

## CHAPTER 112: ALCOHOLIC LIQUOR

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### **GENERAL PROVISIONS**

#### **§112.01 CONSTRUCTION OF PROVISIONS.**

This Chapter shall be liberally construed, to the end that the health, safety and welfare of the people of the Village shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the manufacture, sale and distribution of alcoholic liquors.

## **§112.02 DEFINITIONS.**

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT:** The Liquor Control Act of 1934 (235 ILCS 5/1-1, *et seq.*)

**ALCOHOL:** A product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin, and includes synthetic ethyl alcohol; it does not include denatured alcohol or wood alcohol.

**ALCOHOLIC LIQUOR:** Alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

**BANQUET/CATERING FACILITY:** Any public place kept, used, maintained, advertised and held out to the public as a place where by prearrangement, events which involve the service of food may be catered.

**BASSET:** A state certified Beverage Alcohol Sellers and Servers Educational Training program or other similar program, licensed by the state Liquor Control Commission pursuant to 235 ILCS 5/2-12(11.1) and 6-27 and Title 77 of the Illinois Administrative Code, Chapter XVI, Section 3500.

**BEER:** A beverage obtained by the alcohol fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like

**BOWLING ALLEY:** A recreational area or facility both contained within a building and so constructed as to permit the public to engage in a recreational form commonly known as bowling and constructed primarily for use in connection with such recreational pursuit.

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

**COMMISSION:** The Local Liquor Control Commission as defined herein.

**COMMISSIONER:** The Local Liquor Control Commission as defined herein.

**HOTEL:** Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is both actually served and consumed, and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for sleeping accommodations

LICENSE YEAR: January 1 through December 31 of the calendar year.

LOCAL LIQUOR CONTROL COMMISSIONER: The President of the Village.

MANAGER: A person either directly in control of day-to-day operations of a facility in which beverages described herein are kept, sold, or served.

POPULATION: The population determined by the most recent official Federal, State or Village census.

PUBLIC ACCOMMODATION: A refreshment, entertainment or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges or advantages are extended, offered, sold or otherwise made available to the public.

MINOR: A person under the age of 21 years

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

RETAILER: A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

RETAIL SALES: A sale for use or consumption and not for resale.

SALE: Transfer, exchange or barter in any manner, or by any means whatsoever and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

SPIRITS: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

TIPS: The Training for Intervention Procedures "On Premises" program.

UNDERAGE PERSON (MINOR): A person under the age of 21 years.

WINE: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing either sugar or a sugar substitute, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

### **LICENSING PROVISIONS**

#### **§112 .03 LICENSE REQUIRED.**

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a local liquor dealer's license and a valid liquor license from the State of Illinois or in violation of the terms, conditions and restrictions of such license.

#### **§112.04 APPLICATION FOR LICENSE.**

- (A) Application for a liquor license shall be made to the Commissioner and filed with the Village Clerk, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group

or corporation, verified by oath or affidavit, and shall be addressed to the Commission. All applicants may be subject to a background check, which may be conducted by the Village through the Federal Bureau of Investigation, the Illinois State Police or other law enforcement agency. The Commission shall act to approve or deny the application and, if approved, to issue the license. In furtherance of the public good, safety and morals, when evaluating an application for a liquor license, the number of establishments already operating under such classification in the Village, and the proposed establishment's marketing plan as it compares to the Village's profile, branding and image objectives.

- (B) For any startup business, the applicant must make application not less than 45 days prior to the issuance date of the license to provide sufficient time for a background check.
- (C) An applicant applying for an annual liquor license shall first deposit the license fee and application fee, if applicable, with the Commissioner. If application is made after the beginning of the license year but on or before July 1 of that year, the full amount of the required license fee shall apply. If application for a liquor license is made after July 1, but prior to the beginning of the next license year (January 1), 50 percent of the required license fee shall apply.
- (D) In the event there is a change of ownership in a licensed business, or change of managers, or partners in a partnership, or shareholders in a corporation who own more than 5 percent of the stock of a corporation, or members in a limited liability company, or partnership, the Commissioner may issue the license prior to receiving the results of the background check. The owner/manager of the existing business is to be retained by the purchaser until such time as the purchaser's background investigation has been received, reviewed and approved by the Commissioner. However, if the background check reveals information provided in the application is false, the license will be subject to immediate revocation, the applicant will be subject to a fine and there shall be no refund of any portion of the license fee.
- (E) A liquor license application shall contain the following statements, information and attachments:
  - 1. If a partnership, proprietorship or joint venture: The name, date of birth and address of all applicants, including all partners, general or limited, character of business in which applicant is engaged and for which said license is desired.  
  
