

Chapter 110: Alcoholic Liquor Control

Section

- 110.01 Definitions
- 110.02 Liquor control commissioner
- 110.03 Compensation of liquor control commissioner and assistants
- 110.04 Powers of liquor control commissioner
- 110.05 Village liquor control commission
- 110.06 License required
- 110.07 Classifications of licenses
- 110.08 License term
- 110.09 Number of licenses
- 110.10 License fees
- 110.11 Location of licensed premises
- 110.12 Standards for licensed premises
- 110.13 Inspection of licensed premises
- 110.14 Posting licenses
- 110.15 Application for licenses
- 110.16 Qualifications of applicants for licenses
- 110.17 Examination of applicant
- 110.18 Persons ineligible for license
- 110.19 Restrictions on transfer of license
- 110.20 Change of location
- 110.21 Renewal of license
- 110.22 Hours of operation
- 110.23 Bond
- 110.24 Prohibited transactions
- 110.99 Penalty

S 110.01 Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (A) "Alcohol." The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. (S.H.A. Ch. 43, S 95.01)
- (B) "Alcoholic Liquor." Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of

Congress and regulations promulgated hereunder, nor to any liquid or solid containing $\frac{1}{2}$ of 1%, or less, of alcohol by volume.

- (C) "Beer." A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- (D) "Bowling Alley." Every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.
- (E) "Club." A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and 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 servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter 2 copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his name and address; and provided, further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.
- (F) "Hotel." Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

- (G) "Licensee." Any person receiving a license under this chapter.
- (H) "Licensed Premises." The premises described in the license.
- (I) "Local Liquor Control Commissioner." The president of the village board.
- (J) "Motel." Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 rooms or more are used for the sleeping accommodations of guests, and having one or more public dining rooms where meals are served to guests, such sleeping and dining room accommodations being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- (K) "Original Package." Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked, or capped, and sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.
- (L) "Owner" or "Proprietor." All persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on, whether they be individuals, a partnership, corporation, joint stock company, fiduciary, officers or directors of either, or otherwise.
- (M) "Restaurant." Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.
- (N) "Retailer." A person who sells, or offers for sale, alcoholic liquor for use or consumption, and not for resale in any form.
- (O) "Sale." Any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.

- (P) “Sell at Retail” and “Sale at Retail.” Sales for use or consumption and not for resale in any form.
- (Q) “Spirits.” Any beverage, which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes randy, rum whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.
- (R) “State Commission.” The Illinois Liquor Control Commission.
- (S) “To Sell.” To keep or expose for sale and to keep with intent to sell.
- (T) “Village Liquor Control Commission.” The commission established by appointment of the president of the board of trustees, and as provided in S 110.05 hereof.
- (U) “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. (Ordinance 1975-76-1, passed 5/8/75)

S 110.02 Liquor Control Commissioner.

- (A) The president of the village board shall be the local liquor control commissioner, and shall be charged with the administration of the village of the appropriate provisions of the state dram shop law, S.H.A. Ch. 43, and of such ordinances and resolution relating to alcoholic liquor as may be enacted.
- (B) However, the president of the village board may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided for the liquor control commissioner. (Ordinance 1975-76-1, passed 5/8/75)

S 110.03 Compensation of Liquor Control Commissioner and Assistants.

The president and the village board are authorized to fix and pay compensation to the local liquor control commissioner and compensation to such deputies, assistants, or employees as may be deemed necessary for the proper performance of the duties vested in him.

S 110.04 Powers of Liquor Control Commissioner.

The liquor control commissioner has the following powers, functions, and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, non-beverage users, railroads, airplanes, and boats.

- (A) To grant or suspend for not more than 30 days, or revoke for cause, all local licenses issued to persons for premises within his jurisdiction;
- (B) To enter or to authorize any law enforcing officer to enter at any time on any premises licensed hereunder to determine whether any of the provisions of S.H.A. Ch. 43 or any rules or regulations adopted by him or by the state commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith;
- (C) To receive complaint from any citizen within his jurisdiction that any of the provisions of S.H.A. Ch. 43, or any rules or regulations adopted pursuant hereto, have been or are being violated, and to act on such complaints in the manner hereinafter provided;
- (D) To receive local license fees and pay the same to the village treasurer. (Ordinance 1975-76-1, passed 5/8/75)

S 110.05 Village Liquor Control Commission.

