

LIQUOR CONTROL CODE

ORDINANCE

VILLAGE OF GLEN ELLYN

DUPAGE COUNTY

ILLINOIS

ORDINANCE NO. 2767-VC

PASSED AND APPROVED MAY 10, 1982

WITH AMENDMENTS THROUGH FEBRUARY 2013

CHAPTER 19

LIQUOR CONTROL CODE

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3-19-1: **PURPOSE:** It is the policy of the village to limit the sale of alcoholic liquor at retail primarily to the sale in its original package or by restaurants, hotels or motels. It is not deemed conducive to the promotion of this public policy to allow the sale of alcoholic liquor at retail for consumption on the premises where sold as a sole or primary business to be conducted within the village. Further it is the policy of the village to limit the purchase, consumption or possession of alcoholic liquor to persons of the age of twenty one (21) years or older and to prevent intoxication, disorderly conduct, trespasses, unruly disturbances at public or private assemblies, and similar conduct that often results from the purchase, consumption or possession of alcoholic liquor by persons under the lawful age. (Ord. 2767, 5-10-1982)

3-19-2: **TITLE:** The provisions of this chapter may be referred to as the *GLEN ELLYN LIQUOR CONTROL CODE*. (Ord. 2767, 5-10-1982)

3-19-3: **DEFINITIONS:** All words and phrases defined in an act, entitled "an act relating to alcoholic liquors" approved January 31, 1934, as amended from time to time, and as set forth generally in 235 Illinois Compiled Statutes 5/1-2 et seq., are hereby incorporated and made a part of this chapter. Unless the context otherwise requires, the following, as used in this chapter, shall be construed according to the definitions given below:

HOLDING AREA: A place within a restaurant that is primarily used by patrons of the restaurant for their waiting to be seated at a table for meal service and in which alcoholic beverages are served to such restaurant patrons.

LIQUOR CONTROL ACT: The provisions of "an act relating to alcoholic liquors", approved January 31, 1934, as amended and as set forth in 235 Illinois Compiled Statutes 5/1-2 et seq.

MOTEL: Every building or other structure falling within the definition of "hotel".

RESTAURANT: A premises or place where meals can be bought to be eaten on the premises. (Ord. 2767, 5-10-1982; amd. Ord. 3007, 6-11-1984)

3-19-4: LOCAL LIQUOR CONTROL COMMISSIONER DEFINED: The village president is hereby authorized to be the local liquor control commissioner as defined in 235 Illinois Compiled Statutes 5/4-2 of the "liquor control act" and shall be charged with the administration of the liquor control act and of such ordinances and resolutions relating to alcoholic liquor as may be enacted by the president and board of trustees of the village. (Ord. 2767, 5-10-1982)

3-19-5: DEPUTY COMMISSIONERS: The president may appoint one or more persons to assist him in the exercise of the powers and the performance of the duties provided for the local liquor control commissioner, and such other persons as may be appointed shall be designated deputy local liquor control commissioners. (Ord. 2767, 5-10-1982)

3-19-6: POWERS AND DUTIES: The local liquor control commissioner shall have the following powers and duties with respect to local liquor licenses:

- (A) To grant and/or suspend for not more than thirty (30) days or revoke for cause, all local licenses issued to persons or entities for premises within the village.
- (B) To enter or to authorize any law enforcing officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law, or village ordinances or any rules or regulations adopted by the village or by the Illinois liquor control commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the local liquor control commissioner pursuant to section 3-19-5 of this chapter shall have the powers given to the local liquor control commissioner by this subsection.
- (C) To receive complaint(s) from any citizen within the village that any provision of the state law or of this chapter have been or are being violated and to act upon such complaint(s) in the manner provided by law.
- (D) To receive local license fees and deposit same to the credit of the village.

(E) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the state of Illinois liquor control commission; 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 information in the performance of his duties, and for such purposes to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

(F) To order, by issuance of a written order, any licensed premises closed for not more than seven (7) days giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the village, except if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses. (Ord. 2767, 5-10-1982)

3-19-7: LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail, to give away or to keep with intention of selling at retail or giving away or in a business offering goods or services at retail permitting patrons to bring onto the premises, alcoholic liquor within the village without having a local retail liquor dealer's license. Further, it shall be unlawful to sell or offer for sale at retail or to give away, alcoholic liquors within the village in violation of the terms of a local retail liquor dealer's license issued by the village; provided, however, nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the lawful, personal use of the possessor, his family and his guests, over the age of twenty one (21) years. (Ord. 2767, 5-10-1982; amd. Ord. 6069, 9-10-2012)

3-19-8: APPLICATION FOR LICENSE: Applications for a local retail liquor dealer's license shall be made to the local liquor control commissioner, in writing, signed by the applicant, if an individual, signed by each individual partner if a partnership, or signed by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- (A) The applicant's name, mailing address and telephone number;
- (B) The name and address of the applicant's business;
- (C) If applicable, the date of the filing of the "assumed name" of the business with the county clerk of DuPage County;
- (D) In the case applicant is a partnership, the date of the formation of the partnership, the full name, age, address and telephone numbers of all persons with an ownership interest in the partnership, or who have a right to receive a direct or indirect benefit from the profits of the partnership;
- (E) In the case of a corporation, if an Illinois corporation, the date of its incorporation, or if a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois business corporation act to transact business in the state, and in either case, a statement of the objects for which the corporation was organized, the full name, age, address and telephone number of all shareholders with an aggregate of more than five percent (5%) of the capital stock of the corporation or of any person(s) receiving a direct or indirect benefit from the profits of the sale of alcoholic liquors in Glen Ellyn;
- (F) The name, age, address and telephone number of the person(s) who will manage the business of the applicant in the village;
- (G) The citizenship of all persons required herein to be identified in the application, their date and place of birth, and if a naturalized citizen, the time and place of their naturalization;
- (H) The character of the business of the applicant;
- (I) The length of time that applicant has been in business of that character;
- (J) The amount of goods, wares and merchandise on hand at the time application is made;
- (K) The location and description of the premises or place of business which is to be operated under such license, and the following information:
1. If a leased premises, a copy of the lease shall be provided and the lease shall be for a term of sufficient length to encompass the term of the license sought; and
 2. The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
- (L) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;
- (M) A statement signed by or on behalf of the applicant and by all individuals required to be identified therein, that each of them has never been convicted of a felony or a class A misdemeanor, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or the provisions of this chapter;
- (N) Whether a previous license by any state or subdivision thereof, or by the federal government has been issued, and if so, where and when, or if any such license has been revoked, state the reasons therefor;
- (O) A statement that the applicant and all individuals required to be identified in the application have not in the past and will not in the future violate any of the laws of the state or of the United States, or any ordinance of the village controlling the retail sale of alcoholic liquors in the conduct of his place of business;
- (P) The applicant's retailer's occupational tax (ROT) registration number and a statement whether the applicant is delinquent in the payment of the retailer's occupational tax (sales tax), and if so, the reasons therefor;
- (Q) A statement whether applicant is delinquent under the thirty (30) day credit law, and if so, the reasons therefor;
- (R) Whether the applicant possesses a current federal wagering and gaming device stamp, and if so, the reasons therefor;
- (S) Whether the applicant, any individual identified in the application, or any other person, directly or indirectly interested in his place of business is a public official, and if so, the particulars thereof;
- (T) A statement whether applicant is in violation of 235 Illinois Compiled Statutes 5/6-6 of the "liquor control act", and if so, the reasons therefor;
- (U) A statement that applicant and all individuals required to be identified in the application have not sold, delivered or given away alcoholic liquor in violation of any state law, or village ordinance to a

person under the minimum age required to purchase or possess alcoholic liquor;

(V) Such additional information or identification as the local liquor commissioner may deem necessary in order to establish the character of the applicant. Such information may include a requirement that the applicant, if an individual, shall submit his fingerprints to the local liquor control commissioner. In the case of a partnership, the partners, or in the case of a corporation, the officers, manager, or directors thereof, or any stockholder(s) owning in the aggregate more than five percent (5%) of the capital stock of said corporation may be required to furnish such additional information including fingerprints. An applicant, whether individual, partnership, association or corporation, shall also furnish or cause to be furnished upon request such additional information and fingerprints concerning the manager or agent who is to conduct the business for which the application is sought. Further, such additional information may include proof that the applicant and the premises to be licensed comply with all other laws and ordinances including licensing provisions, which apply to the applicant, to the premises or to applicant's other businesses conducted on the premises. (Ord. 2767, 5-10-1982)

