

CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 DEFINITIONS.

“ACT” means the Liquor Control Act of 1934, now in effect or as amended. (235 ILCS 5/1-1 et seq.)

“ALCOHOL” means 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. (235 ILCS 5/1-3.01)

“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 human beings. 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 thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume. No tax shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under the Act. (235 ILCS 5/1-3.05)

“BEER” means 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. (235 ILCS 5/1-3.04)

“DISTILLED SPIRITS”. See “Spirits”.

“EVENT” means a single theme. (Rules and Regulations 100.10)

“LIQUOR”. See Alcoholic Liquor.

“MANAGER” OR “AGENT” means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished to the Commission in the form and manner as such Commission shall from time to time prescribe. (Rules and Regulations 100.10(f))

“MEAL” means food that is prepared and served on the licensed premises and excludes the serving of snacks. (Rules and Regulations 100.10)

“ORIGINAL PACKAGE” means 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. (235 ILCS 5/1-3.06)

“PARTNER” is any individual who is a member of a co-partnership. “Co-partnership” means an association (corporation, partnership, limited liability company or otherwise) of **two (2)** or more persons to carry on as co-owners of a business for profit. (Rules and Regulations 100.10)

“PREMISES/PLACE OF BUSINESS” means the place or location where alcoholic liquor is manufactured, stored, displayed, offered by sale or where drinks containing alcoholic liquor is mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location. (Rules and Regulations 100.10)

“RESIDENT” means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the Village and within a **twenty-five (25) mile** radius of the Village in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license. (Rules and Regulations 100.10)

“RESTAURANT” means 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. (235 ILCS 5/1-3.23) **Fifty-one percent (51%)** of gross retail sales revenue shall be from sales of non-alcoholic liquor and food. Food shall be available at any time that alcoholic liquor is served.

“RETAILER” means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form. (235 ILCS 5/1-3.17)

“RULES AND REGULATIONS” means the Rules and Regulations now in effect or hereafter adopted by the Illinois Liquor Control Commission.

“SALE” means 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. The term “sale” includes any transfer of alcoholic liquor from a foreign importer’s license to an importing distributor’s license even if both licenses are held by the same person. (235 ILCS 5/1-3.21)

“SELL AT RETAIL” and “SALE AT RETAIL” refer to and mean sales for use or consumption and not for resale in any form. (235 ILCS 5/1-3.18)

“SERVICE BAR” means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee who primarily serves meals. (Rules and Regulations 100.10)

“SPECIAL EVENT” means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. (235 ILCS 5/1-3.30)

“SPECIAL EVENTS RETAILER” means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special retail license. (235 ILCS 5/1-3.17)

“SPECIAL USE PERMIT” means a license for use by a retailer to allow for the transfer of alcoholic liquor from an existing licensed retail premises to a designated site for a special event. (235 ILCS 5/1-3.35)

“SPIRITS” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance 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. (235 ILCS 5/1-3.02)

“TASTING” means a supervised presentation of alcohol products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcohol products being an incidental part of the presentation. Only products registered with the commissioner may be tested and then only in the following amounts: Distilled Spirits ¼ oz., Wine 1 oz., and Beer 2 oz. Notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40 of the Rules and Regulations.

“TO SELL” includes to keep or expose for sale and to keep with intent to sell. (235 ILCS 5/1-3.22)

“WINE” means 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. (235 ILCS 5/1-3.03)

ARTICLE II - LICENSES

21-2-1 LICENSE REQUIRED. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Mayor of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois.

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each premises or place of business within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. (235 ILCS 5/4-1)

21-2-2 APPLICATIONS. The Mayor is authorized to grant and issue, with the consent of the majority of the Village Board then serving, licenses to individuals, firms and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the Act and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk with the seal of his office affixed thereto.

Prior to issuance of a new license, or any renewal license, the applicant must submit to the Mayor an application in the form requested or hereafter established by the Village, in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

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

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

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

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

(F) Whether applicant has made similar application for a similar other license on any premises or place of business other than described in the application and the disposition of such application.

(G) 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 the Act or in this Chapter, or any amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That applicant will not violate any of the laws of the United States, the State of Illinois, the Act, the Rules and Regulations, this Chapter, or any amendments to any of the foregoing, in the conduct of applicant's business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, all of the directors of the corporation, and with respect to the person who is to be a manager the premise or place of business for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **two (2) members** of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Mayor and **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. (235 ILCS 5/7-1)

(J) Accompanying each application shall be a duly executed Release of Information in a form to be approved or hereafter required by the Village, which authorizes disclosure of all background information of applicant, including, but not limited to, credit history, criminal history, applicants book and records and any fingerprint checks. Applicant shall be responsible for any applicable fees established by the Village.

