

Chapter 4

ALCOHOLIC BEVERAGES

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ARTICLE I. IN GENERAL**Sec. 4-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, containing over one half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.

Bottle club means an establishment, building or room used on a regular basis for the serving or consumption of alcoholic liquors brought into the establishment by the patrons for which any fee, subscription, membership, donation or consideration of any kind, direct or indirect, is charged or accepted, or which establishment provides for the sale of any retail items of any kind or nature whatsoever, including, but not limited to, the retail sale of food or general merchandise.

Bowling alley means an establishment or building, or any part thereof, wherein the game of bowling is played with composition balls and ten wooden pins.

Club means a corporation organized under state law and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, which conforms to the definition of the term "club" in 235 ILCS 5/1-3.24.

Hotel means an every building or other structure kept, used, maintained, advertised and held out to the public to be a place where meals are actually and regularly served and consumed and where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the 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 buildings, in connection therewith, and such buildings or structures being provided with adequate and sanitary dining room and kitchen equipment and capacity.

Licensee means any person, firm or corporation or partnership or club holding a license under the provisions of this chapter.

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.

Restaurant means any public place kept, used, maintained, advertised and held out to the public to be a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, 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.

Retail sale means the sale for use or consumption and not for resale.
(Code 1981, § 13-1; Ord. No. 629, 11-3-1992)

Sec. 4-2. Local liquor control commissioner.

The president is authorized to be the local liquor control commissioner and shall be charged with the administration of the Dramshop Act, 235 ILCS, and of such ordinances and resolutions relating to alcoholic liquor as may be needed. The president may appoint persons to assist him in the exercises of the powers and performance of the duties provided for such local liquor control commissioner.

(Code 1981, § 13-2)

Sec. 4-3. Possession of alcoholic liquor.

No person shall transport, carry, possess or have on any public street, alley or sidewalk in the village any alcoholic liquor on or about his or her person except in the original package and with the seal unbroken. No person shall transport, carry, possess or have on any high school property in the village any alcoholic liquor on or about his or her person except in the original package with the seal unbroken.

(Code 1981, § 13-31; Ord. No. 591, 12-18-1984)

Sec. 4-4. Penalty.

Any person violating any provision of this chapter shall be fined in accordance with the general penalty provisions of sections 1-19 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 13-36)

Secs. 4-5—4-26. Reserved.

ARTICLE II. LICENSES

Sec. 4-27. License required.

It is unlawful to sell or offer for sale in the village any alcoholic liquor without having a license or in violation of the terms of the license.

(Code 1981, § 13-3)

Sec. 4-28. Applications.

Applications for licenses shall be made in writing to the local liquor control commissioner. Applications shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

- (1) The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case

of a corporation for profit or a club, and date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority of the stock of such corporation, in interest, is owned by one person or his nominee, 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 business of the applicant; and in the case of a corporation, the objects for which it was formed.
 - (4) The length of time that the applicant has been in business of that character, or in the case of the corporation, the date on which its charter was issued.
 - (5) The amount of goods, wares and merchandise on hand at the time application is made.
 - (6) The location and description of the premises or place of business which is to be operated under license.
 - (7) A statement as to whether the applicant has made similar application for a similar license on premises other than described in this application, and the disposition of such application.
 - (8) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in state law or this Code.
 - (9) Whether a previous license by state or subdivision thereof, or by the federal government has been revoked and the reasons therefor.
 - (10) A statement that the applicant will not violate state or federal law in the conduct of his place of business.
- (Code 1981, § 13-4)

Sec. 4-29. Qualifications for licensure.

