

CHAPTER 4

RETAIL LIQUOR ESTABLISHMENTS

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7-4-1: PURPOSE:

This Chapter shall be construed so that the health, safety and welfare of the residents of the Village shall be promoted by the reasonable and necessary regulation of the sale and consumption of alcoholic liquor.

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7-4-2: DEFINITIONS:

Unless specifically defined otherwise in this Chapter, the words and phrases herein designated are defined for purposes of this Chapter as follows:

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.

SPIRITS: Any beverage which contains alcohol obtained by distillation, mixed with water or other substances in 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.

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

BEER: A beverage obtained by 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.

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.

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.

PERSON: Any person, firm, partnership, club, association or corporation.

RETAILER: A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

SELL or SALE AT RETAIL: "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

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, for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

TO SELL: Includes to keep or expose for sale and to keep with intent to sell.

PACKAGE SALES: The sale or offering for sale at retail of alcoholic liquor in the original package and not to be consumed or in fact consumed in whole or in part on the premises where sold.

CONSUMPTION SALES: The sale or offering for sale of retail of any alcoholic liquor for consumption on the premises where sold.

SERVICE OF FOOD: The service of meals, for consumption only on the premises in an adequate and sanitary kitchen as defined in any appropriate health or food service ordinance of the Village. The meals must

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consist of more than the service or sale of packaged foods such as potato chips, pretzels, peanuts, cheese and crackers, or frozen or premade foods, such as pizzas, hamburgers or sandwiches which can be prepared by being heated or warmed in an oven. And, the meals must be actually and regularly served and eaten at tables and not only at a bar or counter.

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.

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 owing, 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 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 two (2) copies of a list of names and residences of its members, and similarly files within ten (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.

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 five (5) 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 or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

7-4-3: EXCEPTIONS TO CHAPTER:

The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume, nor shall the provisions of this Chapter apply to flavoring extracts, concentrates, syrups or medicinal, mechanical, scientific, culinary or toilet preparations, or food products unfit for beverage purposes, but the provisions of this Chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation or compounding of such products. The provisions of this Chapter shall not apply to wine intended for use or used by any church or religious organization for sacramental purposes, nor shall anything herein contained prevent any duly licensed, practicing physician or dentist from possessing or using any alcoholic liquor in the strict practice of his profession or any hospital or other institution caring for sick and diseased persons from possessing alcoholic liquor for the treatment of bona fide patients of such hospital or other institution or prevent any licensed pharmacist from possessing and using alcoholic liquors in the preparation of prescriptions prepared by duly licensed physicians.

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7-4-4: LOCAL LIQUOR CONTROL COMMISSIONER:

7-4-4-1: PRESIDENT ACT AS:

The President of the Village shall be the Local Liquor Control Commissioner of the Village and shall be charged with the administration of this Chapter. He may designate one or more persons to assist him in the exercise of such duties as he may deem necessary. The compensation of the Local Liquor Control Commissioner shall be fixed by ordinance adopted by the Board of Trustees.

7-4-4-2: POWERS AND DUTIES:

The Local Liquor Control Commissioner shall have the following powers, functions and duties:

1. To grant, suspend for not more than thirty (30) days, or revoke for cause, in accordance with the provisions of this Chapter, all local licenses issued to persons for premises within his jurisdiction.
2. To enter or to authorize any law enforcement officer or peace officer to enter at any time upon any premises licensed hereunder, to determine whether any of the provisions of this Section or any rules or regulations adopted by him or by any other agency having the authority to do so have been or are being violated, and at the time of such entry to examine such premises in connection therewith.
3. To receive complaints from any citizen that any of the provisions of this Section, or any rules or regulations adopted pursuant thereto, or any other applicable rules or regulations, have been or are being violated and to act upon such complaints in the manner hereinafter provided.
4. To deny any application for the issuance or renewal of a license to an applicant he has determined to be ineligible therefor.
5. To examine, or cause to be examined under oath any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation of suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; 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. (Ord. 911, 12-18-78)

7-4-5: LICENSE REQUIRED; FOOD SERVICE:

No person within the corporate limits of the Village shall sell or offer for sale at retail any alcoholic liquor without first having obtained, as herein and hereafter provided, a license. A separate license shall be required for:

1. Each place of business or location wherein alcoholic liquor shall be sold or offered for sale, and for each separate building (should there be more than one building at a location) wherein alcoholic liquor shall be sold or offered for sale.
2. Each separate location within the same place of business or premises regardless of the class of license, as set out in Section 7-4-6 hereof, required for each location.