- (A) The village liquor control commission shall consist of the president of the village board and such other person or persons as he may from time to time appoint, with the advice and consent of the village board, to assist him in his exercise of the powers and in the performance of his duties that are specified in the statutes or in this chapter.
- (B) The village clerk shall be clerk of the village commission, and shall keep a record of all of its proceedings, transactions, communications, and official acts. The clerk shall be custodian of all records for the village commission, and shall perform such other duties as it may prescribe.
- (C) The village commission shall have the following powers, functions, and duties with respect to licenses and procedures under this chapter.
 - (1) To receive complaints from any citizen within its jurisdiction that any provisions of S.H.A. Ch. 43, or of this chapter, or of such other ordinances of the village pertinent thereto have been or are being violated, and to act on such complaints in the proper manner;

- (2) When appointed or designated as agent for the local commissioner, to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof or licensee upon whom notice of revocation or suspension has been served, or the officers or other agents or managers of such person who has applied for a license, or is a licensee; also, to examine or cause to be examined the books and records of any applicant or licensee, to hear testimony and take proof for its information in the performance of its duties, and for such purpose, it shall have the power to issue subpoenas effective in any part of the State of Illinois;
- (3) To adopt reasonable rules and regulations as it deems necessary for the performance of the duties herein provided;
- (4) To require the filing of plans and drawings or sketches with it showing the design, layout, and specifications for any building or structure to be erected or adapted for use as the licenses premises in connection with any application for license or for change of location of license;
- (5) To perform such other duties and functions including assistance with the promulgation and enforcement of such procedures, regulations, or rules as it may be called upon to do, from time to time, by the local commissioner or by the village board. (Ordinance 1975-76-1, passed 5/8/75)

S 110.06 License Required.

- (A) It shall be unlawful for any person, either by himself or agent, or any person acting as an agent, barkeeper, clerk, or servant of another to sell or offer for sale at retail, in the village, any alcoholic liquor without first having obtained a license to do so, as is hereinafter provided.
- (B) It shall be unlawful for any person himself, or acting through the agency of another person, to sell or offer any alcoholic liquor for sale at retail in the village in violation of the terms and conditions of the license, or of the provisions of this chapter. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

Statutory reference;
General licensing powers,

S 110.07 Classifications of Licenses.

- (A) Licenses for the sale of alcoholic liquor at retail in the village shall be classified as follows:

- (1) Class A. A class A license shall authorize the licensee to sell alcoholic liquor by the drink at retail for consumption on the licensed premises on which food is also sold for consumption. In order to qualify for a license of this class, and in order to remain qualified for any subsequent renewal of this license, the person applying, or the licensee, must prove to the satisfaction of the village commission that more than $\frac{1}{2}$ of the gross revenue of the person's business on the licensed premises has resulted from the sale of food. A licensee shall be required to maintain such major percentage of gross revenue from food sales, and his business records may be subjected to audit from time to time for verification of the maintenance of such major percentage of gross income from food.
- (2) Class B. A class B license shall authorize the licensee to sell alcoholic liquor at retail in packages or containers not for consumption on the licensed premises.
- (3) Class C. A class C license shall authorize a bowling alley having not less than 12 regulation lanes to sell alcoholic liquor by the drink for consumption on the licensed premises. The principal purpose of such establishment shall be the operation of a bowling alley.
- (4) Class D. A class D license shall authorize the licensee to sell alcoholic liquor at retail in packages or containers not for consumption on the licensed premises. In order to qualify for a license of this class, and in order to remain qualified for any subsequent renewal of this license, the person applying, or the licensee, must prove to the satisfaction of the village commission that more than 75 percent of the gross revenue of the person's business on the licensed premises has resulted from the sale of groceries, merchandise, or gasoline sales. A licensee shall be required to maintain the major percentage of gross revenue from food sales, and his business records may be subjected to audit from time to time for verification of the maintenance of such major percentage of gross income from groceries, merchandise, or gasoline sales.
- (5) Class E. A class E license shall authorize the licensee to sell alcoholic liquor by the drink at retail for consumption on the premises. The principal purpose of such establishment shall be the operation of a lounge or tavern.
- (6) Class F. A class F license shall authorize a club to be licensed to sell alcoholic liquors for consumption on the licensed premises to

lessees, and lessees' guests, of the club's banquet facility. Alcohol may be sold, dispensed and/or consumed on the licensed premises only during periods that a club has leased the banquet facility. A club is limited to lease or reserve its own banquet facility twenty-four times a year. A club may not dispense, consume or sell alcoholic liquors during regular club meetings.