(W) 1. Each applicant for a liquor license shall have each person who will supervise or be in charge of the sale of liquor upon commencement of their license successfully complete a beverage alcohol sellers and servers training (BASSET) program conducted by an agency licensed by the Illinois liquor commission, or successfully complete a state of Illinois certified alcohol awareness program, prior to issuance of a liquor license. Proof of successful completion of BASSET training shall be required prior to issuance of the liquor license. (Ord. 5677, 4-28-2008)

2. Each employee whether or not supervisory of a class A-1, A-2, B-1, B-2, B-3, B-4, B-7, C-1, C-2, C-3, D-1, D-2, D-3, E, F, G, I, J, K, L, M, N or O license, who is engaged in the selling, mixing, preparing, serving or delivering of alcoholic beverages to customers, guests or patrons, for consumption on or off the premises, shall successfully complete a BASSET program conducted by an agency licensed by the Illinois liquor control commission, or successfully complete a state of Illinois certified alcohol awareness program. Such training shall be completed not more than ninety (90) days after the employee begins employment with the licensee. A copy of the employee's certificate of completion of training shall be filed with the Glen Ellyn liquor commission. (Ord. 5677, 4-28-2008;

amd. Ord. 5686, 6-23-2008; Ord. 5749, 4-27-2009; Ord. 5880, 7-26-2010; Ord. 6029, 5-14-2012)

3. Liquor license applicants applying for a liquor license effective July 1, 2008, through June 30, 2009, shall be granted a one year grace period to have supervisors and employees, as designated by this section, successfully complete a BASSET program conducted by an agency licensed by the Illinois liquor commission, or successfully complete a state of Illinois certified alcohol awareness program. This grace period shall not apply to new liquor license applicants when the application for the liquor license is submitted after June 30, 2008.

4. Liquor license holders shall keep a standing record of when the required BASSET training, and/or successfully completed state of Illinois certified alcohol awareness program, was completed. This will include, but is not limited to, a photocopy of a BASSET card and/or a photocopy of a certificate from a state of Illinois certified alcohol awareness program. This standing record shall be kept on the business premises and available to inspection by representative(s) of the Glen Ellyn liquor commission or other village representative. (Ord. 5677, 4-28-2008)

3-19-9: PROCESSING OF APPLICATIONS: Any application received by the village clerk shall be forthwith forwarded to the local liquor control commissioner, and the commissioner shall issue a written acceptance or rejection of such application within sixty (60) days of its receipt by the local liquor control commissioner or by the village clerk in his behalf, providing all information requested by this chapter or by the commissioner has been furnished. (Ord. 2767, 5-10-1982)

3-19-10: PERSONS ELIGIBLE FOR LICENSE: No local retail liquor dealer's license shall be issued to:

- (A) A person who is not a resident of the village;
- (B) A person who is not of fit character and reputation in the community in which he resides and in the village;
- (C) A person who has not attained the age of twenty one (21) years;
- (D) A person who is not a citizen of the United States;
- (E) A person who has been convicted of a felony under any federal or state law, if determined by the local liquor control commissioner that such person

- has not been sufficiently rehabilitated to warrant public trust;
- (F) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (G) A person who has been convicted of pandering or other crime of misdemeanor opposed to decency and morality;
- (H) A person whose license issued under this chapter has been revoked for cause;
- (I) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (J) A partnership, unless all of the members of such partnership shall be qualified to obtain a license;
- (K) A corporation or association, if any officer, manager or director thereof, or any stockholder(s) or member(s) owning in the aggregate more than five percent (5%) of the stock of such corporation or association, would not be eligible to receive a license hereunder for any reason other than a citizenship or residence in the village;
- (L) 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;
- (M) A person whose place of business is conducted by a manager unless said manager possesses the same qualifications required of the licensee;
- (N) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violations;
- (O) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (P) Any elected public official, law enforcing officer, the president or member of the village board of trustees, Glen Ellyn officer or employee, or member of any Glen Ellyn board or commission;
- (Q) Any person, firm or corporation not eligible for a state retail liquor dealer's license;
- (R) Any applicant who fails to obtain a state liquor license;
- (S) A person who is not a beneficial owner of the business to be operated by the licensee;
- (T) A person who has been convicted of a gambling offense as prescribed by any of the subsections (a)(3) through (a)(10) of section 28-1, or as prescribed by 720 Illinois Compiled Statutes 5/28-3 of the criminal code, as heretofore or hereafter amended, or as prescribed by a statute replacing any of the aforesaid statutory provisions; or any person who has been convicted of a gambling offense as prescribed by an ordinance of the village;
- (U) 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;
- (V) 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 other partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
- (W) A corporation or association, if any officer, manager or director thereof, or any stockholder or member owning in the aggregate more than five percent (5%) of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;
- (X) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;
- (Y) Any person who has sold, given away or delivered alcoholic liquor to any person under the age of twenty one (21) years, in violation of the applicable state laws or village ordinances, or to any intoxicated person, or to any person known to him to be a habitual drunkard, insane, mentally ill, mentally deficient or in need of mental treatment, unless otherwise determined by the local liquor control commissioner. (Ord. 2767, 5-10-1982)
- 3-19-11: CLASSIFICATION OF LICENSES: There shall be the following classes of licenses:
- (A) Class A:
- Class A-1 license shall authorize the retail sale on the specified premises of beer, ale or wine in restaurants at times when food service is available and for consumption only on the premises where

sold. (Ord. 4139, 6-13-1994; amd. Ord. 5493, 8-14-2006)

Class A-2 license shall authorize the retail sale on the specified premises of beer sold in glass bottles; beer sold "on tap" served in glass containers only; and wine sold in glass glasses only in fast-casual restaurants at times when food service is available and for consumption only on the premises where sold. (Ord. 5764, 6-8-2009)

Class A-3 license which authorizes the retail sale, on the specific premises, at a publicly owned and operated culinary school and hospitality center where the use and service of alcoholic liquor will be part of the educational curriculum and offered in conjunction with the service of food, a restaurant with casual/fine dining, a large meeting space for receptions and special events and a six (6) room boutique hotel. The licensee shall develop and share with the village, by November 1, 2011, and thereafter when revised for its reasonable approval, rules and procedures to allow the sale of liquor to be utilized in an educational program in full conformance with the state and local regulations regarding alcoholic liquor. The rules shall specifically address a context where individuals under the age of twenty one (21) may participate. The licensee may request reasonable variations from rules otherwise applicable, which may be granted by the chief of police of the village. (Ord. 5944, 8-8-2011)

Class A-4 license which authorizes a retail facility offering goods or services relating to the viewing or the production of art, on the specified premises, to permit patrons to bring onto the premises and to consume alcoholic liquor but only when offered in conjunction with the goods or services offered for sale and offered in conjunction with the service of food, which can be light snacks. When patrons are permitted to bring onto the premises and consume alcoholic liquor, either the owner or a manager of the premises must be present. All alcoholic liquor brought onto the premises shall either be consumed on the premises or sealed if it is to be carried off the premises. The owner or manager will be required to observe the patrons to use their reasonable best efforts to prevent patrons from leaving the premises who are under the influence of the alcoholic liquor and the owner or manager will, in that case, offer the patron alternate transportation to their home, rather than permitting the patron to drive while under the influence of alcoholic liquor. The alternate transportation will be offered without charge. (Ord. 6069, 9-10-2012)

(B) Class B:

Class B-1 license shall authorize the retail sale, on the specified premises, of alcoholic liquor in restaurants having the seating capacities stated hereinbelow, only at times when food service is available in the restaurant, and for consumption only on the premises where sold. The restaurant must offer and have available during all times that alcoholic liquor is available a full menu and not the limited menu of a bar or a fast food restaurant. To qualify for a class B-1 license, a restaurant must seat not less than fifty (50) nor more than three hundred (300) persons at tables at times when food service is available and may not include a holding area accommodating more than one person for every twelve (12) restaurant seats. A class B-1 license shall not authorize the sale of alcoholic liquor at times when live entertainment is available unless the live entertainment is of a type that is incidental to the restaurant service, as opposed to the sale of alcoholic liquor, and unless the licensee has been issued an entertainment endorsement after furnishing a description of both the type of entertainment to be offered and the location of the entertainment on the licensed premises. (Ord. 5648, 1-28-2008)

