

CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 CONSTRUCTION. This Chapter shall be liberally construed, to the end that the health, safety and welfare of the residents of the Village shall be protected. Temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale of alcoholic liquors within the Village.

21-1-2 DEFINITIONS. Unless the context otherwise requires, the following words and phrases as used in this Chapter shall be construed according to the definitions set forth as follows:

"ACT" means the Illinois Liquor Control Act, **235 ILCS 5/1-1 et seq.**, as amended, and any regulations thereunder.

"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 or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing more than **one-half of one percent (0.5%)** of alcohol by volume, and intended to be consumed as a beverage by a human being.

"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.

"CONTROL PREMISES" means the total area of the premises which the licensee controls or is responsible for and shall include, but not be limited to, licensed premises, parking lots, or other areas adjacent to the licensed premises.

"DELIVERY" means the act of transferring or giving in any manner or by any means alcoholic liquor to another by any person, whether as principal, proprietor, agent, servant or employee.

"INTOXICATING BEVERAGE" means any liquid intended for human consumption containing more than **one-half percent (0.5%)** by volume of alcohol.

"LICENSED PREMISES" means that area as described in the application where alcoholic liquor is allowed to be served, stored or sold and areas internally or externally connected thereto by doorways which areas are integrally related to the operation of the licensed establishment.

"LICENSEE" means any person, corporation, limited liability company, or partnership holding a license under the terms and provisions of this Article.

"MINOR" means any person not yet **eighteen (18) years** of age.

"PERSON" includes a corporation, firm, partnership, association, organization, limited liability company, and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" appears in any section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations or limited liability company, shall include the officers, agents or members thereof who are responsible for any violation of this Chapter.

"RETAIL SALE" means the sale for use or consumption and not for resale in any form.

"SALE" means any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant, or employee.

"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)**

"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 defined herein. **(235 ILCS 5/1-3.03)**

ARTICLE II - ADMINISTRATION

21-2-1 LOCAL LIQUOR CONTROL COMMISSIONER. The Village President is the Local Liquor Control Commissioner (hereinafter "Commissioner") under this Chapter with all powers, functions and duties with respect to licenses as provided by the Act including the following powers and duties:

(A) To grant, suspend or revoke for cause all local licenses issued to persons for premises in the Village when such actions are authorized by this Chapter.

(B) To enter, or to authorize any law enforcing officer to enter at any time upon any premises licensed under this Chapter to determine whether any of the provisions of the Illinois Liquor Control Act or any rules or regulations adopted by it have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(C) To receive complaint from any citizen of the Village or general public that any provision of the Statutes of the State relating to alcoholic liquor or of this or other ordinances of the Village have been or are being violated and to act upon such complaint in the manner provided by this Chapter and the Statutes of the State.

(D) To receive local license fees and to pay the same forthwith to the Village Treasurer.

(E) To examine or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee under this Chapter upon whom notice of suspension or revocation of license has been served; to examine or cause to be examined the books and records of any applicant or licensee under this Chapter and to hear testimony and take proof for the Commissioner's information in the performance of the Commissioner's duties and, for such purpose, to issue subpoena to compel persons to appear before the Commissioner and produce for examination book and records or other tangible items or things relevant to the Commissioner's inquiry.

21-2-2 COMPENSATION. As permitted by the Act, the Village Board may, from time to time, adopt a resolution which fixes and authorizes payment to the Commissioner compensation for the duties and powers vested in the Commissioner. In the absence of a resolution passed by the Village Board fixing compensation for the Commissioner, the Commissioner shall serve without additional salary or compensation.

ARTICLE III - RECORDS

21-3-1 RECORDS. The Local Liquor Control Commissioner shall keep or cause to be kept complete records of all licenses issued by the Commissioner under this Chapter. The Commissioner shall furnish the Village Clerk with a copy thereof.