- (7) Class G. A Class G license shall authorize the licensee to sell alcoholic liquors of beer and wine only, by the drink, at retail for consumption on the licensed premises. In order to qualify for a license of this class, and in order to remain qualified for any subsequent renewal of this license, the entity applying for the license, must prove to the satisfaction of the Village Commission that more than on-half of the gross revenue of the entity's business on the licensed premises has resulted from the sale of food. A licensee shall be required to maintain such major percentage of gross revenue from food sales, and the business records may be subject to audit from time to time for verification of the maintenance of such major percentage of gross income from food. (Ordinance 2000-01-12) (Ordinance 92-93-6)
- (8) Class H. Caterers full Liquor Licenses: This license shall authorize the sale of alcoholic liquors for consumption on the premises where served and limited to invited guest at private functions. Such licenses shall be issued only to caterers as defined by this chapter. Catering establishments holding Class H licenses must have food service available when liquor is being served.(Ordinance 2011-12-11, passed 11-7-13)
- (9) Class A/H. Restaurant/Caterers Full Liquor License: This license shall authorize the sale of alcoholic liquors for consumption on the premises where served and limited to invited guests at private functions. Such licenses shall be issued only to restaurants who wish to caterer functions on Village property as well as maintaining a Class A – Restaurant license as defined by this chapter. Catering establishments holding Class H licenses must have food service available when liquor is being served.(Ordinance 2013-2014-1, passed 5-6-13)
- (B) The local commissioner shall have the power to issue a temporary permit for the sale of alcoholic liquor to be consumed on the premises at a banquet, picnic, bazaar, fair, or similar private or public assembly where food or drink is sold, served, or dispensed. A temporary permit shall be issued only to a club, society, fraternity, or benevolent organization not for pecuniary profit, and shall be for a period of not more than 4 days. Not

more than one temporary permit shall be granted to any one organization in any one period of 30 days. Nothing herein shall relieve the person granted a temporary permit from the obligation to acquire any temporary permit from the state liquor control commission or other licensing agency that state or federal law may require. (Ordinance 1975-76-1, passed 5/8/75; amended by Ordinance 1978-79-1, passed 5/1/78; Ordinance 1983-84-5, passed 2/6/84; Ordinance 1983-84-24, passed 2/6/84; Ordinance 1987-88-16, passed 4/4/88) Penalty, see S 110.99

S 110.08 License Term.

- (A) All licenses issued hereunder shall be for a term of either one year or 6 months. Licenses issued for one year shall expire on June 30 following the date of issuance. Licenses issued for 6 months shall expire on December 30 following the date of issuance.
- (B) Each license shall state thereon the classification of license, the name of the licensee, his address, and a description of the licensed premises. (Ordinance 1975-76-1, passed 5/8/75; Ordinance 1983-84-3, passed 6/13/83) Penalty, see S 110.99

S 110.09 Number of Licenses.

- (A) The number of licenses by classification shall be as follows:
 - (1) Class A – Two (2) Licenses
 - (2) Class A/H – Two (2) Licenses
 - (3) Class B – One (1) Licenses
 - (4) Class C – Zero (0) License
 - (5) Class D – Four (4) Licenses
 - (6) Class E – Zero (0) Licenses
 - (7) Class F – One (1) License
 - (8) Class G – Three (3) Licenses
 - (9) Class H – Four (4) Licenses
- (B) The number of licenses in any classification may be increased at any time with the new license or licenses to be available and effective at a date determined by the village, and the number of licenses in any classification

may be decreased effective for future license years. (Ordinance 1976-76-1, passed 5/8/75; amended by Ordinance 1978-79-1, passed 5/1/78; Ordinance 1980-81-25, passed 12/1/80; Ordinance 83-84-24, passed 2/6/84; Ordinance 83-84-25, passed 2/20/84; Ordinance 1987-88-16, passed 4/4/88; Ordinance 92-92-28; Ordinance 95-96-8; Ordinance 2004-05-17; Ordinance 2004-05-17, passed 2/7/05; Ordinance 2005-06-8, passed 8/1/05; Ordinance 2005-06-19, passed 1/16/06; Ordinance 2013-2014-1, passed 5-6-13; Ordinance 2015-16-1, passed 5/15/15; Ordinance 2015-16-13, passed 9/21/15)

S 110.10 License Fees.