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for license, or any renewal thereof, or any licensee upon whom notice of revocation or 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 applicant's 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 Mayor under this Section, the Mayor may authorize his agent to act on his or her behalf. (235 ILCS 5/4-5)

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Mayor to the following:

- (A) A resident that does not live within the Village;
- (B) A person who is not a citizen of the United States and at least **twenty-one (21)** years of age;
- (C) A person who has been convicted of a felony under any Federal or State law;
- (D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
- (F) A person whose license has previously been revoked for cause by any other governing body of any state or jurisdiction;
- (G) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application;
- (H) A co-partnership, if any general partner thereof or any limited partner thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;
- (I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of such corporation, would not be eligible to receive a license hereunder for any reason other than requirement for citizenship and residence;
- (J) A corporation, unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois;
- (K) 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;
- (L) A person, association, or corporation not eligible for a state retail liquor license;
- (M) A person who is not a good character and reputation in the community in which he or she resides;

Liquor

(N) 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 or her bond to appear in court to answer charges for any such violation;

(O) A person who does not own the premises for which a license is sought, or does not rent or have a written lease thereon for the full period for which the license is to be issued;

(P) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a village board or commission, any president of a 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 approved by the State Liquor Control Commission and the Mayor. (235 ILCS 5/6-2)

(Q) A person who is not a beneficial owner of the business to be operated by a licensee;

(R) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;

(T) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

(U) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period;

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from May 1st to April 30th of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Local Liquor Control Commissioner as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Village Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration. With respect to a

corporation operating a place of business for which a liquor license has been issued should the manager of said establishment change after the issuance of said liquor license, the corporation **must submit** the new manager's name within **thirty (30) days** of any such change. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. (235 ILCS 5/6-1)

21-2-6 LICENSE CLASSIFICATION - FEES. There shall be available the following classes of licenses:

(A) **Class "A" License (Package).** A Class "A" License shall authorize the retail sale, on the premises, of alcoholic liquor of all varieties for consumption off premises. No single serving of alcoholic liquor shall be sold pursuant to this Class "A" License. The Local Liquor Control Commissioner shall issue not more than three (3) Class "A" Licenses. The fee for a Class "A" License shall be **Seven Hundred Fifty Dollars (\$750.00)** annually. Class "A" Licenses shall authorize the premises to be open for business from 8:00 a.m. to 12:00 midnight on each day from Monday through Thursday, from 8:00 a.m. to 1:00 a.m. the following day on each Friday and Saturday (Fridays at 8:00 a.m. through Saturday at 1:00 a.m. and Saturdays at 8:00 a.m. through Sunday at 1:00 a.m.), and from 12:00 noon to 12:00 midnight each Sunday. The sale of alcohol shall cease promptly at the times set forth above and shall not commence until the approved hours for the following day.

(B) **Class "B" Licenses (Service Station/Convenience Store).** A Class "B" License shall authorize the retail sale, on the premises specified, of beer and wine for consumption off premises, provided that gasoline is also sold on the premises. No single serving of beer or wine shall be sold pursuant to a Class "B" License. The Local Liquor Control Commissioner shall issue not more than **three (3)** Class "B" Licenses. The fee for a Class "B" License shall be **Six Hundred Dollars (\$600.00)**. Class "B" Licenses shall authorize the premises to be open for business from 8:00 a.m. to 12:00 midnight on each day from Monday through Thursday, from 8:00 a.m. to 1:00 a.m. the following day on each Friday and Saturday (Fridays at 8:00 a.m. through Saturday at 1:00 a.m. and Saturdays at 8:00 a.m. through Sunday at 1:00 a.m.), and from 12:00 noon to 12:00 midnight each Sunday. The sale of alcohol shall cease promptly at the times set forth above and shall not commence until the approved hours for the following day.

(C) **Class "C" Licenses (Grocery and Other Retail).** A Class "C" License shall authorize the retail sale, on the premises specified, of alcoholic liquor, of all varieties, for consumption off premises, provided that the primary business is non-alcohol retail and further provided that no gasoline is also sold on said premises. No single serving of alcoholic liquor shall be sold pursuant to a Class "C" License. The Local Liquor Control Commissioner shall issue not more than **three (3)** Class "C" Licenses. The fee for a Class "C" License shall be **Six Hundred Dollars (\$600.00)**. Class "C" Licenses shall authorize the premises to be open for business from 8:00 a.m. to 12:00 midnight on each day from Monday through Thursday, from 8:00 a.m. to 1:00 a.m. the following day on each Friday and Saturday (Fridays at 8:00 a.m. through Saturday at 1:00 a.m. and Saturdays at 8:00 a.m. through Sunday at 1:00 a.m.), and from 12:00 noon to 12:00 midnight each Sunday. The sale of alcohol shall cease promptly at the times set forth above and shall not commence until the approved hours for the following day.