No licenses shall be issued 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 has been convicted of a felony under federal or the law of any state.
- (4) 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.
- (5) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

- (6) A person whose license issued under this chapter has been revoked for cause.
- (7) A person who at the time of application for renewal of any license issued hereunder would not be eligible for license under a first application.
- (8) A copartnership, unless all the members of such copartnership shall be qualified to receive a license.
- (9) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five 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.
- (10) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- (11) A corporation or limited liability company unless it is incorporated or organized in the state, 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, 805 ILCS 180/1-1, to transact business in the state.
- (12) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by 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 or has forfeited his bond to appear in court to answer charges for any such violation, except as otherwise provided in 235 ILCS 5/6-2.
- (14) A person convicted of a gambling offense as provided in 235 ILCS 5/6-2(a)(16).
- (15) 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, 230 ILCS 15/0.01 et seq., or the Illinois Pull Tabs and Jar Games Act, 230 ILCS 20/1 et seq.
- (16) 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 235 ILCS 5/6-21(a).
- (17) 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.
- (18) A person who is not a beneficial owner of the business to be operated by the licensee.
- (19) Any law enforcing public official, president, any member of the board of trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(20) Any person, association or corporation not eligible for a state retail liquor dealer's license.

(21) 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 235 ILCS 5/6-21(a).

(Code 1981, § 13-5)

Sec. 4-30. Term; prorating fee.

Each license shall terminate on December 31 next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

(Code 1981, § 13-6)

Sec. 4-31. Manner of payment.

Annual license fees shall be payable in full on January 1 of each year.

(Code 1981, § 13-7; Ord. No. 728, 4-5-2005)

Sec. 4-32. Examination of applicant for local license.

The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by state law, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf, as provided by state law.

(Code 1981, § 13-8)

Sec. 4-33. Retail licenses.

(a) *Classifications.*

- (1) *Class A.* Class A licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor.
- (2) *Class B.* Class B licenses shall authorize the retail sale of alcoholic liquors on the premises of any restaurant for consumption on the premises.
- (3) *Class C.* Class C licenses shall authorize the retail sale of alcoholic liquors in the original packages, and not for consumption on the premises where sold.

- (4) *Class D.* Class D licenses shall authorize the retail sale of alcoholic liquors on the premises of any business other than a restaurant or tavern for consumption on the premises, as well as other retail sales of such liquor.

(b) *License fees.* Every person engaged in the retail sale of alcohol liquor in the village shall pay an annual license fee in the amount provided in the village fee schedule.
(Code 1981, § 13-9; Ord. No. 727A, 4-5-2005; Ord. No. 852, exh. A(13-9), 6-19-2018)

Sec. 4-34. Number of licenses.

There shall be issued in the village no more than one Class A license to be in effect at any one time; no more than one Class B license to be in effect at any one time; no more than two Class C licenses to be in effect at any one time; and no more than two Class D licenses to be in effect at any one time.

(Code 1981, § 13-10; Ord. No. 729, 4-5-2005; Ord. No. 852, exh. A(13-10), 6-19-2018)

Sec. 4-35. Disposition of fees.

All such fees shall be paid to the clerk at the time application is made and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the president and board of trustees for proper action.

(Code 1981, § 13-11)

Sec. 4-36. Renewal of license.

Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license, completes all application procedures, including, but not limited to, fingerprinting the applicant or manager as required by the application, and the premises for which such renewal license is sought are suitable for the purposes; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the president from decreasing the number of licenses to be issued within his jurisdiction.

(Code 1981, § 13-12; Ord. No. 730, 4-5-2005)

Sec. 4-37. Entry powers.

(a) The local liquor control commissioner is given the power 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 state law or any rules or regulations adopted by him or by the state liquor commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(b) If a disturbance occurs on the licensed premises during the hours referred to in articles I through III of this chapter, which appears to endanger the lives, property or person of the patrons of a licensed premises, the police chief or his delegate may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

(Code 1981, § 13-15; Ord. No. 629, 11-3-1992)

Sec. 4-38. Commissioner to keep list of licenses issued.

The local liquor control commissioner shall keep or cause to be kept a complete record of all licenses issued by him.

(Code 1981, § 13-16; Ord. No. 591, 12-18-1984)

Sec. 4-39. Revocation, suspension.

The president may suspend for not more than 30 days or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in 235 ILCS 5/7-5.

(Code 1981, § 13-35)

Sec. 4-40. Transfer of license; renewal.

(a) A license shall be a purely nontransferable personal privilege, good for not to exceed one year after issuance unless sooner revoked as is provided in articles I through III of this chapter, and shall not constitute property, nor shall it be subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate or intestate devolution, it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased 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 bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of license, but not longer than six months, after the death, bankruptcy or insolvency of licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under license in accordance with the provisions of this section.

