

CHAPTER III: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934, ILCS Ch. 235, Act 5, §§ 1-1 et seq., as amended, shall have the meaning accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions set forth below:

ALCOHOL. The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. (ILCS Ch. 235, Act 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 a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing .5 % or less, of alcohol by volume. (ILCS Ch. 235, Act 5, § 1-3.05)

BEER. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes among other things, beer, ale, stout, lager beer, porter, and the like. (ILCS Ch. 235, Act 5, § 1-3.04)

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; provided that such club files with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. (ILCS Ch. 235, Act 5, § 1-3.24)

HOTEL. Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures, being provided with adequate and sanitary kitchen and dining room equipment and capacity. (ILCS Ch. 235, Act 5, § 1-3.25)

LIQUOR CONTROL ACT. The state Liquor Control Act of 1934, ILCS Ch. 235, Act 5, §§ 1-1 et seq., as now or hereafter amended.

LOCAL COMMISSIONER. The Local Liquor Control Commissioner as defined by the Liquor Control Act.

RESTAURANT. Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. (ILCS Ch. 235, Act 5, § 1-3.23)

RETAILER. A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. (ILCS Ch. 235, Act 5, § 1-3.17)

SALE. Any transfer, exchange, or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. 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. (ILCS Ch. 235, Act 5, § 1-3.21)

SELL AT RETAIL and SALE AT RETAIL. Refers to and means sales for use or consumption and not for resale in any form. (ILCS Ch. 235, Act 5, § 1-3.18)

SPIRITS. 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. (ILCS Ch. 235, Act 5, § 1-3.02)

STATE COMMISSION. The Illinois Liquor Control Commission.

TO SELL. Includes to keep or expose for sale and to keep with intent to sell. (ILCS Ch. 235, Act 5, § 1-3.22)

WINE. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined. (ILCS Ch. 235, Act 5, § 1-3.03)

§ 111.02 LOCAL COMMISSIONER.

(A) *Designation.* The Village President is hereby designated as the Local Commissioner and shall be charged with the administration of the Liquor Control Act and of ordinances and resolutions relating to alcoholic liquor as may be enacted. The President may appoint a person or persons to assist in the exercise of the powers and the performance of the duties provided for in division (B).

(B) *Powers, duties, and functions.* The Local Commissioner shall have all the powers, functions, and duties with respect to local liquor licenses granted by the Liquor Control Act, including:

(1) To grant and/or suspend for not more than 30 days or revoke for cause all local licenses issued to persons or entities for premises within the Commissioner's jurisdiction, and to impose fines as set forth herein.

(2) To enter or to authorize any law enforcement officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act or this chapter, or any rules or regulations adopted by the Local Commissioner or by the state commission, have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(3) To receive complaints from any citizen with the Local Commissioner's jurisdiction that any of the provisions of the Liquor Control Act or of this chapter have been or are being violated, and to act upon such complaints in the manner provided by law.

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

(5) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the state Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for information in the performance of the Local Commissioner's duties; and for such purposes, to issue subpoenas which shall be effective in any part of

this state. For the purpose of obtaining any of the information desired by the Local Commissioner under this section, the Commissioner may authorize his agent to act on his behalf.

(6) To order, upon the issuance of a written order, the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, if the Local Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; 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.

(7) If the village permits club licenses, to notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated the Liquor Control Act by selling or offering for sale at retail alcoholic liquors without a retailer's license.

Statutory reference:

Powers and duties of Local Commissioners, see ILCS Ch. 235, Act 5, §§ 4-2, 4-4, and 4-5

§ 111.03 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

Penalty, see § 111.99

§ 111.04 APPLICATION FOR LICENSE.

(A) Applications for such licenses shall be made to the Local Commissioner, or the Village Clerk operating in the Commissioner's behalf, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(1) The full name, age, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which organized, the names, addresses, date of birth, and place of birth of the officers, directors, all persons owning directly, or

beneficially, more than 5 % of the stock of such corporation, and the persons acting as managers or assistant managers of the premises.

(2) The citizenship of the applicant, the applicant's date and place of birth, and, if a naturalized citizen, the time and place of naturalization.

(3) The character of business of the applicant.

(4) The length of time said applicant has been in business of that character or, in the case of a corporation, the date when its charter was issued.