If a corporation: The name, corporate address, principal place of business; character of business; the names and addresses of the officers and directors; if a majority interest of stock in said corporation is owned by one person or his nominee, the name and address of such person; the name and address of the two largest shareholders of each class of stock in said corporation; the name and address of the person or persons owning controlling interest in said corporation; the name and address of the manager or person(s) in daily charge and control of the business operation; in the case of a co-partnership, the persons entitled to share in the profits thereof; the name, date of birth and address of the party to be manager of the corporate facility for which the license is sought.  
  
If a limited liability corporation: The name, date of birth and address of all members, character of business in which applicant is engaged and for which said license is desired; and the name and address of the manager or person(s) in daily charge and control of the business operation.
  - 2. Citizenship of the applicant(s), respective places of birth, and if a naturalized citizen(s) of the United States, the date and place of said respective naturalization.
  - 3. Length of time said applicant has been in business of that character; or if a corporation, whether the corporation is either a continuation or successor of a prior entity and if so, the

character of the prior entity's business.

4. Location, general description and approximate square footage of the premises or place of business which is to be operated under such license, including a scaled drawing of the premises showing all ingress and egress locations, windows and location of bar.
  5. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application; a statement whether an application was filed or a similar license was issued in any other state, county or local municipality; the date of issuance, name and address of the governmental entity; the disposition of said application or license; and the reasons therefore.
  6. On initial applications, or whenever there has been remodeling, photographs depicting the interior of the premises including all ingress and egress locations, windows and bar and service areas.
  7. A statement that the applicant will allow neither illegal gambling nor illegal gambling devices on the premises.
  8. Whether a previous license issued by any municipality, state or subdivision thereof, or the federal government has been either revoked or suspended and the reasons therefore and date of said revocation or suspension. This includes, but is not limited to suspension and revocation of licenses held by any individual, partner, corporation, majority of controlling shareholder or manager of the applicant seeking a license hereunder.
  9. A statement that the applicant has neither been convicted of a felony nor is disqualified to receive a license by reason of any matter or thing contained in this Chapter, the ordinances of this Village or the laws of this State and the United States.
  10. A statement that applicant will not violate any laws of the State, the United States or any ordinance of the Village in the conduct of his place of business.
- (F) Refunds: No portion of the annual license fee shall be refunded in the event the licensed business ceases to operate during the license year except when a licensee's business is terminated due to eminent domain proceedings. If a licensee's business ceases during the license year due to eminent domain proceedings, the Village shall prorate the license fee and refund the portion relating to the part of the license year after the business ceases.

#### **§112.05 PERSONS INELIGIBLE TO BE LICENSED.**

The issuance of a liquor license is a privilege and the Commission may deny an application if the issuance of such license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the area in which the licensed premise is to be located. No such license shall be issued to:

1. A person who is not a resident of the State of Illinois;
2. A person who is not of good character and reputation in the community in which he resides;
3. A person who is not a citizen of the United States;
4. A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with 235 ILCS 5/6-2.5 and the Commission's investigation;

5. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution or promoting juvenile prostitution that involves keeping a place of juvenile prostitution;
6. A person who has been convicted of pandering;
7. A person whose license issued has been revoked for cause;
8. 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;
9. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5 percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence in the Village, unless residency is required by local ordinance;
10. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5 percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;
11. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 *et seq.*) or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;
12. 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;
13. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) or has forfeited bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with 235 ILCS 5/6-2.5, that the person will not be impaired by the conviction in engaging in the licensed practice;
14. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
15. Any law enforcing official in Lake County, including the President and any member of the Village Board shall be interested directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the Village;
16. A member of the Village Board may have a direct interest in the manufacture, sale or distribution of alcoholic liquor as long as he or she is not a law enforcing public official in Lake County or the President. To prevent any conflict of interest, the Trustee with the direct interest in the manufacture, sale or distribution of alcoholic liquor shall not participate in any meetings, hearings or decisions on matters impacting the manufacture, sale or distribution of alcohol;
17. A person who is not a beneficial owner of the business to be operated by the licensee;

18. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
19. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act; and
20. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in Section 112.15 of the Code.

