

ORDINANCE NO.

82-2

Chapter 5.04

AN ORDINANCE REGULATING THE RETAIL SALE OF ALCOHOLIC LIQUOR

Village of  
Tolono, Illinois

This is an ordinance to repeal Chapter 5.04 of the Tolono Municipal Code, and all ordinances, resolutions, and amendments adopted by the Board of Trustees of the Village of Tolono, Illinois, prior to the adoption of the within ordinance, which relate to the license, regulation, and control of the sale of alcoholic liquor; and, to substitute in lieu thereof, the within ordinance as Chapter 5.04 of the Tolono Municipal Code, to regulate dealers in alcoholic liquor, the sale thereof, and to set forth penalties for certain violations thereof.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Tolono, Illinois, that Chapter 5.04 of the Municipal Code, and all ordinances, resolutions, and amendments heretofore adopted which relate to the license, regulation and control of the sale of alcoholic liquor, be and the same are hereby repealed, and in lieu thereof, the following language is hereby substituted; Be It further ordained that the following Chapter 5.04 be added to the Municipal Code of the Village of Tolono, as follows:

CHAPTER 5.04 AN ORDINANCE REGULATING THE RETAIL  
SALE OF ALCOHOLIC LIQUOR

Article I. Purpose and Intent

5.04.010. Purpose) This ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of the Village of Tolono, Illinois, shall be protected, and temperance in the consumption of alcoholic liquor shall be fostered and promoted by sound, and careful control and regulation of the sale and distribution of alcoholic liquors.

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

## Article II. Words and Phrases Defined

Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

5.04.030. Alcohol) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

5.04.031. Spirits) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

5.04.032. Wine) "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined.

5.04.033. Beer) "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout lager beer, porter and the like.

5.04.034. Alcoholic Liquor) "Alcoholic Liquor" includes the four varieties of liquor above defined, "Alcohol, Spirits, Wine and Beer," and every liquid or solid patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to the alcohol contained in flavoring extracts, syrups, toilet preparations or food products unfit for beverage purposes. None of the provisions of this Chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

5.04.035. Original Package) "Original Package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container, whatsoever, used, corked, or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

5.04.036. Retailer) "Retailer" means a person who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

5.04.037. Sell at Retail and Sale at Retail) "Sell at Retail and Sale At Retail" refer to and mean sales for use or consumption and not for resale in any form.

5.04.038. Sale) "Sale" means any transfer or exchange for a consideration, and includes all sales made by any person, whether principal proprietor, agent, servant or employee.

5.04.039. To Sell) "To Sell" includes to keep or expose for sale and to keep with intent to sell.

5.04.040. Restaurant) "Restaurant" means 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.

5.04.041. Club) "Club" means 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, provided, however, 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.

5.04.042. Hotel and Motel) "Hotel" and "Motel" mean every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty five (25) or more rooms are used for sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

5.04.043. Bowling Alley) "Bowling Alley" means every establishment or building or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.

5.04.044. License) "License" shall mean a written or printed permit used by the Local Liquor Control Commission, to engage in the retail sale of alcoholic liquor.

5.04.045. Licensee) "Licensee" shall mean any person, firm, corporation, partnership, or club receiving a license under the provisions of this ordinance.

5.04.046. Liquor Commission) "Liquor Commission" shall mean the Local Liquor Control Commission.

5.04.047. Local Liquor Control Commissioner) "Local Liquor Control Commissioner" shall mean the member of the Local Liquor Control Commission who is charged with the administration of the Dram Shop Act and the Municipal Code relating to the retail sale of alcoholic liquor, and provided further, that when in this ordinance the local liquor control commission shall be referred to it shall include the committee appointed by the Local Liquor Control Commissioner.

5.04.048. The Dram Shop Act) "The Dram Shop Act" shall mean Chapter 43, Illinois Revised Statutes titled "Dram Shops" approved January 31, 1934 with amendments.