(5) The amounts of goods, wares, and merchandise on hand at the time application is made.

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

(a) If a leased premises, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.

(b) The name and address of the owner or owners of the premises and the names

and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust.

(7) A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

(8) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws for this state, or the ordinances of this Village.

(9) Whether a previous license by any state or subdivision thereof, or by the federal government, has been issued, and, if so, where and when, or if any such license has been revoked the reasons therefore.

(10) The date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business of Illinois if a foreign corporation.

(11) A statement that the applicant will not violate any of the laws of this state or of the United States, or any ordinance of the Village in the conduct of his place of business.

(B) All managers and assistant managers for all types of licensed businesses must file applications pursuant to this section as if they were applicants for individual licenses, must meet all pertinent licensing requirements of this chapter, and must be approved by the Local Commissioner. The application, approval, and qualification requirements for managers and assistant managers shall be conditions attached to the license of the business employing them, and any violations of those requirements can result in license penalties for the employing business, including suspension, revocation, or fines.

(C) (1) The Local Commissioner may, in the exercise of his discretion, require any applicant for a new Village liquor license, or any applicant for a renewal of a Village liquor license, to be fingerprinted whether the applicant be an individual or a partnership. Should the applicant be a corporation, the Local Commissioner may, within his discretion, require the following to be fingerprinted:

(a) The officers, manager, or director of the corporation; or

(b) Any stockholder or stockholders owning in the aggregate more than 5 % of the capital stock of the corporation.

(2) All such fingerprinting shall be done by the Police Department. Fingerprints shall be submitted to the appropriate state and federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant.

(D) The Local Commissioner shall issue a written acceptance or rejection of an application within 60 days of its receipt by the Commissioner or Clerk in his behalf; or shall notify an applicant of the reasons for further time being necessary to complete the investigation or processing; or shall schedule a hearing on such application as allowed by ILCS Ch. 235, Act 5, § 7-9.

§ 111.05 RESTRICTIONS ON LICENSEES.

(A) The fact that an applicant has been convicted of or has been placed on supervision for a drug or alcohol-related offense or suspension of a liquor license in any other jurisdiction shall be considered in the review of an application for any license or renewal thereof, and may be the basis for the denial of the license or renewal of any license hereunder. For purposes of this chapter, *ALCOHOL-RELATED OFFENSE* includes driving while under the influence of intoxicating liquor, and any offenses involving the possession, transfer, or consumption of alcohol.

(B) Except as otherwise provided in division (C), no liquor license shall be issued to:

(1) An individual person who is not a resident of the village.

(2) An individual person who is not of good character and reputation in the community in which such person resides, or is an habitual user of alcohol, drugs, narcotics, marijuana, or controlled substances.

(3) An individual person who is not a citizen of the United States.

(4) An individual person who has been convicted of a felony under federal or state law.

(5) An individual person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) An individual person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) An individual person whose license under this chapter or under the Liquor Control Act has been revoked for cause.

(8) An individual person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A partnership, if any general partnership thereof or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder for any reason other than residence.

(10) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5 % of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than United States citizenship and residence within the village.

(11) A corporation, unless it is incorporated in this state, or unless it is a foreign corporation, which is qualified under the Business Corporation Act to transact business in this state.

(12) A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required by the licensee, and is a resident or becomes a resident of the village within one year of adoption of this Code of Ordinances.

(13) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited a bond to appear in court to answer charges for any such violation.

(14) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.

(15) Any law enforcing village public official, officer, or employee or member of any village board or commission; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor.

(16) Any person, firm, or corporation not eligible for a state retail liquor dealer's license.

(17) Any applicant who fails to obtain a state liquor license.

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

(19) A person who has been convicted of a gambling offense as proscribed

by ILCS

Ch. 720, Act 5, §§ 28-1(a)(3) through (a)(II), 28-1.1, or 28-3, or as proscribed by a statute replacing any of the aforesaid statutory provisions.

(20) To operate a federal gaming device or to sell wagering stamps.

(21) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under ILCS Ch. 230, Act 15, §§ 0.01 et seq. or ILCS Ch. 230, Act 20, §§ 1 et seq.

(C) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal, state or local law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The State Commission shall determine if all provisions of this division (C) have been met before any action on the corporation's license is initiated.