A class B-1 license may also be issued to permit the sale of alcoholic liquor on a recreational facility comprising more than one hundred (100) acres provided that no sales may take place at a location on the premises which are located within one hundred feet (100') of an occupied residence. (Ord. 5493, 8-14-2006)

Class B-2 license shall authorize the retail sale of alcoholic liquor within the following facilities of a hotel or motel: a barroom when the barroom is in conjunction with a restaurant; restaurants and banquet facilities, which cater to banquets, meetings and private parties, as well as the general public. A B-2 license shall not authorize the sale of alcoholic liquor at times when live entertainment is available. Such license shall authorize the sale of alcoholic liquor on the specified premises and for consumption only on the premises where sold. A B-2 license shall also permit the licensee to deliver alcoholic beverages to guestrooms via room service. The server making that delivery shall ascertain that the occupant of the room or the person receiving the alcoholic beverage is at least twenty one (21) years of age. (Ord. 3085, 2-25-1985; amd. Ord. 4881, 10-23-2000)

Class B-3 license shall authorize holders of class B-2 licenses to sell alcoholic liquor, on the specified premises, with live professional or amateur

entertainment or to sell alcoholic liquor in a room other than a dining room and barroom combined, but without coin operated or free amusement devices, and for consumption only on the premises where sold. To qualify for a B-3 entertainment supplemental license, an applicant must first be issued and hold a B-2 license. The B-3 license is supplemental to and in addition to a B-2 license and does not replace a B-2 license.

Class B-4 license shall authorize holders of a class B-1 license to sell alcoholic liquor, on the specified premises, in banquet facilities catering to banquets, meetings and serving private parties, as well as the general public, including the sale in such banquet facilities at times when live professional or amateur entertainment is available, but without coin operated or free amusement devices, and for consumption only on the premises where sold. To qualify for a B-4 banquet facilities license, an applicant must first be issued and hold a B-1 license. The B-4 license is supplemental to and in addition to a B-1 license and does not replace a B-1 license. (Ord. 3085, 2-25-1985)

Class B-5 license shall authorize holder of a class A-1, A-2 or B-1 license to sell alcoholic liquor on public sidewalks adjacent to the specified premises. A class B-5 license may only be issued to a holder of a class A-1, A-2 or B-1 license, who has entered into a license agreement approved by the Glen Ellyn village board for the use of some portion of the public sidewalk adjacent to the specified premises for restaurant use. That license agreement shall contain terms and conditions regarding the sale of alcoholic liquor upon the public sidewalk, in addition to such rules regarding the sale of alcoholic liquor as shall generally apply under the ordinances of the village. In addition to such special and specific requirements, which may be attached to licenses because of local conditions all A-1, A-2 and B-1 license holders shall follow these requirements: 1) all liquor service shall cease no later than ten o'clock (10:00) P.M., and liquor consumption shall cease no later than ten thirty o'clock (10:30) P.M.; 2) patrons shall be seated at the tables on the public sidewalk when consuming alcohol, which shall be served only by a server from the restaurant; 3) there shall be no carryout service, and beer, wine and liquor shall not be served in bottles; 4) service of alcohol shall be incidental to the service of meals and shall only take place for patrons ordering meals or appetizers; and 5) the licensee may be required to construct and maintain such separation of the area by wall, fence, divider, chain or other device as shall be approved in the application. A B-5 license shall permit the sale of alcoholic liquor after receiving

village board approval of the annual tables and chairs license agreement expiring November 1 of each calendar year. To qualify for a B-5 public sidewalk license, an applicant must first be issued and hold an A-1, A-2 or B-1 license (the basic license). The B-5 license is supplemental to and in addition to the basic license and does not replace the basic license. The issuance of class B-5 licenses may be discontinued by action of the village board after October 30, 2013. (Ord. 5951, 7-25-2011; amd. Ord. 6018, 4-9-2012)

Class B-6 license shall authorize the serving, on the specified premises, of alcoholic liquor during cooking classes, demonstrations or hands on events at a privately owned retail business that also offers fine cookware, professional kitchen tools, tablewares, specialty foods and one of a kind items.

1. The serving is for consumption on the specified premises only.

2. For wine the serving shall be limited to three (3) individual glasses of wine limited to three (3) 5-ounce pours, for beer the serving shall be limited to three (3) individual glasses of beer limited to three (3) 12-ounce pours and for alcoholic liquor the serving shall be limited to three (3) 1.5-ounce pours per person during the permitted hours during any one calendar day.

3. No person holding a class B-6 license pursuant to this chapter shall sell or permit to be sold, offered for sale, given away, or delivered, any alcoholic liquor except between the hours of eleven o'clock (11:00) A.M. and ten o'clock (10:00) P.M. Monday through Saturday and twelve o'clock (12:00) noon and five o'clock (5:00) P.M. on Sunday. (Ord. 5958, 9-12-2011)

Class B-7 license shall authorize the sale of alcoholic liquor for consumption on the premises of a public golf course. The premises shall include the clubhouse dining areas, restaurant, patios, and any temporary tents erected where food is served. The class B-7 public golf course liquor license shall also authorize the sale of alcoholic liquor from one or more carts and a "halfway house" all for consumption on the specified premises. No licensee shall permit any patron to possess alcoholic liquor on the specified premises which was not acquired from the licensee. The permitted hours of sale shall be the same hours as the class B liquor licenses except Sundays, alcoholic liquor may be sold between the hours of eight o'clock (8:00) A.M. and one o'clock (1:00) A.M. (Ord. 6029, 5-14-2012)

(C) Class C:

Class C-1 license shall authorize the retail sale, on the specified premises, of alcoholic liquor in its original package as a principal business, or as an adjunct to another retail business, where more than three hundred (300) square feet of floor area is devoted to the storage, display and sale of alcoholic liquor. A class C-1 license does not authorize the sale of alcoholic liquor for consumption on the premises where sold. Retail floor area devoted to the sale of alcoholic liquor includes the gross area devoted to the storage, display, customer access and sales area used for the sale of alcoholic liquor.

Class C-2 license shall authorize the retail sale, on the specified premises, of alcoholic liquor in its original package as an adjunct to another principal retail business, where no more than three hundred (300) square feet of retail floor area is devoted to the sale of alcoholic liquor. A class C-2 license does not authorize the sale of alcoholic liquor for consumption on the premises where sold. Retail floor area devoted to the sale of alcoholic liquor includes the gross area devoted to the storage, display, customer access and sales area used for the sale of alcoholic liquor. (Ord. 3085, 2-25-1985)

Class C-3 license shall authorize the retail sale, on the specified premises, of alcoholic liquor in its original package, along with the sale of other items associated with the storage, use and consumption of alcoholic liquor, where more than three hundred (300) square feet of floor area is devoted to the storage, display and sale of alcoholic liquor and where at least seventy percent (70%) of the sales on the premises are derived from the sale of wine. A class C-3 license does not authorize the sale of alcoholic liquor for the consumption on the premises where sold. Retail floor area devoted to the sale of alcoholic liquor includes the gross area devoted to the storage, display, customer access and sale area used for the sale of alcoholic liquor. (Ord. 5880, 7-26-2010)

(D) Class D:

Class D-1 license shall authorize the retail sale, on the specified premises, of beer, ale or wine in its original package, but not for consumption on the premises where sold, as an adjunct to another principal retail business and where no more than ten (10) square feet is devoted to the display and sale of alcoholic liquor. (Ord. 5140, 3-10-2003, eff. 4-1-2003)

Class D-2 license shall authorize the retail sale, on the specified premises, of beer, ale or wine in its original package, but not for consumption on the premises where sold, as an adjunct to another principal retail business and where more than ten (10) square feet but less than one hundred (100) square feet is devoted to the display and sale of alcoholic liquor. (Ord. 5140, 3-10-2003, eff. 4-1-2003; amd. Ord. 5850, 2-22-2010)