5.04.059. Operator) "Operator" shall mean any person or all persons who own, are engaged in or conduct a business.

### Article III. Liquor Commissioner and Local Liquor Control Commission

5.04.101. Local Liquor Control Commission) There is hereby created a Local Liquor Control Commission consisting of the President and two members of the Board of Trustees whom he may appoint with approval of the Board of Trustees; such appointed members shall serve until April 30th succeeding the date of their appointment, or thereafter until a successor has been appointed.

5.04.102. Local Liquor Control Commissioner) The President shall be the Local Liquor Control Commissioner and is herein charged with the administration of the Dram Shop Act, Chapter 43 of the Illinois Revised Statutes, Chapter 5.04 of the Municipal Code of the Village of Tolono, and such ordinances and resolutions relating to the retail sale of alcoholic liquor as may be enacted by the Board of Trustees of the Village of Tolono.

5.04.103. Clerk of the Commission) The Village Clerk shall be the clerk of the Local Liquor Control Commission, who shall keep a record of all proceedings, transactions, communications and official acts of the Commission, and who shall be custodian of all records and perform such other duties as the Commission may prescribe.

5.04.104. Powers of Liquor Commissioner and the Local Liquor Control Commission)

A. Powers of Liquor Commissioner. The Liquor Commissioner shall have the following powers, functions, and duties with respect to licenses:

1. To grant all licenses as provided in Article IV of this ordinance to persons, firms, corporations, partnerships, or clubs for premises within its jurisdiction.
2. To receive license fees and pay them forthwith to the City Treasurer.
3. To receive complaints from any citizen within its jurisdiction, that any provisions of the Dram Shop Act, Chapter 5.04 of the Municipal Code or such ordinances and resolutions adopted pursuant hereto, have been or are being violated, and to act upon such complaints in the proper manner.
4. To examine or cause to be examined under oath, any applicant for a license or for a renewal thereof or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proof for its information in the performance of its duties, and for such purpose 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 Commissioner, under this Section, he may authorize his agent to act on his behalf.
5. To enter or authorize any law enforcing officer to enter, at any time, upon any premises licensed herein to determine whether any provisions of the Dram Shop Act or Chapter 5.04 of the Municipal Code have been or are being violated, and at such time to examine said premises of such licensee in connection therewith.

B. Powers of the Local Liquor Control Commission. The Local Liquor Control Commission shall have the following powers, functions, and duties with respect to licenses:

1. To suspend for not more than thirty (30) days, or revoke any license issued under this ordinance for any one or more of the following reasons:

- a. Violation of the laws of the United States, the laws of State of Illinois or any ordinances of the Village of Tolono.
- b. Knowingly, permitting without protest, any violation of this Chapter, or any disorderly or immoral practice upon the premises licensed herein.
- c. The willful making of any false statement as to a material fact in the application for license.
- d. Failure of the licensee for any cause whatsoever to operate and maintain a place of business at the location and on the premises pursuant to the purpose for which the license was issued.

2. To adopt such reasonable rules and regulations as may be deemed necessary, by the Commission, for the performance of the duties herein provided.

3. To require the filing of plans, drawings, and photographs with the Commissioner showing the clearance of the view into and the interior of any premises operating under a Class A license prior to construction or remodeling thereof.

5.04.105. Quorum) A majority of the Commission shall constitute a quorum to transact business and every act of a majority of the members of the Commission shall be deemed to be the act of the Commission; and provided that whenever a question before said Commission shall result in a tie, no further action may be taken, and said question shall remain unresolved until, and in no other manner, said question shall be reconsidered by all the members of the Commission.

5.04.106. Hearing to Suspend or Revoke License) Upon receiving complaint that a licensee is in violation, the Local Liquor Control Commissioner shall at once investigate and finding such licensee in violation may suspend or revoke his license.

However, prior to the suspension or revocation of said license the Local Liquor Control Commission, in person, shall serve upon the licensee a written notice to appear within three (3) days before the Local Liquor Control Commission at a public hearing affording such licensee the opportunity to defend;

The Local Liquor Control Commissioner shall preside over the hearing, held in a public place, at a time and be conducted according to rules determined by the Local Liquor Control Commission and in accordance with State law;

All evidence in support of the complaint of violation shall be presented by the designee of the Local Liquor Control Commissioner, or by the Village Attorney, and said licensee then may present evidence in his own defense;

The Clerk of the Commission shall keep and maintain an official record of the proceedings, and at the close of the hearing, the Local Liquor Control Commission shall reach a decision and within five (5) days of the Local Liquor Control Commissioner, in person, shall serve a written notice of the decision upon the licensee.