(b) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes.

(Code 1981, § 13-17; Ord. No. 591, 12-18-1984)

Sec. 4-41. Change of location.

(a) A liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such locations may be changed only upon written permit to make such change issued by the president. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the statutes of the state and this Code.

(b) Upon application to the local liquor commissioner by a liquor license holder, the supplemental license referenced in subsection (c) of this section may be issued once per year after approval by the local liquor commissioner and the payment of the fees set forth herein.

(c) A supplemental license may be obtained by a holder of a valid liquor license for the retail sale of alcoholic beverages in an outdoor beer garden or cafe adjacent to the licensed premises for a period not to exceed seven days. To apply for this supplemental license, the licensee shall file its request in writing with the clerk. A nonrefundable application fee as established in the village fee schedule shall be paid by the licensee requesting this supplemental license. The fee for this supplemental license will be as established in the village fee schedule, including the application fee. The request shall include a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:

- (1) A method by which the area shall be confined to prohibit the removal of alcoholic liquor and constrict noise to the approved area.
- (2) A reasonably substantial structure across which alcoholic liquor shall be served which shall afford bartenders reasonable protection from patrons, unless the outdoor facility is serviced directly by the indoor licensed premises.
- (3) The locations of at least two exits from the area, only one of which shall be through a building.
- (4) Other such requirements as recommended by the local liquor commissioner and local law enforcement, including, but not limited to:
 - a. The outdoor beer garden or cafe area shall be fenced or secured in such a manner that no one under 21 years of age may be admitted.
 - b. All entrances and exits will be monitored to deny access to persons under 21 years of age.
 - c. The village and sponsor will be listed as additional insureds on the applicant's insurance.
 - d. Reimbursement of all village expenses, including the cost of additional law enforcement personnel, cleanup and repairs to village property.

(d) The supplemental license shall not be issued for any location in a residential section of the village. If granted to any location within 250 feet of residentially zoned property, no live entertainment shall be permitted outside except live music performed without electronic amplification.

(Code 1981, § 13-18; Ord. No. 757, 9-4-2007)

Sec. 4-42. Bottle clubs.

No person shall patronize or operate any bottle club in the village, except on premises licensed for the retail sale of alcoholic liquor for consumption on the premises. Further, no

person shall sell at retail for consumption on the premises any nonalcoholic beverage or ice, knowing the same to be intended to be mixed with any alcoholic liquor, except on premises licensed for the retail sale of alcoholic liquor for consumption on the premises.
(Code 1981, § 13-19)

Sec. 4-43. Location restrictions.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of articles I through III of this chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.
(Code 1981, § 13-23)

Sec. 4-44. Restricted area.

It is determined that all portions of the village lying outside of the following described territory are predominantly residential territory: on Main Avenue between Park Street and St. Louis Street, and 150 feet east and 300 feet west of Main Avenue between Park Street and St. Louis Street, unless the applicant first shall secure the written consent of a majority of the property owners within a radius of 1,500 feet from the proposed location of the place where it is intended to dispense such liquor.
(Code 1981, § 13-24)

Sec. 4-45. Stores selling school supplies, lunches.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business when the majority of customers are minors of school age or when the principal business transacted consists of schoolbooks, school supplies, food, lunches or drinks for such minors.
(Code 1981, § 13-25)

Sec. 4-46. Sale by restaurants.

It is unlawful for any restaurant licensed to sell alcoholic liquor to sell such liquor in its dining room area except with meals. However, this section shall not prohibit the partitioning of an area of the premises to be used solely as a bar area and alcoholic liquor sold and dispensed without an accompanying sale of food.

(Code 1981, § 13-26)

Sec. 4-47. Sale and consumption of alcoholic liquors in an outdoor area.

(a) Upon application to the local liquor commissioner by a liquor license holder ("holder"), the following supplemental license may be issued upon approval by the local liquor commissioner and the payment of the fees set forth by the village fee schedule.

(b) A supplemental license may be obtained by a holder for the retail sale and consumption of alcoholic beverages in an outdoor beer garden or cafe immediately adjacent and contiguous to the licensed premises. To apply for this supplemental license, the proposed licensee shall file its request in writing with the clerk.