ARTICLE IV – LICENSE PROTOCOLS

21-4-1 **LICENSE REQUIRED.** No person shall sell, or offer for sale or display for sale within the corporate limits of the Village, any alcoholic liquor without first obtaining a license from the Local Liquor Control Commissioner. **(235 ILCS 5/4-1)**

21-4-2 **EXCEPTIONS.** No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes, except as specifically provide in this Chapter. This Chapter shall not prohibit nor prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his or her family and guests, nor prevent the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family and guests; and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, or any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; and provided further that any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this Chapter.

21-4-3 **NATURE AND EXTENT OF LICENSE; RETAIL SALES.** The license required by **Section 21-4-1** shall be a retailer's license and shall permit the licensee to sell and offer for sale alcoholic liquor at retail upon the licensed premises specified and described in the application. Any license granted shall be subject to the provisions of this Chapter, other applicable ordinances of the Village, and the applicable law of the State of Illinois including the Illinois Liquor Control Act of 1934, as amended.

21-4-4 **APPLICATION.**

(A) **Form; Procedure; Fee.** All applications for licenses under this Chapter shall be in writing, under oath, addressed to the local liquor control commission, and filed in the office of the Village Clerk. The application fee is **Two Hundred Fifty Dollars (\$250.00)**.

(B) **Area Specified.** Each license application shall indicate the dimensions of the licensed premises, its location, its control premises, and all parking areas located on the property.

(C) **Signatures Required.** Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president and secretary. If the applicant is a limited liability company, the application shall be signed and verified by the manager and all members of the limited liability company. The information recited in the application shall be under oath or affirmation as to each person signing the application.

(D)
statements:

Content. Each application shall include the following information and

- (1) In the case of an individual, the name, birth date, social security number, driver's license number, and address of the applicant.
- (2) In the case of a partnership, the names, birth dates, social security numbers, driver's license numbers, and addresses of all partners.
- (3) In the case of a corporation or club, the names, birth dates, social security numbers, driver's license numbers, and addresses of the officers, directors, managers; and the names, birth dates, social security numbers, and addresses of all persons who own or have an interest in excess of **five percent (5%)** of the outstanding stock of the corporation.
- (4) In the case of a limited liability company, the date of organization, and the names, birth dates, social security numbers, driver's license numbers, and addresses of the managers and members owning directly or beneficially more than **five percent (5%)** of the ownership of the company and the person operating as manager of the premises.
- (5) The class of license for which application is submitted.
- (6) The nature of the business which the applicant(s) intends to carry out.
- (7) The nature of entertainment, if any, proposed to be offered within the proposed licensed premises.
- (8) The length of time the applicant has been a resident of the state, the county, and, if applicable the Village, or if a partnership, the length of time each partner has been a resident of the state, county and, if applicable, the Village; or if a corporation, the length of time each officer or director has been a resident of the state, county and, if applicable, the Village; or if a limited liability company, the length of time each manager and/or member has been a resident of the state, county, and, if applicable, the Village.
- (9) The address and telephone number of the manager, premises, and business office if different.
- (10) A list of the governmental entities to which the applicant has submitted an application for a liquor license, the date(s) of the application(s), the disposition of such application(s), amounts of and reasons for fines imposed, and the dates, reason and length of suspension or revocation of such license, if any.
- (11) A completed criminal background check for each person required to report conviction information.
- (12) The name of any person who is an investor or owner and who has been issued a federal wagering stamp for the current tax year.
- (13) Evidence of dram shop liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the state. The certificate shall insure the applicant and the owner or lessor of the premises in at least the following amounts:

Sixty-Five Thousand Nine Hundred Ninety Dollars Twenty-Three Cents (\$65,993.23) general liability/personal injury per person

Sixty-Five Thousand Nine Hundred Ninety Dollars Twenty-Three Cents (\$65,993.23) general liability/property damage per person

Eighty Thousand Six Hundred Fifty-Four Dollars Seventy-Three Cents (\$80,654.73) general liability/loss of means of support per person

The insurance coverage shall be kept current at all times during the license and shall be in such further amounts as to provide coverages for causes of action brought under Section 6-21(a) of the Illinois Liquor Control Act of 1934 (**235 ILCS 5/6-21(a)**)

(E) **One (1) copy** of the application shall be retained by the Local Liquor Control Commissioner 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 the application. The copies shall be returned to the Local Liquor Control Commissioner and the endorsement and comment of the Chief of Police shall be considered by the Local Liquor Control Commissioner as an aid in deciding whether the license should be issued or refused.