In the event it is determined that the license be suspended or revoked, the Local Liquor Control Commissioner shall also serve a written order of suspension or revocation stating the reason or reasons for such action, and the duration thereof.

Article IV. License

5.04.201. License Required) No person, firm, corporation, partnership or club shall sell, display or offer for sale at retail in the city any alcoholic liquor unless they shall first apply for and obtain from the Local Liquor Control Commissioner, a license to do so, and alcoholic liquor shall not be sold in violation of the provisions of the said license.

5.04.202. Class of License) The Local Liquor Control Commission shall issue no class of license other than the following:

Class A. Regular Retailers License shall permit the licensee to sell at retail, any and all alcoholic liquor by the drink and in the package for consumption on or off the premises where it is sold; not more than five (5) such licenses may be issued, except that one (1) additional Class A license may be issued for each additional 1000 population over 2500 population of the Village of Tolono, or as hereafter provided in Section 5.04.501. of this ordinance.

Class B. Restaurant License shall permit the licensee to sell any and all alcoholic liquor by the drink, and not in package, for consumption on the premises where it is sold; said licenses may be issued only to the operator of a restaurant, as defined in Section 5.04.040 of this ordinance, having a minimum seating capacity for 50 persons; not more than one (1) such license may be issued except one additional Class B license may be issued for each additional 1,000 population over 2500 population of the Village of Tolono. It shall be unlawful for a licensee possessing a valid Class B. license to sell or offer for sale at retail any alcoholic liquor except with meals.

Class C. Club License. A Class C. license shall be issued only to clubs as defined in Section 5.04.041 of this ordinance and shall permit the licensee to sell any and all alcoholic liquor by the drink and not in package, for consumption on the premises where it is sold, to members thereof in good standing and guests accompanied by such members; not more than two such licenses may be issued except one (1) additional Class C. license may be issued for each 1000 population over 2500 population of the Village of Tolono.

Class D. Package Liquors Only. A Class D license shall permit the licensee to sell at retail beer, wine and liquor, which is not to be consumed on the premises; no more than two (2) such licenses may be issued.

Class E. Temporary License. A Class E license shall permit the retail sale of alcoholic liquor by service, charitable or other not for pecuniary profit organizations, at a picnic, outing, festival or other such similar special occasion for consumption on the premises or within an area specified and designated within such license. A Class E license shall be for no more than three (3) days. No more than one (1) Class E license shall be in effect at any time; a Class E license shall not in any manner be regarded to relieve the holder of said license from complying with any other requirement of law.

5.04.203. License Fees)

A. The Local Liquor Control Commission shall receive from each applicant and license renewal applicant, as the case may be, the following license fee:

Class A	\$750.00 annual fee
Class B	\$450.00 annual fee
Class C	\$ 25.00 annual fee
Class D	<sup>450</sup> <del>\$350.00</del> annual fee
Class E	\$25.00 per day
<del>Class F</del>	<del>\$450.00</del>

B. Those licensees who remain open and sell alcoholic liquor on Sunday shall pay the following additional fees:

Class A	\$200.00
Class B	\$200.00
Class C	
Class D	\$200.00

5.04.204. Disposition of License Fees) The Village Clerk shall take custody of all license fees, and in the event the license is denied the license fee shall be returned to the applicant, such fees as are retained by the City, shall be forthwith turned over to the Treasurer and deposited in the general corporate fund or in such other fund as the Village Board may direct.

5.04.205. License Fee Provisions and Term) License fees shall be paid semi-annually, and after the issuance of a license no license fee or part of such fee shall be refunded, and provided further that no license shall be valid unless the required fee is fully paid in advance; Licenses to sell alcoholic liquor shall be for a term not to exceed one (1) year and all licenses shall expire on April 30 after the date of issuance.

