

Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS\*

Chapters:

- 5.04 Alcoholic Liquor
- 5.08 Billiard Rooms and Bowling Alleys
- 5.12 Peddlers, Hawkers, Auctioneers and Showmen

Chapter 5.04

ALCOHOLIC LIQUOR\*

Sections:

- 5.04.010 Definitions.
- 5.04.020 Liquor control commissioner.
- 5.04.030 License--Required.
- 5.04.040 License--Classifications.
- 5.04.050 License--Fee.
- 5.04.060 License--Bond.
- 5.04.070 License--Term--Payment of fee.
- 5.04.080 License--Application.
- 5.04.090 License--Issuance restrictions.
- 5.04.100 Lighting requirements.
- 5.04.110 Sale and payment on premises of licensee only.
- 5.04.120 Advertisement prohibited.
- 5.04.130 Toilet facilities.
- 5.04.140 Sales restricted.
- 5.04.150 Purchase or possession by minor prohibited.
- 5.04.160 Obscene or profane language.
- 5.04.170 State act adopted.
- 5.04.180 Sale prohibited on election day.
- 5.04.190 Hours of sale.
- 5.04.200 Sunday sales.
- 5.04.210 Treating prohibited.
- 5.04.220 Service by minors prohibited.

\* For statutory provisions on municipal licensing power, see Ill.Rev.Stat. 1977 Ch. 24 §11-60-1.

\*\* For statutory provisions on local and state regulation of alcoholic liquor, see Ill.Rev.Stat. 1977 Ch. 43.

Sections: (Continued)

- 5.04.230 License--Revocation.  
 5.04.240 Penalty for violation.

5.04.010 Definitions. Unless the context otherwise indicates, the following words and phrases are used in this chapter in the sense given them by the definitions contained in Section 2 of Article 1 of an act entitled "An Act relating to alcoholic liquors," enacted by the General Assembly of the state of Illinois, approved July 24, 1947, as S.B. No. 629, as amended: Alcohol, spirits, wine, beer, alcoholic liquor, original package, manufacturer, manufacture, rectifier, distributor retailer, sell at retail, sale at retail, sale, to sell restaurant, club, hotel, bowling alley. (§1 of Ord. dated 4/5/48).

5.04.020 Liquor control commissioner. The president of the board of trustees shall be the local liquor control commissioner for the village and shall be charged with the administration of the appropriate provisions of this chapter, and any other ordinances, amendments or resolutions relating to alcoholic liquor as may be enacted; however, the president of the board of trustees may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided in this chapter for the liquor control commissioner. The liquor control commissioner shall have the same powers as those provided in Article IV of an act entitled "An Act relating to alcoholic liquors" enacted by the General Assembly of the state of Illinois, approved January 31, 1934, as amended. (§2 of Ord. dated 4/5/48).

5.04.030 License--Required. No person shall sell, expose or offer for sale at retail, or display within the corporate limits of the village, any alcoholic liquor without first obtaining a license from the liquor control commissioner. (§3 of Ord. dated 4/5/48).

5.04.040 License--Classifications. Alcoholic liquor licenses shall be classified as follows:

A. A class A regular retailers' license shall permit the licensee to sell alcoholic liquor in packages or by drink for consumption on or off the premises where sold. Not more than five such licenses shall be issued.

B. A class B license shall permit the licensee to sell beer only in packages or by drink for consumption on or off the premises where sold. Not more than one such license shall be issued.

C. A class C license shall permit the licensee to sell

any and all alcoholic liquor in original package form, not for consumption on the premises; provided that the holder of a class C license shall not be issued any other form of liquor license. Not more than two such licenses shall be issued.

D. A class D license shall permit the licensee to sell beer by drink for consumption on the premises where sold. A class D license shall be limited to periods of seven days or less. Not more than one such license shall be issued at any given time.

