

Chapter 6 ALCOHOLIC LIQUOR¹

ARTICLE I. IN GENERAL

Sec. 6-1. 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:

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

State law reference(s)—Similar provisions, 235 ILCS 5/1-2.01.

Alcoholic liquor means and includes 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.

State law reference(s)—Similar provisions, 235 ILCS 5/1-3.05.

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.

State law reference(s)—Similar provisions, 235 ILCS 5/1-3.04.

Club means a corporation organized under the laws of this state not for pecuniary profit, but 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 owing, hiring or using a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests. Such club shall file with the village president, at the time of its application for a license under this chapter, two copies of a list of names and residences of its members, and similarly shall file within ten days of the election of any additional member his name and address. Its affairs and management shall be conducted by a board of directors, executive committee or similar body chosen by the members at its annual meeting. No member or any officer, agent or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

State law reference(s)—Similar provisions, 235 ILCS 5/1-3.24.

Licensed establishment means any retail establishment licensed by the village where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises.

¹Cross reference(s)—Businesses, ch. 22; purchase or consumption of alcoholic liquor by underage person, § 62-2.

State law reference(s)—Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.; local control of alcohol, 235 ILCS 5/4-1 et seq., 5/6-18.

Piano bar means a retail establishment licensed by the village where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises and which has live entertainment consisting of a piano and a piano player and may include other live music played by professional musicians, may also include singers and karaoke type entertainment. A piano bar piano may include automatic or self-playing pianos, such as an instrument containing a pneumatic or electro-mechanical mechanism that operates the piano action via programmed music recorded on perforated paper, or in rare instances, metallic rolls, or with more modern implementations using magnetic tape, floppy disks, digital media, computer assisted playback or those that digitally capture and reproduce a piano performance.

Restaurant means an establishment whose primary use is the sale of food for consumption on premises. 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.

State law reference(s)—Similar provisions, 235 ILCS 5/1-3.23.

Retail sale means the sale for use or consumption, and not for resale.

State law reference(s)—Similar provisions, 235 ILCS 5/1-3.18.

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.

State law reference(s)—Similar provisions, 235 ILCS 5/3.02.

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.

State law reference(s)—Similar provisions, 235 ILCS 5/1-3.03.

(Code 1972, ch. 7, art. 2, § 1; Ord. No. 2062-22, § 2, 2-23-2022; Ord. No. 2077-22, § 2, 6-29-2022)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 6-2. Local liquor control commissioner; powers and duties; compensation.

The president of the village shall be the local liquor control commissioner of the village, and shall have all the powers and duties conferred upon him by the provisions of 235 ILCS. "The Liquor Control Act of 1934," and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The president may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided for such local liquor control commissioner.

The local liquor control commissioner shall have the following powers, duties and functions with respect to local liquor licenses:

- A. To grant or suspend for not more than 30 days or revoke for cause, all local licenses issued to persons or entities for premises within his jurisdiction.
- B. To adopt rules and regulations for the conduct and operation of a licensee's business which are not inconsistent with state law or municipal ordinances.
- C. To enter or to authorize any law enforcing officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law or village ordinances or any rules or regulations adopted by him or by the state commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

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- D. To receive complaints from any citizen within his jurisdiction that any of the provisions of the state law or of this Code have been or are being violated and to act upon such complaint in the manner provided by law.
 - E. To order local license fees to be paid to the village clerk.
 - F. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois liquor control commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for his information in the performance of his duties; and for such purposes to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.
 - G. To order, upon the issuance of a written order, the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community. Except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such other shall not be applicable to such other business or businesses.

As compensation for such duties, the liquor commissioner shall receive the sum of \$20,000.00 annually. Changes in the liquor commissioner's compensation, if any, shall not take effect during the term for which he has been elected. The corporate authorities may from time to time fix and pay compensation to the deputies, assistants or employees of the local liquor control commissioner as may be deemed necessary for the proper performance of the duties vested in them.

(Ord. No. 1475-04, § 2, 3-10-2004)

Editor's note(s)—Ord. No. 1475-04, § 2, adopted March 10, 2004, repealed the former § 6-2 and enacted a new § 6-2 as set out herein. The former § 6-2 pertained to similar subject matter and derived from Code 1972, ch. 7, art. 2, § 2.

State law reference(s)—Local liquor control commissioner, 65 ILCS 5/4-2 et seq.

Sec. 6-3. BASSET certification required.

- A. For licenses issued on or after May 1, 2004, all original or renewal applications for liquor licenses shall be accompanied with proof of completion of a state-certified beverage alcohol sellers and servers education and training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purchases of alcoholic beverages, pursuant to that license.
- B. A state-certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12(11.1) and 5/6-27 and title 77 of Illinois Administrative Code, chapter XVI, section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card, to participants as proof of completion.
- C. After May 1, 2004, any new owner, manager, employee, or agent requiring BASSET training, shall within 180 days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall, until completion of the BASSET program, work under the supervision of a person who has completed BASSET training.

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- D. A photo copy of certificate of completion for all owners, managers, employees, or agents required by this ordinance to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.
- E. Any person found to have violated this section shall be fined \$1,000.00.
- (Ord. No. 1475-04, § 3, 3-10-2004)

Secs. 6-4—6-20. Reserved.

ARTICLE II. RETAIL ESTABLISHMENTS

DIVISION 1. GENERALLY

Secs. 6-21—6-40. Reserved.