Class D-3 license shall authorize the retail sale, on the specified premises, of beer, ale or wine in its original package, but not for consumption on the premises where sold, as an adjunct to a gasoline station which also offers a convenience food store facility which itself has an area of not less than three thousand (3,000) square feet. Where such a license is issued, no alcoholic liquor shall be placed on display for sale within fifteen feet (15') of any exterior door generally used by customers. The area where liquor is displayed shall be principally visible from the station of any cashier, and any such area in a "blind spot" shall be visible through the use of a mirror, which shall be installed permitting cashiers at all times to observe any area where alcoholic liquor is made available for purchase. No exterior sign or window sign shall indicate that alcoholic liquor is available for purchase, and a cashier of at least twenty one (21) years of age must be positioned at all times at the station of any cashier where alcoholic liquor is available for sale. (Ord. 4938, 4-23-2001)

Class D-4 license shall authorize the retail sale, on the specified premises of beer, ale or wine in its original package, but not for consumption on the premises where sold, between the hours of eight o'clock (8:00) A.M. and twelve o'clock (12:00) midnight, Monday through Saturday; and as an adjunct to another principal retail business, where more than five hundred (500) square feet, but less than one thousand five hundred (1,500) square feet, is devoted to the display and sale of alcoholic liquor. (Ord. 5850, 2-22-2010)

(E) Class E:

Class E license shall authorize the retail sale of alcoholic liquor on the specified premises within a building and immediate adjacent open space and for consumption only in the building and immediate adjacent open space where sold. Such license shall be for a period of time not to exceed twenty four (24) hours and may be granted only to any local organization or group in connection with a fundraising or fraternal gathering of such organization or group. Such license shall also be limited to a date, time and place certain. The application for

such license shall specify, in addition to all other information required of an applicant, the date, time and place certain to which said license shall apply and a description of the nature of the function at which alcoholic liquor will be served. The required fee shall be for each class E liquor license application, whether for a single event or multiple events. (Ord. 3784, 8-27-1990; amd. Ord. 5773, 6-22-2009)

(F) Class F:

Class F license shall authorize the delivery, without additional charge and on the specified premises, of beer, ale or wine in restaurants together with a full meal, and for consumption only on the premises where delivered. (Ord. 3933, 7-27-1992)

(G) Class G:

Class G license shall authorize the retail sale of alcoholic liquor in the outdoors or a not fully enclosed structure used in conjunction with a premises possessing a class A or class B license. Each class G license shall be subject to the terms and conditions contained within the license granted by the liquor commissioner. In establishing terms and conditions, the liquor commissioner shall only grant the license when the location and proposed physical design of the area in question shall: (Ord. 3933, 7-27-1992; amd. Ord. 5751, 4-27-2009)

1. Not interfere with the peaceful enjoyment of the occupants of residential structures.
2. Provide safe and convenient emergency and nonemergency ingress and egress for patrons.
3. Offer open access for law enforcement surveillance.
4. Be compatible with the operation of the class A or B liquor license and the purpose of this code.

The liquor commissioner may impose such terms and conditions on the licensee as shall be necessary to cause the fulfillment of these standards to be met. Because of the potential for the disturbance of the public health and safety when alcoholic liquor is sold outdoors or in a not fully enclosed structure, class G licenses may be canceled without cause at the end of any annual term provided that if no notice of cancellation without cause is given at least six (6) months in advance of the end of the annual term, the holder of the license shall be issued a temporary license good for an additional period of six (6) months, subject to compliance with all ordinances. The cost of such

temporary license shall be one-half ($\frac{1}{2}$) the annual license fee. If a licensee should have its class A or B license suspended or revoked, the suspension or revocation shall automatically apply to the class G license. (Ord. 3933, 7-27-1992)

(H) Class H:

1. Class H license shall authorize the operation of amusement devices on a premises possessing a class A or class B license. Each class H license shall be subject to the terms and conditions contained within the license granted by the liquor control commissioner after a hearing.

2. "Amusement device" shall mean any machine, game or device which is designed, intended, displayed or kept as an amusement game, test of skill or entertainment, and which may be operated by the public upon the insertion of coin, slug, token, plate, disk, or the use of which is made available for any valuable consideration, and which is operated by the manipulation of buttons, dials, balls, wheels, trigger devices, or electrical impulses, whether or not registering a score or offering free replays. Amusement devices shall include, but not be limited to, devices commonly known as pinball machines, marble machines, video games, electronic games, skillball and all games, operations or transactions similar thereto under whatever name they may be indicated.

3. The holder of a class A or class B liquor license may apply for a class H license to place amusement devices at the same location as the one for which a liquor license has been granted and which is under the same management and control as the area where alcoholic liquor is sold. The holder of a class A or class B liquor license who desires to receive a license to permit the use of amusement devices shall present an application to the liquor control commissioner seeking such a permit. The application shall specify the number of amusement devices which are desired to be placed upon the premises and the general location at which the devices will be placed.

4. A license shall specify the number of amusement devices which may be placed upon the premises and shall specify the general location at which such devices may be placed. Future application may be made for the placement of additional amusement devices, although there cannot be more than ten (10) amusement devices at a specific premises.

5. In determining whether a class H license shall be granted and how many amusement devices

shall be permitted to be placed at a specific location, the liquor control commissioner shall consider the ability of the licensee to monitor the location at which the amusement devices will be placed, the compatibility of the amusement devices with other business operations carried on at the location, the physical configuration of the location with regard to safety considerations, and the use of amusement devices as adjunct to the sale of alcoholic liquor rather than as part of a separate business enterprise. If the local liquor control commissioner finds that the use of amusement devices at the premises is consistent with the principal business carried on at the location, that it will be properly monitored and carried on in a safe manner, a license shall be issued.

6. The liquor control commissioner may also attach to the granting of a class H license such reasonable terms and conditions as shall enhance the public safety and welfare.

7. In the event that the liquor control commissioner should determine that the licensee has violated the terms of this subsection (H) or the conditions under which the license has been granted, the license may be suspended or revoked after a public hearing in a similar manner as would be held for the suspension or revocation of other general business licenses.

8. No person shall install, keep, maintain or use or permit the installation, keeping, maintenance or use upon his premises of any amusement device for which a license has not been issued. (Ord. 3966, 10-26-1992)

(I) Class I: Class I license shall authorize the sale of beer, ale or wine only for off premises delivery by postal or parcel delivery services. It shall be unlawful for holders of class I licenses to deliver beer, ale or wine by postal or parcel delivery services without having procured adequate information to determine that the purchaser is qualified to receive the product sent. (Ord. 5296, 10-11-2004)

(J) Class J: Class J license shall authorize the retail sale of alcoholic liquor anywhere within the village, where the licensee is acting as a caterer, in conjunction with parties or events where the licensee is also providing food services. During any quarterly period, the income which the licensee derives from the sale of food must comprise at least fifty percent (50%) of the gross revenue of the amount earned from the sale of food and alcoholic liquor at such parties or events. No more than six (6) events per year, where liquor is sold, may take

place at the same structure located in a residential zone. (Ord. 4568, 2-23-1998)

(K) Class K: Class K license shall authorize the retail sale of beer and wine on a specific premises owned by a park district within a building and the immediate adjacent open space of a miniature golf course for consumption only in the building and immediate adjacent open space where sold. (Ord. 5296, 10-11-2004)

(L) Class L: Class L license shall authorize a legally operating restaurant to permit an educational, religious, fraternal, veterans', labor or business organization as defined in 230 Illinois Compiled Statutes 15/2 to make available on the premises beer and wine at meetings principally of the members of such organizations at a time when the restaurant is not otherwise open to the general public. The license shall allow the license holder to serve and charge, directly or indirectly, for the beer and wine; or the aforesaid group may do so. (Ord. 5303, 11-8-2004)

(M) Class M: Class M license shall authorize the retail sale of alcoholic liquor, for consumption on the specified premises, as an adjunct to a principal beauty shop business. The issuance of a class M license shall be expressly subject to the following conditions:

1. The retail sale of alcoholic liquor shall be limited to one drink per hour per customer or patron of the premises, and no such customer or patron shall be served more than two (2) alcoholic beverages during the permitted hours of retail sale of alcoholic liquor during any one calendar day.

2. No live entertainment of any nature shall be permitted on the specified premises. (Ord. 5356, 5-9-2005)

3. No window or any other signage visible from the outside of the business shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale at the specified premises, provided, however, that the business identification signage may contain the word "bar", and provided further that the word "bar" is only used as part of the business name.