E. A class E license shall permit the licensee to sell alcoholic liquor and beer by the drink for consumption only on the premises where sold. This license shall be available only to clubs, fraternal organizations and associations within the village, and shall not permit the licensee to engage generally in the sale of alcoholic liquors and beer to the general public and sales by the licensee under this provision shall be limited to members and guests of the license organization. (§1 of Ord. dated 10/6/75; §1 of Ord. dated 5/3/71; §1(a) of Ord. dated 4/6/70; Ord. dated 11/1/65; §1(part) of Ord. dated 11/1/54; §4 of Ord. dated 4/5/48).

5.04.050 License--Fee. The license fee for all licenses shall be as follows:

- A. Class A, seven hundred fifty dollars per year;
- B. Class B, one hundred dollars per year;
- C. Class C, three hundred fifty dollars per year;
- D. Class D, five dollars per day;
- E. Class E, twenty-five dollars per year. (§1(b) of Ord. dated 4/6/70; §1(part) of Ord. dated 11/1/54; §5 of Ord. dated 4/5/48).

5.04.060 License--Bond. A. Prior to the issuance of liquor licenses in the village, the applicant shall make and file a bond with good and sufficient sureties to guarantee his performance of the provisions of this chapter.

- B. The amount of said bonds are as follows:
  1. Class A, eight hundred dollars;
  2. Class B, five hundred dollars;
  3. Class C, six hundred dollars;
  4. Class D, five hundred dollars. (§1(part) of Ord. dated 6/6/49: §4a of Ord. dated 4/5/48).

5.04.070 License--Term--Payment of fee. A. All licenses shall expire on the thirtieth day of April after the issuance thereof, excepting class D licenses which shall expire by their own limitations.

B. All license fees shall be paid when the license is issued and the fee shall be reduced in proportion to the full calendar months which have expired in the municipal

year prior to the issuance thereof. (§6 of Ord. dated 4/5/48).

5.04.080 License--Application. An applicant for any license under provisions of this chapter shall submit to the liquor control commissioner, on suitable blanks and in conformity to such provisions as are set out in Article VII, Section 1, of the State Law entitled "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as the same is or may be hereafter amended, an application in writing and under oath. Said application shall be accompanied by sufficient fees to cover such license as is applied for. (§7 of Ord. dated 4/5/48).

5.04.090 License--Issuance restrictions. No license of any kind issued by the liquor control commissioner shall be issued to:

A. A person who is not a resident of the village and who has not been continuously for one year "immediately prior to making application for a license;"

B. A person who is not of good character and reputation in the community;

C. A person who is not a citizen of the United States;

D. A person who has been convicted of a felony under laws of the state of Illinois or the laws of the United States;

E. A person who has been convicted of being the keeper or is keeping a house of ill fame;

F. A person having been convicted of gambling or having any connection with an alleged gambling house within five years of making application;

G. A person who has been convicted of pandering or other crime or 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 under this chapter, would not be eligible for such license upon a first application;

J. A copartnership, unless all of the members of such copartnership are qualified to obtain a license;

K. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason other than citizenship and residence within the village;

L. 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 ordinance codified in this chapter, or has forfeited

his bond to appear in court to answer charges for any such violation;

M. 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;

N. Any law enforcing public official, any president or member of the board of trustees of the village or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor. (§8 of Ord. dated 4/5/48).

5.04.100 Lighting requirements. A. All establishments selling alcoholic liquors to the public shall be kept well lighted.

B. "Well lighted," for the purpose of this chapter, means that no area where alcoholic liquors are sold or served shall be lighted by less than three lumens or foot-candles per square foot. (§9 of Ord. dated 4/5/48).

5.04.110 Sale and payment on premises of licensee only. Each retail sale of alcoholic liquor, except beer, shall be made and payment received by licensee or his employees, at the time of sale, on the premises of the licensee. (§10 of Ord. dated 4/5/48).

5.04.120 Advertisement prohibited. No person shall advertise any alcoholic liquor by means of signs or lights in any form hanging over or on any public street or sidewalk within the village. (§11 of Ord. dated 4/5/48).