DIVISION 2. LICENSE

Sec. 6-41. Required.

It shall be unlawful to sell, deliver or offer for sale at retail in the village, any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

(Code 1972, ch. 7, art. 2, § 3)

Sec. 6-42. Application.

Applications for such licenses shall be made to the village president in writing, signed by the applicant if an individual, or by a duly authorized agent, 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; and in the case of a corporation for profit, or a club, the date of incorporation, the objects 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 business of the applicant; and in 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 a 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 such license.

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7. A statement whether the applicant has made similar application for a similar other license on premises other than those 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 this chapter, laws of this state or the ordinances of this village.
 9. Whether a previous license by any 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 any of the laws of the state or of the United States, or any ordinance of the village in the conduct of his place of business.

(Code 1972, ch. 7, art. 2, § 4)

Sec. 6-43. Classes of licenses.

Licenses issued under this article shall be classified as follows:

1. *Class A license*: For sales at retail where food may be served and is incidental to and does not constitute the major part of the business, for use or consumption only on the premises between 7:00 a.m. and 2:00 a.m.
- 1.A. *Class AV license*: For sales at class A licensed establishments where video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq. is permitted as set forth in Chapter 6, Section 6-43-10 and Chapter 10, Article 10 of this Code.
2. *Class B license*: For sales at retail for use or consumption off the premises between the hours of 7:00 a.m. and 12:00 a.m. Video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class B licensed premises.
3. *Class C license*: For sales at retail for use or consumption, on-premises only, of a not-for-profit, patriotic or fraternal organization, to its members and their guests between the hours of 7:00 a.m. and 12:00 a.m. Video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a Class C licensed premises.
4. *Class D license*: For sales at retail of beer and wine only by the drink for consumption on-premises between the hours of 7:00 a.m. and 12:00 a.m.
- 4.A. *Class DV license*: For sales at class D licensed establishments where video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq. is permitted as set forth in Chapter 6, Section 6-43-10 and Chapter 10, Article 10 of this Code.
5. *Class F license*: For sales at retail which shall authorize a restaurant to sell alcoholic liquor for use or consumption on the premises but specifically incidental or complementary service to the sale of food and provided that the dispensing of food under a Village restaurant license shall constitute the major part of this business, between 7:00 a.m. and 2:00 a.m.
- 5.A. *Class FV license*: For sales at class F licensed establishments where video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq. is permitted as set forth in Chapter 6, Section 6-43-10 and Chapter 10, Article 10 of this Code.
6. *Class G license*: For sales at retail, all alcoholic liquors for use or consumption on the premises and for use and consumption off the premises, between the hours of 7:00 a.m. and 12:00 a.m.

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- 6.A. *Class GV license:* For sales at class G licensed establishments where video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq. is permitted as set forth in Chapter 6, Section 6-43-10 and Chapter 10. Article 10 of this Code.
7. *Class GPD license:* For sales at retail, all alcoholic liquors for use or consumption on the premises and for use and consumption off the premises, between the hours of 7:00 a.m. and 12:00 a.m. only in locations permitted by village ordinances in the planned use development overlay district.
- 7.A. *Class GPDV license:* For sales at class GPD licensed establishments in the Planned Use Development Overlay District where video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq. is permitted as set forth in Chapter 6, Section 6-43-10 and Chapter 10. Article 10 of this Code.
8. *Class T license:* A class "T" license shall authorize the retail sale or delivery of liquor for consumption or use only on the premises between the hours of 8:00 a.m. and 10:00 p.m. on the premises owned or leased by an individual, business, or association for a period of no more than three consecutive days. The local liquor control commissioner of the village, in his/her sole discretion, may grant a class T license for consumption on said premises for a business or sales event, grand opening or similar function.
- a. Such temporary licenses do not apply to events where the primary objective is the sale of liquor.
 - b. A class T license may be issued in one, two or three day increments. A class T license shall not be issued to any individual, business, or association for more than three consecutive days.
 - c. No more than five class T licenses shall be issued to any individual, business, or association in a calendar year.
 - d. The class T license, if issued, shall not in any manner be regarded as relieving the license holder of complying with any other state or governmental law or regulation, or village ordinances and regulations, including, but not limited to:
 - i. Any village ordinance or policy concerning the holding or sponsoring of special events and the retail sale and delivery of alcoholic liquor;
 - ii. Required dram shop insurance;
 - iii. BASSET certification for servers;
 - iv. The applicant individual, business, or association for the class T license is not disqualified from receiving a liquor license by reason of any matter or thing stated in this Code (as may be amended from time to time) or the laws of the State of Illinois;
 - v. Section 6-121 of this Code (as may be amended from time to time) regarding the provisions to and use of alcoholic liquor by underage persons.
 - e. The class T license does not permit a consumer or participant in the event to take any cup, glass, or other container (other than an empty souvenir glass) beyond the interior premises, and outdoor areas are specifically excluded from areas where the alcoholic liquor can be offered or consumed.
 - f. A fully completed application for a class T license shall be presented to the village at least ten business days in advance of the requested first date of issuance. Applications that are incomplete or are presented to the village less than ten business days in advance of the first date of the event for which the license is requested will not be considered.
 - g. The license fee for a class T license shall be as set forth in chapter 38-22 of this Code.
 - h. Video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class T licensed premises.

