

# **VILLAGE OF GRAYSLAKE**

## **LIQUOR LICENSE RULES & REGULATIONS**

**VILLAGE CODE – CHAPTER 5.08  
(ALCOHOLIC BEVERAGES)**

*Revised May 4, 2021*

## Chapter 5.08

### ALCOHOLIC BEVERAGES

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## Article I. General Provisions

### 5.08.010 Purpose.

Consistent with the Illinois Liquor Control Act of 1934, 235 ILCS 5 (the “*Act*”), and other applicable State laws, the purposes of this chapter are:

A. To limit the sale of alcoholic liquor at retail by license only and only in its original package or by restaurants, lounges, organized clubs, recreational facilities, civic events, or hotels.

B. To prohibit the sale to, purchase of, consumption by, or possession of alcoholic liquor by persons under the age of twenty-one (21) years.

C. To prevent intoxication, disorderly conduct, trespass, unruly disturbances at public or private places or assemblies, traffic accidents, and similar conduct that can result from the purchase, consumption, or possession of alcoholic liquor.

### 5.08.020 Definitions.

A. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

"Alcoholic liquor" means alcohol, spirits, wine, beer, alcopop, 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 any liquid or solid containing one-half of one percent of alcohol by volume or less, or to liquids or solids containing in excess of one-half of one percent of alcohol by volume if dispensed by a licensed pharmacy pursuant to a medical prescription.

“Alcopop” means a flavored alcoholic beverage or flavored malt beverage that includes (i) a malt beverage containing a malt base or beer and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives where such blending material constitutes 0.5% or more of the alcohol by volume contained in the finished beverage; (ii) a beverage containing wine and more than 15% added natural or artificial blending material, such as fruit juices, flavors, flavorings, or adjuncts, water (plain, carbonated, or sparkling), colorings, or preservatives; (iii) a beverage containing distilled alcohol and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives, or (iv) an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5% or more of alcohol by volume.

"Bar area" means that area where alcoholic liquor sales occur for on-premises consumption, which sales are not complementary to the serving of meals. The bar area shall include seating and counter areas for patrons, as well as the area where alcoholic liquor is prepared for serving. The term "bar area" shall only apply to premises engaged primarily in the selling and serving of meals, and such area shall be separated from the remaining areas of the premises by a railing, partition, wall, or similar device as may be approved by the Local Liquor Control Commissioner.

"Beer" means a beverage obtained by the alcohol fermentation of an infusion or concoction of

barley or other grain, malt, and/or hops in water and includes, among other things, beer, ale, stout, lager beer, porter, and the like.

"Engaged primarily in selling and serving meals" means that the sales and service of meals, including the preparation and provision of such meals, account for seventy (70) percent or more of all of the following:

1. The retail value of the establishment's annual gross sales, as determined from both sales receipts and purchase invoices;
2. The use of the establishment's floor area, not including storerooms, stock areas, bathrooms, basements, or any other portions of the establishment not open to the public;
3. The establishment's inventory, whether measured by retail dollar value or number of items; and
4. The establishment's stock in trade at any one time.

"Keg" means an original package container capable of holding more than three gallons of beer.

"Legal age" means twenty-one (21) years of age or older.

"Licensee" means any person, firm, corporation, partnership, or club holding a license properly issued in accordance with the provisions of this chapter.

"Meal" means a larger quantity of food than just a single sandwich, such as a diversified selection of foods and/or courses of foods, which normally would require consumption while seated using tableware. The service of ice cream, ice cream beverages or sundaes, or cakes, cookies, pastries, baked goods, pretzels, popcorn, candy, nuts, or a sandwich, with or without soft drinks, coffee beverages, fruit juice beverages, or tea, or of any combination of the foregoing enumerated items in this subsection, without other components of a meal as defined in this subsection, shall not be considered a "meal"; provided, however, that a "meal" may include any or all of the items enumerated in this subsection when forming a part or parts of such components of what are commonly understood to comprise nutritionally adequate sustenance to meet the day-to-day demands of normal living.

"Restaurant" means any public establishment kept, used, maintained, advertised, and held out to the public to be a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, where the sale and service of alcoholic beverages is incidental and complementary to the sale and service of meals, 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. Evidence that a licensed establishment is a restaurant shall include, but is not limited to, the following:

1. The name of the establishment, as well as advertising for the establishment, clearly defines the establishment as a place where meals are regularly sold and served;
2. The establishment maintains a current, printed menu detailing meals regularly offered and available for sale and service;

3. The establishment maintains operational, clean, and adequate quantities of kitchen and dining equipment and materials, including, without limitation, cooking appliances, cookware, tableware, and ingredients, which shall be of sufficient capacity to serve meals for the establishment's customers or guests in a reasonably timely manner;

4. The establishment meets all Lake County Health Department requirements for the operation of a restaurant; and

5. The establishment employs and maintains on staff during regular business hours a sufficient number and kind of employees to prepare, cook, and serve meals to its customers or guests at tables, including, but not limited to, a cook, certified food service sanitation manager, and wait and bus staff.

"Service bar" means that area where alcoholic liquor is prepared exclusively for on-premises consumption by persons eating meals at tables. The term "service bar" shall only apply to premises engaged primarily in the selling and service of meals.

"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 alcoholic liquor as defined in this section.

B. Unless the context otherwise requires, all other terms used in this chapter that are specifically defined in the Act shall be as construed in the Act, as amended.

#### **5.08.030 Local Liquor Control Commissioner-Powers and Duties.**

A. The Village President is designated as the Grayslake Liquor Control Commissioner and is charged with the administration of the applicable provisions of the Act, and the provisions of this chapter, as well as such other ordinances and resolutions relating to alcoholic liquor as may be enacted from time to time by the Village. The Village President may delegate administrative duties under this Chapter to one or more persons.

B. In addition to any other powers and duties as established by law, the Liquor Control Commissioner shall have all of the following powers and duties with respect to local liquor licenses:

1. To grant or renew liquor licenses in accordance with the provisions of this chapter;

2. To deny any application for a liquor license or renewal thereof if the applicant is not eligible or the application is incomplete or improper;

3. To suspend for not more than thirty (30) days or to revoke for cause all local licenses issued to persons or entities for premises within the Village;

4. To issue fines up to the maximum amount authorized under the Act;

5. To receive complaints from any citizen within the Village that any provision(s) of the state laws or of this chapter have been or are being violated and to act upon such complaints in the manner provided by law;

6. To receive local license fees and deposit same to the credit of the Village;

7. 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 a citation and proceeding has been instituted by the State of Illinois; to examine, or cause to be examined, the books and records of any such applicant or licensee, and to hear testimony and take evidence for his or her information in the performance of his or her duties and for such purposes to issue subpoenas which shall be effective in any part of the state;

8. To order, by issuance of a written order stating the reasons therefor, any licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period in accordance with Section 5.08.470;

9. To enter and/or to authorize a law enforcement officer(s) to enter at any time upon any building or premises licensed under this chapter, except residential or dwelling portions of such buildings, to determine whether the provisions of the Act, this chapter, Village ordinances, or any rules or regulations promulgated by the Liquor Control Commissioner are being violated.

## **Article II. General License Information and Procedural Requirements**

### **5.08.040 License Required.**

A. Required. No person shall sell or offer for sale at retail in the Village, any alcoholic liquor without having a current, valid license issued pursuant to this chapter by the Liquor Control Commissioner.

B. Sale in Violation of License Prohibited. It is unlawful for any licensee to sell, offer for sale, or dispense in the Village, any alcoholic liquor except: (i) in the manner authorized by and in compliance with the terms and restrictions of a license issued pursuant to this chapter; (ii) in compliance with all applicable state, federal, and county laws, the Village of Grayslake Municipal Code, and the provisions of this chapter; and (iii) in substantial accordance with the representations made by the licensee in its liquor license application. Failure to operate in substantial accordance with such representations shall be deemed a violation of this chapter even if the licensee's operations otherwise conform to the requirements of this chapter and the terms of the liquor license class under which the premises are permitted to operate.

C. Nuisance Declared. Any instance when alcoholic liquor is sold, dispensed, possessed, stored, distilled, brewed, bottled, manufactured, or rectified without a valid license required by the Act, and a valid license required by this chapter is declared to be a public nuisance.

D. Changes in Law. Any license issued pursuant to this chapter shall be subject to the terms of this Chapter, the Act, and other applicable law, as each may from time-to-time be amended. No licensee is entitled to rely on this Chapter remaining unchanged, and any amendments to such



laws or this Chapter regarding the applicable regulations for any licensee (including the consolidation or transfer of license categories) shall apply to each licensee upon taking effect.

**5.08.050 Term of License.**

Each license issued under this chapter shall, unless terminated, revoked, or suspended, expire on April 30th following the issuance thereof, provided, however, that a Class "E-1" and Class "E-2" license as hereinafter designated, shall be valid for a forty-eight (48) hour period beginning at 12:01 a.m. on the date specified therein or for a lesser period as required by the license and a Class "E-3" license shall be valid for not more than an eight-hour period and only between the hours of eleven a.m. and eleven p.m. The normal licensing period shall be from May 1st through April 30th of each year, unless a license is issued or terminated at some other time during the year for individual circumstances.

**5.08.060 License Specific to Premises-Permission for Change of Location.**

A license issued under this chapter shall permit the sale of alcoholic liquor only on the premises described in the application and in the license issued thereon (and only one location shall be so described in each license).

**5.08.070 Personal Privilege / Transfer Prohibited**

A. A license issued under this chapter shall be a purely personal privilege, good for a period not to exceed one year after issuance or for up to forty-eight (48) hours for a Class "E-1" and Class "E-2" license or for up to eight hours for a Class "E-3" license (unless sooner revoked or terminated as provided in this chapter) and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be assignable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

B. Such license shall cease and terminate upon the death of the licensee, and shall not descend by the laws of the state of intestate succession; provided, however, that the executor or administrator of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under the order of a court of competent jurisdiction, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but in no event for a period longer than six months after the death, bankruptcy or insolvency of such licensee; provided further that such executor, administrator, trustee or the designee thereof shall be subject to the eligibility requirements and regulations set forth in this Chapter. The executor or administrator of the estate or a business representative of any deceased owner, partner, or shareholder owning five percent or more of a licensed business shall immediately notify in writing the Liquor Control Commissioner of such death, and indicate what changes in ownership and/or management will result from the death.

