ii)b.~~ The approximate amount of alcohol consumed at the licensed premises by each person involved in the fight.

~~(iii)c.~~ What action, if any, was taken by the licensee to prevent the fight.

~~(iv)d.~~ What action, if any, was taken by the licensee subsequent to the start of the fight.

~~(v)e.~~ The licensee's opinions as to why the fight occurred.

~~(6e)~~ Failure by the licensee to give immediate notification to the police department of a fight on a licensed premises or failure to file a report as required in subsection ~~(c)~~(5) with the liquor control commissioner shall subject the licensee to a ~~mandatory~~ fine of not less than Five One Hundred Dollars (\$1500.00) for a first offense, and for subsequent offenses a fine of not less than Two Hundred Dollars (\$200.00) and or a possible suspension or revocation of the ~~village licensee's~~ liquor license. For purposes of this section the word "immediate" shall refer to such time as one party threatens another or actually commences fighting with another.

(7) The provisions of this section shall not generally apply in circumstances where alcohol is used in an individual guest room within a hotel/motel or where alcohol is mixed and poured at the hotel/motel bar but it is delivered to a separate banquet or meeting room. This section shall apply to any other delivery of alcohol at a hotel/motel, including, but not limited to, delivery in the restaurant or lounge or in those cases where a bar is set up in an area away from the main bar for the convenience of banquet room guests.

(d) Soliciting drinks.

No person shall engage in the solicitation of drinks from patrons other than to take orders for drinks and to mix or deliver drinks as requested by patrons.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-39. Dram shop insurance.

Every licensee shall be required to obtain and maintain dram shop insurance coverage and every person who owns, rents, leases as lessor or permits the occupation of any building or premises with knowledge that alcoholic liquors are to be sold there, or, who leases the premises for other purposes but knowingly permits the sale of any alcoholic liquors, shall be required to carry host liability insurance coverage for such facility. Each shall carry coverage in an amount at least equal to the maximum insurance limits of exposure set forth in 235 Illinois Compiled Statutes 5/6-21. No license shall be granted hereunder to any applicant until such applicant shall furnish evidence satisfactory to the local liquor control commissioner that such applicant is covered by the required insurance policy issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant and the owner of the premises. The insurance policy or certificate of insurance providing evidence of insurance shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought. Such insurance policy shall provide that no cancellation or modification of the policy shall occur without at least thirty (30) calendar days prior written notice given to the local liquor control commissioner. In the event of cancellation of such insurance the local liquor control commissioner shall be notified immediately of the cancellation.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-40. Conduct of employees and agents.

The following shall apply to employees and agents of licensees:

(a1) Any act or failure to act of any employee of either the licensee or a management company with respect to the licensed business shall be deemed to be the act of the licensee.

(b2) No employee or other deliverer of alcohol may consume or be permitted to consume any alcoholic liquor on the license premises while on duty or while performing any duties of employment.

(c3) No person, including any employee, manager, owner or agent of the licensee may consume alcoholic liquor on the licensed premises before or after the licensee's permitted hours of operation.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-41. Sales to minors; intoxicated persons; ~~habitual drunkards~~, others.

It shall be unlawful for any licensee or officer, associate, member, representative, agent or employee of a licensee, while on the licensed premises to sell, deliver or give any alcoholic liquor to any of the following:

(a1) Any person under the age of twenty-one (21) years of age.

(b2) An intoxicated person.

(c3) A person known to the licensee, or officer, associate, member, representative, agent or employee of the licensee, purveyor to have been involved ~~previously~~ in a fight at in the licensed premises establishment, within the immediately preceding forty-eight (48) hour period that night.