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9. *Class T-E temporary emergency license:* Class T-E temporary emergency licenses expired November 1, 2021 and are repealed. (Ordinance No. 2029-21).
 10. *Class H license:* For sales at retail, beer and wine for use or consumption off the premises between the hours of 7:00 a.m. and 12:00 a.m. Video gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class H licensed premises.
 11. *Class PB license:* For sales at retail, all alcoholic liquors for use or consumption on the premises between the hours of 11:00 a.m. to 2:00 a.m. each day of the week. Food may be served and is incidental to and does not constitute the major part of the business, In addition to the above classification, a PB license shall be subject to the following limitations and regulations.
 - a. Minors prohibited at certain hours. No establishment holding a PB license under this section shall permit any person on premises under the age of 21 unless that person is accompanied by a person 21 years of age or older. Accompanied minors are permitted only between the hours of 11:00 a.m. and 10:00 p.m. No person under the age of 2) shall be permitted on the PB licensed premises at all after 10:00 p.m. A PB licensee shall post clearly visible signage, legible from all points of entry to the Piano Bar stating the following: NO ONE UNDER 21 PERMITTED ON THESE PREMISES AFTER 10:00 P.M. PERSONS UNDER THE AGE OF 21 ARE PERMITTED ON PREMISES BEFORE 10:00 P.M. BUT ONLY IF ACCOMPANIED BY A PERSON 21 YEARS OF AGE OR OLDER.
 - b. It shall be unlawful for any holder of a PB license to operate a bar or to hold another type of retail liquor license unless it is for a separate premises located within a separately dedicated and delineated space; and it shall be unlawful for any holder of another type of retail liquor license to operate a piano bar in connection therewith.
 - c. There shall be live piano or live music and entertainment at the piano bar four days per week and two of those days shall be Friday and Saturday.
 - d. The piano bar must have a permanent stage.
 - e. The piano bar must have seating at tables and chairs which shall constitute a majority of the seating at the piano bar business.
 - f. There may be a bar with bar-height bar stools or high top tables but any seating at the bar shall not constitute a majority of the seating in the piano bar business.
 - g. Bar service must be by a bartender.
 - h. A piano bar license shall be issued only for businesses located in the village zoning districts that permit establishments serving alcoholic liquor for consumption on the premises and no other.
 - i. Food service is subject to all governmental sanitation and other requirements and the PB license holder shall obtain any required local, county or other governmental licenses and is subject to regular inspection.
 12. *Reserved:*
 13. *Reserved:*
 14. Class AV, DV, FV, GV and GPDV licenses shall be supplemental in nature and shall only be issued to the holder of a valid class A, D, F, G, or GPD license. A class AV, DV, FV, GV and GVPD license authorizes the licensee to: (i) sell or serve alcoholic liquor in accordance with the restrictions and regulations of licensee's class A, D, F, G, and GPD license, and (ii) install and allow the use of video gaming terminals, as defined by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., on the licensed establishment premises subject to the following conditions and restrictions: All video gaming terminals installed in a class AV, DV, FV, GV and GPDV licensed establishment premises must have valid, required liquor and

video gaming licenses issued by the State of Illinois, and the Village in accordance with this Chapter 6 and Chapter 10. Article 10 of this Code.

15. The license fee for all licenses included in this section 6-43 shall be as set forth in section 38-22 of this Code.

(Code 1972, ch. 7, art. 2, § 8(b); Ord. No. 1714-11, § 1, 7-27-2011; Ord. No. 1764-12, § 2, 12-12-2012; Ord. No. 1959-19, § 2, 6-26-2019; Ord. No. 1961-19, § 3, 7-24-2019; Ord. No. 1987-20, § 2, 3-25-2020; Ord. No. 1988-20, § 2, 4-22-2020; Ord. No. 1994-20, § 2, 6-24-2020; Ord. No. 1995-20, § 2, 6-24-2020; Ord. No. 2011-20, § 2, 9-23-2020; Ord. No. 2018-20, § 2, 11-11-2020; Ord. No. 2029-21, §§ 2-4, 5-26-2021; Ord. No. 2062-22, § 2, 2-23-2022; Ord. No. 2077-22, § 3, 6-29-2022)

Sec. 6-44. Number to be issued.

- A. *Retail liquor dealer's license.* The local liquor control commissioner shall not issue more than a total of five class A, nine class B, four class C, two class D, ten class F liquor licenses, one class G liquor license, one Class GPD license, zero class H license, and one class PB license.
- B. *Retail liquor dealer video gaming license.* The local liquor control commissioner shall not issue more than a total of four (4) class av retail liquor dealer video gaming licenses, one (1) class dv retail liquor dealer video gaming license, six (6) class fv retail liquor dealer video gaming licenses, one (1) class gv retail liquor dealer video gaming license and zero (0) class gpd retail liquor dealer video gaming license, (effective May 1, 2022).
- C. *Automatic reduction of number of licenses.* Whenever a location license previously issued under the provisions of this chapter is not renewed, or is revoked, surrendered, or terminated by dormancy, the number of licenses issued as set forth in this section shall automatically and immediately be reduced by the number of licenses issued for that previously licensed location. Thereafter, the reduced number of licenses for the licensed location shall not thereafter be increased without approval by a majority vote of the Village Board of Trustees.

