

11/1/2021 - Amended

VILLAGE OF GREENUP,  
CUMBERLAND COUNTY, ILLINOIS

ORDINANCE NO. 689

AN ORDINANCE AMENDING SECTION 5.04 OF THE VILLAGE CODE  
WITH RESPECT TO LIQUOR LICENSE AND CONTROL

PASSED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF GREENUP

THIS 1<sup>st</sup> DAY OF NOVEMBER 2021.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP,  
CUMBERLAND COUNTY, ILLINOIS  
THIS 3<sup>rd</sup> DAY OF NOVEMBER 2021.

ORDINANCE NO. 689

AN ORDINANCE AMENDING SECTION 5.04 OF THE VILLAGE CODE  
WITH RESPECT TO LIQUOR LICENSE AND CONTROL

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS, THAT:

WHEREAS, the Village of Greenup, Illinois is a duly organized and existing municipal corporation organized and operating under the constitution and laws of the State of Illinois; and

WHEREAS, the Village derives its rights, power and authority from the various sections of the Municipal Code and the Village Code; and

WHEREAS, the Village of Greenup, Cumberland County, Illinois, currently regulates its liquor licenses by and through Section 5.04 of the Village Code;

WHEREAS, the Village Board has also determined it is in the best interest of the Village to revise the Section 5.04 of the Village Code with respect to license classifications and record of licenses;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS, THAT:

SECTION ONE: The recitals set forth hereinabove are hereby incorporated as findings as if said recitals were fully set forth within this Section One.

SECTION TWO: That Section 5.04 of the Village Code, Liquor License and Control, is hereby amended, with additions in bold, underline text, and deletions with strikethrough, as evidenced by the language contained in Exhibit A.

SECTION THREE: All Ordinances and Resolutions, or parts thereof, in conflict herewith, are hereby repealed.

SECTION FOUR: If any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Village Board declares hereby that they would have passed the remaining parts of this Ordinance if they had known that such part or parts thereof would be declared unconstitutional.

SECTION FIVE: The Village Clerk of the Village of Greenup is directed hereby to publish this Ordinance in pamphlet form.

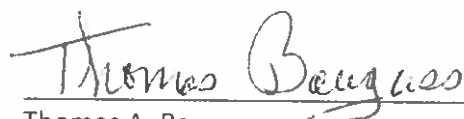
SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval in accordance with the manner prescribed by law.

Placed on file this 3<sup>rd</sup> day of November 2021

Alene Blade	<u>X</u>
April Harris	<u>X</u>
Max McCullough	<u>X</u>
Sherry Parker	<u>X</u>
Justin Roley	<u>X</u>
Tony Wright	<u>X</u>

AYES:	<u>6</u>
NAYS:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

APPROVED THIS 1<sup>st</sup> DAY OF November 2021.

  
\_\_\_\_\_  
Thomas A. Bauguss  
Mayor/President of Village Board

ATTEST:

  
\_\_\_\_\_  
Jill Kimble, Village Clerk

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF CUMBERLAND    )

CERTIFICATE

I, Jill Kimble, certify that I am the duly elected and acting Municipal Clerk of the Village of Greenup, Cumberland County, Illinois.

I further certify that on November 1<sup>st</sup> 2021, the corporate authorities of such municipality passed and approved Ordinance No. 689 entitled "An Ordinance Amending The Village's Personnel Policy and Procedures Handbook Regarding Residency Requirements" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 689 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on November 3<sup>rd</sup> 2021, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Greenup, Illinois this 3<sup>rd</sup> day of November 2021.

(SEAL)

  
\_\_\_\_\_  
Jill Kimble, Village Clerk

## LIQUOR LICENSE and CONTROL ORDINANCE

**I. DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Ordinance in the sense given them in the following definitions:

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

**"ALCOHOLIC LIQUOR"** 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 human beings. The provisions of this Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume.

**"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.

**"CLOSE"** means to shut up to prevent entrance or access by any person; and the entire suspension of business.

**"CLUB"** means a corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests: provided, that such club files with the Local Liquor Control Commissioner at the time of its application for a license under this Ordinance two (2) copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

**"CORPORATION"** means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois.

**"LLC"** means any LLC, domestic or foreign, qualified to do business in the State of Illinois under the Limited Liability Company Act.

**“EVENT”** means a single theme.

**“HOTEL”** means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which ten (10) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity.