21-4-5 **PERSONS INELIGIBLE TO HOLD LICENSE.** No license shall be issued to:

(A)

An individual person:

- (1) who is not a bona fide resident of Williamson County, Illinois.
- (2) who is not of good character and reputation in the Village.
- (3) who is not a citizen of the United States of America.
- (4) who has been convicted of a felony or who has been convicted of any crime of morality under the laws of the State, or any other federal or other State's law, unless the Local Liquor Control Commissioner determines, within the Commissioner's sole discretion, that such person now warrants the public trust.
- (5) whose license issued under this Article or the Illinois Liquor Control Act has been revoked for cause.
- (6) who at the time of application for renewal of any license issued under this Article would not be eligible for such license upon a first application.
- (7) whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- (8) 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.
- (9) who has been convicted of a gambling offense as prescribed by **720 ILCS 5/28-1(a)(3) through (a)(10)**, or as prescribed by Section 5/28-3 of the Criminal Code, as heretofore or hereafter amended or as proscribed by statute replaced by the aforesaid statutory provisions.

- (10) who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who has forfeited his or her bond to appear in court to answer charges for any such violation on or after the adoption date hereof.
- (11) who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises that does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Illinois Liquor Control Act.

(B) Any law enforcing public official, mayor or any member of the Village Board; and no such official shall be interested, in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to a member of the Village Board (excluding the President) in relation to a premises or to an establishment in which the member has a direct or indirect interest if:

- (1) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food (Class "A" license only);
- (2) the issuance of the license is approved by the Illinois Liquor Control Commission;
- (3) the issuance of the license is in accordance with all applicable ordinances of this code; and
- (4) the official granted the license does not vote on alcoholic liquor issues for which the official would have an interest.

(C) A corporation or limited liability company:

- (1) if any officer, manager, member, director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock or ownership interest of such corporation or limited liability company, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the political subdivision. Provided, however, that the manager of a corporation or limited liability company shall be required to comply with the residency requirement or the corporation or limited liability company shall appoint an agent who complies with the residency requirement.
- (2) unless it is incorporated or organized in Illinois or unless it is a foreign corporation which is qualified under the business corporation act to transact business in Illinois.
- (3) If the corporation, limited liability company, or any officer, manager, member, or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of the stock or ownership interest of said corporation or limited liability company has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(D) A partnership:

- (1) unless all of the members of such partnership shall be qualified to obtain a license.
- (2) 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 wagering stamp by the federal

government for the current tax period year. Upon request of the local liquor control commission, or its agent, a licensee shall provide evidence of coverage at times other than the initial application and renewal of a license.

(E) **Additional Information for Certain Licenses.** Each applicant for a Class "A" license shall include the following:

- (1) a description of the kitchen facilities and equipment to be used in the preparation and serving of food; and
- (2) the hours during which the kitchen will be used in the preparation of all food items included on the restaurant menu and the times that full menu service is available.

21-4-6 EXAMINATION OF APPLICANT. The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, on any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any applicant or licensee; to hear testimony and make proof for his information in the performance of his duties, including but not limited to requiring the production of an affidavit affirming any particular or specific question posed by the Local Liquor Control Commissioner and for such purpose to issue subpoenas which shall be effective in any part of the State of Illinois. For the purpose of obtaining any information desired by the Local Liquor Control Commissioner under this Section, the Local Liquor Control Commissioner may authorize an agent on behalf of the Commissioner.