4. No person holding a class M license issued pursuant to this chapter shall sell or permit to be sold, offered for sale, given away, or delivered any alcoholic liquor except between the hours of eleven o'clock (11:00) A.M. and nine o'clock (9:00)

P.M. Monday through Saturday. (Ord. 5583, 6-25-2007)

- (N) Class N: Class N license shall authorize the retail sale of glasses of wine and the retail sale of tasting of wine for consumption on the specified premises, as an adjunct to a principal retail business. The issuance of a class N license shall be expressly subject to the following conditions:

1. The retail sale of wine shall be limited to two (2) glasses or one tasting per customer or patron on the premises, and no such customer or patron shall be served more than two (2) glasses or one tasting of wine during the permitted hours of retail sale of alcoholic liquor during any one calendar day.

2. Individual glasses shall be limited to two (2) 5-ounce pours only.

3. One tasting shall be limited to five (5) individual, two (2) ounce pours only.

4. Crackers and/or bread shall be offered in conjunction with wine service.

5. No window or any other signage visible from the outside of the business shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale and service by the glass or for the retail sale and service of winetasting at the specified premises.

6. No person holding a class N license issued pursuant to this chapter shall sell or permit to be sold, offered for sale, given away, or delivered, any alcoholic liquor except between the hours of eleven o'clock (11:00) A.M. and nine o'clock (9:00) P.M. Monday through Saturday. (Ord. 5749, 4-27-2009)

- (O) Class O: Class O license shall authorize the retail sale of alcoholic liquor but only for consumption on the premises where sold on the campus of a public community college at specific locations and only in conjunction with theatrical performances where the majority of the cast is not composed of college students and is over the age of twenty one (21). The license shall also allow the above specified sale at a series of special events produced under the auspices of the college in addition to the theatrical productions. There shall be no more than eighty five (85) special events in a calendar year. The retail sale is allowed to take place one hour prior to the theatrical performances and during

intermissions. At special events, the sale may take place before and during the special event. No service shall take place after the special event or the theatrical performance. The service shall be made from mobile carts, which shall only be utilized during the period of time that the sale is permitted to take place. Only persons more than twenty one (21) years of age shall be allowed to dispense the alcoholic liquor authorized to be sold. The sale may be by ticket, cash or credit card. At special events, alcoholic liquor may also be given away without charge. All individuals allowed to sell tickets or to dispense alcoholic liquor shall be required to successfully complete a course approved by the village in the rules governing the sale of alcoholic liquor. (Ord. 5590, 7-23-2007; amd. Ord. 5686, 6-23-2008; Ord. 5698, 9-22-2008; Ord. 5749, 4-27-2009; Ord. 5750, 4-27-2009)

- (P) Sampling: It shall be lawful for holders of class C-1, class C-2, class C-3, or class D-2 licenses to permit the tasting or sampling of alcoholic liquor on the premises, if said tasting or sampling is a part of a promotion or sales device to encourage the sale of packaged liquor and no charge of any kind or character is made for such sampling or tasting. It shall also be lawful for holders of these same licenses to charge either a donation or set price for the tasting or sampling of alcoholic liquor on the premises if such tasting or sampling event is held as a fundraiser for the benefit of a specific, local not for profit organization and all monies collected are forwarded to said organization. (Ord. 2767, 5-10-1982; amd. Ord. 4541, 11-24-1997; Ord. 5196, 10-27-2003; Ord. 5296, 10-11-2004; Ord. 5303, 11-8-2004; Ord. 5356, 5-9-2005; Ord. 5506, 9-25-2006; Ord. 5584, 6-25-2007; Ord. 5590, 7-23-2007; Ord. 5686, 6-23-2008; Ord. 5698, 9-22-2008; Ord. 5749, 4-27-2009; Ord. 5880, 7-26-2010)

- (Q) Dancing Prohibited: It shall be unlawful for holders of class A-1, class A-2, class B-1, class B-2 or class B-3 licenses to permit dancing on the premises in which alcoholic beverages are sold at the times alcoholic beverages are being sold, except where the premises for which a class B-2 or class B-3 license is issued is located within the C-3 service commercial zoning district of the village, or any subsequent successor district classification in any amended zoning code adopted by the village. (Ord. 3007, 6-11-1984; amd. Ord. 4541, 11-24-1997; Ord. 5296, 10-11-2004; Ord. 5303, 11-8-2004; Ord. 5356, 5-9-2005; Ord. 5584, 6-25-2007; Ord. 5590, 7-23-2007; Ord. 5686, 6-23-2008; Ord. 5698, 9-22-2008; Ord. 5749, 4-27-2009)

3-19-12: RESTRICTION ON NUMBER OF LICENSES:

The local liquor control commissioner shall not issue more than the number of licenses set forth hereinbelow for each class:

- Class A-1 - no more than 4
- Class A-2 - no more than 2
- Class A-3 - none currently permitted
- Class A-4 - no more than 1
- Class B-1 - no more than 17
- Class B-2 - no more than 1
- Class B-3 - no more than 1
- Class B-4 - none currently permitted
- Class B-5 - no more than 6
- Class B-6 - no more than 1
- Class B-7 - no more than 1
- Class C-1 - no more than 9
- Class C-2 - no more than 1
- Class C-3 - no more than 1
- Class D-1 - no more than 3
- Class D-2 - no more than 3
- Class D-3 - no more than 2
- Class D-4 - no more than 1
- Class E - no limit
- Class F - none currently permitted
- Class G - no more than 7
- Class H - no more than 3
- Class I - none currently permitted
- Class J - none currently permitted
- Class K - none currently permitted
- Class L - none currently permitted
- Class M - no more than 1
- Class N - none currently permitted
- Class O - none currently permitted

(Ord. 3898, 3-23-1992; amd. Ord. 3907, 4-13-1992; Ord. 3933, 7-27-1992; Ord. 3966, 10-26-1992; Ord. 3997, 3-8-1993; Ord. 4029, 6-28-1993; Ord. 4043, 8-9-1993; Ord. 4107, 3-28-1994; Ord. 4139, 6-13-1994; Ord. 4187, 9-12-1994; Ord. 4201, 10-24-1994; Ord. 4269, 6-26-1995; Ord. 4298, 9-25-1995; Ord. 4336, 1-8-1996; Ord. 4341, 1-22-1996; Ord. 4382, 5-28-1996; Ord. 4395, 6-24-1996, eff. 7-1-1996; Ord. 4411, 9-9-1996; Ord. 4426, 10-28-1996, eff. 11-15-1996; Ord. 4458, 1-13-1997; Ord. 4476, 3-24-1997; Ord. 4541, 11-24-1997; Ord. 4568, 2-23-1998; Ord. 4582, 4-27-1998; Ord. 4665, 12-14-1998; Ord. 4701, 4-26-1999; Ord. 4713, 5-24-1999; Ord. 4734, 7-26-1999; Ord. 4747, 8-23-1999; Ord. 4787, 12-13-1999; Ord. 4839, 5-22-2000; Ord. 4845, 6-12-2000; Ord. 4853, 6-26-2000; Ord. 4857, 7-24-2000; Ord. 4876, 9-25-2000; Ord. 4906, 1-22-2001; Ord. 4923, 3-26-2001; Ord. 4935, 4-23-2001; Ord. 4938, 4-23-2001; Ord. 4955, 6-25-2001; Ord. 4980, 8-27-2001; Ord. 5009, 11-13-2001; Ord. 5014, 11-26-2001; Ord. 5071, 6-24-2002; Ord. 5096, 9-23-2002; Ord. 5102, 11-12-2002; Ord. 5164, 4-28-2003; Ord. 5175, 6-23-2003; Ord. 5232, 2-23-2004; Ord. 5262, 5-24-2004; Ord. 5273, 6-28-2004, eff.