Statutory reference:

Restrictions on state licensees, see ILCS Ch. 235, Act 5, § 6-2

§ 111.06 RECORD OF LICENSES.

The Village Clerk shall keep a complete record of all licenses issued and shall furnish the Chief of Police with a copy thereof. Upon revocation or suspension of any license, the Village Clerk shall immediately give written notice thereof to the Chief.

§ 111.07 INSURANCE REQUIREMENTS.

No license shall be granted to an applicant until the applicant shall furnish evidence satisfactory to the Local Commissioner that the applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of ILCS Ch. 235, Act 5, § 6-21 and specifically designating the Village as an additional insured. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought.

Statutory reference:

Insurance requirements, see ILCS Ch. 235, Act 5, §§ 6-21 et seq.

§ 111.08 TERM OF LICENSE; RENEWALS; DISHONORED PAYMENT.

(A) Each license issued hereunder shall terminate on April 30 following the issuance thereof. Any licensee may renew its license at the expiration thereof, provided that it is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for the purpose, and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Board of Trustees from decreasing or limiting the number of classes of licenses to be issued within the Village.

(B) A negotiable instrument received as payment for a license fee, transfer fee, late fee, offer in compromise, pre-disciplinary conference settlement, or fine imposed by order that is dishonored on presentation shall not be considered payment and shall be cause for disciplinary action. (ILCS Ch. 235, Act 5, § 6-1)

Statutory reference:

License term; renewal, see ILCS Ch. 235, Act 5, §§ 6-1 et seq.

§ 111.09 TRANSFER OF LICENSE.

(A) A license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as in this chapter 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. A license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any

insolvent or bankrupt licensee, when an estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of the decedent, or insolvency or bankruptcy, until the expiration of the license, but not longer than six months after the death, bankruptcy, or insolvency of the licensee.

(B) A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with this section.

Statutory reference:

License transfers, see ILCS Ch. 235, Act 5, § 6-1

§ 111.10 CLASSIFICATION AND FEES.

There shall be classes of licenses with an annual license fee as indicated and set forth in Title XVII of this Code of Ordinances.

§ 111.11 INITIAL LICENSE APPLICATIONS; FEES.

(A) The first and initial license fee for new licenses issued between May 1 and October 31 of any year shall be in an amount equal to the annual fee described in § 111.10 plus a nonrefundable fee as set forth in Title XVII of this Code of Ordinances to defray the costs of investigation of the applicant as provided for and pursuant to the provisions of this chapter, payable in one installment. The first and initial license fee for new licenses issued between November 1 and April 30 for any year shall be in an amount equal to one-half the annual fee plus the nonrefundable fee to defray costs of investigation of applicant as provided for and pursuant to the provisions of this chapter, payable in one installment.

(B) Any sale, transfer, or assignment of more than 50% of the shares of a corporation shall terminate said license for the purpose of payment of a fee for a first and initial license.

(C) Any bankruptcy, insolvency of a license, or any sale, transfer, or assignment of any partner or partnership or partnership interests in a license held by a partnership shall terminate said license for the purpose of payment of a fee for a first and initial license.

§ 111.12 NUMBER OF LICENSES ISSUED.

All licenses issued hereunder shall be designated by the classification as set forth in Title XVII of this Code of Ordinances. There shall be such number of licenses as may

be from time to time determined by the Board of Trustees. There may be in force at any time no more than that amount as set forth in Title XVII of this Code of Ordinances.

§ 111.13 INCOMPLETE APPLICATIONS.

(A) Applications for liquor licenses which are incomplete or fail to contain the statements or information required by § 111.04 shall be rejected by the Local Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiencies in said application within 60 days of its receipt by the Commissioner or by the Village Clerk. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application in accordance with § 111.04.

(B) Administrative or legal expenses incurred in reviewing incomplete liquor license applications, advising the applicant of such deficiencies, and rejecting such applications shall be paid by the applicant. A bill or invoice shall be submitted to the applicant specifying the additional administrative or legal expenses incurred in processing the applicant's incomplete liquor license application, which shall be paid by the applicant together with the annual license fee prior to the issuance of such liquor license.

§ 111.14 DISPOSITION OF FEES.