**5.08.080 License-Joint Tenancy.**

A license may be issued to two or more persons jointly and in case of the death of one of such joint licensee, the surviving licensee shall succeed to all the rights therein by the right of survivorship.

**5.08.090 License-Renewal.**

A. Any licensee may apply for renewal of his or her license at the expiration thereof, provided that such licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided further that the opportunity to apply for renewal shall not be construed as a vested right which shall in any case prevent the president and board of trustees from decreasing the number of licenses to be issued within the Village or to be issued within the Village within any class.

B. All applications for renewal and payment of the annual license fee shall be submitted to the Village Clerk not later than April 1st, or such other date as determined by the Village, of each year.

**5.08.100 Civil Rights in Licensed Premises.**

No licensee licensed under the provisions of this chapter shall deny or permit his or her agents and employees to deny any person the full and equal enjoyment of the accommodation, advantages, facilities, and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

**5.08.110 Disposition of Fees.**

All license fees shall be paid to the Liquor Control Commissioner at the time application is made and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the license fee shall be returned to the applicant, but not the nonrefundable two hundred fifty dollars (\$250.00) filing fee.

**5.08.120 Persons and Locations Not Entitled to License.**

A. No licenses required by this chapter shall be issued to any person who is not eligible therefor under the Act, including without limitation to:

1. A person who is not of good character and reputation in the community in which he or she resides;
2. A person who is not a citizen of the United States;
3. A person who has been convicted of a felony under the laws of any state;
4. A person who has been convicted of being a keeper or is keeping a house of ill fame;
5. A person who has been convicted of pandering or other misdemeanor crimes opposed to decency and morality;
6. A person whose license under this chapter has been revoked for cause or whose liquor license issued under state law or other municipal ordinance was revoked for cause;

7. A person who, at the time of application for renewal, of any license issued under this chapter, would not be eligible for such license upon a first application;
8. A copartnership, unless all the members of such copartnership are qualified to obtain a license;
9. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license under this chapter for any reason other than citizenship or residency;
10. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee;
11. 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 has forfeited his or her bond to appear in court to answer charges for any such violation;
12. A person who does not beneficially own the premises for which the license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
13. Any law-enforcing public official, Village President, or any member of the Village Board of Trustees or employee of the Village;
14. Any person, association, or corporation not eligible for a State Retail Liquor Dealer License;
15. A person who has been convicted of a gambling offense as prescribed by the laws of the State of Illinois;
16. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, a partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period; a corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;
17. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
18. A person who is indebted to the Village or other governmental entity for payment of any other fees, charges, bills, or taxes, which he or she is obligated to pay but have remained unpaid for more than forty-five (45) days;

19. A person who does not evidence insurance coverage for dram shop liability as required by this chapter;

20. Any premises within one hundred (100) feet of any church, school (except institutions of higher education) as measured from the nearest part of the buildings, hospital, home for the aged or for indigent persons or for veterans and their families, or for any locations where it is determined to be detrimental to the general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood of the Village as a whole would be considered detrimental. This provision shall not prohibit the issuance of a license to a church or private school allowing retail sale of alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors; this prohibition does not apply to the renewal of a license when a school or church is established subsequent to the original issuance;

21. Any applicant at a premise that is a chronic nuisance property as defined by Section 8.28.050 of this code.

B. In addition to other grounds specified in this section, the Liquor Control Commissioner, on complaint of the State Department of Revenue, shall refuse the issuance or renewal of a license, or suspend or revoke such license, for any of the following violations of the "Retailers Occupation Tax Act":

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 proper books and records;
5. Failure to secure and display a certificate or subcertificate 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.

C. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business when the majority of customers are less than twenty-one (21) years of age or when the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such customers.

### **Article III. Applications / Changes**

#### **5.08.130 Application-Contents.**

A. Application for a license required by this chapter shall be: (i) made to the Liquor Control Commissioner in writing, (ii) on the official application for the sale of alcoholic beverages as provided by the Village, (iii) signed by the applicant if an individual or by a duly authorized agent thereof if a corporation, or in case of a partnership by at least two members thereof, (iv) verified by

oath or affidavit and in the case of a new application, accompanied by a two hundred fifty dollar (\$250.00) nonrefundable filing fee, and (v) contain the following information and statements:

1. For all individual applicants (including partners, stockholders, managers, agents who must file in connection with an application as set forth in this section) the full name including any middle initial, date of birth, social security number, the last three home addresses and current work address and home and work telephone numbers; in the case of a partnership, the persons entitled to share in the profits thereof and the partnership's FEIN; in the case of a corporation, the date of incorporation, the state of incorporation, and if the state is a state other than Illinois, the date upon which the corporation was certified as a foreign corporation entitled to conduct business in Illinois, the corporation's FEIN, the name and address of the officers and directors, the names and addresses of all stockholders if the total number of stockholders is twenty (20) or less, or if the number of stockholders is twenty-one (21) or more, only those stockholders owning more than five percent interest in the corporation shall be required to be listed; in all cases, the names and additional information required in this section for any and all managers or agents conducting the business;

2. The citizenship of the applicant, his or her place of birth, and, if a naturalized citizen, the time and place of naturalization;

3. The type of business of the applicant and, in the case of a corporation, the objects for which it was formed. All applicants must provide a detailed business plan setting forth the nature and use of the prospective licensed premises. The Liquor Control Commissioner may, as a prerequisite to completing the review of any application for a new license or renewal of a license, require the applicant to supplement such detailed business plan (including the delivery of floor plans for the prospective licensed premises) so as to establish clear representations regarding the proposed operations of the prospective licensed premises and the types of alcoholic beverages and other items to be sold or served thereon. The Liquor Control Commissioner shall be deemed to have relied on the detailed business plan in the issuance of any license under this chapter. As a condition of any license granted under this Chapter, the applicant must operate the licensed business in accordance with the details of the submitted business plan. The Liquor Commissioner may request an updated business plan from time to time;

4. The length of time that the applicant has been in business of that type or, in the case of a corporation, the date on which its charter was issued;

5. The location and description of the premises or place of business which is to be operated under the license, and the specific name of the business;

6. A statement whether the applicant has made similar application for a similar license on the premises other than described in this application, and the disposition of the application;

7. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any manner or thing contained in this chapter, laws of the state, or ordinances of the village;

8. A statement whether the applicant holds or has held a liquor license issued by the State of Illinois to any other political subdivision of Illinois or any other state, and a list of political subdivisions from which the applicant has been issued a liquor license, if any;

9. A statement as to whether a previous license by any state or subdivision thereof or by the federal government has been revoked, suspended, or a fine issued pursuant to regulations, and the reason therefor;

10. A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinances of the village in the conduct of his or her place of business;

11. The Liquor Control Commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof;

12. A statement as to whether the applicant is a Village employee or a law enforcing official of any government or government agency;

13. A statement as to whether the applicant has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;

14. A statement as to whether a federal gaming device stamp has been issued for the current taxable year with respect to the premises for which the license is sought;

15. A statement as to whether the premises for which a license is sought comprises a store or other place of business where the majority of customers are under the age of twenty-one (21) years or where the principal business transacted consists of the sale of school books, school supplies, food, lunches, or drinks for such customers;

16. A statement as to whether the retail sale of alcohol on the premises for which a license is sought will violate any provision of the Grayslake Zoning Ordinance or this Code and as to whether such premises are within one hundred (100) feet of the property of any school, hospital, senior citizen housing, day care center, orphanage, transitional service facility, nursing or personal care facility, home for veterans and their spouses or children, or any military or naval station, or within one hundred (100) feet of the nearest part of any church building used for worship or educational purposes;

17. A statement as to whether the applicant is a permanent resident of the Village;

18. A statement as to whether the applicant beneficially owns the premises for which a license is sought or has a lease thereon for the full period for which the license is to be issued;

19. A statement as to whether the applicant is the beneficial owner of the business to be licensed;

20. A statement as to whether the applicant will be personally, actively involved in the operation of the business to be licensed;

21. A statement as to whether the business is or will be managed by a manager or agent and, if so, statements from every such manager or agent to the same extent as required from every individual applicant;

22. A statement as to the nature of the business and the amount of anticipated alcoholic liquor sales as a percentage of gross annual sales of the business.

23. A statement that the applicant is not disqualified from receiving a license by reason of any matter or item contained in the laws of the State of Illinois, this chapter, or any other code or ordinance of the Village;

24. The Illinois Retailers Occupation Tax number currently assigned to the business or individual and a statement that the business or individual is not currently delinquent in payments to the Illinois Department of Revenue, Village of Grayslake, or any other governmental entity;

25. The amount of goods, wares, and merchandise on hand at the time application is made;

26. Certifications from the Lake County Health Department and the Grayslake Building and Zoning Department indicating that the proposed licensed premises complies with the regulations and ordinances of the Departments; and

27. A statement by the applicant that he or she has not received or borrowed any money or anything else of value, and that he or she will not receive or borrow money or anything else (other than merchandising credit in the ordinary course of business for a period not to exceed ninety (90) days, as expressly permitted under the Act), directly or indirectly, from any manufacturer, distributor(s), or importing distributor(s), and that he or she is not party and will not be a party, in any way, directly or indirectly, to any violation by a manufacturer, distributor, or importing distributor of the Act.

28. Such other information that the Liquor Control Commissioner may require to confirm the eligibility of the applicant for a license under the Act or the provisions of this Code.

B. Once an application for a license has been denied, either because the applicant did not qualify or there were no liquor licenses currently available for issuance, the application shall no longer be considered to be on file after the applicant has received notice of the denial of the issuance of a license.

#### **5.08.140 Applications-Investigations and Examination.**

A. Examination of Applicants, Licenses, Books, and Records. The Liquor Control Commissioner shall have the right 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 as provided by the Act, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, the Commissioner may authorize his or her agent to act on his or her behalf, as provided by law.