7-1-2004; Ord. 5277, 7-26-2004; Ord. 5293, 9-27-2004; Ord. 5296, 10-11-2004; Ord. 5303, 11-8-2004; Ord. 5348, 4-11-2005; Ord. 5356, 5-9-2005; Ord. 5360, 5-23-2005; Ord. 5375, 7-25-2005; Ord. 5380, 8-8-2005; Ord. 5388, 8-22-2005; Ord. 5427, 1-23-2006; Ord. 5447, 3-16-2006; Ord. 5484, 6-26-2006; Ord. 5493, 8-14-2006; Ord. 5496, 8-31-2006; Ord. 5506, 9-25-2006; Ord. 5519, 11-13-2006; Ord. 5532, 12-11-2006; Ord. 5559, 3-26-2007; Ord. 5584, 6-25-2007; Ord. 5589, 7-23-2007; Ord. 5590, 7-23-2007; Ord. 5607, 9-19-2007; Ord. 5629, 11-13-2007; Ord. 5640, 12-17-2007; Ord. 5648, 1-28-2008; Ord. 5686, 6-23-2008; Ord. 5698, 9-22-2008; Ord. 5705, 10-13-2008; Ord. 5726, 11-24-2008; Ord. 5749, 4-27-2009; Ord. 5750, 4-27-2009; Ord. 5764, 6-8-2009; Ord. 5773, 6-22-2009; Ord. 5774, 7-13-2009; Ord. 5781, 7-27-2009; Ord. 5806, 10-26-2009; Ord. 5845, 1-25-2010; Ord. 5850, 2-22-2010; Ord. 5861, 5-10-2010; Ord. 5877, 7-12-2010; Ord. 5880, 7-26-2010; Ord. 5920, 2-28-2011; Ord. 5951, 7-25-2011; Ord. 5944, 8-8-2011; Ord. 5955, 9-12-2011; Ord. 5958, 9-12-2011; Ord. 5970, 11-14-2011; Ord. 5993, 1-30-2012; Ord. 6018, 4-9-2012; Ord. 6028, 5-14-2012; Ord. 6029, 5-14-2012; Ord. 6038, 6-11-2012; Ord. 6052, 7-9-2012; Ord. 6069, 9-10-2012; Ord. 6078, 9-24-2012; Ord. 6106, 12-10-2012)

3-19-13: LICENSE FEES:

- (A) After an initial application fee of five hundred dollars (\$500.00) for all classes, the annual license fee for all classes shall be as follows: (Ord. 5850, 2-22-2010)

| <u>License</u> | <u>Fee</u> |
|----------------|------------|
| Class A-1 | \$1,500.00 |
| Class A-2 | 1,500.00 |
| Class A-3 | 1,500.00 |
| Class A-4 | 500.00 |
| Class B-1 | 2,500.00 |
| Class B-2 | 4,000.00 |
| Class B-3 | 2,500.00 |
| Class B-4 | 2,500.00 |
| Class B-5 | 100.00 |
| Class B-6 | 1,500.00 |
| Class B-7 | 2,500.00 |
| Class C-1 | 3,000.00 |
| Class C-2 | 2,000.00 |
| Class C-3 | 2,000.00 |
| Class D-1 | 500.00 |
| Class D-2 | 2,000.00 |
| Class D-3 | 2,000.00 |
| Class D-4 | 2,000.00 |
| Class E | 20.00 |
| Class F | 200.00 |
| Class G | 250.00 |

| <u>License</u> | <u>Fee</u> |
|----------------|---------------------------------------|
| Class H | \$ 100.00 plus \$100.00 per device |
| Class I | \$1,000.00 |
| Class J | 350.00 |
| Class K | 200.00 |
| Class L | 200.00 |
| Class M | 500.00 |
| Class N | 500.00 |
| Class O | 1,500.00 |

(Ord. 5140, 3-10-2003, eff. 4-1-2003; amd. Ord. 5296, 10-11-2004; Ord. 5303, 11-8-2004; Ord. 5356, 5-9-2005; Ord. 5532, 12-11-2006; Ord. 5584, 6-25-2007; Ord. 5590, 7-23-2007; Ord. 5686, 6-23-2008; Ord. 5698, 9-22-2008; Ord. 5749, 4-27-2009; Ord. 5773, 6-22-2009; Ord. 5850, 2-22-2010; Ord. 5880, 7-26-2010; Ord. 5951, 7-25-2011; Ord. 5944, 8-8-2011; Ord. 5958, 9-12-2011; Ord. 6029, 5-14-2012; Ord. 6069, 9-10-2012)

(B) At the time application is made to the local liquor control commissioner for original issuance of a license of any class, the applicant shall pay to the village the fee hereinabove provided for the class of license for which the application is filed, in addition to the five hundred dollar (\$500.00) application fee. In the event the license applied for is denied, the application fee shall be retained by the village; and the license fee shall be returned to the applicant.

At the time application is made to the local liquor control commissioner for the annual renewal of a license of any class, the applicant shall pay to the village the fee hereinabove provided for the class of license for which the application is filed. In the event the license applied for is denied, the license fee, except for a processing charge of five hundred dollars (\$500.00), shall be returned to the applicant.

In the event a class E license is denied, the entire fee paid with the application shall be returned to the applicant. (Ord. 5140, 3-10-2003, eff. 4-1-2003)

A licensee who gives up a class D-2 license and applies for and receives a class D-4 license shall pay an initial application fee of five hundred dollars (\$500.00), but shall not be required to pay a new annual fee in the first year. (Ord. 5850, 2-22-2010)

(C) In the event the applicant ceases engaging in the business of the retail sale of alcoholic liquors pursuant to a retail liquor dealer's license issued pur-

suant to this chapter within thirty (30) days of the issuance of such license, then eleven-twelfths ($\frac{11}{12}$) of the license fee in excess of a processing charge of five hundred dollars (\$500.00) shall be refunded to the holder of the license upon surrender to the village of the license. (Ord. 5140, 3-10-2003, eff. 4-1-2003)

(D) Whenever any license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for said license. (Ord. 2767, 5-10-1982)

(E) The commissioner may waive the fee for class E and class F licenses for good cause shown. (Ord. 3205, 5-12-1986)

(F) Whenever an initial license is issued for a portion of the license year less than six (6) months or less than three (3) months, the fee applicable to such license shall be one-half ($\frac{1}{2}$) or one-fourth ($\frac{1}{4}$), respectively, of the fee set forth in subsection (A) of this section, in addition to the five hundred dollar (\$500.00) application fee. (Ord. 5140, 3-10-2003, eff. 4-1-2003)

3-19-14: DURATION OF LICENSE: All licenses, except class E licenses, shall be valid for not to exceed one year after issuance, unless sooner terminated, revoked or suspended as provided in this chapter, and all licenses shall terminate on June 30 next following their issuance. (Ord. 2767, 5-10-1982)

3-19-15: RECORD: The village clerk shall keep a complete record of all local retail liquor dealers' licenses issued and shall immediately give written notice to the police chief of the issuance, renewal, revocation or suspension of any such license. (Ord. 2767, 5-10-1982)

3-19-16: EXAMINATION OF APPLICANT: At any time during the pendency of an application for issuance or renewal, the local liquor control commissioner shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the local liquor control commissioner, are material to the determination of whether the applicant is qualified to receive a license under the provisions of this chapter, or whether the premises sought to be licensed are suitable for such purposes. The local liquor control commissioner shall also have the right to require the applicant to answer any objection to the issuance or renewal of the license or any charges made by any deputy commissioner, trustee of the village, police chief, attorney for the village, prose-

cuting attorney for the village, or by the sheriff or prosecuting attorney of the county of DuPage. The failure of any applicant to appear at the time and place fixed by the local liquor control commissioner for his examination or to produce books and records requested, unless for good cause shown, shall be deemed to be an admission that the objections or charges are true and that the applicant is not qualified to receive a license. (Ord. 2767, 5-10-1982)

3-19-17: **RENEWAL:** Any licensee may apply for renewal of a license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein provided for 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. (Ord. 2767, 5-10-1982)

3-19-18: **SUSPENSION AND REVOCATION:** The local liquor control commissioner may, in accordance with the liquor control act, revoke or suspend any license issued under the provisions of this chapter, if he determines that the licensee has violated any of the provisions of the liquor control act, this chapter or any other ordinance or resolution enacted by the corporate authorities of the village or any applicable rules or regulations established by the local liquor control commissioner or the Illinois liquor control commission, or any state and/or federal statute which is not inconsistent with the law. However, no such license shall be revoked or suspended except after a public hearing by the local liquor control commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend the charges contained in such notice. The three (3) days' notice provision shall begin the day following delivery by certified or registered mail or by personal service.

