

CHAPTER 2

LIQUOR CONTROL

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4-2-1: **SCOPE:** This Chapter shall regulate the sale, gift, or delivery of alcoholic liquors within the corporate limits of the Village.
(1979 Code § 6-1)

4-2-2: **INTERPRETATION; DEFINITIONS:**

- A. Interpretation: Reference herein to “the Illinois Liquor Control Act” shall mean and be construed and interpreted to mean that act of the General Assembly of the State of Illinois entitled “an act relating to alcoholic liquors”, dated January 31, 1934, as heretofore and hereafter amended.¹
(1979 Code § 6-2)

¹ 235 ILCS 5/1-1 et. seq.

- B. Definitions: The words and phrases herein used are defined in accordance with the Illinois Liquor Control Act. (1979 Code § 6-3)

4-2-3: **LOCAL LIQUOR CONTROL COMMISSIONER:** The Village President shall be the Local Liquor Control Commissioner and shall have the following powers, functions, and duties with respect to this Chapter:

- A. To grant and to suspend or revoke for cause any license issued in accordance with this Chapter.
- B. To receive license fees hereunder and to pay the same forthwith to the Village Treasurer to the appropriate fund.
- C. To have such other powers and duties vested or imposed by the Illinois Liquor Control Act, or by this Chapter, or by the general law. (1979 Code § 6-4)

4-2-4: **LICENSE REQUIRED:** No person, firm, or corporation shall sell, give, or deliver, or keep or offer for sale, gift, or delivery, or conduct any place for the business of selling, giving, or delivering any alcoholic liquors for beverage purposes within the Village, unless he shall first have secured a license therefor. (1979 Code § 6-4)

4-2-5: **APPLICATION FOR LICENSE; FEE REQUIRED; PRORATION:**

- A. Application for License: Any person, firm, or corporation desiring a license under this Chapter shall make application therefor to the Local Liquor Control Commissioner upon forms furnished by him. Such application shall be sworn and shall contain all the information that an applicant is required to furnish in an application for a license for the sale at retail of alcoholic liquors from the Illinois State Liquor Control Commission, as the same is prescribed in the Illinois Liquor Control Act. (1979 Code § 6-6)
- B. Fee Required: At the time such application is made, the applicant shall pay unto the Local Liquor Control Commissioner a fee therefor in the amount stated in Section 4-2-9 of this Chapter. (1979 § 6-8)
- C. Proration of Fee, Bond not Prorated: The application fee shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of such license; provided however, that the penal sum of the bond shall not be reduced in relation thereto. (1979 Code § 6-12)

- 4-2-6: **DENIAL OF LICENSE TO CERTAIN PERSONS:** No license shall be issued by the Local Liquor Control Commissioner to any person who would be ineligible to be issued a state license for the sale of alcoholic liquors from the Illinois State Liquor Control Commission, as the requirements therefore are enumerated in Section 2 of Article VI of the Illinois Liquor Control Act.(1979 Code § 6-12)
- 4-2-7: **BOND:** Every person applying for any such license shall execute and tender with said application for his penal bond in form and with security satisfactory to the Local Liquor Control Commissioner, conditioned upon the faithful performance of the provisions of the laws of the State, of the Ordinances of the County, and of the Ordinances of the Village. The penal sum of said bond shall be in the amount stated in Section 4-2-9of this Chapter. Upon its approval, said bond shall be filed with the Village Clerk. (1979 Code § 6-7)
- 4-2-8: **EXPIRATION OF LICENSE:** All licenses issued by the Local Liquor Control Commissioner shall expire on May 31st following their issuance. (1979 Code § 6-9)
- 4-2-9: **CLASSIFICATION OF LICENSES; FEE AND BOND AMOUNTS:**
The following classes of licenses, the fee therefor, and the requisite penal bond therefor, are hereby established: (1979 Code § 6-10)
- Class A General Liquor, on-premise consumption by the glass as well as package for consumption off-premise. \$1,000.00.
 - Class B –All alcohol - packaged goods sales only for off-premise consumption. \$750.00.
 - Class C - Beer and Wine - packaged goods sales only for off-premise consumption. Also for wine/beer tasting on premises for which remuneration may or may not be received - \$500.00.
 - Class D - Beer and wine on-premise consumption by the drink only. Special event license \$25.00 for the first day. Each additional consecutive day is \$25.00. Date(s) for license requested:
 - Class E - Special event license for sales of locally produced beer, wine and liquor sold in packaged form. \$25.00 per day. Date(s) for license requested.

- 4-2-9-1: **SPECIAL EVENT LICENSE:** The requirements for a Special Event Liquor License are as follows:
- A. Qualifications of Licensee: In order to obtain the license, the applicant must be either a resident of the Village, a legally recognized corporation or a legally recognized not-for-profit organization.
 - B. Term: The license may last for no more than three (3) days.
 - C. Fee: The cost of the license shall be twenty-five and 00/100 dollars (\$25.00) per day. (Amd. 2009)
 - D. Insurance: The requesting entity must provide proof of insurance and Dram Shop Insurance. (Ord., 2000)
 - E. Number of Events Permitted: Each organization is limited to only 10 license within a calendar year.
 - F. Permitted Sales: The organization may sell beer, wine and champagne only.
 - G. Hours and Location of Sales: The time of use of the license shall be from ten o'clock (10:00) A.M. to twelve o'clock (12:00) A.M. and shall be in an area to be designated by the Village officials. (Ord., 2000; amd. 2002 Code)
- 4-2-10: **NONTRANSFERABILITY OF LICENSE:** Licenses issued hereunder shall be a personal privilege only extended to the licensee and shall not be transferable in any manner by the licensee. (1979 Code § 6-14)
- 4-2-11: **LICENSE TO BE POSTED:** Each licensee shall immediately post the license issued to him in a conspicuous place within the premises specified. (1979 Code § 6-13)
- 4-2-12: **LOCATION AND PREMISES REQUIREMENTS:**
- A. Location: The license shall permit the sale of alcoholic liquor only on the premises specified. Such location may be changed only upon the written permission of the Local Liquor Control Commissioner, which permission will not be granted unless the proposed new location is a proper one for the retail sale of alcoholic liquor in accordance with state law and this Chapter. (1979 Code § 6-15)