(Code 1972, ch. 7, art. 2, § 8(a); Ord. No. 1491-04, § 2, 9-22-2004; Ord. No. 1547-06, § 2, 5-24-2006; Ord. No. 1764-12, § 2, 12-12-2012; Ord. No. 1787-14, § 1, 2-12-2014; Ord. No. 1798-14, § 1, 6-11-2014; Ord. No. 1889-17, § 1, 3-22-2017; Ord. No. 1901-17, § 1, 8-9-2017; Ord. No. 1904-17, § 1, 8-23-2017; Ord. No. 1959-19, § 2, 6-26-2019; Ord. No. 1961-19, § 2, 7-24-2019; Ord. No. 1995-20, § 3, 6-24-2020; Ord. No. 2050-21, § 2, 11-10-2021; Ord. No. 2062-22, § 2, 2-23-2022; Ord. No. 2071-22, § 3, 4-27-2022; Ord. No. 2077-22, § 3, 6-29-2022; Ord. No. 2081-22, § 2, 8-24-2022)

Sec. 6-45. Prohibited issuance.

- A. Except as otherwise provided in subsection B. of this section, no license required by this article 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.
 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, or violation of a local ordinance under this chapter unless the local liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

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5. A person who has been convicted of being the keeper or is keeping 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 article has been revoked for cause.
 8. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
 9. A co-partnership, if any general partnership, or any limited partnership, owning more than five percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this article for any reason other than residency within the village.
 10. A corporation, if any officer, manager or director, 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 article for any reason other than citizenship and residency within the village.
 11. A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) 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, subsequent to January 1, 1934, or has forfeited his bond to appear in court to answer charges for any such violation.
 14. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
 15. Any law-enforcing public official, including members of any local liquor control commission, and president of the village board of trustees, any member of the village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official, if the issuance of such license is approved by the local liquor control commissioner.
 16. A person who is not a beneficial owner of the business to be operated by the licensee.
 17. A person who has been convicted of a gambling offense as proscribed by any of 720 ILCS 5/28-1(a)(1)—(a)(11), or as proscribed by 720 ILCS 5/28-1.1 or 5/28-3, or as proscribed by a statute replaced by any of such statutory provisions.
 18. 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 Act (230 ILCS 15/0/01 et seq.) or the Illinois Pull Tabs and Jar Games Act (235 ILCS 20/1 et seq.)
 19. Any owner of a licensed establishment, or proposed owner of a proposed licensed establishment or the legal entity comprising the proposed licensed establishment if such owner or legal entity is indebted to the village during the 12-month period prior to submitting an application or a renewal application for a license pursuant to this Chapter 6 or Chapter 10, section 10 of this Code.
- B. A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor; or if the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has

terminated its relationship with each director, officer, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The local liquor control commissioner shall determine if all provisions of this subsection have been met before any action on the corporation's license is initiated.

(Ord. No. 1475-04, § 4, 3-10-2004; Ord. No. 2062-22, § 3, 2-23-2022)

Editor's note(s)—Ord. No. 1475-04, § 4, adopted March 10, 2004, repealed the former § 6-45 and enacted a new § 6-45 as set out herein. The former § 6-45 pertained to similar subject matter and derived from Code 1972, ch. 7, art. 2, § 5.

State law reference(s)—Similar provisions, 235 ILCS 5/6-2.

Sec. 6-46. Prohibitions and restrictions near churches, schools, hospitals, homes for aged or indigent or veterans.

- 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 section shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on; 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 the 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. *Reserved.*
- C. Nothing in this section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if:
 - 1. The primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant;
 - 2. The immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership; and
 - 3. The restaurant is located 75 or more feet from a school.
- D. 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.
- E. Nothing in this section shall prohibit the issuance of a class T license to an individual, business, or association to sell at retail or deliver alcoholic liquor if all such sales and deliveries 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 1972, ch. 7, art. 2, § 16; Ord. No. 1961-19, § 4, 7-24-2019)

State law reference(s)—Similar provisions, 235 ILCS 5/6-11.

Sec. 6-47. Sales where main customers of business are minors.

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 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.

(Code 1972, ch. 7, art. 2, § 5)

State law reference(s)—Similar provisions, 235 ILCS 5/6-12.

Sec. 6-48. Sales at restaurants or clubs.

No person shall receive a local license to sell alcoholic liquor upon any premises as a restaurant nor as a club unless it has the qualifications respectively described in the definitions of the terms "restaurant" and "club" in section 6-1. No restaurant, licensed as such, shall sell alcoholic liquor except with meals.

(Code 1972, ch. 7, art. 2, § 5)

State law reference(s)—Similar provisions, 235 ILCS 5/6-25.

Sec. 6-49. Term; prorating fee.

Each such license shall terminate on the April 30 next following its issuance. This fee is not to be prorated, if the license is issued during the fiscal year. No part of such fee is to be refunded if the license is revoked by the local liquor control commissioner, or if it is not used by the owner for the entire year.

(Code 1972, ch. 7, art. 2, § 6)

Sec. 6-50. Disposition of fees.

All license fees shall be paid to the president at the time application is made and shall be forthwith turned over to the treasurer. If the license applied for is denied, the fee shall be returned to the applicant; and 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 board of trustees, by proper action.

(Code 1972, ch. 7, art. 2, § 7)

Sec. 6-51. Privilege granted by license; nature as to property; transferability; tax delinquencies.

- A. A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall 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 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 such license but not longer than six months after the death, bankruptcy or insolvency of such licensee.