**“LOCAL LIQUOR CONTROL COMMISSIONER”** means the Village President of the Village of Greenup.

**“MANAGER” OR “AGENT”** means any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe.

**“MEAL”** means food that is prepared and served on the licensed premises and excludes the serving of snacks.

**“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.

**“PACKAGE LIQUOR STORE”** means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

**“PREMISES/PLACE OF BUSINESS”** means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location.

**“PRIVATE FUNCTION”** means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

**“PUBLIC PLACE”** means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms “public place” and “public premises” shall be interchangeable for the purposes of this Ordinance.

**“RESTAURANT”** means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, 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.

**“SALE”** means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

**“SELL AT RETAIL”** and **“SALE OF RETAIL”** refer to any mean sales for use or consumption and not for resale in any form.

**“SPECIAL USE PERMIT LICENSE”** means a license for use by an existing current license holder to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event.

**“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.

**“TO SELL”** includes to keep or expose for sale and to keep with intent to sell.

**“WINE”** means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined.

**“WINE MANUFACTURER”** means a person who is engaged in the manufacture of wine.

## **II. LICENSES**

- A. LICENSE REQUIRED.** No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Local Liquor Control Commissioner of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois.

A similar valid license issued by the Local Liquor Control Commissioner of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail.

- B. APPLICATIONS.** The Local Liquor Control Commissioner is authorized to grant and issue licenses to individuals, firms, and corporations and LLCs to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Ordinance and by the act of the general assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Local Liquor Control Commissioner and attested by the Municipal Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Local Liquor Control Commissioner an application in writing and under oath, stating the following:

1. The name, age and address of the applicant in the case of an individual; in the case of a partnership, the person, entitled to share the profits thereof; and in case of a corporation or LLC for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers, directors, and if majority of the stock of such corporation or LLC, in interest, is owned by one person or his nominee, the name and address of such person; in the case of a limited liability company and LLC, the date of formation, the objects for which it was organized, the names and addresses of the members and any manager, and if the majority of said LLC is owned by one person or his nominee, the name and address of such person; and in the case of any other legal entity, the same of similar information for the type of legal entity the said legal entity most closely resembles;
  2. The citizenship of the applicant, his/her 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 or LLC, the objects for which it was formed.
  4. The length of time that the applicant has been engaged in the business of that character or in the case of a corporation or LLC, the date on which its charter was issued.
  5. The location and description of the premises or place of business which is to be operated under such license.
  6. Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.
  7. That applicant has never been convicted of a felony and is not disqualified to receive a license due to any matter or thing contained in the aforesaid act of the general assembly or in the Ordinance or resolution and amendments thereto.
  8. Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons thereof.
  9. That he/she will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Ordinance or resolution and amendments thereto in the conduct of his place of business.
- C. EXAMINATION OF APPLICANT.** The Local Liquor Control Commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of Local Liquor Control Commissioner duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For 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.
- D. PROHIBITED LICENSEES.** No retail license shall be issued by the Local Liquor Control Commissioner to the following:
1. A person who is not twenty-one (21) years of age;



2. A person who has been convicted of a felony under any federal or state law if the Local Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
  3. A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
  4. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
  5. A person whose license has previously been revoked for cause;
  6. A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;
  7. A corporation or LLC, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent (5%) of such corporation or LLC, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;
  8. A corporation or LLC unless it is incorporated in the State of Illinois, or unless it is a foreign corporation or LLC which is qualified under the "Business Corporation Act of 1983" or Limited Liability Company Act to transact business in Illinois;
  9. 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;
  10. Any person, association, corporation or LLC not eligible for a state retail liquor license;
  11. A person who is not of good character and reputation in the community in which he resides;
  12. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor after the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation
  13. A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;
  14. Any law enforcing public official, including any Local Liquor Control Commissioner, any president of a village board of trustees, any member of a 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 State Liquor Control Commission and the Local Liquor Control Commissioner.
  15. A person who is not a beneficial owner of the business to be operated by the licensee;
  16. A person who has been convicted of a gambling offense as prescribed by any of the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions;
- E. TERM; FEE SUBMITTED IN ADVANCE.** Retail liquor licenses issued under this Ordinance shall be valid for a twelve (12) month period upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The twelve (12) month period shall be May 1<sup>st</sup> to April 30<sup>th</sup> of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Local Liquor Control Commissioner as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

**F. LICENSE PRORATED FEE.** Each such license shall terminate on the thirtieth (30) day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of the license.

**G. CLASSIFICATION – FEE – LIMITATION.** Every person engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Such licenses shall be divided into the following classes:

**1. CLASS "A" - RESERVED**

**2. Class "B" (RETAIL SALE OF ALCOHOLIC LIQUOR IN SEALED PACKAGES)**

Shall only permit the retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be **Eight Hundred Dollars (\$800.00)**. There shall be no more than **four (4) licenses** issued during any year.