- (A) The fee for each class of license shall be \$1,500 per year with the exception if a Class G License which shall have a fee of \$1,250.00 per year. Fee for each alcoholic liquor license shall be payable on or before July 1 of each year.
- (B) License fees shall be reduced in proportion to the full calendar months that have expired in the license year prior to the issuance of the license. Failure of any licensee to pay the specified license fee on or before the date when the fee is payable shall prevent the licensee from selling alcoholic liquor at retail, and his license shall thereupon be terminated, and shall become available for issuance to other qualified applicants.
- (C) The fee for a temporary permit authorized under S 110.07 shall be \$50 per day per permit, payable prior to issuance of the permit.
- (D) Any license issued under this chapter must be used by the licensee within 60 days after the date of issuance; otherwise, the license may be revoked by the village commission.
- (E) If a licensee voluntarily surrenders his license during the license year, he shall be refunded a portion of the license fee that he has paid, calculated on a quarterly basis for the full calendar quarters that remain of the license year following the month during which the surrender is affected.
- (F) The license fee shall be paid to the village treasurer. (Ordinance 1975-76-1, passed 5/8/75; amend. Ordinance 1978-79-1, passed 5/1/78) Penalty, see S 110.99

S 110.11 Location of Licensed Premises.

Licensed premises shall be located in the commercial district as established under the zoning code of the village, as amended from time to time. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.12 Standards For Licensed Premises.

- (A) The licensed premises shall be kept in a clean and sanitary condition, and shall be kept in full compliance with any building code and any revisions thereof from time to time enacted by the president and the board of the village trustees.
- (B) Licensed premises under a class B license shall be devoted exclusively to the sale of alcoholic liquor with adequate parking or access, and the same shall be physically separated from other business pursuits by floor to ceiling partitioning or walls, and shall have entrances and exits separate from other premises.
- (C) Every establishment licensed herein for consumption of alcoholic liquor on the premises shall have separate, adequate, and convenient restroom facilities for men and women.
- (D) No license shall be issued for licensed premises any boundary of which is nearer than 100 feet from the nearest point on the property line of a church or school.
- (E) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial light so that all parts of the interior of the premises shall be clearly visible. No window display of liquor shall be permitted. The exterior of the licensed premises shall be adequately lighted at night by artificial light. Neither the words "bar" nor "saloon" shall be used in the name of the business, or in advertising for any licensee's business or on the licensed premises.
- (F) Sales of alcoholic liquor under a temporary permit shall be conducted only on the premises and during the hours stipulated and the period specified in the temporary permit, and such sale shall be conducted only by the person to whom the temporary permit shall have been issued.
- (G) In the event the building or improvement on which the business is to be conducted is to be constructed, a copy of the plans showing the dimensions and layout of the structure shall be submitted for approval by the proper authority, along with the application for the license. Except for variances from the plan that are occasioned by changes in any building code or ordinance, the building shall conform to the plans submitted.
- (H) A license issued for licensed premises shall permit the sale from the premises as they then exist. Any enlargement of the improvements on the licensed premises shall require the approval of the village commission, so that the license will cover the enlargement or changes in the improvements on the licensed premises.

- (l) No license shall be issued for any premises, which do not comply with the latest editions of the National Electric Code, Illinois Plumbing Code and the B.O.C.A. Building Code, the provisions of which are incorporated herein by reference.

S 110.13 Inspection of Licensed Premises.

Licensed premises shall be kept in a sanitary condition, and shall be opened by the licensee at any time for inspection by the chief of police or other authorized official of the village, including members of the village liquor control commission. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.14 Posting Licenses.

Licenses issued hereunder shall be posted and maintained in a conspicuous place in the licensed premises where they will be visible to the licensee's customers. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.15 Applications For Licenses.

- (A) Application for a license under this chapter shall be made to the village liquor control commission, upon forms of application to be provided by the commission.
- (B) Applications shall be filed in duplicate, along with a cashier's check or certified check, payable to the village treasurer for the amount of the annual license fee being applied for, all of which shall be filed in the office of the village clerk in the village municipal building. The village clerk, or his duly authorized representative, shall deliver the check to the village treasurer, and shall cause a duplicate original of the application and supporting papers, including any sealed envelope containing the financial statements of applicants, to be delivered to the local commissioner. Upon receipt thereof, the local commissioner shall examine the application and the supporting documents, and if the same appear to be in order and complete, he shall convene the village commission to examine the application form and supporting documents, and such further inquiry or examination as may be appropriate under this chapter and under the circumstances shall be instituted and pursued by the village commission. In the event the application is denied, the amount remitted as the annual

license fee shall be refunded in full by the village treasurer to the applicant. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.16 Qualifications of Applicants For Licenses.