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- B. Any licensee may renew his license at its expiration, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege provided for shall not be construed as a vested right which shall in any case prevent the president and board of trustees from decreasing the number of licenses to be issued.
 - C. No retailer's license shall be renewed unless the applicant provides documentation that any tax owed to the village has been satisfied by payment in the form of a cashier's check, certified check, money order or cash. A negotiable instrument received as payment for a license fee, transfer fee, late fee, offer in compromise, predisciplinary conference settlement, or fine imposed by order that is dishonored on presentation shall not be considered payment and shall be cause for disciplinary action.

(Code 1972, ch. 7, art. 2, § 10)

State law reference(s)—Similar provisions, 235 ILCS 5/6-1.

Sec. 6-52. Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license.

(Code 1972, ch. 7, art. 2, § 11)

Sec. 6-53. Suspension or revocation.

The local liquor control commissioner may suspend or revoke any alcoholic liquor license for any violation of any provision of this division, or for any violation of any state law pertaining to the sale of alcoholic liquor.

- A. *Complaint.* The commissioner upon his own motion or upon motion of any five residents of the village shall have the right to file a complaint with the local liquor control commissioner stating that any retail licensee within the village has been or is violating the provisions of the Illinois liquor control act, the municipal code or ordinances, or the rules or regulations of the local liquor control commissioner. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the local liquor control commissioner is satisfied that the complaint substantially charged a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.
- B. *Notice, hearing and order.* Except as provided in section 6-2G. of this chapter, no such liquor license shall be revoked or suspended except after a public hearing before the local liquor control commissioner. The local liquor control commissioner shall give written notice to the licensee not less than three days prior to the hearing, affording the licensee an opportunity to appear and defend or otherwise answer. The local liquor control commissioner shall, within five days after such hearing, if he determines that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the five days upon the licensee.
- C. *Appeals from the order of the liquor control commissioner.* Any order or action of the local liquor control commissioner granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may within 20 days after notice of such order or action be appealed from by any resident of the village or any person interested, to the state liquor control commission, in which

event the matter of such order or action of the local liquor control commissioner shall be tried de novo by the state liquor control commission as expeditiously as circumstances permit.

- D. *Costs of liquor control hearings.* Any licensee determined by the local liquor control commissioner to have violated any of the provisions of "An Act Relating to Alcoholic Liquor" approved January 31, 1934, as amended, or any ordinance or resolution of the village, or any rule or regulation established by the local liquor control commissioner, or the state commission, shall pay to the village the costs of the hearing before the local liquor control commissioner on such violation. The local liquor control commissioner shall determine the costs incurred by the village for the hearing, including; court reporter fees, the cost of transcripts or records, attorney fees, the cost of preparing and mailing notices and orders, other miscellaneous expenses incurred by the village. The licensee shall pay said costs to the village within 30 days of notification of the costs by the local liquor control commissioner. Failure to pay said costs within 30 days of notification is a violation of this section, and may be cause for license revocation or suspension. In the event of an appeal to the state commission, and in cases where appeal is taken under the administrative review act, payment is due 40 days after entry of an order finally affirming the determination of the local liquor control commissioner. The remedies afforded in this section are not exclusive, and any such sums assessed hereunder may be collected as any other debt.
- E. *Hearing before state liquor control commission.*
1. All such proceedings for the revocation or suspension of a retailer's license before the state liquor control commission shall be in accordance with rules and regulations established by it, not inconsistent with law.
 2. Except as provided in section 6-2G. or section 6-53B., no such license shall be so revoked or suspended except after a hearing by the state liquor control commission with reasonable notice to the licensee served by registered or certified mail with return receipt requested at least five days prior to the hearing at the last known place of business of the licensee and after an opportunity to appear and defend. Such notice shall specify the time and place of the hearing and the nature of the charges.
 3. The findings of the state liquor control commission shall be predicated upon competent evidence. The revocation of a state license shall automatically result in the revocation of a Norridge license.
 4. In any trial de novo hearing before the state liquor control commission, the local liquor commissioner shall be entitled to ten days' notice and entitled to be heard. All such trial de novo hearings shall be open to the public and the state liquor control commission shall reduce all evidence offered thereto to writing.
 5. In any trial de novo hearing before the state liquor control commission, the licensee shall submit to examination and produce books and records material to the business conducted under the license in like manner as before the local liquor control commissioner, and the failure of the licensee to submit to such an examination or to produce such books and records, or to appear at the hearing on such appeal, shall constitute an admission that he has violated the provisions of the State Liquor Control Act.
 6. In the event the appeal is from an order of the local liquor control commissioner denying a renewal application, the licensee shall have on deposit with the village an amount sufficient to cover the license fee for the renewal period and the certificate of dramshop insurance as required by this Code.
- F. *Order of the state liquor control commission.* If, after a trial de novo hearing, the state liquor control commission shall decide that the license has been improperly issued, denied, revoked, suspended or

refused to be revoked or suspended or a hearing to revoke or suspend has been improperly refused, the state liquor control commission shall enter an order in conformity with such findings, which order shall be in writing.

A certified copy of the order shall be transmitted to the local liquor control commissioner and it shall be the duty of the local liquor control commission to take such action as may be necessary to conform with the order.

- G. *Service of order, rehearing.* A copy of the rule, regulation, order or decision of the state liquor control commission, in any proceeding before it, certified under the seal of said commission, shall be served upon each party of record to the proceeding before the commission.