5.04.206. Application) An applicant for a license from the Local Liquor Control Commissioner shall submit to the Commissioner an application using a form provided by said Commission, which shall be in writing, under oath, signed by the applicant, and shall include sufficient payment of fees to satisfy such license, said application shall contain the following information and statements:

1. The name, age and address of the applicant in the case of an individual; in case of a co-partnership, the person entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;

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

3. The character of and the length of time, said applicant has been in business, and the amount of goods, wares and merchandise on hand at the time of application;

4. The location and description of the premises which is to be operated under such license;

5. A statement whether applicant has made similar application for another license on premises other than described in this application, and the disposition of such application

6. A statement whether applicant has ever been convicted of a felony;

7. Whether a previous license by any state or subdivision thereof or by the Federal Government has been revoked; if so, the reason therefor;

8. A statement that he will not violate any of the laws of the State of Illinois, of the United States, or the Village of Tolono, in the conduct of his business.

5.04.207. Persons Ineligible to License) The Local Liquor Control Commission shall issue no license of any kind to:

1. A person who is not a resident of the Village.
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.
5. A person who has been convicted of being the keeper of or is the keeper of a house of ill fame.
6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
7. A person whose license issued under this Chapter 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 under a first application.
9. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license, and at least one is a resident of the Village.
10. A corporation, if any officer, manager or director thereof or any stockholder or stockholders owning in the aggregate more than five (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 city.
11. A corporation unless it is incorporated in Illinois, or a foreign corporation unless it is qualified to transact business in Illinois.
12. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the above qualifications in paragraphs numbered 1 through 8 inclusive, and paragraphs 13, 15 and 17 which follow.

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 Dram Shop Act or has forfeited his bond to appear in court to answer charges for any such violation.

14. A person who does not 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, President or member of the Board of Trustees of the Village; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

16. A person who is not the owner of the business to be operated by the licensee.

17. A person who has been convicted of a gambling offense as prescribed by the "Criminal Code of 1961", amended..

18. A person, co-partnership, if any partner of said co-partnership, corporation, of any office manager, director or stockholder owning twenty (20) percent thereof, or any premises licensed hereunder, shall have been issued a federal gaming devise stamp or a federal wagering stamp for the current tax period.

5.04.208. License to be Issued) Each and every license to sell alcoholic liquor at retail in the city, as provided in Section 5.04.202 shall be issued by the Local Liquor Control Commissioner by and with the advice and consent of the Village Board.

5.04.209. Hours) Alcoholic Liquor may be sold or offered for sale at retail any time in or upon the licensed premises between the hours of 6:00 A.M. and the following 1:00 A.M. on the days Monday through Saturday; those permitted licensees as provided in Section 5.04.203 paragraph B may also sell any time between the hours of 1:00 P.M. and 11:00 P.M. Sunday; and provided that on New Years Eve the closing time for all licensees shall be extended to 2:00 A.M. on New Years Day; all hours referred to herein shall be local time, and provided further the premises licenses herein must be vacated within one-half hour after the required closing time except for the licensee or manager and custodial personnel.

5.04.210. Dancing) At the option of the licensee, dancing is hereby permitted, provided that upon finding by the Local Liquor Control Commissioner, the privilege of dancing on the premises is endangering the public health, safety or morals the Commissioner may revoke the said dancing privilege.

5.04.211. Restricted Areas) No premises within the city shall be licensed by the Local Liquor Control Commission to sell alcoholic liquor in violation of the zoning ordinance in the Village of Tolono.

5.04.212. Possess Only One License) No person, firm partnership, corporation, or club who possesses a valid license to sell alcoholic liquor shall apply for or be issued any other class of license by the Local Liquor Control Commission.

5.04.213. Renew License) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village Board of Trustees from decreasing the number of licenses to be issued within its jurisdiction.

5.04.214. Displaying License) Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

5.04.215. Transfer of License) A license shall be purely a personal privilege, good for not to exceed one year after issuance, and shall not constitute property, not shall it be subject to attachment, garnishment or execution nor shall it be alienable or transferable, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, 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 the retail sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt license until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

5.04.216. Change of Location) A retailers license shall permit the sale of alcoholic liquor only upon the premises described in the application and license and such location may be changed only upon written permit to do so by the Local Liquor Control Commissioner, by and with the advise and consent of the Village Board of Trustees.