21-4-7 ISSUANCE OF LICENSE; FINDINGS. The Local Liquor Control Commissioner shall not issue a new liquor license renew a liquor license, approve a change of classification or transfer of location or the transfer of the license to a new owner unless the Commissioner has previously been determined that there is no reason to refuse to issue, renew or approve such license. In determining whether there is reason to refuse to issue, renew, or approve a license, the Commissioner shall consider the following criteria:

(A) The class of the liquor license applied for and the availability of a license in the class.

(B) Compliance with all applicable state and Village regulations and laws.

(C) The potential impact on and demand for Village services.

(D) The location of the proposed establishment and probable impact of a liquor establishment at the location upon the surrounding neighborhood or the Village as a whole. Factors to be considered include, but are not limited to:

- (1) Proximity to residential property,
- (2) Proximity to schools, churches or synagogues,
- (3) Proximity to gasoline stations or convenience stores which offer gasoline for sale,
- (4) Potential impact on traffic safety,
- (5) Potential adverse impacts on surrounding property values,
- (6) Proximity to other liquor establishments,
- (7) Adequate street lighting and lighting on the proposed property,
- (8) Availability of on street and off street parking in the area,

- (9) Availability of sidewalks in the area if significant pedestrian traffic is anticipated.
- (E) The character and nature of the proposed establishment.
- (F) Whether live entertainment will be provided and, if so, the nature of the entertainment.
- (G) The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within the establishment and on the property.
- (H) The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales or services.
- (I) Whether the issuance (or renewal) of said license would be in the "best interests" of the Village (for example, would there be an adverse impact on public health, safety, or welfare; would the issuance of the license adversely affect the character of the surrounding neighborhood; would the license adversely impact the Village's orderly growth and development, etc.)
- (J) Whether the applicant or licensee has been delinquent on payment for services, loans or other contractual agreements received by the licensed establishment from the Village. For the purpose of this Section, a licensee shall be considered delinquent on payments if the licensee is currently in arrears on an outstanding debt owed to the Village, or has been in arrears for more than **fifteen (15) days** on a payment to the Village for services, loans or other contractual agreements, **two (2)** or more times within a **two (2) year** period.

21-4-8 PAYMENT OF APPLICATION AND LICENSE FEE.

- (A) All fees payable pursuant to this Chapter shall be paid in full by cash, certified check, or money order and submitted at the time the application is made for new licenses or prior to the issuance of the license or issuance of a renewal license.
- (B) The application fee shall be credited toward the payment of the license fee due for the license. In the event the license applied for is denied, the license fee deposited, but not the application fee, shall be returned to the applicant.

21-4-9 FEE SCHEDULE. The annual fees for the licenses issued under this Chapter shall be as follows: Class "C": All Class "C" licensees shall pay an annual fee of **One Thousand Two Hundred Fifty Dollars (\$1,250.00)**.

21-4-10 CLASSIFICATION AND PERMITTED NUMBER OF LICENSES.
Licenses issued under this Chapter shall be of the following classes:
Class "C" – A Class "C" license shall authorize the holder to make retail sale of all alcoholic liquors, in their original package only, for consumption off the premises. There shall be no more than **three (3)** Class "C" licenses issued within the Village.

21-4-11 DURATION OF LICENSE. Any license issued by this Chapter shall expire on **April 30th** of the year following the licensee's issuance.

21-4-12 **LIMITATION ON TRANSFER OF LICENSE.** A license under this Chapter shall be a personal privilege and shall not constitute property nor shall the license be subject to attachment, garnishment or execution or shall it be subject to being encumbered. Licenses issued under this Chapter shall not be transferable, alienable or subject to the laws of intestate or testate devolution. All licenses subject to this Chapter shall cease upon the death, insolvency or bankruptcy of the holder except that the administrator or executor of the estate of any deceased licensee or the trustee of any insolvent or bankrupt licensee may continue the business of the sale of alcoholic liquor upon the entry of the appropriate court order and submission of the order to the Village Clerk and the Local Liquor Control Commissioner until the expiration of the license but no longer than **six (6) months** after the death, bankruptcy or insolvency of the licensee.