Within 20 days after the service of any rule, regulation, order or decision of said commission upon any party to the proceeding, such party may apply for a rehearing in respect to any matters determined by said commission. If a rehearing is granted, the commission shall hold the rehearing and render a decision within 20 days from the filing of the application for rehearing with the secretary of the commission.

The time for holding such rehearing and rendering a decision may be extended for a period not to exceed 30 days for good cause shown, and by notice in writing to all parties of interest. No action for the judicial review of any decision of said commission shall be allowed unless the party commencing such action has first filed an application for a rehearing and the commission has acted upon said application. Only one rehearing may be granted by the commission on application of any one party.

- H. *Review under Administrative Review Act.* All final administrative decisions of the state liquor control commission shall be subject to judicial review pursuant to the provisions of the administrative review act of the Illinois Compiled Statutes.

(Ord. No. 1475-04, § 4, 3-10-2004)

Editor's note(s)—Ord. No. 1475-04, § 4, adopted March 10, 2004, repealed the former § 6-53 and enacted a new § 6-53 as set out herein. The former § 6-53 pertained to revocation and derived from Code 1972, ch. 7, art. 2, § 23.

State law reference(s)—License revocation, suspension, etc., 235 ILCS 5/7-5 et seq.

Sec. 6-54. Recordkeeping.

The local liquor control commissioner shall keep, or cause to be kept, a complete record of all such licenses issued by him and shall furnish the clerk, treasurer and chief of police each with a copy. Upon the issuance of any new license, or the suspension of or revocation of any old license, the local liquor control commissioner shall give written notice of such action to each of these officers within 48 hours of such action.

(Ord. No. 1475-04, § 4, 3-10-2004)

Editor's note(s)—Ord. No. 1475-04, § 4, adopted March 10, 2004, repealed the former § 6-54 and enacted a new § 6-54 as set out herein. The former § 6-54 pertained to similar subject matter and derived from Code 1972, ch. 7, art. 2, § 9.

Sec. 6-55. Dramshop insurance.

No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the liquor control commissioner that such applicant is covered by a policy of dramshop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant and the

owner of the premises against liability in the minimum amount of \$100,000.00 each for liability, one person, means of support and property damage, which such applicant may incur under the provisions of the Illinois Compiled Statutes. In the event that the Illinois Compiled Statutes set forth coverage limits which are in excess of those specified herein, the greater coverage limits provided in the Illinois Compiled Statutes shall apply.

The insurance policy or certificate of insurance providing evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought. Such insurance policy shall provide that no cancellation or modification of the policies shall occur without at least 30 calendar days' prior written notice given to the village. In the event of cancellation of such insurance the local liquor commissioner shall be notified immediately of such cancellation.

(Ord. No. 1475-04, § 5, 3-10-2004)

Secs. 6-56—6-80. Reserved.

DIVISION 3. OPERATIONAL REQUIREMENTS AND RESTRICTIONS

Sec. 6-81. Sanitary conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition and 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 1972, ch. 7, art. 2, § 13)

Sec. 6-82. Sales or deliveries to intoxicated persons.

No licensee under this article nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any intoxicated person.

(Code 1972, ch. 7, art. 2, § 18)

State law reference(s)—Similar provisions, 235 ILCS 5/6-16.

Sec. 6-83. Consumption on unlicensed premises.

It shall be unlawful for any person to consume alcoholic beverages of any nature whatsoever in any restaurant or other food dispensing establishment which does not hold a current and valid liquor license. It shall be unlawful for the proprietor of any such establishment to allow any person to consume alcoholic beverages on the premises of his establishment.

(Code 1972, ch. 7, art. 2, § 15)

Sec. 6-84. Gambling.

No retail alcoholic liquor dealer shall, by himself, servant or clerk, suffer or permit any species of illegal gambling, in his premises, or in any part of such premises or in any place adjacent thereto under his control. Illegal gambling does not include activity that is lawfully conducted under the Video Gaming Act if such activity complies with all requirements of the Video Gaming Act, 230 ILCS 40/1, et seq. and all applicable state laws and village ordinances.

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(Code 1972, ch. 7, art. 2, § 18; Ord. No. 1828-15, § 6, 4-22-2015)

Cross reference(s)—Offenses involving public morals, § 62-181 et seq.

Sec. 6-85. Fighting or disturbances of the peace.

No retailer of liquor licensed under the provisions of this article shall suffer any fighting or disturbances of the peace in the licensed premises.

(Code 1972, ch. 7, art. 2, § 19)

Cross reference(s)—Offenses involving public peace and order, § 62-141 et seq.

Sec. 6-86. Sales during prohibited hours.

It shall be unlawful to keep for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, however, that in the case of restaurants, clubs and hotels, such establishment may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

(Code 1972, ch. 7, art. 2, § 20)

Sec. 6-87. Entertainment.

No retailer of alcoholic liquor licensed under the provisions of this article shall provide entertainment or amusements without obtaining the license or permit to do so.

(Code 1972, ch. 7, art. 2, § 27)

Secs. 6-88—6-120. Reserved.

ARTICLE III. UNDERAGE PERSONS

Sec. 6-121. Provisions to and use of alcoholic liquor by underage persons.