B. Investigation and Disclosure of Information Contained in Liquor License Application-

Waiver of Claims. By applying for a liquor license, every applicant authorizes any person to disclose, and the village to investigate, all information pertaining to the applicant's application. Every applicant waives any and all claims against the Village, and agrees to indemnify and hold harmless the Village and its elected and appointed officials, officers, boards, commissioners, attorneys, employees, and agents from any and all claims resulting from or arising out of, or alleged to result from or arise out of, the aforesaid activities. Every applicant will consent to and sign any written authorization, waiver, and/or indemnification agreement as the Village may require in connection with the aforesaid activities, and the failure to do so shall be grounds for denying such application.

**5.08.150      Liquor License Fees.**

Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee provided in the following table within Section 5.08.150. Complete definitions of each license class are contained in Section 5.08.160.



<b>Number of Licenses Limitation</b>	<b>License Class</b>	<b>Description</b>	<b>Liquor License Fee</b>
<b>Bar Licenses</b>			
2	"B-1"	Bar with package sales.	\$3,500.00 per year
4	"B-2"	Bar without package sales.	\$2,500.00 per year
<b>Restaurant Licenses</b>			
0	"R-1"	Restaurant with limited bar space including package sales.	\$1,500.00 per year
3	"R-2"	Restaurant with limited bar space and no package sales.	\$1,500.00 per year
1	"R-3"	Restaurant with service bar only.	\$1,500.00 per year
0	"R-4"	Restaurant with beer and wine only. No service at a bar or counter is allowed. Service at tables.	\$750.00 per year
1	"R-5"	Restaurant with beer, wine, and alcopop only. No service at a bar counter is allowed. Service only at tables.	\$850.00 per year
1	"R-6"	Restaurant with wholesale brewery production activities.	\$3,500.00 per year
<b>Original Package Licenses</b>			
5	"P-1"	Package liquor sales only for consumption off of premises within a residential building (liquor store).	\$1,500.00 per year
3	"P-2"	Package liquor sales only for consumption off premises with additional sales floor area and other restrictions.	\$1,500.00 per year
2	"P-3"	Package beer and wine sales only for consumption off of premises (convenience store).	\$1,500.00 per year
1	"P-4"	Package wine sales only for consumption off of premises and limited wine tastings (wine stores).	\$1,500.00 per year
7	"P-5"	Package beer, wine, and alcopop sales only for consumption off of premises (convenience store).	\$1,500.00 per year
<b>Event Licenses</b>			
No Limit	"E-1"	Liquor sales allowed at special public events or festivals sponsored by certain organizations in "E-1" definition.	No Fee
No Limit	"E-2"	Liquor sampling at public festival events with an entry fee and sponsored by certain organizations in "E-2" definition.	No Fee
No Limit	"E-3"	Special business promotional events with liquor sales.	\$50.00 per event
<b>Other Licenses</b>			
0	"O-1"	Consumption on licensed premises for banquets, wedding receptions, and other private parties (banquet halls).	\$500.00 per year
2	"O-2"	Private event liquor sales for political subdivision.	No Fee
1	"O-3"	County Fair Association event liquor sales.	\$2,500.00 per year
0	"O-4"	Liquor sales occurring in hotel bar or reception event.	\$1,500.00 per year
0	"O-5"	Limited brewery producing beer and selling wine for consumption on premises including limited package.	\$850.00 per year
0	"O-6"	Liquor sales incidental to privately catered party (caterer).	\$250.00 per year

**5.08.160 Classes of License-Definitions.**

Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. The licenses shall be divided into classes as defined in this section, and the license fee for same, respectively, shall be as provided in Section 5.08.150. Definitions for each license class are the following:

**BAR LICENSES**

A. Class "B-1" license, which shall authorize the sale on premises specified of alcoholic liquor for consumption on the premises, as well as other retail sales of such alcoholic liquor in the original package and not for consumption on the premises. Any display of alcoholic liquor for retail in the original package shall not exceed an area of thirty-six (36) square feet in the licensed premises and no advertising of retail sales of package goods shall be carried on other than the price of the package being attached to the display area.

B. Class "B-2" license, which shall authorize the sale of alcoholic liquor for consumption only on the premises where sold.

**RESTAURANT LICENSES**

C. Class "R-1" license, which shall be issued only to restaurants and eating places engaged primarily in selling and serving meals and which shall authorize the sale of alcoholic liquors on the premises. The sale and service of alcoholic liquor must be served at tables where meals are served or in a bar area, provided that (1) the bar area does not exceed either twenty-five (25) percent of the total floor area of the premises or four hundred fifteen (415) square feet, and (2) the bar area is specifically identified as such in the license. Sales in the original package and not for consumption on the premises are also permitted, provided that any display of alcoholic liquor for retail in the original package shall not exceed thirty-six (36) square feet in the licensed premises and no advertising of retail sales of package goods shall be carried on other than the price of the package being attached to the display area.

D. Class "R-2" license, which shall be issued only to restaurants engaged primarily in selling and serving meals and which shall authorize the sale of alcoholic liquors on the premises. The sale and service of alcoholic liquor must be served at tables where meals are served, or at a bar or counter, provided that (1) the bar area must be less than twenty-five (25) percent of the total floor area of the premises or four hundred fifteen (415) square feet, and (2) the bar area is specifically identified as such in the license.

E. Class "R-3" license, which shall be issued only to restaurants engaged primarily in selling and serving meals. The license shall authorize the licensee to sell and serve alcoholic liquor for consumption only with meals on the premises where sold and to have service bars only. Sale and service of alcoholic liquor must be by the licensee or any employee of the licensee at a table only. No alcoholic liquor may be sold or served to customers of the licensee at a bar or counter. It is unlawful for such licensee to render a bill for the sale and service of alcoholic beverages which does not include a charge for a meal, and the alcoholic liquor must have been served for consumption with a meal. No such license shall be issued to or retained for use at an establishment in which the facilities for meal preparation and service are not primarily those of a restaurant. Without

limiting the generality of the foregoing, limited meal service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, etc., does not satisfy the requirements for this license classification. Notwithstanding the restrictions in this subsection requiring sale and service of alcoholic beverages at a table, any cafeteria-type operation that serves meals as defined in this chapter may qualify for a Class "R-3" license issued hereunder if other applicable provisions of this chapter are met. Each licensee selling and serving alcoholic liquor under a Class "R-3" license issued hereunder shall be governed by the foregoing provisions of this section, and all law enforcement officers in enforcing the provisions of this chapter shall likewise be so governed.

F. Class "R-4" license, which shall be issued only to restaurants engaged primarily in selling and serving meals. This license shall authorize the licensee to sell and serve beer and wine only, and no other alcoholic liquor, for consumption only with meals on the premises where sold and to have service bars only. Sale and service of such beer and/or wine must be by the licensee or any employee of the licensee at tables only. No beer and/or wine may be sold or served to customers of the licensee at a bar or counter. It is unlawful for such licensee to render a bill for the sale and service of beer and/or wine which does not include a charge for a meal, and the beer and/or wine must have been served for consumption with a meal. No such license shall be issued to or retained for use at an establishment in which the facilities for meal preparation and service are not primarily those of a restaurant. Without limiting the generality of the foregoing, limited meal service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, etc., does not satisfy the requirements for this license classification. Any cafeteria-type operation that serves meals as defined in this chapter may qualify for a Class "R-4" license issued hereunder if other applicable provisions of this chapter are met. Each licensee selling and serving alcoholic liquor under a Class "R-4" license issued hereunder shall be governed by the foregoing provisions of this section and all law enforcement officers in enforcing the provisions of this chapter shall likewise be so governed.

G. Class "R-5" License, which shall be issued only to restaurants engaged primarily in selling and serving meals. This license shall authorize the licensee to sell and serve beer, wine, and alcopop only, and no other alcoholic liquor, for consumption only with meals on the premises where sold and to have service bars only. Sale and service of such beer, wine, and/or alcopop must be by the licensee or any employee of the licensee at tables only. No beer, wine, and/or alcopop may be sold or served to customers of the licensee at a bar or counter. It is unlawful for such licensee to render a bill for the sale and service of beer, wine, and/or alcopop which does not include a charge for a meal, and the beer, wine, and/or alcopop must have been served for consumption with a meal. No such license shall be issued to or retained for use at an establishment in which the facilities for meal preparation and service are not primarily those of a restaurant. Without limiting the generality of the foregoing, limited meal service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, etc., does not satisfy the requirements for this license classification. Any cafeteria-type operation that serves meals as defined in this chapter may qualify for a Class "R-5" license issued hereunder if other applicable provisions of this chapter are met. Each licensee selling and serving alcoholic liquor under a Class "R-5" license issued hereunder shall be governed by the foregoing provisions of this section and all law enforcement officers in enforcing the provisions of this chapter shall likewise be so governed.

H. Class "R-6" license, which shall be issued to restaurants engaged primarily in selling and serving meals. This license shall authorize the sale of beer products from wholesale brewery production activities on the premises. Beer products from the wholesale brewery production activities must be made available for sale at retail on the premises or for sale only in original packages at other liquor licensed businesses.

This license shall be subject to the following conditions and specifications: brewing operations (including areas for equipment, materials, packaging, and other production activities) shall be limited to not more than 30% of the floor area of the building; brewing activities shall be limited to not more than five (5) days in any week and to not more than eight (8) hours in any one twenty-four (24) hour day; the Village may require the licensee to establish a formal schedule for brewing activities on the premises; brewing capacity on the premises shall be limited to no greater than an 8.5 barrel per day system; no outdoor seating shall be permitted in connection with the premises; and wholesale brewery production activities shall be in compliance with all applicable laws and regulations. Licensee shall obtain and maintain all necessary permits and licenses required by State and/or County laws and regulations.

This license shall further authorize the following: sale for consumption on the premises of craft beer produced off-premises by other breweries; sale of wine for consumption on the premises; sale of liquor for consumption on the premises; the consumption of sampler flights (small glasses), which do not exceed six fluid ounces per sample of the beer products produced on the premises or from the guest taps; and, the sale of beer products dispensed into glass containers or cans not to exceed sixty-four (64) ounces for consumption off of the premises, provided the glass containers or cans are properly sealed for transport in compliance with State law.