(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-42. Regulations with respect to ~~underage persons and signage.~~

(a) Employment. Nothing in this section shall prohibit any persons under the age of twenty-one (21) years but at least eighteen (18) years of age from servicing or delivering alcoholic liquor to customers at dining tables for consumption on the premises in those licensed premises holding a Class D, E, F or N license pursuant to this article. It shall be unlawful for any person under the age of twenty-one (21) years to draw, pour, mix or sell, serve or deliver any alcoholic liquor beverages to patrons of establishments licensed pursuant to this article. ~~However, such persons under the age of twenty-one (21) may however deliver or carry out alcoholic beverages in the original package and not for consumption on the licensed premises to the automobiles or other motor vehicles of patrons after the alcoholic liquor has beverages have been properly purchased.~~ This section shall not be interpreted as prohibiting the employment of persons under the age of twenty-one (21) years as stock persons or in other positions of a similar character. ~~so long as such persons do not actually sell or serve alcoholic beverages, or deliver alcoholic beverages except that persons at least eighteen (18) years of age may deliver and serve alcoholic liquors only at dining tables for consumption on the premises in those premises holding retail license Class D, E, or F. Furthermore, a A person at least eighteen (18) years of age, employed at a convenience store or supermarket, may sell alcoholic liquor in the original package and not for consumption on the licensed premises if another employee at least twenty-one (21) years of age registers the sale on the cash register or other similar device.~~

(b4) Bars and lounges. It shall be unlawful for any licensee holder of a retail liquor dealer's license to allow any person under the age of twenty-one (21)

years to be seated at a bar; or ~~b. Remain~~ in or be seated in a the lounge. ~~unless accompanied by a parent. It shall also be unlawful for a licensee to allow any person under the age of eighteen (18), who is not an employee of the licensee, to remain on the licensed premises between the hours of 10:00 p.m. and the opening hour(s) permitted pursuant to section 4-33 above for the respective license classification held by the licensee.~~ This subsection ~~(4)~~(b) shall apply only to those lounges where the seating at tables with the full service of the establishment's food menu is not available.

(c) ~~(2)~~—*Consumption, purchase, acceptance or possession prohibited.* It shall be unlawful for any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age to consume, purchase, accept a gift of or have such alcoholic liquor in his or her possession within the Village. ~~No person under the age of twenty-one (21) shall be present within the village after consuming any alcoholic liquor.~~ No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to a person under the age of twenty-one (21) years.
(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 1, 1-19-98; Ord. 2007- eff. 2007)

Sec. 4-43. Identification.

~~(3)~~—*Presentation of identification.*—If a licensee, in the exercise of ordinary judgment, should have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, the licensee shall, before making such sale or delivery, demand presentation of a form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties. ~~(4)~~—*Identification cards.* No person shall transfer, alter or deface any identification card; use any identification card of another; carry or use a false or forged identification card; obtain an identification card by means of false information; or otherwise misrepresent his/her age for the purpose of purchasing or obtaining alcoholic liquor in the Village.
(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 2, 1-19-98; Ord. 2007- eff. 2007)

Sec. 4-434. Responsibility of owner or occupant of premises.

It shall be unlawful for any owner or occupant of any premises located within the Village to knowingly allow any person under the age of twenty-one (21) years to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquor.
(Ord. No. 1742, § 1, 7-21-97; Ord. 2007- eff. 2007)

Sec. 4-44~~5~~. Parental responsibility.

It shall be unlawful for any person knowingly to allow or permit any minor child of whom he is the parent or guardian to violate any provision of this article. Notwithstanding the foregoing, the possession, ~~and~~ dispensing, and/or consumption, by a person under the age of twenty-one (21) years, ~~of alcoholic liquor in the performance of religious service or ceremony, the consumption by a person under the age of twenty-one (21) years under the direct supervision and approval of the parent or guardian of such underage person in the privacy of the parent's or guardian's home,~~ or the possession and delivery of alcoholic liquors in pursuance of a person's employment by a licensee under this article as allowed in section 4-42 is not prohibited.

(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 2, 1-19-98; Ord. 2007- eff. 2007)

~~Secs. 4-45--4-85. Reserved.~~

Sec. 4-46. Notices; signage.

In addition to the signage required pursuant to sections 4-17 and 4-38 of this article, all licensees shall cause the following notices/signs to be framed and displayed at all times on the licensed premises in a conspicuous location, prominently visible to all patrons:

(~~a~~5) ~~Display of U~~nderage drinking card. A printed card approximately 8" x 10" bearing an underage drinking warning which reads substantially as follows:

UNDERAGE DRINKING

If you are under 21, you are subject to a mandatory fine of up to \$500750.00 if you purchase and/or consume any alcoholic liquor on this premises. If you buy for or deliver an alcoholic beverage to an underage person, you will also be subject to a fine of up to \$750.00.