**3. Class "C" (Club)**

Shall be issued only to regularly constituted units of clubs, lodges or organizations of nationwide membership, who regularly maintain a permanent club room, and shall authorize the retail sale of alcoholic liquor, for consumption on the premises, as well as sale of alcoholic liquor in sealed packages for consumption off the licensed premises only to members of the licensed club, lodge or organization and to the public, or members of other ordinances of the same club, lodge or organization. The annual fee for such license shall be **Eight Hundred Dollars (\$800.00)**. There shall be no more than **two (2) licenses** issued during any year.

**4. Class "D"- RESERVED**

**5. Class "E" (Restaurant/Lounge/Package)**

Shall authorize the retail sale by restaurants, of alcoholic liquor for consumption on and off the premises, as well as sale of alcoholic liquor in sealed packages for consumption off the licensed premises. The premises only be permitted as follows:

- a.) In a restaurant dining area provided that the sale is incidental and complementary to the sale and service of a complete meal served and eaten at a table within the restaurant; or
- b.) In a bar service area adjacent to the dining area located with a restaurant, with or without the sale of a meal.

The annual fee for such license shall be **Eight Hundred Dollars (\$800.00)**. There shall be no more than **two (2) licenses** issued during any year.

**6. Class "F" (Wine, Beer Premises)**

Shall permit the retail sale of liquor consisting of wine and beer only for consumption on the premises where sold. The annual fee for such license shall be **Six Hundred Dollars (\$600.00)**. There shall be no more than **two (2)** license issued during any year.

**7. Class "G" (Winery)**

Shall authorize the sale and offer retail sale that wine which is produced on the premises for consumption on the premises, as well as other retail sales of that wine which is produced from the wine maker's or wine manufacturer's premises in the original package. The following provisions also apply:

a.) The alcoholic liquor offered for sale or sold on the license property shall be that which is produced on the wine makers' or wine manufacturers' premises or on other premises owned by the wine maker or wine manufacturer in addition to wine acquired from the other wine makers or wine manufacturers, domestic or foreign.

b.) The consumption of alcoholic liquor permitted on the license property shall be that which is performed as a customary act of sampling prior to purchase, and that which is available for purchase and consumption on the premises. The annual fee for such license shall be **Six Hundred Dollars (\$600.00)**. There shall be no more than **one (1)** license issued during any year.

**8. Class "H" (Retail Sale by Grocery Store of Beer and Wine)**

Provides for the retail sale of liquor consisting of beer and wine only in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be **Six Hundred Dollars (\$600.00)**. There shall be no more than **one (1)** license issued during any year.

**9. Class "I" (Retail Sale of Alcohol Only During Rented Use of Establishment)**

Shall authorize retail sale of alcohol only during the rented use of the establishment. The annual fee for such license shall be **Six Hundred Dollars (\$600.00)**. There shall be no more than **one (1)** license issued during any year.

**10. Class "J" (Lounge/Package)**

Shall permit the sale of alcoholic liquor for consumption on and off the premises, as well as sale of alcoholic liquor in sealed packages for consumption off the licensed premises. The annual fee for such license shall be **Eight Hundred Dollars (\$800.00)**. There shall be no more **two (2)** licenses issued during any year.

All licenses issued hereunder shall be designated by the classification letter herein provided.

All license fees are subject to change for each licensing year.

**H. License – Renewal.** Any licensee may renew their license at the expiration thereof, if they are then qualified to receive a license and the premises for which such renewal license is sought are suitable for the proposes, provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Local Liquor Control Commissioner from decreasing the number of licenses to be issued within his jurisdiction.