The Village may establish additional conditions specific to each licensed premise.

Special Sales Off-Premise Sales Permission: If requested by the licensee, the Liquor Commissioner may temporarily (not more than six months) allow beer products from licensee's brewing operations to be sold at its previous licensed location in the Village.

## **ORIGINAL PACKAGE LICENSES**

I. Class "P-1" license, which shall authorize the sale of alcoholic liquor only in original packages and not for consumption on the premises where sold, which premises shall not be located on property or in a building that is used, in whole or in part, for residential purposes, except as otherwise approved by the Liquor Commissioner in connection with an approved mixed use planned unit development.

J. Class "P-2" license, which shall authorize the sale of alcoholic liquor only in original packages and not for consumption on the premises where sold, and the sale of alcoholic beverages at such premises shall:

1. account for no more than 30 percent of the retail value of the establishment's annual gross sales, as determined from both sales receipts and purchase invoices;
2. account for no more than 30 percent of the use of the establishment's floor area, not including storerooms, stock areas, bathrooms, basements, or any other portions of the establishment not open to the public;
3. account for no more than 30 percent of the establishment's inventory, whether measured by retail dollar value or number of items; and
4. account for no more than 30 percent of the establishment's stock in trade at any one time.

K. Class "P-3" license, which shall authorize the sale of beer and wine only in original packages and not for consumption on the premises where sold. Such licensed premises shall offer for sale food and other retail items typically offered for sale at convenience stores. Any display of alcoholic liquor for retail in the original package shall not exceed twenty (20) percent of the use of the establishment's floor area, not including storerooms, stock areas, bathrooms, basements, or any other portions of the establishment not open to the public.

L. Class "P-4" license, which shall authorize the sale of wine only in original packages and not for consumption on the premises where sold; provided, however, that the liquor commissioner, upon application of the holder of a Class "P-4" liquor license, may further authorize such licensee to give away wine for tasting purposes only on the licensed premises subject to all the terms and conditions set out in Section 5.08.250 of this chapter. There shall be no additional fee for this authorization.

M. Class "P-5" License, which shall authorize the sale of beer, wine, and alcopop beverages only in original packages and not for consumption on the premises where sold. Such licensed premises shall offer for sale food and other retail items typically offered for sale at convenience stores. Any display of alcoholic liquor for retail in the original package shall not exceed twenty (20) percent of the use of the establishment's floor area, not including storerooms, stock areas, bathrooms, basements, or any other portions of the establishment not open to the public.

## **EVENT LICENSES**

N. Class "E-1" license, which shall only be issued for special community public events sponsored by local civic, fraternal, religious, or educational organizations and shall authorize the retail sale, consumption, gift, or dispensing on the premises specified of alcoholic beverages. A Class "E-1" license shall not be issued for more than forty-eight (48) hours. Class "E-1" license applications must be filed with the Village Clerk at least five days prior to the special event in connection with which same is issued. This license may be issued to the following types of organizations or businesses for special community public events and festivals:

- 1) Local civic, fraternal, religious, or educational organizations; or
- 2) Liquor license holders, as allowed in Section 5.08.270, with approval of the event sponsor.

Class "E-1" license applications from local civic, fraternal, religious, or educational organizations may list multiple events planned for the license year. At the discretion of the Liquor Commissioner, Class "E-1" licenses may be issued for multiple special public events (none of which may exceed 48 hours in duration) under a single Class "E-1" license valid from May 1st through April 30th of each year.

O. Class "E-2" license, which shall only be issued to a local civic, fraternal, religious, or educational organization organizing a public festival event. The public festival event must have controlled access points for the entire festival event site. A festival site entry fee or admission ticket must be collected at each controlled access point. Alcoholic beverage samples may be provided by event sponsor approved vendors. A Class "E-2" license shall not be issued for more than forty-eight (48) hours

P. Class "E-3" license, which shall authorize sales of alcoholic liquors made without consideration by a retail, service, or other business establishment when such sale is incidental and complementary to a special event related to the business purposes of such retail, service, or other business establishment such as a grand opening or special promotion of goods and services. Every such license and all sales pursuant to any such license shall be subject to the following conditions and limitations:

1. No such license shall be valid for more than eight hours or for the normal hours of one day of operation of such retail or service establishments, whichever is less.

2. No such sale or dispensing of alcoholic liquors pursuant to such license shall occur between the hours of eleven p.m. and eleven a.m.

3. The sale and dispensing of alcoholic liquor shall be supervised by the owner or full-time employee of such establishment who has attained the age of twenty-one (21) and shall only occur within a designated area of the licensed premises as approved by the liquor control commissioner and designated in the license.

4. Such alcoholic liquor shall be served only to patrons of the establishment who enter the premises or other area designated in the license where alcoholic liquor is to be served.

5. Such alcoholic liquor shall be served in a container which shall be disposed of before leaving the premises or area designated in the license where the alcoholic liquor may be served.

6. The applicant shall not in any way at any time have advertised, or advertise, or otherwise publish the availability of such alcoholic liquor through any media or other means of communication, including, but not limited to, the use of printed signs or other method of advertisement located upon the premises where such alcoholic liquor will be served.

7. No person or retail or service establishment may obtain more than two Class "E-3" licenses within one calendar year.

8. Class "E-3" license applications must be filed with the Village Clerk at least five days prior to the special event in connection with which same is issued.

### **OTHER LICENSES**

Q. Class "O-1" license, which shall authorize the sale of alcoholic liquor for consumption on the licensed premises only in connection with scheduled special functions such as banquets, wedding receptions, and other private party functions where meals are served and where the service of alcoholic beverages is primarily incidental and complementary to the service of such meals. No retail sale of alcoholic liquor shall be made at any time to the general public (other than to those in attendance at the banquets, wedding receptions, or other party functions).

R. Class "O-2" license, for political subdivisions to permit the sale of alcoholic liquor for consumption on the premises of the licensee at its regularly scheduled properly controlled private events.

S. Class "O-3" license, which shall authorize on premises not less than 75 acres in area, an incorporated not-for-profit county fair association and used for annual County fairs and scheduled special functions: (1) the sale of alcoholic liquor for indoor or outdoor consumption on the licensed premises only in connection with scheduled special functions such as banquets, wedding receptions, and other private party functions where meals are served and where the service of alcoholic beverages is primarily incidental and complementary to the service of such meals; the sale of beer, wine, and alcoholic liquor for indoor or outdoor consumption on the licensed premises only in conjunction with scheduled indoor shows and events, including but not limited to antique shows, flea markets and other scheduled shows and events that utilize said facilities; (2) the sale of beer, wine, and alcoholic liquor for indoor or outdoor consumption on the licensed premises only in connection with an annual County fair and only for sale, sampling and consumption within controlled, fenced, and designated areas depicted on a written plan submitted in advance by the licensee and approved by the Liquor Control Commissioner prior to the event, and (3) the sale of beer, wine, and alcoholic liquor for indoor or outdoor consumption on the licensed premises only in connection with scheduled special functions such as concerts and similar musical events, sporting events or theatrical performances and only for sale and consumption within controlled, fenced, and designated areas depicted on a written plan submitted in advance by the licensee and approved by the liquor commissioner prior to the event. Nothing in this Subsection R (3) shall be construed to prohibit consumption within a designated and controlled entire event area so long as a location and management plan is submitted and is approved by the Liquor Control Commissioner. No retail sale of alcoholic liquor shall be made at any time to the general public other than to those in attendance at the scheduled special functions described in this Subsection.

T. Class "O-4" License, which shall authorize the sale of alcoholic liquor by a hotel, not in the original package, for consumption on the premises only by hotel guests or attendees of scheduled reception events held in the designated special reception room as approved by the Liquor Control Commissioner. Hotel guests may take up to two alcoholic beverage servings purchased from the hotel bar to their room per trip from bar to room. Hotel guests shall not be served alcoholic beverages through room service. Sales of alcoholic beverages shall not take place between 12:00 a.m. and 12:00 p.m. on all days of the week. Sales of alcoholic beverages must be made from the hotel bar counter only. The hotel shall not advertise sales of alcoholic beverages through any public media of general circulation or anywhere on the exterior of the hotel building on site.

Holders of a Class "O-4" License may also sell alcoholic beverages, not in their original packages, in designated reception rooms provided alcoholic beverages are sold from a bar counter or mobile bar cart during a scheduled event only and under the following restrictions in addition to the above general restrictions: sale and consumption of alcoholic beverages shall be incidental to the service of a meal in the reception room; the scheduled reception event shall be under the general supervision, at all times, of an employee of the licensee with current BASSET training; and the licensee shall not permit any special reception attendee to leave the reception room with any alcoholic beverage.

U. Class "O-5" License, which shall authorize a limited brewery that produces no more than one-hundred (100) gallons per day of beer and ale in compliance with state and federal licenses authorizing the production, storage, and distribution of an alcoholic beverage. The limited brewery shall have a retail sales area where the sale of beer and ale produced by the limited brewery, sale of craft beer produced off-premises by another brewery, and sale of wine occur for consumption on the premises. The retail area of the limited brewery shall be no less than 40% of the total floor area of the premises. Sales of alcoholic beverages shall not take place between 12:00 a.m. and 12:00 p.m.

A Class "O-5" license shall further authorize: the retail sale, at a bar or table, of the beer and ale produced on the premises; retail sale of craft beer produced off-premises by other breweries, and retail sale of wine; up to four guest craft brewery beer dispensing taps; no retail sale of other alcoholic liquor; the consumption of sampler flights (small glasses), which do not exceed six fluid ounces per sample, of the beer and ale produced on the premises or from the guest taps; the sale of beer and ale dispensed into growlers for consumption off of the premises, provided the growlers are properly sealed for transport in compliance with State law; up to eight seats and two table outdoors immediately adjacent to the entrance of the limited brewery for the consumption of ale and beer produced and sold by the limited brewery or beer and ale from guest taps and wine, between the hours of 12:00 p.m. and 9:00 p.m.; and, the sale of beer or ale produced on the premises and dispensed into kegs for consumption off-premises provided the kegs are sold in accordance with 5.08.310 of the Liquor Code.