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However, no person shall sell or offer for sale at retail any alcoholic liquor for consumption on the premises unless such sale or offer to sell is incidental and complimentary to the service of food, as defined in Section 7-4-2 of this Chapter; provided however, that the requirement of this Section shall not be applicable to a Class F license or Class I license or Class J license as hereinafter described. (Ord. 911, 12-18-78; Amd. Ord. 3952, 11-15-04; Amd. Ord. 4030, 6-6-05)

7-4-6: LICENSES, CLASSES AND FEES, LIMITATION ON NUMBER OF LICENSES:

Licenses to sell alcoholic liquor at retail shall be of the following classes: (Ord. 2103, 3-25-91)

1. **Class A License:** A Class A license shall entitle the licensee to make sales at retail of alcoholic liquor from the premises specified for use or consumption on or off the premises where sold. The license fee for a Class A license shall be one thousand two hundred dollars (\$1,200.00) per annum. No more than fifty-seven (57) licenses of this class shall be issued and in force at any one time. (Ord. 4306, 11-5-07)
2. **Class B License:** A Class B license shall entitle the licensee to make package sales at retail of alcoholic liquor for use and consumption off the premises or surrounding area of said premises where sold. The license fee for a Class B license shall be seven hundred fifty dollars (\$750.00) per annum. No more than seventeen (17) licenses of this class shall be issued and in force at any one time. (Ord. 4195, 11-6-06)
3. **Class C License:** A Class C license shall entitle the licensee to make sales at retail of wine and beer only from the premises specified for use or consumption on or off the premises where sold. The license fee for a Class C license shall be seven hundred fifty dollars (\$750.00) per annum. No more than six (6) licenses of this class shall be issued and in force at any one time. (Ord. 4114, 2-20-06)
4. **Class D License:** A Class D license shall entitle the licensee to make package sales at retail of beer and wine only for use and consumption off the premises where sold. The license fee for a Class D license shall be four hundred seventy five dollars (\$475.00) per annum. No more than one (1) license of this class shall be issued and in force at any one time. (Ord. 3954, 11-15-04)
5. **Class E License:** A Class E license shall be issued only to a club and shall entitle the club licensee to make sales at retail of alcoholic liquor for use or consumption on the premises only of said club. The license fee for a Class E license shall be seven hundred fifty dollars (\$750.00) per annum. No more than one license of this class shall be issued and in force at any one time. (Ord. 1931, 11-6-89)
6. **Class F License:** A Class F license shall be a temporary permit for the sale at retail of alcoholic liquor at any banquet, picnic, bazaar, fair or similar assembly where food or drink is sold, served or dispensed. Such temporary permit shall be issued only to an organized church, society, fraternal or benevolent organization organized or conducted not for pecuniary profit, or to the business employed or engaged to cater said event, provided said business is currently licensed to sell alcoholic liquor at retail within the Village. Such temporary permits shall not permit the sale of any alcoholic liquors in any place where the sale thereof is prohibited by law or by ordinance of the Village. Such permits shall be issued for a specific location. There shall be no fee for such temporary permits, and said permits shall permit the licensee to sell at retail said alcoholic liquors for a period of one week, said week to be designated by dates in said license.

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Every application for a Class F license shall be accompanied by a certificate of insurance issued by a company or companies acceptable to the Local Liquor Control Commissioner evidencing the existence of the following policies of insurance:

- (a) Liquor liability insurance in accordance with the Dram Shop Act of the State of Illinois with minimum limits of one hundred thousand dollars (\$100,000.00) bodily injury, one person; three hundred thousand dollars (\$300,000.00) bodily injury, one occurrence; one hundred thousand dollars (\$100,000.00) loss of means of support; and one hundred thousand dollars (\$100,000.00) property damage; and
 - (b) A comprehensive general liability policy of insurance with minimum limits of two hundred fifty thousand dollars (\$250,000.00) bodily injury and property damage, as per person and per occurrence. (Ord. 1496, 1-3-86)
- 7. **Class G License; Convention Center License:** A Class G license shall entitle the licensee to make sales at retail for consumption by the drink only on the premises owned by the Orland Park Metropolitan Exposition, Auditorium and Office Building Authority of Orland Park, Cook County, Illinois, provided that said Authority shall provide or cause to be provided dram shop liability insurance coverage in the insurance coverage limits as provided by statute so as to save and hold harmless the Village and Authority from all financial loss, damage or harm arising from the operation pursuant to the Class G license. The Authority shall comply with the provisions of Illinois Compiled Statutes, Act 70, chapter 270, section 4/1 et seq. If the event is being conducted on the Authority property by a legal entity other than the Authority, then the entity conducting the event shall first receive approval from the Authority to conduct the event and sell liquor for a period not exceeding seven (7) calendar days, and then apply for a temporary Class G Convention license hereunder. Any such entity shall be required to provide the necessary insurance coverage or shall be, by agreement with the Authority, covered by the Authority's policies of insurance. The annual fee shall be twenty-five dollars (\$25.00) per year, and no more than one Class G license shall be issued for a license year and be in force and effect at any one time. There shall be no charge for a temporary Class G Convention license, and no two (2) temporary Class G licenses shall have the same hours of effect. (Ord. 2154, 9-23-91)
- 8. **Class H License; Microbrewery and full service:** A Class H License shall entitle the licensee to manufacture beer products on the licensed premises and to make sales at retail of alcoholic liquor, including, but not limited, to the manufactured beer products, for consumption on or off the licensed premises. Nothing in the issuance of a Class H license pursuant to this Section shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of beer products or other alcoholic beverages, and all applicable business and other regulations of the Village. The license fee for a Class H license shall be one thousand, five hundred dollars (\$1,500.00) per annum. No more than three (3) licenses of this class shall be issued and in force at any one time. (Ord. 4307, 11-5-07)
- 9. **Class I License; Comedy Club:** A Class I license shall entitle the licensee to make sales at retail of alcoholic liquor for use or consumption only on the licensed premises, provided, however, that the sale of alcoholic beverages at a comedy club shall be authorized only during and one hour before scheduled performances. Performances shall consist of one or more comedians and shall be not less than 1.5 hours in length, with patrons paying a separate admission charge for each

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performance. After each performance, patrons shall be required to exit before the next group of patrons is admitted for another performance. Performances shall be by professional comedians except that amateur performances (open mike evenings) shall be permitted not more than one night a week.

Notwithstanding Section 7-4-5 of this Chapter, the requirement that the service of alcoholic beverages be incidental and complementary to the service of food as defined in Section 7-4-2 of this Chapter shall not apply to a Comedy Club. A Comedy Club shall have food service available, but may offer packaged food such as chips and pretzels and frozen or pre-made food such as pizza. Other provisions of this Chapter shall be applicable to comedy clubs.

The license fee for a Class I license shall be \$1,200.00 per annum. No more than 1 license of this class shall be issued and in force at any one time. (Ord. 3952, 11-15-04)

10. **Class J License; Winery:** A Class J license shall entitle the licensee to manufacture, bottle and sell up to 50,000 gallons of wine by the bottle from the licensed premises. A Class J licensee may also conduct wine sampling and tasting pursuant to Section 7-4-29 of this Code, without the requirement of food service pursuant to Section 7-4-5. A Class J licensee may also apply for a Class A or C license for the same or a portion of the premises with a Class J license. Nothing in the issuance of a Class J license shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of wine or other alcoholic beverages and with all applicable business and other regulations of the Village. The license fee for a Class J license shall be one thousand, five hundred dollars (\$1,500.00) per annum. No more than one (1) license of this class shall be issued and in force at any one time. (Ord. 4030, 6-6-05)

7-4-7: PAYMENT OF FEES:

All license fees and initial license expense shall be payable in advance, and at the time the application for the license is made. Every license shall expire on December 31 following its issuance, except the Class F license which shall expire on the date therein specified. Subject to the initial license expense required under Section 7-4-8 of this Chapter, if application is made after January 1 in any year for a new retail liquor license, the sum required to be paid for the license for the balance of said license year shall bear the same ratio to the sum required for the full year that the number of months remaining, including the month of such application, bears to the whole number of months in the license year, but in no instance shall the adjusted license fee be less than one-half (1/2) of the total applicable license fee. All fees shall be paid to the office of the Village President. In the event a license is not issued, any license fees paid with an application, except the initial license expense as required in Section 7-4-8 hereof, shall be refunded to an applicant. All license fees collected by the Village President shall be forthwith paid to the Village Treasurer and the Village President shall keep a record of all licenses issued.