If a licensee shall, during the term of said license, fall into any of the above listed categories, said licensee shall no longer be eligible to hold a license and said license shall be subject to revocation.

**§112.06 VIOLATION OF FEDERAL LAW, STATE STATUTE OR VILLAGE ORDINANCE OR REGULATION; PRIVILEGE; TERM**

- (A) A liquor license is purely a personal privilege. It is effective until the first or earliest of 1) one year from the date of issuance; 2) December 31 of the year following the date of issuance; 3) suspension or revocation; or 4) abandonment as defined in this Chapter.
- (B) No person holding a liquor license issued by the Village shall:
  1. Violate or allow or permit a violation of any federal or state statute including, but not limited to, gambling, or any rule or regulation of the Illinois Liquor Commission, or any ordinance or regulation regulating the sale of alcoholic liquor, or violate any rule or regulation of the Commission.
  2. Make any false statements on the Liquor License Application or do any act which would cause statements on said application to be false if currently made, even though true at the time of the application.
- (C) Violations of federal law, state statute or Village ordinance or regulation may be proved by:
  1. Evidence that the licensee has been convicted of a violation of a federal law or a law of the State, or has been found guilty of violating any Village ordinance regulating the sale of alcoholic liquor; or
  2. Proof before the Commission of facts which establish, by a preponderance of the evidence, a violation of any federal law, state statute, Village ordinance or resolution or rule of the Illinois Liquor Control Commission.
- (D) A violation shall be sufficient cause of the revocation or suspension and/or fine of any license issued by the Village, irrespective of whether or not a conviction has been obtained in any court.

**§112.07 CLASSIFICATION AND FEES.**

There shall be the following classes of licenses with the respective fee as indicated:

- (A) Class One: A Class One license allows the licensee to sell and offer for sale alcoholic liquor for

consumption only on the premises where sold, but not for resale in any form. The fee for a Class One license shall be \$3,000 per year.

- (B) Class Two: A Class Two license allows the sale or offer for sale of alcoholic liquor for consumption on the premises provided the primary purpose of such a facility is as a restaurant or club and providing also that sales occur only during the hours when the facility is being operated as a restaurant or club. The Class Two license shall also authorize sale of wine by the bottle for consumption off the premises to a customer who has purchased food for consumption on the premises provided that not more than two bottles of wine may be sold to any customer at any one time. The fee for a Class Two license shall be \$2,500 per year.
- (C) Class Three: A Class Three license shall authorize the retail sale of alcoholic liquor not for consumption on the premises where sold. The fee for a Class Three license shall be \$2,500 per year.
- (D) Class Four: A Class Four license shall authorize the retail sale of beer and wine for consumption on or off the premises where bought. The fee for a Class Four license shall be \$2,500 per year.
- (E) Class Five: A Class Five license shall authorize the retail sale of beer and wine in food stores or other stores approved for the issuance of such license by the Commissioner for the Village. Such beer and wine shall not be consumed on the premises thereof. The fee for a Class Five License shall be \$1,500 per year.
- (F) Class Six: In addition to all other permitted licenses, the Commissioner may from time to time issue a special license to permit the temporary retail sale of beer and wine for consumption only on the premises or grounds where sold, and not for resale in any form, to be issued for temporary stands, booths and counters such as used at picnics, campgrounds, celebrations and the like, with specific locations designated on the license. This license is issued for limited periods not to exceed 24 hours. The fee for the license shall be \$10 per day; the fee may be waived by a majority vote of the Village Board. The issuance of such permit shall be contingent upon the applicant providing the Village or such public body, as shall own the premises for which license is issued, with good and sufficient dram shop and liability insurance which insures the Village or such other public body or agency against any loss or liability arising out of the sale of alcoholic liquor thereon, in the amount of coverage and with the company issuing same as shall be issued for the specific 24-hour period in the Village. No person or group shall be entitled to the issuance of a permit hereunder who would under any applicable statute or ordinance not be entitled to the issuance of a liquor license for any reason.
- (G) Class Seven: A Class Seven license shall authorize the retail sale of alcoholic liquors for consumption on the premises owned or leased by nonprofit, profit or governmental organizations and occupied by the licensee. Class Seven Licenses shall be subject to the following conditions and limitations:
  - (1) Non-profit Organizations.
    - a. Special events sponsored by nonprofit organizations must be for the licensee's members and their guests.
    - b. Special events for nonmembers on the licensed premises are limited to two events per calendar year.
    - c. The fee for each special event license shall be \$15.00.
  - (2) Profit Organizations.