21-4-13 **PERMITTED TRANSFER OF LICENSE.** Notwithstanding **Section 21-4-12** of this Chapter, the Local Liquor Control Commissioner, upon receipt of a written application and a transfer fee in the amount of **Two Hundred Dollars (\$200.00)** may authorize the transfer of any license issued under this Chapter if the Commissioner determines that the proposed transferee would qualify for the license.

21-4-14 **CHANGES IN INTEREST OR OWNERSHIP.** Any changes in partners, officers, directors, persons holding directly or beneficially more than **thirty percent (30%)** of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the local liquor control commission within **ten (10) days** of the change. All such persons shall meet all the requirements of this Chapter and must otherwise qualify to hold a license.

21-4-15 **CHANGES IN OPERATION.** A license issued under the provisions of this Chapter shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Chapter on the particular class of license described therein. Any change or alteration in the operation of the licensed premises which varies in any manner from that on the date of the issuance of the license shall be reported in writing to the Local Liquor Control Commissioner within **ten (10) days**. Failure to report the change in operation may result in a suspension or revocation of the license.

21-4-16 **FORM AND DISPLAY OF LICENSE.** All licenses issued under this Chapter shall be signed by the Local Liquor Control Commissioner and attested by the Village Clerk with the seal of office of the Clerk and shall state the name of the licensee, the address of the licensed premises, the date of issuance, the date of expiration of the license and the class of the license. A licensee shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises.

21-4-17 **RENEWAL OF LICENSE.** The Local Liquor Control Commissioner may renew a license at the expiration thereof; provided, that the applicant meets the eligibility requirements as specified in this Chapter; the licensed premises complies with all ordinances of the Village. The renewal privilege provided in this Section shall not be construed as a right which shall preclude the denial of a renewal request or preclude the Village from decreasing the classification or number of licenses in the Village.

ARTICLE V - REGULATIONS

21-5-1 ADOPTION OF STATE LAW BY REFERENCE. Each and every part of "An Act relating to Alcoholic Liquors", enacted by the General Assembly of the State of Illinois, approved January 31, 1934, as amended, and regulations promulgated thereunder, which relate in any manner to the sale at retail of alcoholic liquors, is hereby adopted by reference and made a part of this Chapter. In any case where a conflict exists between the laws of the State of Illinois and the ordinances of the Village, this Code shall prevail unless specifically preempted by state statute. Any violation of such applicable and adopted provisions of said act shall be deemed a violation of this Chapter and be subject to penalties as herein provided.

21-5-2 HOURS OF OPERATION. A licensee may sell alcoholic liquors as permitted by the licensee's classification between the hours of **5:30 A.M.** and **2:00 A.M.** Monday through Saturday and between the hours of **12:30 P.M.** and **2:00 A.M.** on Sundays.

21-5-3 PROHIBITED SALES. 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 any person known by him or her under legal disability or in need of mental treatment.

21-5-4 PROHIBITED DELIVERY OF ALCOHOLIC LIQUOR. 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)** except in the performance of a religious ceremony or service.

21-5-5 UNLAWFUL PURCHASE, ACCEPTANCE OR POSSESSION OF LIQUOR. 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 alcoholic liquor or have such alcoholic liquor in his or her possession.

21-5-6 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of **twenty-one (21) years** to sell, draw or serve any alcoholic liquor in any licensed premises.

21-5-7 OPEN LIQUOR AND TRANSPORTING LIQUOR IN MOTOR VEHICLES. A licensee shall not knowingly permit any person to leave licensed premises with open liquor or in a "cup to go".

21-5-8 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 laws of this State regulating the condition of the premises used for the storage or sale of food for human consumption.

21-5-9 PROHIBITED ACTIVITIES.

(A) It shall be unlawful to bottle, manufacture, distill or prepare in any way intoxicating beverages within the Village.

(B) It shall be unlawful to serve, allow to be served, furnish, consume, give or sell any intoxicating beverage in any club or business including any intoxicating beverage brought to a club or business by a patron, guest or customer of the club or business.

(C) It shall be unlawful to consume any alcoholic beverages on or in any public park, street, alley, sidewalk or other public way in the Village.