7-4-8: INITIAL LICENSE EXPENSE:

In connection with the first application of any person applying for a license under this Chapter (whether or not the issuance of such license would require an amendatory ordinance authorizing an increase in the number of Class A, Class B, Class C and Class D licenses authorized to be issued), said person shall pay at the time of such application a non-refundable initial license expense of one thousand five hundred dollars (\$1,500.00) in addition to the license fees required in this Chapter. The initial license expense shall be for the purpose of defraying any and all costs which the Village may incur as a result of the consideration and investigations of said application. The initial license expense shall be retained by the Village regardless of whether or not the person is granted a license.

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7-4-9: APPLICATION FOR LICENSE:

Every person desiring to engage in the business of selling alcoholic liquor at retail shall make application for a license in writing on forms furnished by the Village. A separate application for each place of business shall be made and filed with the Village President. Each applicant shall furnish under oath or affidavit the following information:

1. The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and respective addresses of the officers and directors.
2. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
3. The location and description of the premises or place of business which is to be operated under such license.
4. A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.
5. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State or the ordinances of the Village.
6. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefor.
7. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinance of the Village in the conduct of his place of business.
8. The class of license desired by the applicant.
9. Whether applicant owns the premises for which a license is sought, and if he does not, the name of his landlord and the period of his lease, a complete and correct copy of the lease is to be attached to the application.
10. Whether or not the applicant intends to manage and conduct the business in person, and if not, the name of the manager or agent who is to conduct the business to be carried on the premises for which the license is sought.
11. In addition to the foregoing information, the application shall contain such other information as the Local Liquor Control Commissioner may by rule or regulation prescribe.

In case the application is made by a partnership, all partners must sign the application and the information required by this Section shall be furnished as to each partner.

In case the applicant is a corporation, the application shall be signed by the president and secretary of the corporation.

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Every application for a license, whether new or renewal, where the real estate title of the premises is in a trustee, shall be accompanied by the land trustee or a beneficiary of the trust, disclosing the names, residence addresses and beneficial interest of each beneficiary as required by Illinois Compiled Statutes, Act 765, chapter 405, section 2.

7-4-10: BOND AND FORFEITURE:

Each person desiring a license under this Chapter shall execute and submit with his application for such license a penal bond in the sum of two thousand dollars (\$2,000.00) with a corporate bonding company authorized to do business in the State of Illinois as surety thereon, said bond to name the Village as obligee and to be conditioned upon the true and faithful compliance by said licensee with all the provisions of this Chapter.

If a licensee shall be convicted of the violation of any of the provisions of this Chapter or his license shall be suspended for not more than thirty (30) days, as herein provided, or revoked and no appeal is taken from said order of suspension or revocation or any appeal taken therefrom is decided adversely to the licensee, the bond required to be posted hereunder shall thereupon be forfeited and the amount of said bond and costs thereon shall become due and payable to the Village.

7-4-11: INVESTIGATIONS, REJECTION OR APPROVAL OF APPLICATIONS FOR LICENSE:

All applications for license under this Chapter shall be delivered to the Local Liquor Control Commissioner. It shall be the duty of the Local Liquor Control Commissioner to investigate and consider the application. For this purpose the Local Liquor Control Commissioner may enlist the aid of the Chief of Police and any other Village officials or employees that he deems necessary to complete the investigation.

Upon completion of the investigation, the Local Liquor Control Commissioner shall approve or disapprove of the issuance of a license based on said application.

7-4-12: RENEWALS OF LICENSE:

No license issued under the provisions hereof shall extend beyond December 31 following the issuance thereof unless the same shall be renewed upon the filing of an application for the renewal thereof and the approval of such renewal in the manner provided in this Section. Applications for the renewal of licenses shall be filed with the Village President's office on or before January 10, 1979, and thereafter, on or before November 15 preceding the expiration thereof. Such application for renewal shall be made under oath and shall be upon an application blank prepared and furnished by the Village. Each application for renewal shall be treated and considered in the same manner as hereinabove provided for original applications for license.