(c) A nonrefundable application fee as established in the village fee schedule shall be paid by the proposed licensee requesting this supplemental license. The initial fee for this supplemental license will be as established in the village fee schedule, including the application fee. Each annual renewal fee for this supplemental license will be as established in the village fee schedule.

(d) The initial supplemental license will terminate on December 31 next following its issuance. The supplemental license must be renewed at the same time as the holder's regular liquor license is renewed.

(e) The application for a supplemental license shall include a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:

- (1) A method by which the area shall be confined to prohibit the removal of alcoholic liquor and restrict noise to the approved area, including fence material and design.
- (2) A reasonably substantial structure across which alcoholic liquor shall be served which shall afford bartenders reasonable protection from patrons, unless the outdoor facility is serviced directly by the indoor licensed premises.
- (3) The locations of at least two exits from the area, only one of which shall be through a building.
- (4) Other such requirements as recommended by local liquor commissioner and local law enforcement, including, but not limited to:
 - a. The outdoor beer garden or cafe area shall be fenced or secured in such a manner that no one under 21 years of age may be admitted, and which effectively prevents the passing of alcohol to the outside and defines the seating area and sets apart from the surrounding property.

- b. The outdoor facility area must be entirely and completely contained by fencing or other suitable material. The top of the fence must be at least eight feet in height, measured from the floor elevation of the outside seating area.
 - c. All entrances and exits will be monitored to deny access to persons less than 21 years of age. If the exit to the outdoor facility is not monitored, it must be alarmed to notify facility staff of unauthorized entry.
 - d. No amplified sound or music shall be permitted after 10:00 p.m. and shall be subject to all noise limitations of the village. No live entertainment shall be permitted outside except live music performed without electronic amplification.
 - e. Outdoor beer gardens or cafe areas must provide for adequate lighting.
- (Code 1981, § 13-37; Ord. No. 811, 6-4-2013)

Secs. 4-48—4-67. Reserved.

ARTICLE III. OPERATION STANDARDS AND RESTRICTIONS

Sec. 4-68. Closing hours.

(a) It is unlawful to keep open or permit to be open any place where alcoholic liquor is sold between the hours of 12:00 midnight and 6:00 a.m. of any day except as specifically authorized as follows:

- (1) On Friday and Saturday nights, authorized establishments may remain open one additional hour and must close at 1:00 a.m. the following day.
- (2) On January 1 of each year, the closing hour shall be 2:00 a.m.
- (3) It is unlawful to keep open or permit to be open any place where alcoholic liquor is sold between the hours of 1:00 a.m. on Sunday and 12:00 noon on Sunday.
- (4) It is unlawful to sell any alcoholic liquor one-half hour before closing time.

(b) Any licensed premises which derives its principal business from the sale and service of commodities other than alcoholic liquor may also remain open on Sunday and sell alcoholic liquor from 12:00 noon to 11:30 p.m. when the sale is incidental to the sale and service of other commodities.

(c) Other than the foregoing exception, any licensed premises which derives its principal business from the sale and service of commodities other than alcoholic liquor may remain open but may not lawfully give or sell alcoholic liquor during the closing hours mentioned in this section.

(Code 1981, § 13-13; Ord. No. 760, 6-3-2008)

Sec. 4-69. Loitering.

It is unlawful to allow or permit persons to be within a place where alcoholic liquor is sold for consumption other than any licensed premises which derives its principal business from

the sale and service of commodities other than alcoholic liquor, when the establishment is required to be closed by articles I through III of this chapter, except for the owner or operator thereof, his agents and servants, his immediate family and other persons performing services necessary for the maintenance and operation of the establishment.
(Code 1981, § 13-14; Ord. No. 591, 12-18-1984)

Sec. 4-70. Presence of intoxicated persons in a bottle club.

No licensee of a bottle club, his employees or agents shall permit an intoxicated person to be on the licensed premises or to consume alcoholic liquor on the licensed premises.
(Code 1981, § 13-20; Ord. No. 629, 11-3-1992)

Sec. 4-71. Sanitary conditions.