If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days giving the licensee an opportunity to be heard during that period except that if the licensee is also engaged in another business on the licensed premises such order shall not be applicable to such other business.

The local liquor control commissioner shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspend-

ed, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee. (Ord. 2767, 5-10-1982)

235 Illinois Compiled Statutes 5/7-7, 5/7-9, 5/7-12 and 5/7-13 of the "liquor control act" are incorporated herein by reference and made a part of this chapter. Review of decisions of the local liquor control commissioner shall be as provided for in 235 Illinois Compiled Statutes 5/7-9 of the "liquor control act"¹. (Ord. 4108, 3-28-1994)

3-19-19: **REVOCATION UPON CONVICTION OF VIOLATION:** Whenever any licensee shall have been convicted by any court of a violation of any of the provisions of the liquor control act, or of this chapter or any other ordinance of the village controlling or regulating the sale of alcoholic liquors, the licensee shall, in addition to all other penalties for such offense, incur a forfeiture of any local retail dealer's license issued pursuant to this chapter and all monies that have been paid therefor. (Ord. 2767, 5-10-1982)

3-19-20: **USE OF PREMISES AFTER REVOCATION:** When any license has been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor at retail in the premises described in such revoked license. (Ord. 3085, 2-25-1985)

3-19-21: **APPLICABILITY OF OTHER PROVISIONS:** Nothing in this chapter shall excuse or relieve the licensee, owner, proprietor, or person in charge of any place in the village where alcoholic liquor is sold from the restrictions and requirements of any other provision of this code, other ordinances of the village or of the statutes of the state. (Ord. 2767, 5-10-1982)

3-19-22: **INSURANCE:**

- (A) All holders of liquor licenses shall be required to obtain and maintain dramshop insurance as a condition of acquiring such license.
- (B) Dramshop insurance shall run concurrently with the license year, beginning on July 1 and ending on June 30 of any given year.
- (C) Certificates of insurance shall be submitted by liquor license holders to the village. Such certificates shall require that notice be given to the village ten (10) days prior to expiration, cancellation or nonrenewal of dramshop insurance.

1. See also section 3-19-50 of this chapter.

- (D) In the event the dramshop insurance expires, is canceled or denied renewal, that holder's license shall be immediately suspended by the village until such time as a new certificate of insurance is provided. (Ord. 3205, 5-12-1986)

3-19-23: HOURS OF SALE:

- (A) No person holding a class A, class B, class E or class F license issued pursuant to this chapter shall sell or permit to be sold, offered for sale, given away or delivered any alcoholic liquors between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M., except no such sales shall be made between two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on Saturdays, and no such sales shall be made between two o'clock (2:00) A.M. and twelve o'clock (12:00) noon on Sundays. All patrons and customers shall leave the premises not later than fifteen (15) minutes following the closing hours herein established, except that on New Year's Eve in any given year sales provided for this chapter by class A, class B, class E or class F license holders may be made to three o'clock (3:00) A.M. (Ord. 2767, 5-10-1982)
- (B) No person holding a class C or class D license issued pursuant to this chapter shall sell or permit to be sold, offered for sale, given away or delivered any alcoholic liquor, except between the hours of nine o'clock (9:00) A.M. and twelve o'clock (12:00) midnight, Monday through Saturday, or except between the hours of ten o'clock (10:00) A.M. and twelve o'clock (12:00) midnight on Sunday. All patrons and customers shall leave the premises of the holders of class C or D license not later than fifteen (15) minutes following the hours of sale herein specified. (Ord. 5727, 12-15-2008)
- (C) In the case of restaurants, hotels, motels, bowling alleys and licensees selling packaged liquors, where the sale of alcoholic liquors is conducted on premises which are utilized primarily for other retail sales activities, such establishments may be kept open for business after the hours of sale set forth herein, but no alcoholic liquors may be sold, offered for sale, given away, delivered or consumed after said closing hours, and no person shall be permitted to remain in or upon that portion of the premises used during opening hours for the dispensation of alcoholic liquors. (Ord. 2767, 5-10-1982)
- (D) Any licensee holding a liquor license may request to extend their liquor license hours earlier in the day for three (3) days per calendar year. A written

request shall be submitted to the local liquor commissioner thirty (30) days prior to the dates for which permission is sought. The local liquor commissioner shall place any condition, restriction and limitation on said extension as deemed necessary.

The local liquor commissioner, in determining whether to grant the extension, may consider difficulties that have occurred with prior requested extensions either at the location of the requested licensee or elsewhere, other events taking place in the community, the availability of public safety officials at that date or time, and other factors which shall impact upon the public health, safety and welfare. Where an extension is granted, the local liquor commissioner may place conditions, restrictions and limitations on such extension which must be complied with by an applicant that wishes to take advantage of the proposed extension being granted. (Ord. 6081, 10-22-2012)

3-19-24: TRANSFER OF LICENSE: A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the laws of the testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of sale of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee. (Ord. 2767, 5-10-1982)

3-19-25: CHANGE IN PERSONNEL:

- (A) Any changes in partnership, officers, directors, persons holding directly or indirectly or beneficially more than five percent (5%) of the stock 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 of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the local liquor control commissioner within thirty (30) days of the change.

- (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, said license shall terminate.
- (C) When a license has been issued to a corporation and a change takes place in officers, directors, managers or shareholders of more than five percent (5%) of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
- (D) When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate. (Ord. 2767, 5-10-1982)

3-19-26: **CHANGE OF LOCATION:** A license issued hereunder shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change is issued by the local liquor control commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter. (Ord. 2767, 5-10-1982)

3-19-27: **SANITARY CONDITIONS:** All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with all ordinances of the county of DuPage regulating food service sanitation, as well as with all applicable rules and regulations regulating the condition of premises used for the storage or sale of food for human consumption, as promulgated and enforced by the DuPage County health department. (Ord. 3416, 12-21-1987)

3-19-28: **EMPLOYEES:** It shall be unlawful to employ in premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. (Ord. 2767, 5-10-1982)

3-19-29: **LOCATION RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of the real property of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restau-

rant service, or to restaurants, where the sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted shall have been established for such purpose prior to the effective date hereof. (Ord. 2767, 5-10-1982)

3-19-30: **STORES SELLING SCHOOL SUPPLIES:** No license shall be issued to any person for the sale of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of schoolbooks, school supplies, food, lunches or drinks for such minors. (Ord. 2767, 5-10-1982)

3-19-31: **ELECTION DAYS:** Licensees may sell at retail any alcoholic liquor on the day of any national, state, county or municipal election, including primary election, including hours the polls are open, within the political area in which such election is being held. (Ord. 2767, 5-10-1982)

3-19-32: **RESPONSIBILITY FOR AGENTS AND EMPLOYEES:** Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this chapter by an officer, director, manager or other agent or employee of any licensee, if such act is committed or omission is made within the scope of such agency or employment or with the authorization, knowledge, or approval of the licensee, shall be deemed and held to be the act of such employer or licensee and such employer and licensee shall be punishable in the same

manner as if such act or omission had been done or omitted by him personally. (Ord. 2767, 5-10-1982)

3-19-33: **GAMBLING:** It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor. (Ord. 2767, 5-10-1982)

3-19-34: **REFILLING ORIGINAL PACKAGES:** No person licensed under this chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers of alcoholic liquor, except in original packages. (Ord. 2767, 5-10-1982)

3-19-35: **SOLICITATION:** It shall be unlawful for any licensee, his manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any female, or any male representing himself to be female or impersonating a female, whether employee, entertainer or otherwise, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for herself or himself or any other person therein; provided however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress. (Ord. 2767, 5-10-1982)

3-19-36: **DISPLAYING LICENSE:** Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises. (Ord. 2767, 5-10-1982)

3-19-37: **VIOLATION OF RETAILER'S OCCUPATION TAX ACT:** In addition to other grounds specified in this chapter, the local liquor control commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "retailer's occupation tax act", approved June 28, 1933, as amended:

- (A) Failure to make a tax return;
- (B) The filing of a fraudulent return;

(C) Failure to pay all or part of any tax or penalty finally determined to be due;

(D) Failure to keep books and records;

(E) Failure to secure and display a certificate or subcertificates of registration;

(F) Wilful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability. (Ord. 2767, 5-10-1982)