V. Class "O-6" license, which shall authorize the service or sale of alcoholic liquor as an incidental part of the catering of food service involving prepared "meals" as defined in 5.08.020, which excludes the serving of snacks as the primary meal, at private or public facilities or private residences within the Village. All applicants for a Class "O-6" license must meet all other requirements of the Liquor Code.

#### **5.08.170 Proration of Fees**

Notwithstanding the Liquor License Fees set forth in Section 5.08.150, the annual license fee for an initial license shall be prorated if a liquor license is issued between January 1st and April 30th of a fiscal year. The prorated license fee shall be one-half of the annual license fee.

#### **5.08.180 Number of Licenses-Limitation.**

There shall be no more than the number of license(s) for each license class under "Number of Licenses Limitation" in Section 5.08.150.

No limit is placed under this section upon the number of Class "E-1", Class "E-2", or Class "E-3" liquor licenses, which are to be issued only in connection with special public events, as stipulated in this chapter, and for short duration and restricted otherwise as set forth in this chapter. Upon the abandonment, surrender, revocation, or expiration without renewal of any liquor license issued pursuant to this chapter, the total number of liquor licenses permitted for the class under which the abandoned, surrendered, revoked, or expired license was issued shall, upon the date of such abandonment, surrender, revocation, or expiration, automatically reduce by the number of licenses abandoned, surrendered, revoked, or permitted to expire without renewal on that date, notwithstanding the number of such licenses identified in Section 5.08.150. The Local Liquor Commissioner or the Commissioner's designee shall maintain a current tally of the number and category of licenses authorized from time-to-time.

#### **5.08.190 Evidence of Insurance Required.**

All licensees shall show evidence, satisfactory to the Liquor Control Commissioner, of the issuance of a policy of liquor liability insurance (dram shop) and insurance against liability for any injury or death on account of acts of negligence, omission or violating the Act. Unless a higher coverage amount is otherwise required by law, each dram shop policy shall carry a minimum of one million dollars (\$1,000,000.00) coverage, and each liability policy shall carry a minimum of one million dollars



(\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per occurrence for injury or death. Each licensee shall furnish the Liquor Control Commissioner a certificate of such insurance and each such certificate of insurance shall state on its face that the certificate is not cancelable except upon a minimum of twenty-one (21) days' notice sent to the Liquor Control Commissioner by certified mail, return receipt requested.

#### **5.08.200 Ceasing Operations of Licensed Premises.**

If any licensee, except Class "E-1", Class "E-2", or Class "E-3" licensees, shall cease the operation of the licensed premises, including the serving of liquor, under the terms of his or her license for any period exceeding thirty (30) days without first obtaining written approval from the Liquor Control Commissioner, then the liquor license for that business shall be deemed abandoned, void, and without further force or effect. Such abandonment shall be found without regard to the intent of the licensee to resume operations. The Liquor Control Commissioner may grant approval for a longer period of time only following submission of evidence of good cause for the cessation of operations. The Liquor Control Commissioner may establish a required date by which operation of the business, including the serving of liquor, shall resume.

#### **5.08.210 Classification Change.**

Subject to the limitation on the number of licenses which may be issued and the making of such additional payment as may be necessary to meet license fee requirements in case of a change to a higher fee class of license, a change may be made from one class of license to another upon renewal or reissuance of a license.

#### **5.08.220 Change of Location.**

After a license has been granted for particular premises, the Liquor Control Commissioner, upon proper showing, may endorse upon any license permission to abandon the premises therein described and move therefrom to other premises approved by the Commissioner. In order to obtain such approval, the licensee shall file with the Liquor Control Commissioner a request in writing and a statement under oath which shall show that the proposed new location is a proper one for the retail sale of alcoholic liquor under the Act, this chapter, and all other ordinances of the Village.

#### **5.08.230 Change of Manager or Ownership.**

A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock of a corporation or ownership interest, or managers, of establishments licensed under this chapter shall be reported, in writing, to the Liquor Control Commissioner within ten (10) days after the change. All new personnel shall meet all the standards of this chapter and shall otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Liquor Control Commissioner.

B. 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, the license shall terminate immediately.

C. When a license has been issued to a corporation and a change takes place in the management thereof or in the officers, directors, or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, the license shall terminate immediately.

D. When a license has been issued to an individual who becomes or is no longer eligible for a license, the license shall terminate immediately.

#### **Article IV. Major Regulations**

##### **5.08.240 Display of License and Signs-Unobstructed View from Street Required.**

A. Display of License. Every licensee shall cause his or her current alcoholic liquor license to be framed and hung in plain view in a conspicuous place on the licensed premises.

B. Displaying of Birth Defects Warning Sign. Every licensee shall cause a sign at least eight and one-half inches by eleven inches in size to be framed and hung in plain view which shall read as follows:

Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.

Every licensee shall comply with all rules and regulations of the Illinois Liquor Control Commission and the Illinois Department of Alcoholism and Substance Abuse regarding this requirement.

C. In premises upon which the sale of alcoholic liquor is licensed under Class "B-1", "B-2", "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" and "O-5", no screen, blind, curtain, partition, poster, article, or thing except existing structural members 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, and 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 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 light so that all parts of the interior of the premises shall be clearly visible. If the view into any such licensed premises as required by this section shall be willfully and intentionally precluded by the licensee or willfully permitted by the licensee to be precluded or in any manner obstructed, such license shall be subject to revocation in the manner provided in this section. In order to enforce the provisions of this section, the Liquor Control Commissioner shall have the right to require the filing with the Liquor Control Commissioner of plans, drawings, and photographs showing the clearing of the view as required above.

D. Notwithstanding any other ordinance of the Village, every parking lot of a licensed premise shall be adequately lighted at night so that any person can adequately view the area for

security purposes.

**5.08.250 Tastings Allowed – Licensed Premises.**

A. Wine and Alcoholic Liquor. The giving away by a Class "P-1", Class "P-2", Class "P-3", and Class "P-4" licensee, without charge, of wine in small and limited amounts for tasting purposes only, immediately prior and incident to the sale of wine in the original package for consumption off the premises and the give-away of a limited amount of alcoholic liquor in the original package and not for consumption on the premises as a prize or as part of a special promotional activity, shall not be considered a violation of this section. Such give-away, however, shall be subject to the following conditions and limitations: (1) the individual tasting shall be twenty-one (21) years of age or older; (2) the tasting shall be attended by and supervised by a full-time employee twenty-one (21) years of age or older and only in a designated area on the licensed premises as approved by the Liquor Commissioner and designated in the license; (3) the actual amount of wine tasted may not exceed an ounce; and (4) the sample shall be served in a container which shall be disposed of immediately following the sampling. Furthermore, no person shall advertise the availability of "tasting" through any public media or other means of communication other than on the premises itself.

B. Beer. The giving away by a Class "O-5" and Class "R-6" licensee, without charge, of beer in small and limited amounts for tasting purposes only, immediately prior and incident to the sale of beer in the original package for consumption on the premises. Such give-away, however, shall be subject to the following conditions and limitations: (1) the individual tasting shall be twenty-one (21) years of age or older; (2) the tasting shall be attended by and supervised by a full-time employee twenty-one (21) years of age or older and only in a designated area on the licensed premises as approved by the Liquor Commissioner and designated in the license; and (3) the actual amount of beer tasted shall comply with the sampling limitations in the Class "O-5" and Class "R-6" license definition. Furthermore, no person shall advertise the availability of "tasting" through any public media or other means of communication other than on the premises itself.

**5.08.260 Tastings Allowed – Festivals and Special Events.**

A. Wine and Alcoholic Liquor. Licensees holding valid Class "P-1", "P-3", and "P-4" licenses shall be permitted to give-away a limited amount of wine and a limited amount of alcoholic liquor for tasting purposes only at festivals and special events. Such give-away, however, shall be subject to the following conditions and limitations: (1) the individual tasting shall be twenty-one (21) years of age or older; (2) the tasting shall be attended by and supervised by a full-time employee twenty-one (21) years of age or older and only in a designated area; (3) the actual amount of wine or alcoholic liquor tasted may not exceed an ounce; and (4) the sample shall be served in a container which shall be disposed of immediately following the sampling.

B. Beer. Licensees holding valid Class "O-5" Class "R-6" licenses shall be permitted to give-away limited amounts of beer for tasting purposes only at festivals and special events. Such give-away, however, shall be subject to the following conditions and limitations: (1) the individual tasting shall be twenty-one (21) years of age or older; (2) the tasting shall be attended by and supervised by a full-time employee twenty-one (21) years of age or older and only in a designated area; (3) the actual amount of beer tasted may not exceed six (6) ounces; and (4) the sample shall be served in a container which shall be disposed of immediately following the sampling.

#### **5.08.270 Sales-Hours and Locations.**

A. Hours of Business—Consumption on Premises. It is unlawful to sell or offer for sale at retail any alcoholic liquor for consumption on the premises in the Village between the hours of one a.m. and six a.m. on Monday through Friday and between the hours of two a.m. and six a.m. on Saturday and Sunday. No members of the public shall be allowed to enter the premises during such hours. No persons, other than employees of the licensed establishments, shall be on the licensed premises during such hours and no persons, including employees, shall possess, consume, or receive alcoholic liquors on premises during such hours.

B. Hours of Business—Consumption Off of the Premises. It is unlawful to sell or offer for sale at retail any alcoholic liquor in its original package for consumption off the premises in the Village between the hours of eleven p.m. and six a.m. on any day.