- A. *Delivery of alcoholic liquor to an underage person.* It shall be unlawful for any person, regardless of relationship, age or circumstances, to deliver any alcoholic liquor to any underage person, except as set forth in subsection C. of this section.
- B. *Use of premises for consumption of an alcoholic liquor.* It shall be unlawful for any person to knowingly permit or knowingly or negligently fail to prevent, on any premises under his or her control, the consumption of an alcoholic liquor by an underage person. This section shall apply to residential, public and commercial premises.
- C. *Exceptions.* Subsections A. and B. of this section shall not apply in the following circumstances:
 - 1. The performance of a bona fide religious service.
 - 2. The delivery of an alcoholic liquor within the home to an underage person, by and under the direct supervision of that underage person's parent. However, the following rules shall be applied to this subsection:

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- a. In any prosecution of an underage person for the commission of any state or local offense, the prosecutor, upon reasonable ground, may request a ruling and the court shall rule as to whether the consumption of an alcoholic liquor, as permitted by the parent, was a contributing factor to the commission of the offense. If it is so determined in the affirmative, then the penalty set forth in subsection D. of this section shall apply. For purposes of this subsection, the consumption of alcohol may be determined to be a contributing factor if it had the effect of substantially causing an impairment to the person. For purposes of this section "impairment" shall mean any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic liquor. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio." It need not be shown that, but for the consumption of alcohol, the offense would not have been committed.
 - b. The parent shall remain vicariously liable as set forth in subsection E. of this section.
- D. *Penalty.* Any person found guilty of violating subsection A. or B. shall be fined as set forth in Chapter 38, Section 6 of this Code..
- E. *Vicarious liability of a parent or other person facilitating the use or abuse of alcoholic liquor.* The following persons shall be liable to any individual who has been injured by an alcohol impaired underage person when the impairment is a contributing cause of injury:
1. Any person who delivered or permitted the delivery of an alcoholic liquor to the underage person. The person making or permitting the initial delivery to an underage person remains liable to anyone injured by the same or different underage person regardless of how many times the alcoholic liquor changed hands.
 2. Any person in control of a premises who knowingly or negligently fails to maintain supervision to such an extent that an alcoholic liquor is consumed on the premises by an underage person.
 3. Any person who knowingly or negligently allows the operation of a motor vehicle under his or her control by an underage person, when the person knew or in the exercise of ordinary judgment should have known that the underage person was either impaired or had consumed any amount of alcohol within two hours prior to when this allowance to drive occurred.

The vicarious liability established by this section shall not be subject to the limitations on damages as set forth in 235 ILCS 5/6-21.

- F. *Use of false identification.* Any underage person found guilty of attempting to obtain delivery of an alcoholic liquor by use of false proof of age shall be subject to a fine as set forth in Chapter 38, Section 6 of this Code. If the false proof of age was an improperly used driver's license, the person so using it shall not be permitted, for a period of six months, to operate a motor vehicle on any public way within the corporate limits of the village unless accompanied by a licensed driver over 30 years of age.
- G. *False identification not a defense.* It shall not be a defense to any action brought criminally, civilly or administratively against any liquor licensee or any other person charged with the delivery of any alcoholic liquor to an underage person that such a person produced false identification or false proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed or the apportionment of damages.
- H. *Operation of a motor vehicle while in a state of impairment.* It shall be unlawful for any underage person to operate a motor vehicle on a street or highway of the village while in a state of impairment due to the consumption of an alcoholic liquor or with any alcohol at all in his or her system. For purposes of this section only, "operation of a motor vehicle" shall have the definition ascribed to it in the Illinois Vehicle Code.
- I. *Operation of a motor vehicle by underage persons with an alcoholic liquor in or on the vehicle; when the underage person is impaired due to alcohol or has alcohol in the system or is operating the vehicle in violation*

of a restriction pursuant to this chapter. The following shall apply when any underage person is found in the Village of Norridge operating any motor vehicle in which or on which is found any alcoholic liquor, or when the underage person is in a state of impairment due to consumption of alcohol or has alcohol in his or her system or is found operating a motor vehicle in violation of a restriction pursuant to this chapter:

1. The motor vehicle shall be subject to immediate impoundment by the police department.
2. The following factors shall not be considered in determining whether or not to impound the motor vehicle:
 - a. Whether the alcoholic liquor is an opened or an unopened container.
 - b. Whether the operator is the owner of the alcoholic liquor in the vehicle.
 - c. Whether the operator had knowledge of the existence of the alcoholic liquor within the motor vehicle.
3. Upon impoundment, the motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle.
 - a. If the underage (under 21 years of age) operator is the owner or lessor of the vehicle, then the vehicle may be released only to a parent or spouse of the underage owner. If the underage person has no parent or spouse living in the immediate area, the vehicle may be released, upon satisfactory proof of such fact, as set forth in the subsection 4. of this section.
4. The motor vehicle may not be released to any person who was a passenger in the motor vehicle at the time the alcoholic liquor or impairment was found unless at least 24 hours have passed from the time of the finding.
5. The vehicle shall not be released until the person seeking the release has paid an administrative fee of \$200.00 to the village, plus any towing or storage costs.
6. If the operator is subsequently found guilty of driving with open alcohol in a motor vehicle or possession of alcohol by a minor or of operating a motor vehicle while impaired pursuant to subsection H. of this section, that person shall not be permitted for a period of six months to operate a motor vehicle on any public way within the limits of the village unless accompanied by a licensed driver over 30 years of age.
7. The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop.
8. Any law enforcement officer, the police department and the village and any of its officers or agents shall be absolutely immune from any liability or exposure to liability of any kind or nature for the enforcement or implementation of this section.