- (A) Applications for licenses shall be submitted in writing signed by the applicant, if an individual, or by a duly authorized officer, if the applicant is a corporation, or by a partner, if the applicant is a co partnership.

- (B) All applications shall be verified by oath or affidavit, and shall contain the following information and statements:
 - (1)
 - (a) The name, age, and residence address of the applicant if the person applying is an individual.
 - (b) The names, ages and residence addresses of all partners, if the applicant is a co partnership.
 - (c) The corporate name, date of incorporation, state in which incorporated, and, if a foreign corporation, the date when it was authorized to do business in Illinois as a foreign corporation, and that it is still licensed as a foreign corporation to do business in Illinois; the stated objective or purposes of the corporation quoted from its articles of incorporation and any amendments thereto, or from its corporate charter; the names, ages, and residence addresses of all of its officers, directors, and stockholders who own, directly or beneficially, and of all subscribers to shares constituting more than 5% of its issued and outstanding stock or stock to be issued.
 - (2) The citizenship of the applicant, if an individual or if a partner in a co partnership, his place and date of birth, and, if a naturalized citizen, the time and place of his naturalization.
 - (3) The character of the business of the applicant.
 - (4) The length of time that applicant has been in a business of that character.
 - (5) The amount of goods, wares and merchandise on hand, if any, at the time the application is submitted.
 - (6) The location, including street address, and the full legal description of the premises for which the license is sought. If the premises are possessed by the applicant under a bona fide, valid, written lease

or memorandum of lease signed by the lesser and all other necessary parties for the full term of the license being applied for, a certified photocopy of the lease or memorandum thereof shall be attached to the application.

- (7) The application shall contain the applicant's statement as to whether or not he or it has made a similar application for a similar license on premises other than that described in the application, and the disposition of such application.
- (8) The application shall contain 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, or in the laws of the United States or of the State of Illinois, or in the provisions of other ordinances of the village.
- (9) The application shall also state whether or not any license issued to the applicant by any state or subdivision thereof, or by the federal government, has been revoked, and, if so, the reasons therefore. The application shall also state whether or not any firm or entity with which the applicant had been connected previously as principal owner or manager had been issued any previous license for the sale or handling of alcoholic liquor, which license had been revoked or suspended by the federal government or by any state or subdivision thereof, and the reasons or causes for the revocation or suspension. Any statement shall include information identifying the previous licensor, as well as its licensee, by names and addresses, including the address of the licensed premises and name of the licensed establishment, and the date or dates of the revocation or suspension.
- (10) A statement that the applicant will not violate any of the ordinances of the village or any of the laws of the State of Illinois or of the United States in the conduct of business at the licensed premises.
- (11) A confirmed or verified financial statement showing the assets and liabilities of the person applying as of a date recently prior to the date the application is filed shall be filed with the application. This financial statement shall be treated and handled as a confidential matter. The financial statement may be enclosed in a sealed envelope that is filed with the village clerk, and which is to be delivered, unopened, with the duplicate original of the application to the local commissioner. The confidentiality and privacy of the financial statement shall be respected and maintained by the village commission and may be impounded or retained in a locked file so that same shall not be a public record, and shall be secret

information made available only for the consideration by the village commission and the local commissioner of the application for an initial license or for renewal of license. Likewise, confirmed or verified financial statements shall be submitted for all persons who will share the profits or losses of a co partnership which seeks a license, as well as for stockholders owning more than 5% of the issued and outstanding share of a corporation which applies for a license. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

- (12) The applicant shall also provide a certificate of insurance verifying proof of insurance of the applicant in the types and minimums stated below.
- (a) Workers compensation insurance in full compliance with the Worker's Compensation Act and Employer's Liability Coverage in the amount not less than as defined by Illinois State Statutes.
 - (b) Commercial general liability insurance in an amount not less than \$1,000,000.00
 - (c) Dram shop insurance in full compliance with the Illinois Dram shop Act and in an amount of not less than as defined by Illinois State Statutes.