C. Sale in Outdoor Areas. Pursuant to a valid temporary use permit issued by the Liquor Commissioner pursuant to this subsection, a licensee under this chapter may only make available an outdoor area, as that term is defined in this subsection, to be occupied by customers while consuming alcoholic liquor, on Sundays through Thursdays between the hours of nine a.m. and eleven p.m., and on Fridays and Saturdays between the hours of nine a.m. and twelve a.m. the following day. "Outdoor area" means a beer garden, tent, temporary structure, or other area that is enclosed by a permanent wall or fence with a height of at least six feet and without a roof and is only accessible from the interior of the licensee's establishment; provided, however, that Class E-1, E-2, E-3 and O-2, licensees are not required to enclose an outdoor area with a permanent wall or fence or limit access through the indoor portion of the licensee's establishment. Only Class "R-1", "R-2", "R-3", "R-4", and "R-5" licenses may serve liquor, as allowed by each liquor license class definition, outdoors according to the requirements in 5.84 of the Village Code. No licensee shall sell or serve alcoholic liquor for consumption in any other outdoor area of the licensed establishment except as permitted in this subsection. The Liquor Commissioner may, in approving a temporary use permit to allow the sale or service of alcoholic liquor for consumption in any outdoor area, impose conditions on the use of the outdoor area, including, without limitation, restrictions on access to and from the outdoor area, limited hours of operation for the outdoor area, and any other condition the Liquor Commissioner deems reasonable. Upon the violation of any provision of this chapter or any condition of the temporary use permit, the Liquor Commissioner may, without further hearing, revoke an outdoor area temporary use permit. There shall be a twenty-five dollar (\$25.00) fee for an outdoor area temporary use permit. "Make available" means, either by direct control or through lease, license, or consent from a third party, to establish or use an outdoor area for occupancy by customers.

D. Hours for Other Business. During the times when alcoholic liquor may not be sold at retail, the premises for which the license shall have been issued shall be closed provided that the premises of restaurants, hotels, and clubs, as defined in the Act, and the premises outside the packaged goods area of supermarkets and food stores, may be kept open in addition to the hours referred to in this paragraph for purposes other than the sale or consumption of alcoholic liquor.

E. Festivals and Special Events. Licensees holding valid Class "B-1", "B-2", and "R-2", "R-6", "P-4" or "O-5" licenses may sell alcoholic beverages at festivals or special public events under the following regulations:

1. The festival or special public event shall be sponsored by a local civic, fraternal, religious, or educational organization.

2. The festival or special public event sponsor has no objection to the sale of alcoholic beverages at the festival or special public event.

3. Sales shall be made only within the designated festival or special public event area and shall be limited to beer and wine only and only in plastic containers as individual services for consumption within the designated festival or special public events area.

4. Each licensee shall comply with all requirements of the Class "E-1" license classification.

5. If applicable, all conditions and requirements of any temporary use permit issued by the Village for the festival or special public event shall be met.

F. More Restrictive Operating Hours. In granting a license pursuant to this Chapter, the Local Liquor Commissioner may limit the hours of operation for the sale of any types of alcoholic liquor to be more restrictive than the hours otherwise set forth in this Section as a condition of any such license.

**5.08.280 Sales to Intoxicated Persons Prohibited.**

A. No licensee nor any officer, associate, member, representative, agent, or employee of any licensee shall sell, give, or deliver any alcoholic liquor to any person who is, or who appears to be, intoxicated.

B. It is unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, or deliver such alcoholic liquor to an intoxicated or apparently intoxicated person.

**5.08.290 Retail Sales-Original Packages Required.**

Except as allowed in the Class "O-5" and Class "R-6" license definition, no licensee 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 is unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages.

**5.08.300 Happy Hours Prohibited.**

A. All retail licenses shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

B. No retail licensee or employee or agent of such licensee shall:

1. Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;

2. Sell, offer to sell, or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

3. Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor;

4. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

5. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

6. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (B)(1) through (5) of this section.

C. Nothing in this section shall be construed to prohibit a licensee from:

1. Offering free food or entertainment at any time;

2. Including drinks of alcoholic liquor as part of a meal package;

3. Including drinks of alcoholic liquor as part of a hotel package;

4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention, or trade show;

5. Providing room service to persons renting rooms at a hotel;

6. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two or more persons at one time; or

7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

**5.08.310 Sale of Kegs.**

A. A licensee who sells a keg shall affix to each keg sold a tag, furnished by the Liquor Control Commissioner, containing an identification number enabling the purchaser to be identified.

B. The licensee shall keep a log book of all kegs sold, showing the identification number on the tag affixed to each keg, and the purchaser's name, address, telephone number, driver's license/state identification number, date of birth, and signature. The log book shall be available for inspection by the police department during normal business hours.

C. The licensee shall require the purchaser to deposit, at the time of the sale of a keg, at least seventy dollars (\$70.00) for sale of a keg with pumper and at least twenty dollars (\$20.00) for sale of a keg without a pumper. The deposit shall be refunded only upon the return of the keg with the tag properly affixed.

D. The licensee shall require the purchaser, at the time of the sale, to sign a form provided by the Liquor Control Commissioner, informing the purchaser that the deposit will be forfeited if the keg is not returned with the tag properly affixed. The licensee shall retain this form for ninety (90) days after the sale.

E. Any keg not returned with the tag properly affixed within sixty (60) days after the date of sale shall be considered lost, and the deposit shall be forfeited. The licensee shall notify the police department on a monthly basis of all deposits that are forfeited.

F. The licensee may retain the forfeited deposit.

G. It is unlawful to possess a keg within the Village which does not have a proper tag affixed or, if the keg was purchased outside the Village, without proof of purchase for the keg, including the name and address of the seller.

**5.08.320 Designated Drivers-Nonalcoholic Beverages Served at No Charge.**

All Class "B-1" and "B-2" licensees shall, after five p.m. on any day except Sunday serve nonalcoholic beverages at no charge to persons identifying themselves as designated drivers. The licensee shall prominently post a notice of the availability, at no charge, of nonalcoholic beverages for designated drivers.

**5.08.330 Employee Age Requirements.**

A. Class "B-1" or "B-2" Licenses. No licensee shall employ any person(s) under the age of twenty-one (21) years of age for Class "B-1" or "B-2" licenses except if Class "B-1" or "B-2" licensees have a substantial restaurant component that is engaged primarily in selling and serving meals with an approved business plan.

B. Consumption on the Premises Licenses. A person less than twenty-one (21) years of age but at least eighteen (18) years of age may serve (but not pour, mix, or otherwise prepare) alcoholic liquor, but only when in the presence and under the direct supervision and control of an

employee twenty-one (21) years of age or older who is BASSET-trained and the premises has an on the premises consumption type of license. For purposes of this section, the term “serve” shall mean and be limited to the taking of orders from, and the delivery of goods to, a patron of the licensee when the order and goods include alcoholic liquor.

C. Consumption off of the Premises Licenses. It is unlawful for any licensee or person in charge of a consumption off of the premises license under this chapter to permit any person less than twenty-one (21) years of age to sell or deliver any alcoholic liquor in any licensed retail premises that has an off of the premises consumption type of license.

#### **5.08.340 Sales Prohibited to Persons Under Legal Age.**

A. Under Twenty-One Sales or Delivery Prohibited. No person shall sell, give, or deliver any alcoholic liquor to any person under the age of twenty-one (21) years, provided, however, that this shall not prohibit the consumption of alcoholic liquor by a person under twenty-one (21) years of age in the performance of a religious ceremony, and provided, further, that this shall not prevent the consumption of alcoholic liquor by a person under twenty-one (21) years of age in a home pursuant to the condonation and supervision of his or her parents or legal guardians.

B. Posting. In any 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 read substantially as follows:

Warning. Minors (persons under age 21), you are subject to a fine up to \$500 under the ordinances of the Village of Grayslake, Illinois, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing alcoholic liquor. Official photo identification will be required to prove age before purchase.

Any person who purchases or otherwise obtains alcoholic liquor which he or she resells or gives to any minor shall also be subject to a fine up to \$1,000.

C. Identification Check. It shall be the duty of every licensee or his or her officer, associate, members, representative, or agent, selling or serving alcoholic liquor to determine whether or not a person is prohibited by reason of age from (1) possession or purchasing or otherwise obtaining, receiving, or consuming alcoholic liquor, or (2) being in a licensed premises. If a licensee or his or her agent or employee believes, has reason to believe, or should have reason to believe, that this chapter will be violated because the prospective recipient or individual is under age, then the licensee shall, before making such sale or delivery, demand presentation of at least two separate forms of positive identification, each containing proof of age, each issued by a public officer in the performance of his or her official duties, and one of those forms of identification must contain a photograph of the holder thereof. A traffic citation shall not be accepted as identification or evidence of age. The age may be ascertained from the driver’s license, Illinois state identification card, military identification card, or other photo identification card issued by federal, state, or local government agency.

Notwithstanding the provisions of the preceding paragraph of this Subsection 5.08.330C, licensees that have been found to have sold alcoholic liquor to underage persons pursuant to Subsection 5.08.470A shall, before making any sale to any person irrespective of age or appearance of age of alcoholic liquor in the original package and not for consumption on the premises, demand



presentation of at least one form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties, and this form of identification must contain a photograph of the holder thereof. A traffic citation shall not be accepted as identification or evidence of age. The age may be ascertained from the driver's license, Illinois state identification card, military identification card, or other photo identification card issued by federal, state, or local government agency. Such licensee shall also post a sign (the size, content, and location of which must be approved by the local liquor commissioner or the commissioner's designee) notifying persons that such licensee checks identifications of all persons seeking to purchase alcoholic liquor because the licensee had sold alcoholic beverages to underage person(s). Such licensee shall continue to check the identification of every person and to display such sign until twelve months after the licensee's last violation for selling alcoholic liquor to an underage person.

**5.08.350 Purchase and Possession by Minors.**

A. No person under the age of twenty-one (21) years shall purchase or accept alcoholic liquor or have alcoholic liquor in his or her possession, except as provided in Section 5.08.340(A) of this chapter.

B. It is unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village.

C. No person shall transfer, alter, or deface 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, where such card may enable such person to circumvent the provisions of this chapter.

D. It is unlawful for any parent or guardian intentionally or negligently to permit any child under the age of twenty-one (21) years of which he or she is parent or guardian, to violate any provision of this chapter.

**5.08.360 Acts Prohibited, Exceptions, and Presumption of Knowledge.**

A. It is unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, deliver, dispense, or furnish such alcoholic liquor to any person under the age of twenty-one (21) years.