(D) **Class "D" Licenses (Restaurant).** A Class "D" License shall authorize the retail sale of alcoholic liquor of all varieties on the specified restaurant premises. The Local Liquor

Control Commissioner shall issue not more than **three (3)** Class “D” Licenses. The fee for a Class “D” License shall be **Six Hundred Dollars (\$600.00)**. Class “D” Licenses shall authorize the premises to be open for business from 8:00 a.m. to 12:00 midnight on each day from Monday through Thursday, from 8:00 a.m. to 1:00 a.m. the following day on each Friday and Saturday (Fridays at 8:00 a.m. through Saturday at 1:00 a.m. and Saturdays at 8:00 a.m. through Sunday at 1:00 a.m.), and from 12:00 noon to 12:00 midnight each Sunday. Sale of alcohol shall cease promptly at the times set forth above and shall not commence until the approved hours for the following day.

(E) **Class “E” Licenses (Special Event Retailer).** A Class “E” License shall be authorized on a per event basis for the sale of beer or wine for consumption at the location of the Special Event on the dates proscribed. The Local Liquor Control Commissioner shall issue not more than **three (3)** Class “E” Licenses. The fee for a Class “E” License shall be **Seventy-Five Dollars (\$75.00)** for **one (1) day** and **One Hundred Fifty Dollars (\$150.00)** for **two (2) days**. Class “E” Licenses shall authorize the premises to be open for business from 8:00 a.m. to 12:00 midnight on each day from Monday through Thursday, from 8:00 a.m. to 1:00 a.m. the following day on each Friday and Saturday (Fridays at 8:00 a.m. through Saturday at 1:00 a.m. and Saturdays at 8:00 a.m. through Sunday at 1:00 a.m.), and from 12:00 noon to 12:00 midnight each Sunday. Sale of alcohol shall cease promptly at the times set forth above and shall not commence until the approved hours for the following day. All sales shall be made and all alcohol consumed in a segregated and clearly marked area such that no alcohol can be removed from the designated area.

21-2-7 NATURE OF LICENSE. A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee.

21-2-8 LIMITATION OF LICENSES.

(A) **Annexing License Holders.** In the event a petition for annexation is pending before the Village covering territory whereupon is located a business holding a county issued liquor license, the holder of said license shall first make application for a Village-issued license prior to any action regarding said annexation. In the event a Village license is issued, then no application fee shall be due until such time that the county license expires.

(B) **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than **ninety (90) days** without the same being in complete and full operation. However, if a business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the business being in full and complete operation for an additional **ninety (90) days**.

If either of the above stated periods of time passes without the particular business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. (235 ILCS 5/4-1)

21-2-9 DRAMSHOP INSURANCE. Any license issued by the Local Liquor Control Commissioner shall be revoked if the licensee does not provide a copy of the effective Liquor Liability Insurance Policy that insures the licensee from liability not less than **Fifty Thousand Dollars (\$50,000.00)** per person under the Dramshop Act (235 ILCS 5/6-21), as amended.

21-2-10 DISPLAY OF LICENSE. Every licensee under this Chapter shall cause any license to be framed and hung in plain view in a conspicuous place on the premises.

21-2-11 RECORD OF LICENSES. The Mayor shall keep a complete record of all licenses issued and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours**.

ARTICLE III - REGULATIONS

21-3-1 PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military station; provided, that such prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on at such place of business; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (235 ILCS 5/6-11)

21-3-2 CHANGE OF LOCATION. A license shall permit the sale of alcoholic liquor only on the premises described in the license; such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor.

21-3-3 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place 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.

21-3-4 DRINKING ON PUBLIC WAYS. It shall be unlawful to drink any alcoholic liquor on any public streets, alleys, sidewalks and other public ways in the Village unless authorized at a regular or special meeting of the corporate authorities. (235 ILCS 5/6-16)

21-3-5 TRANSPORTING, ETC., IN MOTOR VEHICLES. No person shall, within the Village, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in the passenger compartment or on any public street, alley or place, except in the original package and with the seal unbroken. The licensee shall not knowingly permit any person to leave his premises with liquor in a “cup-to-go”.

21-3-6 LIQUOR IN VEHICLES; MINOR. The presence in a vehicle, other than a public vehicle, of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein; or
- (B) If such vehicle contains at least one occupant over **twenty-one (21) years of age.**

21-3-7 RESTRICTED RESIDENTIAL AREAS. It shall be unlawful to establish a retail liquor business within the Village in violation of the restrictions of the Zoning Code.

21-3-8 ELECTION DAYS. All licensees may sell, in accordance with its license, alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays subject to all the remaining terms, conditions, and opening hours and closing hours as set forth in this Chapter.