All such fees shall be paid to the Village Treasurer at the time application is made. Although the license is payable at the time of making application for license, the Local Commissioner may divide the annual license fee into two payments, each payable semiannually. In the event the license applied for is denied, the fee shall be returned to the applicant, except for the nonrefundable fee set forth in § 111.11. If the license is granted, then the fee shall be deposited as set forth above, and no portion thereof shall be refunded, except as set forth in § 111.09.

§ 111.15 CONDITIONS OF LICENSE.

(A) *Closing hours.* Shall be as set forth in Title XVII of this Code of Ordinances.

(B) *Election days.* Licensees may sell at retail any alcoholic liquor on the day of any national, state, county, or village election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

(C) *Refilling original packages.* No person licensed under this chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic

liquor, unless in original packages, except vinous beverages and pitchers of beer as permitted elsewhere herein.

(D) *Quantity sales for on-premises consumption.* It shall be unlawful for any licensee, other than any as set forth in Title XVII of this Code of Ordinances, within the meaning of that term as defined in this chapter, to sell, give away, or permit to be sold, served, or given away for consumption on the licensed premises any distilled spirits except by the glass, in individual servings not exceeding three fluid ounces.

(E) *Displaying license.* Every licensee shall cause the license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

Penalty, see § 111.99

LOCATION, BUILDING, AND PREMISES RESTRICTIONS

§ 111.30 LOCATION RESTRICTIONS.

(A) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or restaurants or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business or use so exempted is established for such purposes prior to the establishment of any such church, school, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school, where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(B) 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 sale or consumption of alcoholic liquor.

(C) No such license shall be issued to any person for the sale 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.

(D) A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Local Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

Penalty, see § 111.99

§ 111.31 SANITARY CONDITIONS.

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

Penalty, see § 111.99

§ 111.32 VIEW FROM STREET.

(A) In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, recreational facility, or club) no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road, or sidewalk at all times. No booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road, or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.

(B) In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee, or be permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Village President shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required. Penalty, see § 111.99

§ 111.33 PREMISES RESTRICTIONS.

No licensed premises shall be operated or occupied in violation of any building, fire, health, or safety code, rule, regulation, occupancy, or capacity limitation established or adopted by the village, the state, or if applicable, the Fire Protection District for the village.

Penalty, see § 111.99

§ 111.34 PERSONNEL RESTRICTIONS.

(A) Change in personnel.

(1) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than 5 % of the stock or ownership interest, managers or assistant managers of establishments licensed under this chapter shall be reported in writing to the Local Commissioner within ten days of the change. All such new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Commissioner.

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

(3) When a license has been issued to a corporation, and a change takes place in officers, directors, managers, or shareholders of more than 5 % of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.

(4) When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.

(B) 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, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor. No employee, agent, or manager, while on duty within the premises, shall use or consume any illegal drugs or alcoholic liquor, or be under the influence of illegal drugs or alcoholic liquor.

(C) Supervision. A licensee which operates with a manager or assistant manager shall have on duty at all times such manager or assistant manager when the license is in effect.

Penalty, see § 111.99

§ 111.35 PROHIBITED ACTS AND CONDITIONS.

(A) *Peddling*. It shall be unlawful to peddle alcoholic liquor in the village.

(B) *Gambling*. It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

(C) *Solicitation*. It shall be unlawful for any licensee, manager, or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ, or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor or sexual favors or services for herself, himself, or any other person; nor shall any person, whether employer, entertainer, or otherwise, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for herself, himself, or any other person therein. However, nothing herein contained shall prohibit any adult manager, waitress, or waiter who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, waitress, or waiter.

Penalty, see § 111.99

§ 111.36 SALES TO MINORS, DRUNKARDS, AND THE LIKE.

(A) No licensee or officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to any person known to be an habitual drunkard, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service. It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the village where alcoholic liquor is sold.

(B) In every place in the village 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 substantially as follows:

"WARNING TO PERSONS UNDER THE AGE OF 21 YEARS

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

(C) It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of 21 to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this shall not apply to any person under the age of 21 who is accompanied by a parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor. In addition to all other fines and penalties, the Local Commissioner may suspend or revoke the liquor dealer's license for any violation of this division.

(D) It shall be unlawful for any parent or guardian to knowingly permit any person of which he or she is the parent or guardian to violate any provisions of this section.

(E) It shall be unlawful to sell, give, or deliver alcoholic liquor to any person under the age of 21.