B. It is unlawful for any person under the age of twenty-one (21) years, to purchase, obtain, receive, accept, have in his or her possession or control, sell, give, deliver, mix, dispense, serve, furnish or consume alcoholic liquor.

C. It is unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age to circumvent the provisions of this chapter, including without limitation presenting or offering to any person any identification card that is false, fraudulent, forged or not actually his or her own.

D. It is unlawful for any person under the age of twenty-one (21) years to possess or use any identification card that is false, fraudulent, forged, or the identification card of another or to

obtain an identification card by means of false information.

E. It is unlawful for any person to sell, give, deliver, or furnish to any person under the age of twenty-one (21) years, any identification card that is false, fraudulent, forged, or of another person.

F. It is unlawful for any person to forge, alter, or deface any identification card.

G. It is unlawful for any retail liquor dealer's licensee, or any officer, associate, member, representative, agent, or employee of such licensee, to suffer, permit, or allow any minor to be or remain on such licensee's licensed premises, or in any room or compartment adjoining or adjacent to such licensed premises.

H. It is unlawful for any owner of, or other person having control over, any vehicle or premises to knowingly initiate, suffer, permit or allow one or more occupants, invitees, visitors, guests, trespassers, or other persons under the age of twenty-one (21) years to assemble or be assembled in such vehicle or premises in possession of any alcoholic liquor in violation of this section.

I. It is unlawful for any person to rent, or pay for, any hotel, motel, or bed and breakfast room or facility from the proprietor or agent thereof for the purpose of, or with knowledge that, such room or facility shall be used for the consumption of alcoholic liquor by any person under the age of twenty-one (21) years.

J. It is unlawful for any parent or legal guardian of a person under the age of twenty-one (21) years to knowingly suffer, permit or allow such person to violate any provision of this chapter.

K. Exceptions.

1. The possession, mixing, dispensing, and serving, or consumption of alcoholic liquor by a person under the age of twenty-one (21) years in the performance of a bona fide religious service or ceremony is not prohibited by this code.

2. The possession, mixing, dispensing, and service, or consumption of alcoholic liquor by a person under the age of twenty-one (21) years under the direct supervision and approval of a parent or legal guardian in the privacy of such parent's or legal guardian's residence is not prohibited by this code; provided, however, that this exception shall not extend to any other occupant, invitee, visitor, or guest that is under the age of twenty-one (21) years.

3. The possession and serving of alcoholic liquor by a person under the age of twenty-one (21) years as an employee of any licensee under this chapter in such licensee's licensed premises is not prohibited by this code; provided, however, that this exception shall be subject to the limitations in Section 5.08.330.B.

4. The possession and delivery of any alcoholic liquor in its original package and not for consumption on the premises where sold by a person under the age of twenty-one (21) years as an employee of any licensee under this chapter or pursuant to the order of his or her parent or legal guardian is not prohibited by this code.

5. The location or assembly of any person under the age of twenty-one (21) years in any retail premises licensed under this chapter or in any room or compartment adjoining or adjacent to any such licensed premises is not prohibited by this code if such person is accompanied by his or her parent or legal guardian, or if such licensed premises derives its principal business from the sale or service of commodities other than alcoholic liquor, or if such person under the age of twenty-one (21) years is an employee of any licensee under this chapter in such licensee's licensed premises whose duties do not include the mixing or dispensing of alcoholic liquor or bartending and, if under the age of sixteen (16) years, whose duties do not include the handling or service of alcoholic liquors for licensed premises holding Class "P-1", "P-3", "R-1", "R-2", "R-3", "R-4", and "R-5".

6. It is unlawful for any holder of a liquor license, or his or her agent or employees, to suffer or permit any person under the age of twenty-one (21) years of age to be or remain on the licensed premises, or in any room or compartment adjoining or adjacent to such licensed premises; provided, however, that this paragraph shall not apply to any person under the age of twenty-one (21) who is accompanied by his or her parent or guardian, or to any restaurant or other licensed premises in which the principal business involves the sale of services or commodities other than alcoholic liquor, or for Class "B-1" or Class "B-2" licensees that have a restaurant component with an approved business plan and if any person under the age of twenty-one (21) is at a table that is at least twenty (20) feet from the bar counter.

7. The action or omission to act of any person at the express lawful, or apparently lawful, direction of a law enforcement officer in the performance of his or her official duties is not prohibited by this code.

**K. Presumption of Knowledge.**

1. Whenever a person is present within any vehicle or premises of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier thereof at the time that a violation of the provisions of this section is occurring and has not informed the police thereof, shall be prima facie evidence that such person had knowledge of such violation.

2. An owner, lessee, permittee, bailee, legal possessor or occupant of any vehicle or premises shall be deemed to have permitted such vehicle or premises to be used in violation of this section if he or she knowingly authorizes such use or enables such use to occur by failing to control access to such vehicle or premises or to the alcoholic liquor maintained therein,

3. Every parent or legal guardian of any person under the age of twenty-one (21) years whose residence is used by any occupant, invitee, visitor, guest, or other person under the age of twenty-one (21) years in a manner that constitutes a violation of this section shall be presumed to have permitted the conduct that constitutes the violation unless the contrary is established by a preponderance of the evidence.

**5.08.370 BASSET Training Program.**

A. Training Program. Training is required as specified below:

1. The licensees for a Class "B-1", "B-2", "R-1", "R-2", "R-3", "R-4", "R-5", "R-

6", "O-1", "O-4", "O-5", and "O-6" licensee shall hold a state-certified Beverage Alcohol Sellers and Servers Education and Training Program (BASSET), for all persons who draw, pour, mix, or otherwise prepare alcoholic beverages pursuant to this chapter, and for the manager of the licensee. To the extent that licensees with a Class "P-1", "P-2", "P-3", "P-4", or "P-5" license provide samples of alcoholic liquor, no person may draw, pour, mix, or otherwise prepare such samples unless such person holds a certificate of completion of the BASSET program.

2. All persons who draw, pour, mix, or otherwise prepare alcoholic liquor, as well as the manager of every licensee, shall within ninety (90) days from the beginning of their employment with that licensee, complete the BASSET training program, and shall, until completion of the BASSET program, work under the supervision of a person who has completed the BASSET program.

3. A photocopy of the certificate of completion of the BASSET program shall be made available at all times at the licensed premises for inspection by Liquor Commissioner, or his or her designee.

B. Dispensing and Management without Required Training Prohibited. It is unlawful to permit any person in a "B-1", "B-2", "R-1", "R-2", "R-3", "R-4", "R-5", "R-6", "O-1", "O-4", "O-5", or "O-6" licensed establishment to draw, pour, mix, sell, serve, or otherwise prepare alcoholic beverages unless that person has completed the BASSET training program as required by this section or to employ a manager in a Class "B-1", "B-2", "R-1", "R-2", "R-3", "R-4", "R-5", "R-6", "O-1", "O-4", "O-5", or "O-6" licensed establishment unless that person has completed the BASSET training program as required in this section. No licensee shall serve or sell alcoholic liquor except during times at which a BASSET trained manager is on the licensed premises.

C. Compliance with State Law. Nothing in this Section shall be deemed to excuse compliance by any licensee of the training requirements set forth in the Act.

## **Article V. Miscellaneous Regulations**

### **5.08.380 Peddling Prohibited.**

It is unlawful to peddle alcoholic liquor in the Village.

### **5.08.390 Give-Away Prohibited.**

Except as allowed in Sections 5.08.250 and 5.08.260, it is unlawful for any person to give away or otherwise dispense free of charge, by the drink or in any other manner, within the village, an alcoholic beverage. Furthermore, no person shall advertise the availability of "tasting" through any public media or other means of communication other than on the premises itself.

### **5.08.400 Gatherings at a Residence-Unlawful When.**

A. It is unlawful for any person to knowingly permit at a residence which he or she occupies a gathering of two or more persons where any one or more of the persons is under the age of

twenty-one (21) years and the following factors also apply:

1. The person occupying the residence knows that any such person under the age of twenty-one (21) years is in possession of or is consuming any alcoholic liquor; and

2. The possession or consumption of the alcoholic liquor by such person under the age of twenty-one (21) years is not otherwise permitted by this chapter; and

3. The person occupying the residence knows that such person under the age of twenty-one (21) years of age leaves the residence in an intoxicated state.

B. For the purpose of this section, where the residence has an owner and a tenant or lessee, there is a refutable presumption that the residence is occupied only by the tenant or lessee.

#### **5.08.410 Parental Responsibility.**

A. For the purpose of this section, the following terms shall have the following stated meanings:

"Foster parent" means a person as set forth in the Juvenile Court Act.

"Intentionally." A person acts intentionally when he or she has the conscious objective to accomplish a result or engage in the conduct that he or she is in fact performing.

"Knowingly." A person acts knowingly when he or she is consciously aware of the nature of attendant circumstances of his or her conduct.

"Legal guardian" means the parent, foster parent, person appointed guardian or given custody of a child, by a circuit court of the state, or person appointed guardian or given custody of a minor under the Illinois Juvenile Court Act, but shall not include any person appointed guardian only to the estate of a child.

"Minor" means any unemancipated person who has not reached the age of twenty-one (21) years.

"Negligently." A person acts negligently when he or she fails to be aware of a substantial and unjustifiable risk that circumstances exist or that a result will follow and where such failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

"Parents" includes the father and mother of a child, whether by birth or adoption, or shall be deemed the parent having legal custody of the child in the event the parents are divorced or separated. The term "parent" as used in this section means "legal guardian".

"Recklessly." A person acts recklessly when he or she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow and where such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

B. No parent shall give or deliver alcoholic liquor to his or her child under the age of twenty-one (21) years for that child's consumption unless the consumption of alcoholic liquor by such child is under the direction, supervision, and approval of the parent of such child in the privacy of a home or established religious building.

C. No parent shall intentionally, knowingly, recklessly, or negligently give or deliver alcoholic liquor to, or permit the possession of alcoholic liquor by any other person under the age of twenty-one (21) years, unless the person under the age of twenty-one (21) years is making a delivery of such alcoholic liquor pursuant to order of his or her parent in pursuance of his or her employment or otherwise as allowed by this section.