Said insurance required in this section shall be written by an insurance company authorized to do business in the State of Illinois. The certificate of insurance shall also contain substantially the following cancellation provision:

The insurance evidence by this certificate will not be canceled or material reduced except after 30 days written notice to the Village of Mt. Zion. (Ordinance 97-98-11)

S 110.17 Examination of Applicant.

The local commissioner shall have the right to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof. The right shall extend also to the officers, directors, manager, or agents of any person, including corporations, who apply for a license. Likewise, these rights of examination shall extend to a licensee or its officers, managers, or agents, as well as any licensee upon whom notice of revocation or suspension has been served, as provided by statute or this chapter. The local commissioner shall have the further right to examine or to cause examination to be made of the books and records of any person applying for a license, or similarly of the officers and agents of a corporate person, as well as that of a licensee

or its officers or agents; 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 the State of Illinois, for the purpose of obtaining any of the information desired by the local commissioner under this section or under this chapter. He may authorize an agent to act on his behalf, as provided by statute. It shall be the prerogative of the local commissioner to permit the village commission, as his agent, to act on his behalf as provided by statute or in this chapter. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.18 Persons Ineligible For License.

No license of any kind shall be issued to:

- (A) A person who is not over 21 years of age.
- (B) A person who is not of good character and reputation in the community in which he resides.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under any federal or state law, if the village liquor control commission determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill fame.
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (G) A person whose license issued under this chapter has been revoked for cause.
- (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application.
- (I) A co partnership, unless all of the members of the co partnership shall be qualified to obtain a license.
- (J) A corporation, if any officer, manager, or director thereof, or any stockholders owning in the aggregate more than 5% of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision; or unless it is incorporated in Illinois, or unless it is a foreign corporation

which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

- (K) A person whose place of business is conducted and physically controlled and operated by a manager or agent, unless the manager or agent possesses the same qualifications required of a licensee hereunder.
- (L) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of this chapter, or has forfeited his bond to appear in court to answer charges of any such violation.
- (M) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued. (Ordinance 1975-76-1, passed 5/8/75; Ordinance 1987-88-16, passed 4/4/88)
Penalty, see S 110.99.

S 110.19 Restrictions On Transfer Of License.

- (A) A license issued hereunder shall not be transferable except in the case of the death of or disability of an individual licensee or the termination of a partnership. The licenses are purely personal privileges, which are good not to exceed one year after issuance, unless they are revoked as provided in this chapter. A license does not constitute property, and it shall not be encumbered or hypothecated. A license shall not descend by the laws of testate or intestate succession, but shall cease upon the death of the individual licensee unless the executor or administrator of any deceased licensee whose estate consists, in part, of the business of the sale of alcoholic liquor, may, under order of the appropriate court, continue the business of the sale of alcoholic liquor under the license until the earlier to occur of the passage of 6 months after the death of the licensee, or the expiration of the license year.
- (B) The village treasurer shall refund on a quarterly basis that portion of the annual license fee in which the numerator shall be the number of calendar quarters remaining in the license year during which the representative of the deceased licensee shall be prevented from operating under the license as aforesaid, and the denominator shall be 4. Likewise, in the event that a partnership which is a licensee is terminated by reason of the death, insolvency, removal, adjudication of bankruptcy, or mental incompetency of a partner, the surviving or remaining partners, as agents then qualified to become a licensee under this chapter, may apply for the transfer of the license held by the former partnership to a new partnership in which they are the only partners, or to one or more of the partners, as individuals, or to a corporation as the transferee, if otherwise qualified, as

required under this chapter and the laws of the State of Illinois. There shall be no transfer of the location of the license to premises other than the licensed premises, unless the other premises conform to the requirements of this chapter as to location and condition for licensed premises, and then only as any such change of location is approved in accordance with the provisions of S 110.20. If a corporation is licensee, its president or chief executive officer is obligated to report any change in the officers, directors, or in the ownership by any person of more than 5% of the corporation's issued and outstanding shares. Likewise, the corporate officer shall promptly report any change in the operative control, through change in the ownership of stock, or otherwise, of the corporation. The report shall be transmitted in writing, verified by the oath of the officer, and shall be filed in duplicate in the office of the village clerk in the village municipal building. The village clerk, or his authorized representative, shall deliver a duplicate original of the verified report to the local commissioner who, with the village commission, shall consider the information disclosed, and shall make such further investigation, including interrogation of the officers or agents of the licensee, to determine whether or not the change in the ownership or control of corporate licensee may affect the quality, makeup, financial responsibility, accountability, or performance of the licensee under the covenants, representations, and conditions of its license and its application for the license, or for the renewal thereof. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99.