3-19-38: **CESSATION OF BUSINESS:** Any licensee who ceased to do business or closes his place of business for a period of more than thirty (30) successive days shall be subject to having his license declared forfeited and lapsed by order of the local liquor control commissioner. (Ord. 2767, 5-10-1982)

3-19-39: **MULTIPLE LOCATIONS:** Where two (2) or more locations, places or premises are under the same roof or at one street address, a separate local retail liquor dealer's license shall be obtained for each such location, place or premise; provided that nothing herein contained shall be so construed as to prevent any hotel or motel operator licensed under the provisions of this chapter from serving alcoholic liquor to his registered guests in any room or part of his hotel or motel, if such liquor so served shall be kept in and served from a licensed location, place or premises in said hotel or motel. (Ord. 2767, 5-10-1982)

3-19-40: **IMPROPER EXHIBITIONS:** No person licensed under this chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- (A) Exposes his or her genital, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (B) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (C) Exposes any portion of the female breast at or below areola thereof. (Ord. 2767, 5-10-1982)

3-19-41: **UNLAWFUL POSSESSION AND CONSUMPTION BY PERSONS UNDER AGE:**

- (A) No person under the age of twenty one (21) years shall consume, purchase or accept delivery of

alcoholic liquor or have alcoholic liquor in his or her possession within the village; provided the possession and dispensing, or consumption by a person under the age of twenty one (21) years of alcoholic liquor in the performance of a religious service or ceremony, the consumption by a person under the age of twenty one (21) years under the direct supervision and approval of the parent(s) or guardian(s) of such underage person in the privacy of the parent's or guardian's home, or the possession and delivery of alcoholic liquors in pursuant of a person's employment by a licensee under this chapter as allowed in section 3-19-48 of this chapter is not prohibited.

- (B) No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except as allowed under subsection (A) of this section. (Ord. 2767, 5-10-1982)

3-19-42: PARENTAL RESPONSIBILITY: It shall be unlawful for any parent or guardian to knowingly suffer or permit any minor child of which he or she may be the parent or guardian to violate any provision of this chapter. (Ord. 2767, 5-10-1982)

3-19-43: RESPONSIBILITY OF THE OWNER OR OCCUPANT OF PREMISES: It shall be unlawful for any owner or occupant of any premises located within the village to knowingly allow any person under the age of twenty one (21) years to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquors in violation of section 3-19-41 of this chapter. (Ord. 2767, 5-10-1982)

3-19-44: SALE BY LICENSEE TO UNDERAGED AND CERTAIN OTHER PERSONS:

- (A) No licensee or officer, associated member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person, or to any person known by him to be a habitual drunkard, insane, mentally ill, mentally deficient or in need of mental treatment.
- (B) It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of twenty one (21) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is

located; provided, that this paragraph shall not apply to any person under the age of twenty one (21) years who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from restaurants or the sale of service or commodities other than alcoholic liquor.

- (C) For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and the fact that he or she is over the age of twenty one (21) years, as required by this chapter. (Ord. 2767, 5-10-1982)

3-19-45: EVIDENCE OF AGE OF PERSON ATTEMPTING TO PURCHASE OR RECEIVE ALCOHOLIC LIQUOR:

- (A) If a licensee or his agent or employee believes, has reason to believe or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is underage, then he shall, before making such sale or delivery, demand presentation of at least two (2) separate forms of positive identification each containing proof of age, each issued by a public officer in the performance of his official duties and one of those forms of identification must contain a picture of the holder thereof. A traffic citation shall not be accepted as identification or evidence of age.
- (B) No person shall transfer, alter or deface an identification card issued by a federal, state, county or municipal government or subdivision or agency thereof, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false identification.
- (C) No person shall purchase, accept delivery or have possession of alcoholic liquor by the use of an altered, forged or defaced identification card or by the use of an identification card of another person.
- (D) No person shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the village where alcoholic liquor is sold at retail. (Ord. 2767, 5-10-1982)

3-19-46: REQUIRED WARNING SIGNS: In every place in the village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the

village clerk and which shall read substantially as follows:

WARNING: If you are under twenty one (21) years of age, you are subject to a fine up to \$500.00 under the Glen Ellyn Village Code, if you PURCHASE alcoholic liquor or MISREPRESENT YOUR AGE for the purpose of purchasing or obtaining alcoholic liquor. OFFICIAL PHOTO IDENTIFICATION will be required to prove age before purchase.

(Ord. 2767, 5-10-1982)

3-19-47: ADDITIONAL PENALTY FOR SALE TO UNDERAGED PERSONS:

- (A) In addition to all other fines and penalties the local liquor control commissioner may revoke, suspend or refuse to renew any license of a licensee who violates the provisions of section 3-19-44 of this chapter or whose employee or agent violates the provisions of section 3-19-44 of this chapter.
- (B) Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon written evidence of identification as required by section 3-19-46 of this chapter in any transaction forbidden by section 3-19-44 of this chapter, is competent evidence and may be considered in any ordinance violation prosecution or in any proceedings for the suspension or revocation of any license based on a violation of section 3-19-44 of this chapter. (Ord. 2767, 5-10-1982)

3-19-48: EMPLOYMENT OF UNDERAGED PERSONS:

- (A) It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty one (21) years to attend bar and/or draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this section shall not be construed to prevent the employment of persons who are at least nineteen (19) years of age as waiters or waitresses in restaurants, hotels, or motels for the purpose of serving food and alcoholic liquor on the licensed retail premises.
- (B) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty one (21) years of

age to sell any alcoholic liquor in any licensed premises. (Ord. 2767, 5-10-1982)

3-19-49: CERTAIN SALES PROHIBITED:

- (A) It shall be unlawful to peddle alcoholic liquor in the village.
- (B) It shall be unlawful for any licensee pursuant to this chapter to engage in or allow the following enumerated practices on any licensed premises: (Ord. 3416, 12-21-1987)

1. Deliver more than one drink of alcoholic liquor at one time to one person for consumption by that one person. (Ord. 5677, 4-28-2008)

2. Sell, offer to sell or deliver to any person any unlimited number of alcoholic drinks during any specified time period for a fixed price, other than at private functions not open to the public.

3. Sell, offer to sell or deliver alcoholic drinks to any person or group of persons on any one day at prices less than those charged the general public on that entire day, except at private functions not open to the public.

4. Increase the volume of alcoholic beverages contained in a drink without proportionately increasing the price charged therefor.

5. Permit, allow or encourage any game or contest upon the licensed premises which involves the consumption of alcoholic beverages or the awarding of alcoholic drinks as a prize.

6. Advertise or promote, in any manner whatsoever, whether on or off the licensed premises, any of the foregoing enumerated practices.

7. Notwithstanding subsections (B)1 through (B)6 of this section, a licensee pursuant to this chapter shall not be prohibited from offering free food or entertainment at any time, including an alcoholic beverage as part of a meal package, from conducting free wine tastings or from offering room services to registered hotel or motel guests where the premises are licensed for such services. (Ord. 3416, 12-21-1987)

3-19-50: GENERAL PENALTY; APPEALS:

- (A) Any person violating any provisions of this chapter shall be fined not less than twenty five dollars

(\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee convicted of violating any provision of this chapter may be subject to having his license revoked, suspended or not renewed by the local liquor control commissioner.

- (B) Pursuant to resolution 94-12 of the village, the appeal of any decision of the local liquor control commissioner to the Illinois state liquor control commission shall be limited to a review of the official record of the proceedings of such local liquor control commissioner as provided in 235 Illinois Compiled Statutes 5/7-9 of the liquor control act. (Ord. 4108, 3-28-1994)

3-19-51: SEVERABILITY: The repeal of this chapter or part of ordinances effectuated by the enactment of this chapter shall not be construed as abating any actions now pending under or by virtue of such ordinance or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of the passage of this chapter. It is the intention of the village board that this chapter, and every provision thereof, shall be considered separable; and that the invalidity of any section, clause, provision or part or portion of any section, clause or provision of this chapter shall not affect the validity of any other portion of this chapter. If any part or provision of this chapter or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined by its operation to the controversy in which it was mentioned and shall not affect or invalidate the remainder of this chapter or the application thereof to any other person or circumstance and to this end the provisions of this chapter are declared severable. (Ord. 2767, 5-10-1982)