J. *Procedure for driving restriction notification; hearing.*

1. If a person has committed a violation that subjects the person to a restriction on driving in the Village of Norridge, such a restriction shall not take place until the police department has sent, by regular mail, a notice of the pending driving restriction. The notice shall be mailed at least two weeks before the restriction is to go into effect and shall contain: (1) a statement that the restriction applies only to the Village of Norridge; (2) the date the restriction is to go into effect and the date on which it ends; (3) a map showing the village limits; (4) a notice that the operator has the right to request a hearing within ten days of notification to determine the validity of the restriction. The validity of the restriction may be challenged only on the grounds that the person was not the actual person found guilty or that there was no finding of guilty for the underlying offense.

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2. The hearing shall be conducted by a supervisory member of the village police department, appointed by the chief of police, whose determination shall be final.
- K. *Penalty for violating driving restriction.* Any person found guilty of violating this subsection shall be fined as set forth in Chapter 38, section 6 of this Code.
1. Restriction: No person shall operate and no person, including a parent, shall permit another to operate a motor vehicle within the corporate limits of the village in violation of the restrictions set forth in this chapter.
 2. Penalty:
- L. *Zero tolerance with respect to alcohol use.* It shall be unlawful for any underage person to have any alcohol of any level detectable by observation or blood/alcohol testing in the person's system. If the blood/alcohol level is less than .05 milliliters of alcohol per liter of blood, then it shall be a defense that the alcohol was acquired pursuant to the exceptions set forth in subsection C. of this section. Such defense may be established by clear and convincing evidence and by the testimony of the adult providing the alcoholic liquor.

(Ord. No. 1475-04, § 6, 3-10-2004; Ord. No. 2090-22, § 2, 11-9-2022)

State law reference(s)—Similar provisions, 235 ILCS 5/6-16.

Sec. 6-122. Enforcement actions.

A licensee or an officer, associate, member, representative, agent or employee of a licensee may sell, give or deliver alcoholic liquor to a person under the age of 21 years or authorize the sale, gift or delivery of alcoholic liquor to a person under the age of 21 years pursuant to a plan or action to investigate, patrol or otherwise conduct a sting operation or enforcement action against a person employed by the licensee or on any licensed premises. If the enforcement action does not find any violation of this Code, then the licensee shall be notified within 30 days of the finding that no violation was found.

(Code 1972, ch. 7, art. 2, § 17; Ord. No. 1789-14, § 1, 2-12-2014)

State law reference(s)—Similar provisions, 235 ILCS 5/6-16.1.

Sec. 6-123. Employment of underage persons.

No retail alcoholic liquor dealer shall employ any person under the age of 21 years as a servant or clerk in his place of business.

(Code 1972, ch. 7, art. 2, § 17)

Sec. 6-124. Presence of underage persons in places selling alcoholic liquor.

No retail alcoholic liquor dealer shall allow any person under 21 years of age to be or remain or loiter in or about that portion of a licensed premises that sells, gives or delivers alcoholic liquor for consumption on the premises. No prohibition under this section, however, shall apply to any licensed premises such as, without limitation, a restaurant or food shop, where selling, giving or delivering alcoholic liquor is not the principal business of the licensee at those premises. In those instances where a person under the age of 21 years is prohibited from entering and remaining on the premises, proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon adequate written evidence for purposes of entering and remaining on the licensed premises is an affirmative defense in any prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the defendant-licensee,

or his agent or employee, accepted the written evidence knowing it to be false or fraudulent. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or its subdivision or agency including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. If a false or fraudulent state driver's license or state identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of obtaining entry and remaining on a licensed premises, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the secretary of state on a form provided by the secretary of state.

(Code 1972, ch. 7, art. 2, § 17)

State law reference(s)—Local ordinances prohibiting presence of underage persons in places that sell alcoholic liquor, 235 ILCS 5/6-16.2.

Sec. 6-125. Sale, gift or delivery; possession or consumption.

Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he 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. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged 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. The consumption of alcoholic liquor by any person under 21 years of age is forbidden. The possession and dispensing or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this article.

(Code 1972, ch. 7, art. 2, § 25)

State law reference(s)—Similar provisions, 235 ILCS 5/6-20.

Sec. 6-126. Penalties to license holder.

Penalties shall be imposed upon the holder of the liquor license of the premises in which any violation of this article have occurred as set forth in Chapter 38 of this Code. The penalties set forth in Chapter 38 are in addition to any criminal or civil penalties which might be prosecuted by the village or others.

(Ord. No. 1475-04, § 7, 3-10-2004; Ord. No. 2090-22, § 2, 11-9-2022)

Sec. 6-127. Penalties to non-license holder.

Unless another penalty is set forth in this chapter, every person found guilty of a violation of any of the provisions of this chapter shall be subject to a fine as set forth in Chapter 38, section 6 of the Code for the first offense and for each subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of

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a fine and community service, the fine may be mitigated at a rate of one hour of community service for every \$10.00 of the mandatory fine. If the offense is related to alcohol or substance abuse and the offender is under 21 years of age, the local adjudicator (with the agreement of the offender) or court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four hours of counseling.

(Ord. No. 1475-04, § 7, 3-10-2004; Ord. No. 2090-22 , § 2, 11-9-2022)