S 110.20 Change of Location.

A license issued hereunder shall permit the sale of alcoholic liquor of the type specified only in the premises that are described in the application and license. The location for such operation may be changed only upon the written permit for a change issued by the local liquor control commissioner. No change of location shall be authorized by him unless the proposed new location is a proper one for the operation of the business under the statutes and the provisions of this chapter. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99.

S 110.21 Renewal of License.

Any licensee may apply for the renewal of his license at the expiration thereof, provided that he is then qualified to receive a license, and the premises for which the renewal license is sought are suitable for the continued use for the purposes hereunder. The privilege of renewal herein permitted shall not be construed as a vested right that shall in any case prevent the village president and its board of trustees from decreasing the number of licenses to be issued hereunder for any subsequent license year. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.22 Hours of Operation.

- (A) The hours of operation under Class A, F, and G License shall be from 6:00 a.m. to 2:00 a.m., each day. The hours of operation under a Class B, C, D, and E License shall be from 6:00 am. to 2:00 a.m. on the following day. On New Years Day, the local Liquor Commissioner may extend the time for closing to 3:00 a.m. The extension of New Years Day will be granted only upon a petition filed no later than November 15th of the year preceding New Years Day.
- (B) All patrons shall leave and be off the licensed premises by the close of the hours of operation of all of the license classifications. The only persons authorized to be on the licensed premises after closing hours are the owners, agents, including managers, and employees of the licensee. (Ordinance 1976-76-1, passed 5/8/75; amended by Ordinance 1978-79-1, passed 5/1/78; Ordinance 1978-79-22, passed 8/7/78; Ordinance 1980-81-29, passed 2/2/81; Ordinance 1980-81-30, passed 2/2/81; Ordinance 1982-83-21, passed 1/3/82; Ordinance 1983-84-12, passed 8/15/83; Ordinance 1984-85-30, passed 4/1/85; Ordinance 2009-10-11) Penalty, see S 110.99

S 110.23 Bond.

Every licensee hereunder shall execute a bond to the village in the penal sum of \$1,000 with corporate surety thereon that is approved by the village commission, conditioned upon the faithful observance by the licensee of all the requirements of this chapter and the laws of the State of Illinois, and upon payment of all fines and costs which may be assessed against the licensee for violation of any of the provisions hereof. (Ordinance 1975-76-1, passed 5/8/75) Penalty, see S 110.99

S 110.24 Prohibited Transactions.

- (A) No game of chance or gaming device shall be kept or used in any licensed premises, nor shall any licensee permit any illegal, disorderly, or immoral practices or gambling upon the licensed premises, except that:
 1. Lottery tickets under the Illinois lottery may be sold therein.
 2. Video Poker machines may be allowed provided that they are licensed and in conformance with the Illinois Video Gaming Act and other State Regulations, and that a current and approved Village Alcohol Licenses has been issued for the premises for which that video poker machines are located.(Ordinance 2009-10-11)
- (B) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any person known to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another

person under the age of 21 years, except in the performance of a religious ceremony or service.

- (C) Reserved.
- (D) No person shall misrepresent his or her age by any means for the purpose of purchasing or obtaining alcoholic liquor. Any person to whom the sale, gift, or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession. No person described in the provisions of this section shall purchase or accept a gift of wine or beer without at that time possessing and exhibiting positive identification and proof of age as defined in this section.
- (E) No person under the age of 21 shall tend bar or tend a package counter of window, sell, draw, pour, mix or serve alcoholic liquor and no Licensee or any officer, associate, member, representative, agent or employee of a Licensee shall engage, employ, or permit any person under the age of 21 years to do so; provided that a person nineteen (19) years of age and over who has completed the Beverage "Alcohol Sellers and Servers Education and Training Program (BASSET) approved by the Educational Foundation of the National Restaurant Association may serve alcoholic beverages to patrons who are dining at the licensed premises, if the service of such beverages is only incidental to their primary function of serving food. If a Licensee shall utilize a person (s) of nineteen (19) or twenty (20) years of age subject to the above requirement, to serve alcoholic beverages, the Licensee must have a person 21 years or older on the premises to supervise any and all persons under the age of 21 engaged in serving alcoholic beverages. Further the Licensee must keep on file at all times a Certificate of Completion of the BASSET program for all persons nineteen (19) and twenty (20) years of age who are engaged in serving alcoholic beverages incidental to their primary function of serving food.
- (F) All sales of alcoholic liquor within the village shall be made for cash or its equivalent.
- (G) All sales shall be transacted on the licensed premises and the delivery of alcoholic liquor shall be made to the purchaser on the licensed premises. It shall be unlawful to peddle alcoholic liquor in the village.
- (H) Any person who applies for a license, and in the process furnishes false information on a material point, or who fails to timely furnish information requested, shall not be eligible for a license.