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
(Code 1981, § 13-21)

Sec. 4-72. Employees.

It is unlawful for any person to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal diseases; and it is unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in work in or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor.
(Code 1981, § 13-22)

Sec. 4-73. Access from licensed premises to dwelling quarters.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for any use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.
(Code 1981, § 13-27)

Sec. 4-74. View from street.

(a) In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels or clubs, or any bowling alley other than one situated on the first or ground floor, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of licensed premises nor inside such premises, which shall prevent a clear view into the interior of licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any

arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk.

(b) All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible.

(c) In case the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, the license may be revoked in the manner herein provided. In order to enforce the provisions of this section, the local liquor control commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as required in subsection (a) of this section. (Code 1981, § 13-28; Ord. No. 591, 12-18-1984)

Sec. 4-75. Sale to underage persons.

(a) It is unlawful for any licensee, officer, associate, member, representative, agent or employee of licensee to sell, give or deliver alcoholic liquor to any person under the age of 21 years. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver the alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service.

(b) For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

(c) Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon written evidence of age and identity in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution or any proceedings for the suspension or revocation of any license based thereon.

(d) It is unlawful to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of age and identification of any other person.

(e) It is unlawful for any person under the age of 21 years to present or offer to any licensee, his agent, or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving of any alcoholic beverage or to have in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity.

(f) It is unlawful for any person under 21 years of age to attend any bar or to draw, pour or mix any alcoholic liquor in any licensed retail premises.

(g) It is unlawful to permit any female employee or entertainer in the premises to solicit any patron or customer thereof to purchase alcoholic or nonalcoholic beverages for herself or any other person on or in licensed premises; provided, however, that nothing herein contained shall prohibit any waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of her employment as such waitress.

(h) It is unlawful to allow or permit any female person to frequent or loiter in any licensed premises with the purpose of soliciting men to purchase alcoholic or nonalcoholic beverages. In addition to all other fines and penalties, the president may revoke or suspend the retail liquor dealer's license for any violation of this section.

(Code 1981, § 13-29)

Sec. 4-76. Purchase or acceptance by underage persons; identification cards; rules and regulations.

It is unlawful for any person under the age of 21 years to have any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his parent or her parent or in the pursuance of his or her employment.

(Code 1981, § 13-30; Ord. No. 597, 2-4-1986)

Sec. 4-77. Sale to intoxicated persons, habitual drunkards.

It is unlawful for any licensee, officer, associate, member, representative, agent or employee of such licensee to sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by him or her to be under legal disability or in the need of mental treatment.

(Code 1981, § 13-32; Ord. No. 597, 2-4-1986)

Sec. 4-78. Reporting of incidents to police; telephone required on premises.

(a) Each licensee and each of his agents and employees shall promptly report to the police department of the village any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission of any crime, including any violation of articles I through III of this chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises, and cooperate fully in any such investigation, including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any police officer engaged in the investigation.

(b) Each licensee shall maintain on each licensed premises not less than one telephone in operating order which phone must be within the easy access of the bartender or other responsible person in charge of the premises at all times for the purpose of the licensed premises.

(Code 1981, § 13-33; Ord. No. 629, 11-3-1992)

Sec. 4-79. Illegal activities on premises.

No licensee of any officer, associate, member, representative, agent or employee of licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by this Code or state or federal law.

(Code 1981, § 13-34; Ord. No. 629, 11-3-1992)

Secs. 4-80—4-101. Reserved.

ARTICLE IV. SOCIAL HOSTING

Sec. 4-102. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, provided that the definitions set forth in 235 ILCS 5/1-3 et seq., or elsewhere in this Code are not intended to be superseded, but supplemented herewith:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits, including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Conveyance means any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

Event or gathering means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Host means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Illicit drugs means any drug, substance or compound prohibited by law, including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

Parent means any person having legal custody of a juvenile:

- (1) As a natural, adoptive parent, or stepparent;
- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

Person means any individual, partnership, copartnership, corporation, or any association of one or more individuals.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

Reasonable steps means controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting driver's licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, calling for police assistance in the event people under 21 years of age are in possession of alcohol at the event or gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no underage person is authorized to be present and consume alcohol at the owner's residence.