5.04.217. Record of License) The Local Liquor Control Commissioner shall keep, or cause to be kept, a record of all retailers licenses issued by the Village and deliver to the Village Clerk and the Chief of Police a duplicate thereof.

5.04.218. Location Restrictions) No license shall be issued for the retail sale of alcoholic liquor upon any premises within one hundred (100) feet of any church, school, hospital, or nursing home for aged or indigent persons or for veterans, their wives and children; provided that this restriction shall not apply to clubs, restaurants, food shops, or other places of business established prior to the taking effect of this ordinance, where the sale of alcoholic liquor is not the principal business.

5.04.219. Premises Where Majority Minors) No license shall be issued for the retail sale of alcoholic liquor upon the premises of any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food lunches or drinks for such minors.

#### Article V. Operating Provisions--Minors

5.04.301. Sales To Mental Incompetents) No licensee or employee of any licensee may sell, barter or give away any alcoholic liquor to any intoxicated person, or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment.

5.04.302. Sales To Minors, Alcoholic Liquor) No licensee or employee of any licensee shall sell, barter or give away alcoholic liquor as defined in Sections 5.04.030 and 5.04.031 of this ordinance to any person under the age of 21 years.

5.04.303. Sales to Minors, Beer and Wine) No licensee or employee of an licensee shall sell, barter or give away alcoholic liquor as defined in Sections 5.04.032 and 5.04.033 of this ordinance to any person under the age of 21 years.

5.04.304. Sales and Gifts to Minors) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person herein described, except in the performance of a religious ceremony or service.

5.04.305. Purchase-Possession By Minor) It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase, accept as a gift or have in his possession any alcoholic liquor; except the possession or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home with at least one parent personally present and responsible at all times.

5.04.306. Present Proof of Age) If a licensee or employee of any licensee believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non age of the prospective recipient, the licensee or employee shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

5.04.307. Alter Identification Card) No person shall transfer, alter or deface an identification card; use the identification card of another; carry or use a false or forced identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

5.04.308. Misrepresent Age To Purchase) It shall be unlawful for any person to misrepresent age for the purpose of purchasing or obtaining any alcoholic liquor.

5.04.309. Warning to Minors) Upon every premises licensed herein to sell alcoholic liquor, there shall be displayed in a prominent place, a printed card, which shall be supplied by the clerk of the Local Liquor Control Commission and, which shall read substantially as follows:

"WARNING TO MINORS"

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

5.04.310. Minors Prohibited Class A Premises) No licensee shall permit, nor shall any person bring a person under the age of 18 years in or about any premises operating under a Class A license and no person under the age of 18 years shall enter or loiter upon any such premises; provided, however, that this Section shall not apply to hotels, restaurants serving meals, clubs or bowling alleys.

5.04.311. Minor Employees) Any person under the age of 21 years is prohibited from drawing, pouring, or mixing any alcoholic liquor as an employee of any licensee.

5.04.312. Minor Tending Bar) Any person under the age of 21 years is prohibited from at any time tending bar and from drawing, pouring, or mixing any alcoholic liquor upon the premises of any licensee.

5.04.313. Permit Minor To Violate) It shall be unlawful for any parent or guardian to permit any minor child, for which he or she may be parent or guardian, to violate any of the provisions of Article V of this ordinance.

5.04.314. Penalty) Whomsoever shall violate any provisions of this Article shall upon conviction thereof, be fined not less than \$25.00 nor more than \$500.00.

#### Article VI. General Provisions

5.04.401. Consumption-Unlicensed Premises) No person shall consume any alcoholic liquor on any street, alley, sidewalk or other public property or other public property or in any automobile or vehicle traveling upon or parked on any street, alley or public property; nor shall any person bring any alcoholic liquor in any form, into any dining room of any hotel, restaurant, club or place where lunches are served, or where soft drinks are sold or a soda fountain is operated or into any public place for consumption, or use alcoholic liquor for mixing with or "spiking" any other beverage whatsoever; no operator or employee thereof, shall permit the consumption of alcoholic liquor on the premises of any establishment inviting public patronage, unless the premises are specifically licensed for consumption.