- (I) Any licensee who, in the process of obtaining his license, or a renewal thereof, furnishes false information of a material nature, or who withholds or fails to furnish or disclose information that would affect his qualifications as a licensee hereunder, shall be subject, upon discovery thereof, to have his license suspended or revoked after due notice and appropriate proceedings as specified in S.H.A.
- (J) Licensees shall store alcoholic liquor only on the licensed premises, and at no other place in the village.
- (K) There shall be no direct access allowed between the place where alcoholic liquor is sold and a dwelling, except in the case of a hotel or motel.
- (L) Nothing in this chapter shall excuse or relieve the owner, proprietor, or person in charge of the business being conducted on the licensed premises from complying with or conforming to the restrictions and requirements of any other applicable ordinances of the village, or statutes of the State of Illinois.
- (M) Reserved.
- (N) In each premise licensed under the provisions of this chapter there shall be displayed at all times in a prominent place, a printed card supplied by the village clerk, which shall be substantially as follows:

WARNING: If you are under twenty-one (21) years of age, you are subject to a fine up to \$500.00 if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor. Official photo identification will be required to prove age before purchase.
- (O) It shall be unlawful for any parent, guardian or person in loco parentis to knowingly suffer or permit any person under the age of 21 years of whom he or she may be such parent, guardian or person in loco parentis to violate any provisions of this chapter.
- (P) It shall be unlawful for any owner or occupant of any premises within the village to knowingly allow any person under the age of 21 years to remain on such premises while in the possession of alcoholic liquor in violation of any statute or of this chapter.
- (Q) No licensee shall sell, give or deliver alcoholic liquor and no person shall consume alcoholic liquor on premises where the following acts or conduct are permitted or occur:

- (1) The employment or use of any person in the sale or service of alcoholic liquors or for the entertainment or diversion of others while such person is unclothed or in such attire, costume or clothing as to expose to view or to show with less than a fully opaque covering any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals.
 - (2) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law.
 - (3) The actual or simulated exhibition, displaying, touching or caressing or fondling of or on, the breasts, buttocks, anus or genitals.
 - (4) The permitting or encouragement of any person to remain in or upon said premises who exposes to view any portion of the body described in subparagraphs (Q) (1), (2), or (3) hereof. (Ordinance 1975-76-1, passed 5/8/75; amended by Ordinance 1980-81-12, passed 8/11/80; Ordinance 1984-85-2, passed 6/11/84; Ordinance 1985-86-17, passed 7/15/85; Ordinance 1987-77-11, passed 1/2/88; Ordinance 1987-88-12, passed 2/1/88) Penalty, see S 110.99
- (R) No person, firm or corporation holding a Class A, B, C, D or E local liquor license issued pursuant to provisions of Chapter 110 of the Code of Ordinances, 1999 and Chapter 43 of the Illinois Revised Statutes 1989, shall sell alcoholic liquor at retail for consumption on or off said premises outdoors, in his parking lot, in temporary facilities such as tents, canopies, beer gardens and other structures without prior approval of the Village Liquor Commissioner. (Ordinance 91-92-7)

S 110.99 Penalty.

- (A) Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be fined not less than \$25 nor more than \$1,000 for each offense, and each day on which a violation occurs or continues shall be considered a separate offense. (Ordinance 96-97-31)
- (B) The local commissioner may suspend for not more than 30 days or revoke for cause any licensee's license for any violation of any provisions pertaining to the sale of alcoholic liquor, as provided and in the manner specified in the Illinois Revised Statutes.

- (C) The revocation or suspension of a license may be in addition to the imposition of a fine or other penalty for violation of any of the provisions of this chapter, and such revocation or suspension shall be no defense to a prosecution for a violation.