- I. **OUTSIDE SALES.** Any license holder desiring to serve alcoholic beverages for consumption outside of the building on the premises of the license holder, must construct and maintain a solid opaque wall having a minimum height of six (6) feet and which surrounds that area. Said wall must be located a minimum of six (6) feet from any public sidewalk. The plans for said wall must be approved by the Local Liquor Commissioner prior to the wall's construction. Provided, however, there are no employed servers by the license holder selling alcoholic liquor outside the building on said premises, then consumption of alcohol may take place without a six (6) foot wall.
- J. **SPECIAL USE PERMIT LICENSE.** A Special Use Permit license may be issued for a limited period. Only be permitted as follows:
  - 1. Application/Written Letter. The applicant shall include the following information and additional documentation:
    - a.) The purpose for the issuance of the license.
    - b.) A statement of the applicant's plans for crowd control, including the number and names of persons working access points into the event area and parking/traffic considerations.
    - c.) The specific times and date for the "event".
    - d.) Must have application/written letter thirty (30) days before "event" is to take place.
  - 2. Restrictions. A Special Use Permit license holder is subject to the following restrictions:
    - a.) Only beer and/or wine by the drink for consumption on the premises may be sold.
    - b.) No more than three (3) Special Use Permit licenses shall be issued hereunder within any license calendar year (May 1<sup>st</sup> to April 30<sup>th</sup>).
    - c.) Special Use Permit license site may include an outdoor area, if such area is completely enclosed by an interior fence or wall at least four (4) feet high.
    - d.) The beer and/or wine at the "event" site must be served inside the four (4) foot high wall, however, the consumption of beer and/or wine must be with the confines of the "event" site.
    - e.) A Special Use Permit license is limited to the area owned, leased or rented by such holder on which the "event" is to take place.
    - f.) All Federal, State and Village Laws and Regulations must be complied with always.
    - g.) NO SUNDAY SPECIAL USE PERMIT LICENSE AVAILABLE.
  - 3. Fees. The fee for the Special Use Permit license issued shall be **Fifty Dollars (\$50.00)** for which the license is issued and shall be paid in full at the time the license is issued.
- K. **NATURE OF LICENSE.** A license issued under the Ordinance shall be purely a personal privilege, good for not to exceed one (1) year after issued 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 and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the

order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, 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 (6) months after the death, bankruptcy or insolvency of such licensee.

**L. LIMITATION OF LICENSES.**

1. **HOLDING OF LICENSES.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation or LLC for a period longer than six (6) months without a liquor business for the same being in complete and full operation.
2. **DESTROYED OR DAMAGED BUSINESS.** If a liquor business has been destroyed or damaged by fire or act of god and cannot be rebuilt or repaired within a ninety (90) day period, then, in that event, the Local Liquor Control Commissioner may extend the period for which a liquor license may be held by the mere payment of fees, without the liquor business being in full and complete operation up to an additional ninety (90) days. If either any of the above stated periods of time pass without the liquor business returning to complete and full operation, then the license for that business shall expire and not be subject to renewal.
3. **CHANGE OF LOCATION.** Any license or permit issued under this article shall be for a single location. Upon application being filed with the Local Liquor Control Commissioner for a change of location, the Local Liquor Control Commissioner may allow the location authorized by a particular license or permit to be changed. The application for a change of location shall be similar to that required of an original applicant for a license or permit. After investigation, the change of location may be approved or rejected, as in the case of an original license or permit application, and if approved, the authorized change of location shall be shown by endorsement upon the face of the existing license or permit. Nothing contained herein shall be construed to permit any licensee or permittee to change the location of his business and/or event, or to operate his business, or a portion thereof, as a subtenant or otherwise at a site or place of business which, under the ordinances of the village, would be prohibited or denied to an original applicant.

- M. DISPLAY OF LICENSE.** Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. Whenever such license shall be lost or destroyed, a duplicate shall be issued by the Village Clerk at a cost of **Two Dollars (\$2.00).**

**N. RECORD OF LICENSES.** The Local Liquor Control Commissioner shall keep a separate file for each license issued pursuant to this article, which file shall contain the following material:

1. A duplicate original of the license certificate;
2. Certificate of dram shop insurance and/or Proof of Surety Bond or other proof of financial responsibility as required by law;
3. The application and other documentation as required to be attached to the application;
4. The receipt showing payment of license or permit fees;
5. Property consents, if required;

6. A duplicate certificate of occupancy showing occupancy load and compliance with building and related codes;
7. A copy of any charges, transcripts of administrative hearing; and disposition of charges, if any, against the licensee of applicant.

The records of the Local Liquor Control Commissioner shall be public, and all proceedings of the Local Liquor Control Commissioner shall be open to the public.