5.04.402. Storage-Unlicensed Premises) No alcoholic liquor shall be kept or stored upon any premises other than the premises used as an establishment licensed to sell alcoholic liquor under the provisions of this

5.04.304. Sales and Gifts to Minors) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person herein described, except in the performance of a religious ceremony or service.

5.04.305. Purchase-Possession By Minor) It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase, accept as a gift or have in his possession any alcoholic liquor; except the possession or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home with at least one parent personally present and responsible at all times.

5.04.306. Present Proof of Age) If a licensee or employee of any licensee believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non age of the prospective recipient, the licensee or employee shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

5.04.307. Alter Identification Card) No person shall transfer, alter or deface an identification card; use the identification card of another; carry or use a false or forced identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

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

5.04.310. Minors Prohibited Class A Premises) No licensee shall permit, nor shall any person bring a person under the age of 18 years in or about any premises operating under a Class A license and no person under the age of 18 years shall enter or loiter upon any such premises; provided, however, that this Section shall not apply to hotels, restaurants serving meals, clubs or bowling alleys.

5.04.311. Minor Employees) Any person under the age of 21 years is prohibited from drawing, pouring, or mixing any alcoholic liquor as an employee of any licensee.

5.04.312. Minor Tending Bar) Any person under the age of 21 years is prohibited from at any time tending bar and from drawing, pouring, or mixing any alcoholic liquor upon the premises of any licensee.

5.04.313. Permit Minor To Violate) It shall be unlawful for any parent or guardian to permit any minor child, for which he or she may be parent or guardian, to violate any of the provisions of Article V of this ordinance.

5.04.314. Penalty) Whomsoever shall violate any provisions of this Article shall upon conviction thereof, be fined not less than \$25.00 nor more than \$500.00.

#### Article VI. General Provisions

5.04.401. Consumption-Unlicensed Premises) No person shall consume any alcoholic liquor on any street, alley, sidewalk or other public property or other public property or in any automobile or vehicle traveling upon or parked on any street, alley or public property; nor shall any person bring any alcoholic liquor in any form, into any dining room of any hotel, restaurant, club or place where lunches are served, or where soft drinks are sold or a soda fountain is operated or into any public place for consumption, or use alcoholic liquor for mixing with or "spiking" any other beverage whatsoever; no operator or employee thereof, shall permit the consumption of alcoholic liquor on the premises of any establishment inviting public patronage, unless the premises are specifically licensed for consumption.

5.04.402. Storage-Unlicensed Premises) No alcoholic liquor shall be kept or stored upon any premises other than the premises used as an establishment licensed to sell alcoholic liquor under the provisions of this

ordinance and provided that nothing in this Section shall be construed to prevent the possession of alcoholic liquor for personal use by the occupants or the possession of alcoholic liquor for personal use by the occupants of apartments or dwelling rooms in the same building not directly accessible from the said licensed premises.

5.04.403. Use of Premises After Revocation) When the license shall have been revoked for any cause, and for the period of one year thereafter, no license shall be granted to any person, to conduct the business of selling alcoholic liquor upon the premises described in such revoked license.

5.04.404. View of Licensed Premises) Any person possessing a valid Class A license shall not place or permit the placement of any screen, blind, booth, curtain, partition, arrangement of lights or any other thing in or about the windows, doors or interior of the licensed premises, or locate and arrange the fixtures and furniture of such premises in a manner to prevent a clear view into such premises from the street, road or sidewalk at all times.

5.04.405. Lighting Premises) All rooms where alcoholic liquor is sold for consumption upon the premises shall be continuously lighted during business hours to the extent that all parts of the interior of the premises are clearly visible.

5.04.406. Willful Violation) If a licensee knowingly or willfully violates or permits the violation of either or both of the two foregoing Sections, as the case may be, shall place the retailers license subject to revocation in the manner herein provided.

5.04.407. Toilet Facilities) Every establishment licensed herein for consumption of alcoholic liquor on the premises shall have separate, adequate and convenient toilet facilities for men and women.