Religious ceremony means the possession, consumption, and dispensation of alcohol or any alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

Residence or premises means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Response costs means the costs associated with responses by law enforcement, fire, and other emergency response providers to an event or gathering, including, but not limited to:

- (1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with an event or gathering, and the administrative costs attributable to such responses;
- (2) Costs of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or otherwise dealing with an event or gathering;
- (3) Costs of repairing any village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of an event or gathering.

Underage person means any individual under 21 years of age.
(Code 1981, § 18-6-1; Ord. No. 805, 12-18-2012)

Sec. 4-103. Prohibited conduct and responsibilities of persons hosting an event or gathering.

(a) Except as permitted by state law, it is unlawful for any person to host, permit, allow or fail to take reasonable steps to prevent an event or gathering:

- (1) At any residence, premises, or on any other private or public property or in any conveyance over which that person has control or a reasonable opportunity to control;
- (2) When illicit drugs, alcohol, or alcoholic beverages are present;
- (3) When the person knows or reasonably should know that an underage person will or does:
 - a. Consume any illicit drugs, alcohol, or alcoholic beverages; or
 - b. Possess any illicit drugs, alcohol, or alcoholic beverages;
- (4) The person fails to take reasonable steps to prevent possession or consumption by the underage persons.

(b) A person who hosts an event or gathering does not have to be present at the event or gathering to be liable under this section.

(c) A person who hosts an event or gathering shall be rebuttably presumed to have actual or constructive knowledge that underage persons have consumed illicit drugs, alcohol, or alcoholic beverages if such person is present at the location of the event or gathering at the time any underage person consumes illicit drugs, alcohol or an alcoholic beverage.

(d) It is the affirmative duty of any person who hosts an event or gathering at his or her residence or premises, a public place or any other residence or premises under his or her control, or in any conveyance under his or her control, to take all reasonable steps to prevent the consumption of illicit drugs, alcohol or alcoholic beverages by any underage person at such event or gathering.

(e) A person who hosts an event or gathering shall be deemed to have actual or constructive knowledge that an underage person has consumed or is consuming illicit drugs, alcohol or alcoholic beverages at the event or gathering if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by underage persons.

(f) A person who hosts an event or gathering shall not be in violation of this section if he or she:

- (1) Seeks assistance from the police department or other law enforcement agency to remove any person who refuses to abide by the person's performance of the duties imposed by this section; or

- (2) Terminates the event or gathering because the person has been unable to prevent underage persons from consuming illicit drugs, alcohol or alcoholic beverages despite having taken all reasonable steps to do so, as long as such request or termination is made before any other person makes a complaint to the police department or other law enforcement agency about the event or gathering.

(g) This article shall not apply to conduct involving the use of alcohol or alcoholic beverages that occur at a religious ceremony or exclusively between an underage person and his or her parent, as permitted by this Code and state law.

(h) A person is responsible for and subject to penalties for violating this section if the person intentionally aids, advises, hires, counsels, conspires with or otherwise procures another person in hosting an event or gathering where that person has actual or constructive knowledge that underage persons will be consuming alcohol, alcoholic beverages or illicit drugs at such event or gathering.

(Code 1981, § 18-6-2; Ord. No. 805, 12-18-2012)

Sec. 4-104. Penalties.

(a) *Responsible for costs.* Any person found to be in violation of this article shall be responsible for any and all response costs.

(b) *Fines.* Any person who violates or assists in the violation of any provision of this article shall be deemed to have committed a petty offense and shall be fined not more than \$750.00 for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.

- (1) The first violation of this article shall be punishable by a fine of not less than \$250.00 nor more than \$750.00.
- (2) A second violation of this article by the same person within a 12-month period shall be punishable by a fine of no less than \$500.00 nor more than \$750.00.
- (3) A third or subsequent violation of this article by the same person within a 12-month period shall be punishable by a fine of \$750.00.

(c) *Enforcement.* Violations of this article may be enforced by issuance of a notice of violation for the fine and response costs amounts, or by issuance of a notice to appear.

(Code 1981, § 18-6-3; Ord. No. 805, 12-18-2012)