- a. Special events sponsored by profit organizations must be for the licensee's invited guests.
  - b. Special events for invited guests on the licensed premises are limited to three events per calendar year
  - c. The fee for each special event license shall be \$15.00.
- (3) Governmental Organizations.
- 1. Pre-arranged events sponsored by governmental organizations and individuals shall be held on the premises owned or leased by the governmental organization. Such events must include the service of food.
  - 2. The annual fee for an annual license for the governmental organization shall be \$1.00.
- (H) Class Eight: A Class Eight license may be issued to the Chamber of Commerce ("Chamber") for mixer events, which will allow a host business to purchase alcoholic liquors to sell, offer for sale or deliver at business mixers sponsored by the Chamber, but not for resale in any form.
- (1) A Class Eight license allows a licensed Illinois retailer to transfer a portion of its alcoholic inventory from its retail licensed premises and to offer for sale such transferred alcoholic liquor for use or consumption at a mixer event but not for resale.
  - (2) Upon issuance of a Class Eight license for a mixer event, the Chamber assumes responsibility that property security is utilized at each mixer to ensure that only those age 21 years and older are served, that no one is over served and no alcohol is allowed to be consumed on any public or private property not specified in the license.
  - (3) The Chamber shall submit with the application satisfactory proof of dram shop liability insurance to the maximum statutory limits covering all such mixers and shall obtain a state special event or special use permit as may be applicable pursuant to the Act.
  - (4) The license shall be limited to that day (or days) approved by the Commissioner.
  - (5) The fee for each mixer license permit shall be \$15.00.
  - (6) All other requirements of this Chapter shall be met.

**§112.08 NUMBER.**

The Village shall issue not more than four Class One licenses, six Class Two licenses, two Class Three licenses, one Class Four licenses, and zero Class Five license.

**§112.09 DISPOSITION OF FEES.**

All license fees required by this Chapter shall be paid to the Village Treasurer at the time application is made. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general fund or in such other fund as shall be designated by the Village Board.

**§112.10 DEATH OR BANKRUPTCY OF LICENSEE**

A license shall be a purely personal privilege, not to exceed one year after issuance unless revoked sooner,

and shall neither constitute property, nor be subject to attachment, garnishment or execution, nor be alienable or transferable, voluntarily or involuntarily, or be encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or in testate devolution, provided that either the executors or administrators of the estate of a 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 the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankruptcy, until the expiration of such license, but only for a period of six months after the date of death, bankruptcy or insolvency of such licensee.

#### **§112.11 CHANGE OF LOCATION**

The location of the license may be changed only upon the receipt of written permission from the Commission. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Chapter. The written permission of change shall be posted with the license as provided for in this Chapter.

#### **§112.12 ABANDONMENT**

If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for a period of 60 consecutive days, (except as hereafter set forth) or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation. If said discontinued operation is due to fire or other such damage wherein the Building and Zoning Official deems the premises uninhabitable, said 60-day period shall be tolled only until occupancy is granted by the Building and Zoning Official.

#### **§112.13 TRANSFER.**

Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. After a license has been granted for a particular premises, the Village Board upon proper showing, may endorse said license permission to abandon the premises therein described and remove therefrom to other premises approved by it, but in order to obtain such approval the licensee shall file with the Illinois Liquor Control Commission and the Commissioner a request in writing and a statement under oath which shall show that the premises to which removal is to be made comply in all respects with the requirements of this Chapter and Act.

#### **§112.14 DISPLAYING LICENSE; REPLACEMENT LICENSE.**

Every licensee shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises. In the event the current license is not displayed pursuant to this Section, the Village shall presume that the license has been lost and the licensee shall purchase and display a replacement license pursuant to this Chapter.