5.04.408. Refill Original Package) No person licensed herein to sell alcoholic liquor at retail, shall fill or refill in whole or in part, any original package of alcoholic liquor with the same or any other kind of quality of alcoholic liquor, and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers containing alcoholic liquor except in original packages.

5.04.409. Access From Licensed Premises) No alcoholic liquor shall be sold at retail upon any premises which has any access from such premises to any other portion of the same building which is kept for and leased to the public as dwelling quarters. This provision shall not apply to hotels or connecting apartments used only by the licensee, his family and personal guests.

5.04.410. Gambling Devices On Premises) No person licensed herein shall play or permit to be played, upon the licensed premises, any games of chance or any gambling devices.

5.04.411. Sanitary Conditions) All premises used for the sale at retail of alcoholic liquor, or for the storage of such liquor for such sale shall be in a clean and sanitary condition and shall be kept in full compliance with the laws regulating the condition of premises used for the storage or sale of food for human consumption.

5.04.412. Employees) It shall be unlawful to employ in any premises used for the sale at retail 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 a carrier of any such disease to work in or about the premises or to engage in any way in the handling, preparation or distribution of such liquor.

5.04.413. Civil Rights in Licensed Premises) No licensee licensed herein shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises licensed to sell alcoholic liquor subject only to the conditions and limitations established by law and applicable to all citizens.

5.04.414. Alcoholic Liquor In Motor Vehicle--Penalty) No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken. A person convicted of violating this Section shall be fined not less than \$50.00 nor more than \$75.00.

5.04.415. Payment At Time Of Sale) Each retail sale of alcoholic liquor upon premises licensed herein, shall be made and payment received by the licensee or employee of such licensee at the time of sale.

5.04.416. Building Code) Every place licensed under this ordinance for the consumption of alcoholic liquor on the premises shall meet all applicable building codes.

Article VII. Procedure and Penalty

5.04.501. Licensee Convicted) Whenever any licensee shall be convicted of any violation of this ordinance, the license of said licensee, may at the discretion of the Local Liquor Control Commission, be revoked and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this ordinance for said licensee to continue to operate under said license.

5.04.502. Knowledge Of Act By Employee) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this ordinance, by any agent, manager or employee of any licensee, if such act is committed or omission is made with the authorization, knowledge or approval of the licensee, shall be deemed and held to be the act of such licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.

5.04.503. Employee Be Convicted) Whenever any agent, manager or other employee in a position of authority of any licensee shall be convicted of any violation of this ordinance while engaged in the course of their employment and said violation was committed without the knowledge or approval of the licensee, said violation shall be deemed and held to be the act of the employee alone.

5.04.504. Owner of Premises Permitting Violation--Penalty) If the owner of the licensed premises or any person from whom the licensee derives the right of possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said premises licensed herein, in violation of the provisions of this ordinance, said owner, agent, or other person shall be deemed guilty of a violation of this ordinance to the extent as said licensee, and be subject to the same punishment.

5.04.505. Severability) If any provisions of this ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application and to this and the provisions of this ordinance are declared to be severable.

5.04.506. Penalty) Any person who violates any provisions of this ordinance with respect to the retail sale of alcoholic liquor, maintenance of the licensed premises or any other provisions of this ordinance, and if no other penalty shall be provided, shall upon conviction thereof for a first offense be fined not less than \$50.00 nor more than \$500.00, and for a second or subsequent conviction be fined not less than \$100.00 nor more than \$1,000.00, and each day in which such violation shall exist, it shall constitute a separate offense.

Article VIII. Enacting Clause

5.04.601. Time Of Taking Effect) This ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 24, Section 1-2-4 of the Illinois Municipal Code.

Passed by the Board of Trustees of the Village of Tolono, Illinois, at a regular meeting held this 3<sup>rd</sup> day of February, 1982.

Approved by the President of the Board of Trustees of the Village of Tolono, Illinois, this 3<sup>rd</sup> day of February, 1982.

ATTEST:

James R. Byers  
Village Clerk

Carl M. W. Council  
President

(Seal)