7-4-13: POSTING LICENSES AND WARNINGS:

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises not later than December 31 of each year for the next following year. (Ord. 3493, 6-4-01)

Every licensee shall post or cause to be posted in plain view, at every location where alcoholic liquor is sold, a printed sign which shall read substantially as follows:

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“WARNING TO PERSONS UNDER THE AGE OF 21 YEARS

You are subject to a fine up to \$500.00 under the ordinances of the Village of Orland Park if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

The text of such signs shall be in red letters on a white background and the letters of “warning to persons under the age of 21 years” shall be at least one inch high. (Ord. 3493, 6-4-01, Amd. Ord. 3595, 1-21-02)

7-4-13a: DISPLAY OF BIRTH DEFECTS WARNING SIGN:

Every holder of a retail license, whether the licensee sells or offers for sale alcoholic liquors for use or consumption on or off the retail license premises shall cause a sign with the message

"GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS" to be framed and hung in plain view. These signs shall be no larger than 8 1/2 inches by 11 inches. (Ord. 3493, 6-04-01)

7-4-14: PERSONS INELIGIBLE FOR LICENSE:

No license shall be issued to:

- (1) A person who is not a resident of the village or the county in which the premises covered by the license are 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 of the United States;
- (4) A person who has been convicted of a felony under any Federal or State law, unless the State Liquor Control Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation;
- (5) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (7) A person whose license issued under this Chapter or state statute has been revoked for cause;
- (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder;

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- (10) A corporation, if any officer, manager or director thereof, or any stockholder or 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 Village;
- (10a) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois;
- (11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- (12) 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 Act or has forfeited his bond to appear in court to answer charges for any such violation;
- (13) 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;
- (14) Any law enforcing public official, including members of local liquor control commission, 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 be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;
- (15) A person who is not a beneficial owner of the business to be operated by the licensee;
- (16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions; and
- (17) 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 or the Illinois Pull Tabs and Jar Games Act. (Ord. 3493, 6-4-01)

7-4-15: OPENING AND CLOSING HOURS:

It shall be unlawful for the holder of a Class A, C, E or F license, as defined in Section 7-4-6 of this Chapter, to sell or offer for sale at retail any alcoholic liquor, wine or beer in the Village between:

- 1. The hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on week days; and
- 2. The hours of two o'clock (2:00) A.M. and eleven o'clock (11:00) A. M. on Sundays. (Ord. 3593, 1-21-02)

It shall be unlawful for a holder of a Class B or Class D license, as defined in Section 7-4-6 of this Chapter, to make any package sales of alcoholic liquor, wine or beer at retail before seven o'clock (7:00) A.M. and after eleven o'clock (11:00) P.M. on weekdays and before eleven o'clock (11:00) A. M and after eleven o'clock (11:00) P.M. on Sundays. (Ord. 3593, 1-21-02)

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In the event the premises remain open after the prohibited hours to conduct business other than the sale of alcoholic liquor, then during a period of one hour after the prohibited hours for the sale of alcoholic liquor, no person, licensee, agent or employee of any licensee, shall be present or permitted behind any bar, counter or table where alcoholic liquor is sold, dispensed or given away. After the prohibited hours for the sale of alcoholic liquor, every person on the premises of any licensee who has a license to sell alcoholic liquor, shall have twenty (20) minutes to consume any alcoholic liquor that has been served to them before closing hours. During this time there shall be allowed only one drink per person of any alcoholic liquor. After this twenty (20) minute period, it shall be the responsibility of the licensee to clear all tables, bars or counters of any alcoholic liquor.

The Local Liquor Control Commissioner may for special events and occasions permit a licensee, upon written application of said licensee, to sell or offer for sale at retail alcoholic liquor during the aforesaid prohibited hours; provided, that said privilege shall at no time permit any licensee to sell or offer for sale at retail any alcoholic liquor between:

1. The hours of four o'clock (4:00) A.M. and seven o'clock (7:00) A.M. on week days; and
2. The hours of four o'clock (4:00) A.M. and nine o'clock (9:00) A.M. on Sundays.
(Ord. 1375, 9-24-84)

7-4-16: LICENSE LIMITATIONS:

Any license issued hereunder shall be purely a personal privilege to expire not later than December 31 next after the issuance unless sooner revoked as provided in this Chapter, and such license shall not constitute property nor shall it be subject to attachment, garnishment or execution nor shall it be alienable or transferable, voluntarily or involuntarily, nor shall it be subject to be encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease and terminate upon the death of the licensee. Such license shall also cease and terminate upon the insolvency or bankruptcy of any licensee. Provided, however, that the executor or administrator of the estate of any deceased licensee or the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of such alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or insolvency or bankruptcy until the expiration of such license but no longer than six (6) months after the death, bankruptcy or insolvency of such license. (Ord. 911, 12-18-78)

7-4-17: RETAIL SALES PROHIBITED IN CERTAIN AREAS:

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church; school other than an institution of higher learning; hospital; home for aged or indigent persons or for veterans, their wives, or children; or any military or naval station provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Section, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In all the cases enumerated in this Section the distance of one hundred feet (100') shall be measured from the nearest part of any building and not to property boundaries.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place

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of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors.