- B. View of Premises: In a premises so specified by such license, no screen, blind, curtain, partition, article, or thing shall be placed in the windows or upon the doors or with the premises in such manner as to prevent a clear view into said premises from the street, road, or sidewalk adjacent thereto. A premises so specified by such license shall be so located as to allow a full and clear view of the entire interior of the premises from the street, road, or sidewalk adjacent thereto. (1979 Code § 6-16)

4-2-13: **DAYS AND HOURS OF SALES:** No licensee shall give, sell, or deliver, or offer for sale, gift, or delivery, any alcoholic liquors between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. on Sunday – Thursday.

On Friday's and Saturday's alcohol can be sold until 1:00 a.m. and all patrons must be out of the establishment at 1:30a.m.

On New Year's Eve (Dec 31st), establishments can stay open to 2:00 am with all patrons out of establishment at 2:30 a.m.

On these dates, (Wed before Thanksgiving) establishments can stay open one hour later. 1:00 a.m. instead of 12:00 a.m.

4-2-14: **UNDERAGE PERSONS:**

- A. Purchase or Receipt by Prohibited: No person under the age of twenty-one (21) years shall purchase, receive, or accept alcoholic liquors from any licensee, associate, member, representative, agent, or employee of any licensee, except as provided in Subsection B of this Section. (Ord., 1-1, 1-2-1980)
- B. Religious Use; Parental Supervision: The possession by, dispensing to, or consumption by a person under the age of twenty-one (21) years of alcoholic liquors in the performance of a religious service or ceremony, or under the direct supervision and approval of a parent or guardian of such person in the privacy of his home, is not prohibited by this Chapter. (1979 Code § 6-21)
- C. Employment: The holder of a liquors license may employ individuals under the age of twenty-one (21) but must be older than the age of eighteen (18) for the purpose of delivering or selling packaged liquor, beer or wine, and may serve mixed drinks, beer or wine in the course of his or her employment as a waiter or waitress or clerk. Those individuals who are employed by a liquor license holder or as a bartender must be over the age of twenty-one (21). (Ord., 2-8-1994, amd. 2012)

TRANSFER, CONSUMPTION, OR POSSESSION OF ALCOHOL BY A MINOR

- A. 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.
- B. If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he or she 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 or her official duties.
- C. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.
- D. The consumption of alcoholic liquor by any person under the age of twenty-one (21) years of age is forbidden.
- E. The possession and dispensing, or consumption by a person under twenty-one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under twenty-one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in *loco parentis* of such person under twenty-one (21) years of age in the privacy of a home, is not prohibited by this Ordinance.
- F. Penalty: Whoever violates any provisions of this Section shall be guilty of this Ordinance by a fine not more than \$750.00 plus court costs.

4-2-15: **SALES OF LIQUOR; PROVIDING TO CERTAIN PERSONS**

- A. It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated persons or persons under the age of twenty-one (21) years. (2002 Code)
- B. No person, after purchasing or otherwise obtaining any alcoholic liquor, shall sell, give, or deliver any alcoholic liquor to any person under the age of twenty-one (21) years, except as provided in Subsection 4-2-14B of this Chapter. (Ord., 1-1, 1-2-1980)

- 4-2-16: **CONDUCT OF BUSINESS; VIOLATIONS:** Every licensee shall at all times conduct such business in strict accordance with all provisions of the Illinois Liquor Control Act and this Chapter. Violation of any of the provisions thereof, the willful making of any false statement as to any material fact in any license application, or the permitting of any disorderly, volatile, or immoral activities on the premises so specified shall be cause for suspension or revocation of any license issued hereunder. Upon revocation, the whole of any fee paid, as well as the penal sum of said bond, shall be forfeited to the Village.
(1979 Code § 6-23)
- 4-2-17: **SUSPENSION OR REVOCATION OF LICENSE:** No license issued hereunder shall be suspended or revoked except for cause, and upon written notice of such cause given by the Local Liquor Control Commissioner and delivered to such licensee by any means designed and intended to impart actual notice thereof, including the posting thereof in such premises and the physical removal of the license so issued therefrom. Upon receipt within seven (7) days thereafter of notice given by such licensee, the Local Liquor Control Commissioner shall afford such licensee a reasonable opportunity, at the earliest, mutually convenient time, to present evidence in support of vacation or such suspension or revocation. Any suspension or revocation imposed under this Section shall not be a waiver of the right of the Village to seek penalty by fine against such licensee, as provided by Section 4-2-18 of this Chapter. The decision of the Local Liquor Control Commissioner upon such hearing shall be in writing and shall be final. (1979 Code § 6-24)
- 4-2-18: **PENALTIES:** Upon first conviction of any licensee for any violation of this Chapter, a fine shall be imposed not to exceed seven-hundred fifty dollars (\$750.00) and not less than twenty-five dollars (\$25.00). Upon second conviction of any licensee for any violation of this Chapter, a fine shall be imposed not to exceed seven-hundred fifty dollars (\$750.00) and not less than fifty dollars (\$50.00). Upon third and any subsequent conviction of any licensee for any violation of this Chapter, a fine shall be imposed not to exceed seven-hundred fifty dollars (\$750.00) and not less than one-hundred fifty dollars (\$150.00).
(1979 Code § 6-25; amd. 2002 Code)