5.04.130 Toilet facilities. Every place licensed under this chapter for consumption of alcoholic liquors on the premises shall have adequate convenient toilet facilities. (§12 of Ord. dated 4/5/48).

5.04.140 Sales restricted. No licensee shall sell, barter or give away any alcoholic liquor to any minor or intoxicated person, to any person known by him to be a habitual drunkard, or to any spendthrift, insane, feeble-minded or distracted person. (§13 of Ord. dated 4/5/48).

5.04.150 Purchase or possession by minors prohibited. Any minor is prohibited from purchasing alcoholic liquor or having alcoholic liquor in his or her possession. (§14 of Ord. dated 4/5/48).

5.04.160 Obscene or profane lanuage. A. No licensee or other person in charge of premises licensed under this chapter for the sale of alcoholic liquors shall permit the

use or utterance of obscene or profane language within such premises, without protest; and if such protest goes unheeded, then said person in charge shall forthwith notify the village law enforcement official and request assistance if necessary to evict the offender.

B. No person shall utter obscene or profane words in or on said premises, and any one so doing shall be guilty of violating this chapter. (§15 of Ord. dated 4/5/48).

5.04.170 State act adopted. Each and every part of "An Act Relating to Alcoholic liquors," enacted by the General Assembly of the state of Illinois, approved January 31, 1934, as the same is or may be hereafter amended, which relates in any manner to the sale at retail of alcoholic liquors, not heretofore used or adopted by reference or otherwise in this chapter, is adopted in this section and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth in this section; and any violation of such applicable and adopted provisions of said act shall be deemed a violation of this chapter and be subject to penalties fixed in Section 5.04.240. (§16 of Ord. dated 4/5/48).

5.04.180 Sale prohibited on election day. No person shall sell at retail any alcoholic liquor on the day of any national, state, county, municipal, school or special election, including primary elections, during the hours the polls are open within the village. (§17 of Ord. dated 4/5/48).

5.04.190 Hours of sale. A. No person or licensee shall sell at retail or otherwise any alcoholic liquor between the hours of twelve midnight or any day and six a.m., of the next succeeding day.

B. All establishments holding licenses may be open on Sundays from the hours of one p.m. until twelve midnight. (§1 of Ord. dated 12/1/75; §18(part) of Ord. dated 4/5/48).

5.04.200 Sunday sales. A. All establishments paying the necessary fees may be opened on Sundays from the hours of one p.m. until eleven p.m.

B. Those establishments holding a class A or class C liquor license desirous of being opened on Sundays shall secure a Sunday liquor license from the village clerk and shall pay therefor the annual sum of two hundred dollars. Said fee shall be in addition to the fee that is presently required for class A or class C liquor licenses for establishments opened from Monday through Saturday, inclusive. (§1 of Ord. dated 1/5/76).

5.04.210 Treating prohibited. Treating, or the giving away directly or indirectly, of any intoxicating liquor regulated under this chapter by the holder of any license, at his place of business under this chapter, either by himself or by or through any servant, agent or employee, is prohibited. (§18(part) of Ord. dated 4/5/48).

5.04.220 Service by minors prohibited. Any minor is prohibited from at any time attending any bar and from drawing, pouring or mixing any alcoholic liquor in the premises of any licensee. (§19 of Ord. dated 4/5/48).

5.04.230 License--Revocation. The liquor control commissioner may suspend or revoke any license issued under this chapter for any one or combination of the following reasons:

- A. Violation of any of the provisions of this chapter;
- B. Knowingly permitting, without protest, any violation of this chapter, or any disorderly or immoral practices upon the premises where the licensee is licensed to operate under this chapter;
- C. The wilful making of any false statement as to a material fact in the application for a 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 under this chapter, for a period of thirty days (including Sundays and holidays) or over. (§20 of Ord. dated 4/5/48).

5.04.240 Penalty for violation. Whoever violates any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than one dollar nor more than two hundred dollars. (§21 of Ord. dated 4/5/48).