(Ord. 3493, 6-4-01)

7-4-18: SALE OR DISCONTINUANCE OF BUSINESS; CONTINUATION OF LICENSE:

In the event any licensee shall sell the business or discontinue operation for a period of more than thirty (30) days (except closings for remodeling and repairs), or any partnership or corporation shall be dissolved, such license shall terminate forthwith. Except however, other than in the case of the termination of a partnership or the dissolution of a corporation, a licensee may continue said license in full force and effect; provided, that the Local Liquor Control Commissioner is notified by the licensee within forty (40) days from the date of the sale of said business or its discontinuance of a desire to maintain said license, and the licensee otherwise complies with all applicable provisions of this Chapter and designates a location within the Village acceptable to the Local Liquor Control Commissioner as the address or location of said license.

7-4-19: CHANGE OF LOCATION:

A retail liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such locations may be changed only upon the written application to make such change and approval thereof issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for retail sale of alcoholic liquor under the laws of this State and the ordinances of the Village. (Ord. 911, 12-18-78)

7-4-20: CHANGES IN PERSONNEL:

Any changes in partnerships, officers, directors, persons holding directly, beneficially or through any form of indirect or concealed ownership or control, more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner.

Upon notification of any change in partnership, officers, directors, persons holding directly, beneficially or through any form of indirect or concealed ownership or control, more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, the Local Liquor Control Commissioner shall, at his discretion, investigate and consider the changes in personnel, to determine whether they qualify to hold a liquor license. The licensee shall be required to pay to the Village, as and for the investigation, the sum of five hundred dollars (\$500.00) for each change in partnerships, officers, directors and persons holding directly, beneficially or through any form of indirect or concealed ownership or control, more than five percent (5%) of the stock or ownership interest. A licensee shall further be required to pay the sum of one hundred fifty dollars (\$150.00) for the investigation of each and every manager of establishments licensed under this Chapter when a change in personnel occurs.

Upon investigation and review by the Local Liquor Control Commissioner, any changes in personnel shall be subject to the following:

1. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

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2. When a license has been issued to a corporation and a change takes place in officers, directors, persons holding directly, beneficially or through any form of indirect or concealed ownership or control, more than five percent (5%) of the stock or ownership interest, or managers of establishments, to one who is not eligible for a license, said license shall terminate.
3. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate. (Ord. 1496, 1-13-86)

7-4-20a: CHANGE IN CORPORATE NAME:

In the event that a corporation holding a liquor license shall change its name or the name under which it does business in the Village, it shall file an Application for Change of Corporate/Business Name with the Liquor Control Commissioner with a fee of \$25.00. (Ord. 3861, 4-5-04)

7-4-20b: CHANGE IN CORPORATION:

In the event that a corporation holding a liquor license shall be dissolved and a new corporation formed with the same or different officers, the license held by the dissolved corporation shall be terminated and the new corporation shall apply for a new liquor license pursuant to this Chapter and pay the initial license fees. To the extent that the officers of the new corporation are the same as the officers of the terminated corporation, the initial license fees established in Section 7-4-8 of this Chapter may be reduced by the Liquor Control Commissioners. (Ord. 3861, 4-5-04)

7-4-20c: CHANGE IN CORPORATE PARENT:

In the event that a corporation holding a liquor license is a subsidiary of a parent corporation and the parent corporation's officers change or the parent corporation changes but the corporation holding the liquor license does not change and its officers do not change, a letter stating the changes in the parent corporation or its officers shall be filed with the Liquor Control Commissioner. (Ord. 3861, 4-5-04)

7-4-20d: CHANGE IN CORPORATE OFFICERS AFTER CHANGE IN CORPORATE PARENT:

In the event that, after a change in a corporate parent as set forth in 7-4-20c, above, there is a change of 5% or more of the corporate officers of the corporation holding the liquor license, the license shall be terminated, a new application shall be filed, and the initial license fees shall be paid. (Ord. 3861, 4-5-04)

7-4-20e: LOSS, THEFT OR DESTRUCTION OF LIQUOR LICENSE:

In the event that a valid liquor license is stolen or destroyed, the licensee shall submit to the Liquor Control Commissioner an Affidavit of Loss and a fee of \$15.00, and a new license, valid for the same activities and time period as the lost, stolen or destroyed license, shall be issued. (Ord. 3861, 4-5-04)

7-4-21: PEDDLING PROHIBITED:

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

7-4-22: SANITARY CONDITIONS:

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

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7-4-23: CONDUCT OF LICENSEE:

Every person and club licensed under this Chapter shall be subject to the following regulations:

It shall be unlawful for any person under the age of twenty-one (21) years to tend bar and/or draw, pour, open or mix alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of twenty-one (21) years to dispense, sell or deliver any alcoholic liquor in the original package, bottle or case for consumption off the premises of any licensed establishment. Except for the provisions in this Section, it shall be lawful for any person eighteen (18) years of age or older to work in a licensed premises, and to serve alcoholic liquor. (Ord. 3595, 1-21-02)

Every licensee shall conduct his place of business in a quiet, decent and respectable manner and shall eject therefrom or refuse admittance thereto all persons rendering themselves objectionable or undesirable by reason of undue noise or other acts disturbing the peace.

It shall be unlawful for any licensee, officer, associate, member, agent, representative or employee of such licensee to give or deliver any alcoholic liquor or intoxicating beverages to a person under the influence of intoxicating liquor. Soliciting of drinks or prostitution is prohibited.

Every licensee, officer, associate, member, agent, representative or employee of such licensee shall immediately report to the Village police any act by a person or patron rendering himself objectionable, causing undue noise or disturbance, breach of peace or unusual conduct.

No person licensed under the provisions hereof shall suffer any loud or boisterous talking, or obscene or profane language, quarreling, singing, fighting or other disturbance of persons passing along any street or public square in the vicinity thereof or to the disturbance of the peace and quiet of persons doing business or residing in the neighborhood thereof.

All licensees, officers, associates, members, agents, representatives or employees of such licensee dispensing or serving food or alcoholic liquor shall be decently clothed. Topless or similar type of attire is prohibited.

It shall be unlawful for any person, while acting as a waiter, waitress or entertainer to:

1. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
2. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
3. Expose any portion of the female breast at or below the areola thereof.

It shall be unlawful for any licensee to permit or allow any waiter, waitress or entertainer to commit any of the unlawful acts in this Section. A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease, and it shall be unlawful for

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any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

It shall be unlawful for any licensee to suffer or permit any species of gambling in his premises or any part thereof or any place adjacent thereto under his control. (Ord. 911, 12-18-78)

7-4-24: SALES TO PERSONS UNDER TWENTY ONE, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENTS:

No licensee nor any officer, shareholder, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor, beer, or wine to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years except in the performance of a religious ceremony or service. (Ord. 3595, 1-21-02)

Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor nor have such alcoholic liquor in his possession.

The possession and dispensing to, or consumption by, a minor of alcoholic liquor in the performance of a religious service or ceremony, is not prohibited by this Section.

7-4-24-1: PARENTAL RESPONSIBILITY:

No person under the age of twenty one (21) years shall purchase, receive or accept as a gift, nor consume any alcoholic liquor, or have any alcoholic liquor in his or her possession within the Village; provided however, the possession and dispensing or consumption by a person under the age of twenty one (21) years of alcoholic liquor in the performance of a religious service or ceremony is not prohibited by this Section.

It shall be unlawful for any owner or occupant of any premises located within the Village to allow any person under the age of twenty one (21) years to remain on such premises while in possession of alcoholic liquor or while consuming alcoholic liquor in violation of this Section.