(D) No person shall within the Village transport, carry, possess or have any alcoholic liquor in, upon or about any motor vehicle in or on any public street, alley or place, except in the original package with seal unbroken.

(E) It shall be unlawful to possess or consume alcoholic beverages or alcoholic liquor on any private property within the Village without permission of the owner of the property.

(F) It shall be unlawful to appear in any public park, public street, alley, sidewalk or other public place in an intoxicated condition.

(G) It shall be unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the licensed premises and a licensee shall not permit any disorderly conduct or disturbance of the peace on the licensed premises. A licensee shall report the occurrence of any disorderly conduct or disturbance of the peace occurring on the licensed premises to the Local Liquor Control Commissioner within **seven (7) days** of the occurrence.

ARTICLE VI - VIOLATIONS AND PENALTIES

21-6-1 REVOCAION OR SUSPENSION OF LICENSE. Subject to the provisions of this Chapter, the Local Liquor Control Commissioner may revoke or suspend any license issued under this Chapter upon a determination that the licensee has violated any provision of this Chapter, the Illinois Liquor Control Act or any applicable rule or regulation established by the Local Liquor Control Commissioner or by the Illinois Liquor Control Commission. A period of suspension may not exceed **thirty (30) days** for each violation, and during a period of suspension no alcoholic liquor shall be sold on the licensed premises.

21-6-2 FINES. In addition to or in lieu of a suspension or revocation of any license issued under this Chapter, the Local Liquor Control Commissioner may levy a fine on the licensee upon determination that the licensee has violated any provision of this Chapter, the Illinois Liquor Control Act or any applicable rule or regulation established by the Local Liquor Control Commissioner or by the Illinois Liquor Control Commission. The fine imposed shall not exceed **Seven Hundred Fifty Dollars (\$750.00)** for the first violation within a **twelve (12) month** period; **One Thousand Five Hundred Dollars (\$1,500.00)** for a second violation within a **twelve (12) month** period. Proceeds of fines levied under this Chapter shall be paid to the general fund of the Village. **(In part 235 ILCS 5/7-5)**

21-6-3 NOTICE OF REVOCATION, SUSPENSION AND/OR FINE. No license issued under this Chapter shall be revoked or suspended and no license shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** notice to the licensee affording the licensee an opportunity to appear and defend; provided, however, 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, the Local Liquor Control Commissioner may, upon issuance of a written order stating the reasons 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.

21-6-4 FORM OF NOTICE. Whenever this Chapter requires a hearing before the Local Liquor Control Commissioner or the Commissioner acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall include the following:

- (A) The time, place, and nature of the charge;
- (B) The date when the appearance of the licensee is required before the Local Liquor Control Commissioner;
- (C) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (D) A reference to the particular sections of this Chapter at issue; and
- (E) A statement informing the licensee of his ability to respond by presenting evidence and argument.

21-6-5 HEARING. The following shall apply to any hearing held pursuant to this Chapter:

- (A) Any hearing conducted by the Local Liquor Control Commissioner shall be open to the public and shall be held at a reasonable time, date and location;
- (B) The Local Liquor Control Commissioner shall have the power to issue subpoenas for witnesses, to place witnesses under oath, to rule on objections, to conduct the hearing in an efficient manner, to dismiss charges and to impose fines, suspensions and revocations;
- (C) A party to the hearing may present evidence and argument;
- (D) The Local Liquor Control Commissioner may limit, but not prohibit, the presentation of evidence and argument;
- (E) The Village Attorney shall have the burden of proving by preponderance of the evidence the charges alleged against the licensee;
- (F) A licensee may be represented by an attorney licensed to practice law in this State;
- (G) The hearing shall be informal and strict rules of evidence shall not apply;
- (H) The proceedings of the hearing shall be reported by a certified court reporter;
- (I) Upon good cause shown, the Local Liquor Control Commissioner may grant a continuance of the hearing;
- (J) If a licensee fails to appear at a hearing after receipt of notice of the hearing, the Local Liquor Control Commissioner may issue a decision and impose a revocation, suspension and/or a fine upon the licensee;
- (K) The Local Liquor Control Commissioner shall, within **seven (7) days** after the hearing, shall issue a decision and if the Commissioner determines that the licensee's license should be revoked, suspended and/or fined, state the reason or reasons for such determination in a written order of revocation, suspension and/or fine and shall serve a copy of such order upon the licensee within **seven (7) days. (235 ILCS 5/7-5)**