21-3-9 UNLAWFUL ACTS. It shall be unlawful for any person to do or commit any of the following acts within the Village:

- (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted in writing by the Mayor.
- (B) Drink any alcoholic liquors on any private property without permission of an owner thereof.
- (C) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

21-3-10 UNLAWFUL ENTERTAINMENT. No licensee, or any agent, servant or employee of licensee, shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees (topless being defined as naked and/or substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and/or substantially without clothing or covering of the body from the waist downward), or such entertainment to be performed by an employee or guest. Nor shall any licensee, or any agent, servant or employee of licensee, permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

Liquor

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

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts of any nature or variety;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, pubic hair, anus, vulva, or genitals;

(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-11 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 a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the conditions applicable to premises used for the storage or sale of food for human consumption. (410 ILCS 650/1, *et seq.*)

21-3-12 DISEASED EMPLOYEES. 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 disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of alcoholic liquor. (410 ILCS 650/10)

21-3-13 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the Bond County Health Department which regulates health standards.

21-3-14 PEDDLING. It shall be unlawful to peddle alcoholic liquor in the Village.

21-3-15 GAMBLING. It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except that games sanctioned by the Illinois State Lottery Commission are not prohibited hereunder.

21-3-16 DISORDERLY HOUSE. Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of alcoholic liquor.

21-3-17 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. (235 ILCS 5/6-16)

21-3-18 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of **eighteen (18) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises.

21-3-19 PROHIBITED SIGNAGE. Any person or entity which holds a license, for any premises within the Village, is hereby prohibited from displaying any signage advertising alcoholic liquors, which is visible from the exterior of said premises. Any person or entity which holds a Class “B” Service Station/Convenience Store license is hereby prohibited from displaying any signage advertising alcoholic liquors on any windows or the exterior of the building including ancillary structures.

21-3-20 UNLAWFUL PURCHASE OF LIQUOR. The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. 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 or have such alcoholic liquor in his possession. (235 ILCS 5/6-20)

21-3-21 IDENTIFICATION REQUIRED. If a licensee, or his agents or employees, believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, such person shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that a licensee, or his employees or agent, demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. (235 ILCS 5/6-20)

21-3-22 TRANSFER OF IDENTIFICATION CARD. No person shall transfer, alter or deface any identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

21-3-23 BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois.

21-3-24 POSTING WARNING. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

“YOU ARE SUBJECT TO A FINE UP TO \$750 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.”

It shall be unlawful for any holder of a retail license, or his agent or employees, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located, provided that this paragraph shall not apply to any minor who is accompanied by his parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

21-3-25 EXCLUSIONARY PROVISION. The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parent or parents of such minor in the privacy of a home is not prohibited by this Chapter. (235 ILCS 5/6-20)

21-3-26 INSPECTIONS. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, the Zoning Administrator, if any, or any member of the Village Board for the purpose of making an inspection of such premises or any part thereof.

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 OWNER OF PREMISES PERMITTING VIOLATION. If the owner of the licensed premises, or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. (235 ILCS 5/10-2)

21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. (235 ILCS 5/10-3)

21-4-3 REVOCAION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. (235 ILCS 5/10-4)

21-4-4 REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his or her employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had been convicted. (235 ILCS 5/10-5)

21-4-5 MISBRANDING. Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any method other than those deemed proper the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. (235 ILCS 5/10-6)

21-4-6 ABATEMENT OF PLACE USED IN VIOLATION. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. (235 ILCS 5/10-7)

21-4-7 REVOCATION OF LICENSES. The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code or any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) The Local Liquor Control Commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license or any renewal thereof.

(C) The Local Liquor Control Commissioner may enter, or authorize any law enforcement officer, to enter at any time upon any premises licensed to determine whether any of the provision of this Chapter or the laws of the State of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time to examine the premises of the licensee in connection therewith.

(D) **Complaint by Residents.** Any resident of the Village shall have the right to file a complaint with the Local Liquor Control Commissioner, stating that any licensee under this Chapter has been or is violating the provisions of this Chapter has been or is violating the provisions hereof, or any amendments hereto, or of any of the statutes of the State of Illinois, enacted with reference to the control of alcohol. Such complaint shall be made in writing and shall be signed and sworn to by the party so complaining. The complaint shall state the particular provisions, 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, the Local Liquor Control Commissioner 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 charges in the complaint. (235 ILCS 5/4-4)

21-4-8 FINES. The Local Liquor Commissioner may impose a fine upon, or fine and/or suspend, a licensee. Any fine imposed shall not exceed **One Thousand Dollars (\$1,000.00)** per violation, nor more than **Fifteen Thousand Dollars (\$15,000.00)** in total fines, against any licensee during the period of the license. (235 ILCS 5/75)