D. No parent shall intentionally, knowingly, recklessly, or negligently give, deliver, invite, or permit the consumption of alcoholic liquor by any person under the age of twenty-one (21) years, on or about any premises owned, leased, or controlled by such parent except as otherwise allowed by subsections B or C of this section.

E. Parents shall restrain or prevent their children under the age of twenty-one (21) years from consuming alcoholic liquor where the parent knows, or in the exercise of ordinary care should know, of a substantial probability that such child is consuming or will consume alcoholic liquor under circumstances which would violate the provisions of this section, the Act, or any other ordinances or statutes.

F. Parents who know, or in the exercise of ordinary care should know, of a substantial probability that their child under the age of twenty-one (21) years has consumed, is consuming, or will consume, alcoholic liquor in violation of this section, the Act, or any ordinances, statutes, or amendments thereto, shall restrain or prevent such child from operating or driving a motor vehicle within the Village in violation of any ordinance, law, or statute.

G. Parents who know, or in the exercise of ordinary care should know, of a substantial probability that their child under the age of twenty-one (21) years has consumed or will consume alcoholic liquor in violation of this section, the Act, or any other ordinances, statutes, or amendments thereto, shall restrain or prevent their minor child from committing acts which constitute vandalism, theft, disorderly conduct, the unjustifiable use of force, or violation of any ordinance, law, or statute.

H. The parent or legal guardian of an unemancipated child under the age of twenty-one (21) years who has custody of such child shall be liable for any fine, condition, or restitution or reparation imposed by a court upon such child for a violation of any provision of this chapter, provided such child has not paid the fine or made restitution or reparation within the time ordered by the court, and further provided that said parent or guardian has been served with summons or notice to appear in the original cause as provided by law.

#### **5.08.420 Sanitary Requirements.**

All premises used for the retail sale of alcoholic liquor or for the storage of liquor for sale shall be kept in a clean and sanitary condition, and kept in compliance with all applicable federal, state, and local laws, ordinances, regulations, rules and other provisions governing the condition of premises used for the storage or sale of food for human consumption.

**5.08.430 Conduct Forbidden on Licensed Premises.**

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

A. Dancing Restricted.

1. It is unlawful for any licensee to permit dancing on the licensed premises by employees or performers who are paid for their performances or who accept money from patrons for their performances.

2. All dancing shall be only in areas of the premises specifically designed for dancing and separated from areas containing tables and chairs.

B. Certain Shows Prohibited. It is unlawful for any licensee to conduct or to permit on the licensed premises any lingerie or fashion show or exhibit of any contest, show, or exhibit involving the removal, alteration, or wetting of any clothing.

C. Gambling. Gambling shall be prohibited except by a local not-for-profit organization holding a valid state gambling license for special events upon the approval of the Liquor Commissioner.

D. Health and Safety. It is unlawful for any licensee to conduct or to permit on the licensed premises any contest, exhibition, demonstration, competition, activity, or amusement that poses a threat to the health or safety of the participants or any other person, including without limitation, wrestling or boxing matches, arm wrestling, throwing, rolling, or otherwise propelling objects or any person, activities involving animals, and activities involving running, jumping, or leaping.

**5.08.440 Health of Employees-Certificate Required.**

A. It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or is a carrier of any contagious, infectious, or venereal disease, and it is unlawful for any person who is afflicted with or is a carrier of any such disease, to work in or about any premises used for the retail sale of alcoholic liquor or engaged in any way in handling, preparation, or distribution of such liquor.

B. Each applicant at the time of making application for a license under this chapter shall maintain a current certificate, or certificates, from a duly licensed physician, showing that the applicant and such of his employees or other persons who will be engaged in the preparation and service of drinks and food in and about the licensed premises are each free of any communicable skin disease or any infectious or venereal contagious disease as determined by the Lake County Health Department. No licensee under this chapter shall, during the period of his or her license, engage, hire, or employ, or secure the services of any person without first obtaining such physician's certificate.

**5.08.450 Instructional Program for Employees-Required Attendance.**

A. From time to time, it may be necessary and advisable for licensees and employees to be apprised of the requirements of this chapter and state law directly affecting the conduct of businesses operating under liquor licenses. The Liquor Control Commissioner, at his or her discretion, is authorized to require the attendance of owner(s), manager(s), assistant manager(s), bartender(s), and any person(s) actually in charge of licensed premises during any hours of operation, at a seminar or similar instructional program of not more than four hours in length, to be presented by the police department or other representatives of the Village. The Liquor Control Commissioner is further authorized to promulgate rules and regulations for keeping records of and issuing documentation indicating attendance; however, no individual shall be required to attend any such programs more frequently than once per year.

B. Failure of an owner, manager, or employee to attend a seminar or program, when specifically required by the Liquor Control Commissioner, shall constitute a violation of this chapter by the licensee.

C. Nothing in this Section shall excuse a licensee from being apprised of, and complying with, the requirements of this Chapter and the Act.

**5.08.460 Reserved.**

**Article VI. Violations/Revocation/Suspension/Fines**

**5.08.470 Revocation-Suspension-Complaints.**

A. Violation Determined by Commissioner.

1. The Liquor Control Commissioner may discipline a licensee if he or she determines that there has been any violation of any state law pertaining to the sale of alcoholic liquor or any provision of this chapter, or any applicable rules or regulations established by the Liquor Control Commissioner, or the state, for the failure to pay any license cost or fee or any tax imposed on alcoholic liquor or the sale thereof. In connection with any such violation, the Liquor Control Commissioner may: (a) revoke, (b) suspend, to the maximum amount permitted by law, (c) levy a fine, up to the maximum amount permitted by law, or (d) impose such other discipline that the Liquor Control Commissioner and licensee may agree upon. However, except as provided in this section, no license shall be revoked or suspended, nor fine levied, except after a public hearing by the Liquor Control Commissioner, to commence no sooner than three days from the date of service, personally or by certified United States mail, of notice upon the licensee or his agent or any employee thereof in charge of the licensed premises, affording the licensee an opportunity to appear and defend, unless the right to a hearing is waived.

If the Liquor Control Commissioner has reason to believe that any continued operation of any particular licensed premises will threaten the welfare of the community, he or she may, upon the issuance of a written order stating the reason for such conclusion and without notice



or hearing, order a licensed premises closed for not more than seven days pending a hearing on the suspension or revocation of the license therefor. The order shall contain notice of the date, time, and place of the hearing, which shall commence not less than three nor more than seven days from the date of service, personally or by certified United States mail, of the notice upon the licensee or his or her agent, or any employee in charge of the licensed premises. The Liquor Control Commissioner shall hold the hearing at the date, time, and place set forth in the notice, giving the licensee an opportunity to be heard. If the licensee is also engaged in the conduct of another business or businesses on the licensed premises, the initial closing order shall not be applicable to the other business or businesses.

2. All hearings conducted pursuant to this Section shall have be taken before a certified registered stenographer or similarly qualified person who shall make a complete record of the testimony and proceedings of such hearing. Appeals from any discipline imposed by the Local Liquor Commissioner shall be taken to the Illinois Liquor Control Commission in the manner provided by law. All appeals to the Illinois Liquor Control Commission shall be limited to a review of the official record of the proceedings of the Liquor Control Commissioner.

B. Violation Determined by Court.

1. Whenever any licensee is convicted in court of any violation of state law pertaining to the sale of alcoholic liquor, or any provision of this chapter, or any applicable rules or regulations established by the Liquor Control Commissioner or the state commission, or any law or regulation pertaining to liquor license fees or taxes, the license of the licensee may in the discretion of the Liquor Control Commissioner, be immediately revoked. The revocation need not be preceded by notice or a hearing for the licensee. However, the licensee shall have a right to a public hearing by the Liquor Control Commissioner for the purpose of showing cause for re-issuing the revoked license by petitioning for a hearing within fifteen (15) days of the revocation of the license. The hearing shall be held within a reasonable time and shall allow the licensee an opportunity to be heard.

2. Whenever an officer, director, or manager or other employee of any licensee under this chapter is convicted of any violation of any law, ordinance, or provision as provided in subsection (A)(1) of this section, while engaged in the course of his or her employment or while on the premises described in the license, the license may be immediately revoked in the discretion of the Liquor Control Commissioner, subject to a subsequent hearing as provided in subsection (B)(1) of this section.

C. Complaints. Any person may file a complaint with the Liquor Control Commissioner alleging that any licensee has been or is violating state law pertaining to the sale of alcoholic liquor, or the provisions of this chapter or the rules or regulations issued pursuant to this chapter. The complaint shall be in writing, in the form prescribed by the Liquor Control Commissioner, and shall be signed and sworn to by the parties complaining. The complaint shall state the particular law, provision, rule, or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Control Commissioner is satisfied that the complaint substantially charges a violation and finds probable cause to believe the same, he or she 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 charges in the complaint, such hearing to take place not sooner

than three days from the date upon which the notice is served personally on or is mailed by certified U.S. mail to the licensee or his or her agent or any employee in charge of the licensed premises, affording the licensee an opportunity to appear and defend.

**5.08.480      Violations-Fines.**

A.      Fines in General. In addition to the suspension of a license issued pursuant to this chapter, any person who violates any provision of this chapter may be fined up to the maximum amount permitted by law.

B.      Separate Offenses. Each day on or during which any person violates or continues to violate any of the provisions of this chapter, and each separate act or transaction in violation of this chapter, shall constitute a separate offense.

C.      Vicarious Liability. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager, or other agent or employee of any licensee shall be deemed and held to be the act of the employer or licensee, and the employer or licensee shall be punishable in the same manner as if said act or omission had been done by him personally.

D.      Repeating Course. In addition to other penalties imposed in this chapter, a person violating any regulation of this chapter may be required to again complete the BASSET training program as required in Section 5.08.370.

**5.08.490      Adoption of State Law.**

All the provisions of the Act and the rules and regulations issued by the Illinois Liquor Control Commission, as amended, pertaining to local control of alcoholic beverages are incorporated into and declared to be a part of this chapter, the same as if expressly set forth herein, except only those provisions which are specifically contrary to or inconsistent with applicable provisions of this chapter.