#### **§112.15 INSURANCE.**

No license or permit shall be issued hereunder unless the applicant files with the application an insurance certificate, issued by an insurance company that is authorized to do business in this State, certifying that the applicant, and the owner of the premises housing the establishment from where the liquor will be sold, has in force and effect liquor liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate and general liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. "Host" insurance shall not satisfy the terms of this Section. The Village shall be named as an additional insured.

### **§112.16 SANITARY CONDITIONS.**

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

### **§112.17 RENEWAL.**

- (A) Any licensee may renew its 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 that 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 Village Board from decreasing the number of licenses to be issued within the Village.
- (B) Late Fee: Not less than 30 days prior to the expiration of a liquor license, a renewal application with the required documentation and fees shall be submitted to the Village. When a renewal application is filed less than 30 days prior to the expiration of the license, a late fee equal to 20 percent of the total license fee(s) shall be submitted with the completed renewal application. The late fee is in addition to the license fee(s) required in Section 112.07 herein.

### **STANDARDS OF OPERATION**

### **§112.18 HOURS OF OPERATION.**

Except as provided herein, it shall be lawful to sell or offer for sale, give away or deliver, either in, upon or from any licensed premises, any alcoholic liquor between the hours of 12 noon and 11 p.m. on Sundays and between the hours of 9 a.m. and 1 a.m. the following morning on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays.

It shall be unlawful to either keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants and clubs, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited. Only employees engaged in the actual conduct of cleaning or closing the business shall be allowed in the premises during closed hours.

Notwithstanding the hours of operation above, and provided a request has been made by a licensee, the Commissioner has the discretion to grant expanded hours of operation if so warranted.

### **§112.19 SERVICE LIMITATIONS.**

Notwithstanding any other section of this Chapter to the contrary, the sale or consumption of alcoholic liquor in a room in which video or arcade style games is located is prohibited.

### **§112.20 AGE RESTRICTIONS FOR DISPENSING AND SERVING OF ALCOHOLIC LIQUOR.**

No person under the age of 21 years shall be permitted to attend any bar, prepare, pour, mix or draw any alcoholic liquor on the premises of a licensed establishment; provided, however, for restaurants or clubs holding a Class 2 license, persons at least 19 years of age may be employed as waiters or servers for the purpose of selling, serving, giving or delivering of food and alcoholic liquor on the licensed premises. It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage, or employ, or permit any person less than 19 years of age to sell, serve, give or deliver alcoholic liquor.

### **ADMINISTRATION AND ENFORCEMENT**

**§112.21 PURCHASE OR ACCEPT OR GIFTS OR POSSESSION CONSUMPTION OF LIQUOR BY PERSONS UNDER THE AGE OF 21.**

- (A) No person under the age of 21 may purchase, receive, accept, have in his possession or control, or imbibe any alcoholic beverages. For the purposes of this Section alcoholic beverages shall mean and include any alcoholic beverage as defined in an Act relating to alcoholic liquors approved January 21, 1934, as amended and codified as 235 ILCS 5/6-16.
- (B) Permitting Violation Prohibited: It shall be unlawful for any person to suffer, permit, allow the violation of the provisions of this Section in any motor vehicle, conveyance, house, apartment, room, shed, yard, or area of which such person is the owner, lessee, permittee, bailee or legal possessor or occupier thereof.
- (C) Exemptions: The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in a performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent, guardian or spouse of such minor in the privacy of a home, is not prohibited by this Chapter.

**§112.22 SALE OF ALCOHOL TO MINORS.**

- (A) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years.
- (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 21 years, except in the performance of a religious ceremony or service.

**§112.23 FALSE IDENTIFICATION.**

No person under the age of 21 years shall present or offer to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or falsely state in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent or employee of an express company, common carrier, or contract carrier or have in his or her possession any false or fraudulent written, printed or photostatic evidence of age and identity.

**§112.24 LOCAL LIQUOR CONTROL COMMISSIONER.**

The President shall be the Commissioner and shall be charged with the administration of the appropriate provisions of this Chapter and of such other ordinances and resolutions relating to alcoholic liquor as may be enacted. However, the President may appoint a person or persons to assist in the exercise of the powers and the performance of the duties herein provided for such Commissioner.