It shall be unlawful for any parent or legal guardian of any person under the age of twenty one (21) years to allow such person to purchase, receive, consume or possess alcoholic liquor in violation of this Section upon either public or private property within the Village. (Ord. 3595, 1-21-02)

7-5-24-2: EVIDENCE OF AGE REQUIRED

Each licensee and any officer, shareholder, member, representative, agent or employee of such licensee shall refuse to sell, deliver or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years. "Adequate written evidence" shall be a document issued by a federal, state, county or municipal government or subdivision or agency thereof, including but not limited to a motor vehicle operator's license or an identification card issued to a member of the Armed Forces. If a person presents a motor vehicle operator's license from a state other than Illinois, a second form of identification shall be shown. The second form may be a school, library, employee identification or similar card and must be consistent with the motor vehicle license shown. (Ord. 3595, 1-21-02)

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7-4-25: REVOCATION OF LICENSE; NOTICE; HEARING:

The Local Liquor Control Commissioner may suspend for not more than thirty (30) days, or revoke any license issued pursuant to the provisions of this Chapter if he determines that the licensee has violated any of the provisions of the Liquor Control Act of the State of Illinois or the provisions of this Chapter or any applicable rules or regulations established by the Illinois Liquor Control Commission or any applicable rules or regulations established by said Local Liquor Control Commissioner.

No such license shall be revoked or suspended except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice sent to the licensee prior to the hearing affording said licensee an opportunity to appear and defend; provided, however, that 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, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

The Local Liquor Control Commissioner shall within ten (10) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of the order within ten (10) days upon the licensee.

The licensee, after the receipt of the order of suspension or revocation shall have the privilege within a period of twenty (20) days after the receipt of such order of suspension or revocation of appealing the order to the Illinois Liquor Control Commission, and upon the filing of such an appeal by the licensee he may resume his business until such time as the Illinois Liquor Control Commissioner shall render a decision either sustaining the order of the Local Liquor Control Commissioner or reversing the order.

7-4-26: COMPLAINT OF VIOLATION; HEARING:

Any five (5) residents of the Village shall have the right to file a complaint with the Local Liquor Control Commissioner stating that any licensee licensed hereunder has been or is violating the provisions of the Liquor Control Act of the State of Illinois or the provisions of this Chapter or any rules or regulations issued by the Local Liquor Control Commissioner 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 such 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 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.

7-4-27: LICENSES AND PERMITS PREVIOUSLY ISSUED:

All licenses and permits for the sale of alcoholic liquor issued and in force on the effective date hereof are continued in force for the period and for the purpose for which they were issued, subject to the regulatory provisions and conditions of this Chapter. (Ord. 911, 12-18-78)

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7-4-28: PROHIBITED SALE OR PROMOTION OF ALCOHOLIC BEVERAGES:

All licensees selling alcoholic beverages to be served and consumed on the licensed premises are prohibited from engaging in any of the following enumerated practices:

1. No licensee, employee or agent of a licensee shall:
 - (a) Sell, offer or deliver to any person or persons any drinks sold on the basis of two (2) or more drinks for the price of one drink.
 - (b) Sell, offer or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public or full meal (banquet packages) and hors d'oeuvres packages which are open to the public.
 - (c) Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price charged for such drink during the same calendar week.
 - (d) Encourage or permit any game or contest which involves drinking or the awarding of drinks as prizes on the licensed premises.
2. No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this Section.

The prohibition contained herein shall not prohibit liquor licensees from:

1. Offering free food or entertainment at any time.
2. Including a drink as part of a meal package.
3. Free wine tastings.
4. Offering room services to registered guests in hotels licensed for such services.

Licensees should make nonalcoholic beverages available for purchase by any person, and licensees should make coffee available for purchase by any person during the licensee's hours of operation.
(Ord. 1831, 12-5-88)

7-4-29: WINE SAMPLING AND TASTING

Any Class B or Class D licensed retail location may conduct product sampling for its bona fide customers upon application to the Local Liquor Commissioner and payment of a \$250.00 fee for a product sampling license. A product sampling license shall authorize the holder to give or sell to bona fide customers up to twelve ounces of wine a day. Product sampling shall be conducted in an area of the licensed location that shall not exceed 150 square feet or 10% of the location's area, whichever is smaller.

A Class B or D licensed retail location with a product sampling license may conduct group wine tasting events at which a single admission fee permits customers to taste up to twelve samples of wine over a three hour period, each sample not to exceed one ounce.

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Notwithstanding Section 7-4-5 of this Title, the service of food shall not be required during product sampling or group wine tasting events. Other provisions of this Chapter shall be applicable to product sampling and wine tasting licenses and events.

For the purpose of this Section, the phrase "bona fide customer" shall mean a customer whom the licensee reasonably expects will make a purchase of wine in the near future.
(Ord. 3725, 1-20-03)

(2/03)