21-6-6 APPEAL. Appeal of any order of the Local Liquor Control Commissioner shall be as provided in the Illinois Liquor Control Act; provided, however, appeal shall be limited to a review of the official record of the proceedings. The official record shall be a certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed with the Local Liquor Control Commissioner within **five (5) days** after notice of the filing of such appeal is received by the Local Liquor Control Commissioner from the Illinois Liquor Control Commission.

21-6-7 OTHER PENALTIES. In addition to any other penalties imposed by this Chapter, any person who violates any provision of this Chapter shall be guilty of a petty offense and fined not less than **Two Hundred Fifty Dollars (\$250.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. In the event of a default in the payment of a fine or penalty, the municipal attorney may retain attorneys and private collection agents for the purpose of collecting any default in payment of a fine or penalty and any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to and constitute an additional recovery from the offending person.

21-6-8 **LICENSEE'S RESPONSIBILITY FOR ACTS OF AGENTS AND EMPLOYEES.** Every act or omission constituting a violation of this Chapter or the Act by any officer, director, manager, member, agent or employee of the licensee shall be deemed to be an act of the licensee. The licensee shall be punishable in the same manner and to the same extent as if the act or omission had been performed or omitted by the licensee personally.

21-6-9 **OWNER'S RESPONSIBILITY FOR PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right of possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Chapter, said owner, agent, or other person shall be punishable in the same manner and to the same extent as if the act or omission had been performed or omitted by the owner, agent or other person personally.

21-6-10 **REVOCAION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Chapter, the license of said licensee may, in the discretion of the Local Liquor Control Commissioner 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 Chapter for said licensee to continue to operate under such license upon receipt of notice of revocation.

21-6-11 **REVOCAION OF LICENSE AFTER CONVICTION OF CERTAIN PERSONS.** Whenever an officer, director, manager, or other employee in a position of authority of any licensee shall be convicted of any violation of this Chapter while engaged in the course of the person's services for the benefit of the licensee, the license of said licensee may, in the discretion of the Local Liquor Control Commissioner 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 Chapter for said licensee to continue to operate under such license upon receipt of notice of revocation.

21-6-12 **COMPLAINT BY RESIDENTS.** Any **five (5) residents** of the Village shall have the right to file a complaint with the Local Liquor Control Commissioner stating that a licensee under this Chapter has been or is violating the provisions of this Chapter, the Act or any rules and regulations issued thereunder. Such complaint shall be made in writing and shall be signed and sworn to by the persons complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which the belief is based. If the Local Liquor Control Commissioner is satisfied that the complaint substantially charges a violation and that there is a reasonable cause to believe a violation has occurred, the Commissioner shall set the matter for hearing and shall serve notice upon the licensee of the time and place of the hearing and of the particular charge or charges in the complaint. The hearing shall be conducted as provided in **Section 21-6-5**, except that the complaining persons shall have the burden of proving by preponderance of the evidence the charges alleged against the licensee. **(235 ILCS 5/7-7)**

21-6-13 MULTIPLE VIOLATIONS WITHIN TWELVE (12) MONTH PERIOD.

In any case in which a licensee appeals to the Illinois Liquor Control Commission a suspension or revocation by the Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on the licensee within the preceding **twelve (12) month** period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Local Liquor Control Commissioner's action has been issued by the Illinois Liquor Control Commission and the licensee shall cease all activity otherwise authorized by the license. The Illinois Liquor Control Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month** period. **(235 ILCS 5/7-9)**

(Ord. No. 16-01; 04-26-16)