**§112.25 POWERS OF LOCAL LIQUOR CONTROL COMMISSIONER.**

The Commissioner shall have the following powers, functions and duties with respect to licenses:

- (A) To grant and or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises within the Village;
- (B) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter or any Village adopted rules

or regulations adopted by him 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;

- (C) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated the Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;
- (D) To receive complaint from any citizen within his jurisdiction that any of the provisions of the Act, this Chapter or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;
- (E)
  - (1) The Commissioner may revoke or suspend any Village liquor license if it is determined that the licensee has violated any of the provisions of this Chapter or any applicable rule or regulations established by the Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. In lieu of suspension or revocation, the Commissioner may instead levy a fine on the licensee for such violations and shall be responsible for the Village's cost of prosecution, including but not limited to attorney fees, court costs and other costs and expense incurred by the Village thereto. Proceeds from such fines shall be paid into the Village treasury.
  - (2) However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Commissioner with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the 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 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.
  - (3) The Commissioner shall within five days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five days upon the licensee.
- (F) To keep a complete record of all licenses issued by him pursuant to this Chapter.
- (G) To grant approval for product sampling in accordance with 235 ILCS 5/6-31 and TPP-14 of the Illinois Liquor Control Commission, subject to the following conditions:
  - 1. Any holder of a Class One, Two, Three, Four or Five license issued by the Village may submit a written request to the Commissioner for approval of a single product sampling event. The request shall identify the applicant; the date, location and hours of such event; shall describe the products to be offered for sampling, and shall set forth the applicant's agreement to conduct the event in compliance with applicable law.
  - 2. Any person serving alcoholic beverages at a product sampling event shall be not less than

21 years of age and shall have completed a BASSET or similar training program and hold a current certificate of completion of such training.

3. Granting of approval for product sampling shall not constitute issuance of a license, but rather an additional privilege of an existing license.

#### **§112.26 BOOKS AND RECORDS OF LICENSEE.**

It shall be a duty of every licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or the Commissioner. Such books and records need not be maintained on the licensed premises, but must be maintained in the State. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase.

#### **§112.27 BASSET, TIPS PROGRAM.**

- (A) Successful completion of a BASSET or TIPS program, or other similar program approved by the State, is required for all persons who prepare, pour, mix, draw, sell or serve alcoholic liquor; all management personnel working in a licensed premises; and anyone whose job description entails the checking of identification for the purchase of alcoholic liquor pursuant to the license. Any new owner, manager, employee or agent requiring such State approved training program shall, within 90 days from their first day of employment with a licensee, complete a State approved training program. Until successful completion of the program, such person shall work under the supervision of a person who has successfully completed a State approved training program.
- (B) Training Expiration: The State approved training program shall be valid only for three years following the date of successful completion.
- (C) Certificate of Completion: Photocopies of certificates of completion of a State approved training program shall be maintained by the licensee in a manner that will allow inspection, upon demand, by a member of the Lake County Sheriff's Department or the Commission.
- (D) Liquor Violations: In the event a licensed premises is found to be in violation of any provision of this Chapter or the Act, the Commissioner, within his sole discretion, may require all persons who sell or serve alcoholic liquor and/or all management personnel working in a licensed premises and/or anyone whose job description entails the checking of identification for the purchase of alcoholic liquor pursuant to the license to re-apply, attend and successfully complete a State approved training program.

#### **§112.28 ACTS OF AGENT OR EMPLOYEE; LIABILITY OF LICENSEE; KNOWLEDGE OF LICENSEE**

Every act or omission of whatever nature constituting a violation of any of the provisions of federal law, state statutes, rules and regulations of the Illinois Liquor Control Commission and ordinances or resolutions of the Village by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally for the purposes of these regulations.

#### **§112.29 OWNER OF PREMISES PERMITTING VIOLATION; PENALTY**

If the owner of a licensed premises, or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use such licensed premises in violation of the terms of this Code, such owner, agent or other person shall be deemed

guilty of a violation of this Code to the same extent as said licensee and be subject to the same penalties.

**§112.30 PENALTY**

Whoever violates any provision of this Chapter for which a specific penalty is not stated shall be fined not less than \$100 nor more than \$1,000 and be responsible for the Village's cost of prosecution, including reasonable attorney fees. Each day on which a violation continues shall constitute a separate violation.