(~~b~~6) ~~Displaying of G~~overnmental warning card/Surgeon General's Warning. ~~In every tavern or other place in the village where alcoholic liquor is sold, there shall also be displayed at all times in a prominent place~~ A printed card approximately 8" x 10" bearing the following governmental warning which shall read substantially as follows:

"Government Warning: According to the surgeon general, a women should not drink alcoholic beverages during pregnancy because of the risk of birth defects."

On any licensed premises where cigarettes are offered for retail sale, a white card bearing red letters at least ½ inch in height the following Surgeon General's Warning which shall read substantially as follows:

"Surgeon General's Warning: Smoking by pregnant women may result in fetal injury, premature birth, and low birth weight."

(c) Health Department Certificate. A copy of the certificate issued by the applicable county health department evidencing the licensee's current compliance with all applicable regulations of that department.

(d) Business License. A copy of the current Business License issued to the licensee by the Village.

(e) Occupancy Restrictions. A printed card approximately 5" x 7" bearing the occupancy restrictions applicable to the licensed premises pursuant to state and/or local fire code regulations, codes and ordinances.
Said sign shall be framed and hung in plain view and shall be no larger than eight and one-half inches by eleven inches (8 1/2 x 11).

(f) Price List. A copy of the current price list for all alcoholic liquor sold at the licensed premises, as required to be maintained pursuant to section 4-37(b) of this article.

~~(7) Penalty. Any person found guilty of violating this section shall be fined in the mandatory amount of five hundred dollars (\$500.00).
(Ord. No. 1742, § 1, 7-21-97; Ord. No. 1770, § 1, 1-19-98; Ord. 2007- eff. 2007)~~

Sec. 4-47. View from street.

In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than a restaurant, hotel/motel, recreational facility 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; and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on 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. All window signs displayed on the licensed premises shall comply with the Village's then current sign ordinance.
(Ord. 2007- eff. -2007)

Sec. 4-48. Recordkeeping.

The local liquor control commissioner shall keep, or cause to be kept, a complete record of all licenses issued pursuant to this article and shall furnish the

Village Clerk, Village Administrator and Chief of Police each with a copy. 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 within forty-eight (48) hours of the action.
(Ord. 2007- eff. -2007)

Sec. 4-49. Penalties to license holder.

In addition to any other penalty set forth in this article, every licensee found guilty of a violation of any of the provisions of this chapter shall be subject to a fine of Two Hundred and Fifty Dollars (\$250.00) for the first offense, Five Hundred Dollars (\$500.00) for a second offense, and Seven Hundred and Fifty Dollars (\$750.00) for a third or subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Each violation of any provision of this article may, in addition to the imposition of a fine, also result in the suspension and/or revocation of the license issued pursuant to this article. Any fines set forth in this article shall be assessed regardless of whether the violator is convicted or placed on supervision by a court. The foregoing licensing penalties are in addition to any criminal or civil penalties which might be prosecuted by the Village.
(Ord. 2007- eff. -2007)

Sec. 4-50. Penalties to non-license holder.

Unless another penalty is expressly set forth in this article, every person found guilty of a violation of any of the provisions of this chapter shall be subject to a fine of Two Hundred and Fifty Dollars (\$250.00) for the first offense, Five Hundred Dollars (\$500.00) for a second offense, and Seven Hundred and Fifty Dollars (\$750.00) for a third or subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this article shall be assessed regardless of whether the violator is convicted or placed on supervision by a court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every Ten Dollars (\$10.00) of the mandatory fine. If the offense is related to alcohol or substance abuse and the offender is under twenty one (21) years of age, the local adjudicator (with the agreement of the offender) or court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four (4) hours of counseling.
(Ord. 2007- eff. -2007)

Secs. 4-51- 4-85. Reserved.