(F) It shall be unlawful for any person under the age of 18 years to draw, pour, or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of 18 years to dispense, sell, or deliver any alcoholic liquor in the original package, bottle, or case for consumption off the premises of any licensed establishment. Except for the prohibitions provided for in this section, it shall be lawful for any person 18 years of age or older to work in a licensed premises, and to serve alcoholic liquor.

Penalty, see § 111.99

§ 111.37 PURCHASE OR ACCEPTANCE OF GIFT BY MINORS; IDENTIFICATION CARDS.

(A) Purchase or possession of alcoholic liquor by person under 21 years of age.

(1) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(2) If a licensee or such licensee's agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent, or employee 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. Reasonable care in compliance with the provisions of this division shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter relating to revocation or suspension for the violation of any other provision of this chapter.

(3) No person shall transfer, alter, or deface such an 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 section.

(4) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(B) Nothing in this section shall be construed to prohibit the possession and dispensing, or consumption by a person under the age of 21 years of alcoholic liquor in the performance of a religious service or ceremony or under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home.

Penalty, see § 111.99

VIOLATIONS

§ 111.50 VIOLATION OF TAX ACTS.

(A) In addition to other grounds specified in this chapter, the Local Commissioner, upon the complaint of the state Department of Revenue, may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of any tax act administered by the state department:

- (1) Failure to make a tax return.
- (2) The filing of a fraudulent return.
- (3) Failure to pay all or part of any tax or penalty finally determined to be due.
- (4) Failure to keep books and records.

(5) Failure to secure and display a certificate or sub-certificates of registration.

(6) Willful violation of any rule or regulation of the state Department of Revenue relating to the administration and enforcement of tax liability.

(B) Upon receiving notice from the state department that a violation of any items of division (A)(1) through (6) have been corrected or otherwise resolved to the state department's satisfaction, the Local Commissioner may vacate an order of revocation. (ILCS Ch. 235, Act 5, § 6-3)

§ 111.51 SUSPENSION AND REVOCATION; COMPLAINTS AND HEARING.

(A) The Local Commissioner may, in accordance with the Liquor Control Act, revoke or suspend any license issued by him, if he determines that the licensee has violated any of the provisions of the Act or of any ordinance or resolution enacted by the Board of Trustees of the village or any applicable rule or regulation established by the Local Commissioner or the state commission which is not inconsistent with law.

(B) In addition to the suspension or revocation, licensees may be fined as set forth in § 111.99. License suspension and revocation proceedings shall be conducted pursuant to ILCS Ch. 235, Act 5, § 7-5. Review of the Local Commissioner's decision shall be as set forth in ILCS Ch. 235, Act 5, § 7-9.
(ILCS Ch. 235, Act 5, § 7-5)

(C) Complaint of violation; hearing. Any five residents of the village shall have the right to file a complaint with the Local Commissioner stating that any retailer licensee subject to the jurisdiction of the Local Commissioner has been or is violating the provisions of this chapter or the Liquor Control Act or the rules or regulations issued pursuant thereto. The complaint shall be in writing in the form prescribed by the Local Commissioner and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the Local Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for the belief, he 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 in the complaint.
(ILCS Ch. 235, Act 5, § 7-7)

Penalty, see § 111.99

§ 111.52 FORFEITURE OF FEES.

Whenever any license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for the license.

Statutory reference:

Forfeiture of fees, see ILCS Ch. 235, Act 5, § 7-12

§ 111.53 USE OF PREMISES AFTER REVOCATION.

When a license has been revoked for any cause, no license shall be granted to any person for a period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor in the premises described in the

revoked license, unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only.
(ILCS Ch. 235, Act 5, § 7-13)

§ 111.99 PENALTY.

(A) Any person other than a licensee violating any provision of this chapter shall, upon conviction, be fined not less than \$100 nor more than \$750 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. .

(B) A licensee violating any provision of this chapter may be fined by the Local Commissioner in addition to suspension or revocation. The fine shall not exceed \$1,000 for each such violation. Each day on which the violation occurs shall constitute a separate violation. Not more than \$10,000 in fines under this section may be imposed against any licensee during the period of the licensee's license.

(C) Proceeds of fines imposed by the Local Commissioner shall be paid into the Village Treasury.
(ILCS Ch. 235, Act 5, § 7-5)