### **III. LOCAL LIQUOR CONTROL COMMISSIONER POWERS AND DUTIES**

- A. The Local Liquor Control Commissioner shall have the following powers and duties with respect to local liquor licenses:
  1. To grant, to suspend for not more than 30 days, or to revoke for cause, all local licenses issued to persons or entities for premises within the village;
  2. To enter or to authorize any law enforcing officer or other Village employee designated by the Village Clerk to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law, Village ordinance, or any rules or regulations adopted by the Village or by the State's Liquor Control Commission have been, or are being, violated, and at such time to examine the premises of the licensee in connection therewith;
  3. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, any licensee upon whom notice of revocation has been served, or any licensee against whom a citation proceeding has been instituted by the State's Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee, and to hear testimony and take evidence for use in the performance of the Local Liquor Control Commissioner duties, and to issue subpoenas which shall be effective in any part of the state. Another person may be designated by the Local Liquor Control Commissioner to act for obtaining any of the information desired by the Local Liquor Control Commissioner under this section;
  4. To appoint any other member of the Village Board to serve as Deputy Local Liquor Control Commissioner, which person shall have full authority to exercise, in the absence of the Local Liquor Control Commissioner, any of the powers and duties enumerated herein, except as the Commissioner may specifically exclude by such appointment; and
  5. To report to the Village Board from time-to-time actions which have been taken to grant or deny liquor licenses or to penalize licensees.
  6. The Local Liquor Control Commissioner may revoke or suspend any license issued by him/her if he/she determines that the licensee has violated any of the provisions of state law pertaining to the sale of alcohol or of any valid ordinance or resolution enacted by the Village Board, or any applicable rule or regulations established by the Local Liquor Control Commissioner or the State Commission which is not consistent with law.
  7. However, no such license shall be so revoked or suspended, and no fine shall be imposed, except after a public hearing by the Local Liquor Control Commissioner with at least three (3) days prior written notice to the licensee, as provided in the state's Liquor Controls Act, as now or hereafter amended, affording the licensee an opportunity to appear and defend. If the licensee fails to appear for such public hearing after receiving

notice as provided in the state's Liquor Control Act, a default judgment may be entered, and the Local Liquor Controls Commissioner may revoke or suspend the license and/or impose a fine.

8. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a licensed premises will immediately threaten the welfare of the community, the Local Liquor Control Commissioner may, upon the issuance of a written order stating the reason for such conclusion, and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period. Provided, if such licensee shall also be engaged in the conduct of another business on the licensed premises, such order shall not be applicable to such other business.
  9. In determining the appropriate penalty for violating any of the provisions of this Ordinance or any state law pertaining to the sale of alcohol the Local Liquor Control Commissioner may consider such matters and information as the Local Liquor Control Commissioner deems are relevant including, but not limited to, the nature and circumstances surrounding the violation, the past record of the licensee, and the penalties previously imposed by the Local Liquor Control Commissioner for similar violation.
  10. The past record shall include the record of the current licensee as well as the record of any other existing or prior licensee where there is or was substantial common identity between the owners of the current licensee and the owners of such other licensee. Where the licensee under consideration, or such other prior or existing licensee, is a business entity such as a corporation or LLC or partnership, the ownership interest includes the equity holdings of the stockholder or partner. The consideration of the past record of such other or prior licensee shall only include that period when such common identity is found.
  11. The Local Liquor Control Commissioner shall, as promptly as practicable and in any event within five (5) days after such hearing, if the Local Liquor Control Commissioner determines after such hearing that the licensee should be revoked or suspended and/or a fine should be imposed, state the reasons for such determination in a written order of revocation or suspension and/or if a fine should be imposed and shall serve a copy of such order upon the licensee.
- B. HEARINGS.** Any five (5) residents of the city, village or county shall have the right to file a complaint with the Local Commission stating that any retailer licensee, subject to the jurisdiction of the Local Commission, has been or is violating the provisions of this Act or the rules or regulations issued pursuant hereto. Such complaint shall be in writing in the form prescribed by the Local Commission 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 Commission is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it 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.

**C. PENDING ACTION.** The repeal of this ordinance or parts then of shall not be construed as abating any actions now pending under, or by, such ordinances or as discontinuance, abating, modifying, or altering any penalty accruing or to accrue or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of the passage of this Ordinance.

**D. PENALTY.**

1. Any person or entity violating any provision of this Ordinance shall, upon conviction, be subject to punishment for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person or entity, other than a licensee, violating any provision of this Ordinance shall be fined not less than **one hundred dollars (\$100.00)** and not more than **five hundred dollars (\$500.00)** for each offense.
2. In addition to any other penalty, a licensee convicted of violating any provision of the Ordinance may be subject to having their license revoked, suspended, or not renewed by the Local Liquor Control Commissioner.
3. Every act or commission of whatsoever nature constituting a violation of any of the provisions of this Ordinance by any officer, director, manager, or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him or her personally.
4. In addition, or as an alternative to the suspension authorized by the Local Liquor Control Commissioner, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed **five hundred dollars (\$500.00)** for a first violation within a **twelve (12) month period**, **one thousand dollars (\$1000.00)** for a second violation within a **twelve (12) month period**, and **one thousand five hundred dollars (\$1500.00)** for a third or subsequent violation within a **twelve (12) month period**. Each day on which a violation continues shall constitute a separate violation.

**IV. MISCELLANEOUS PROVISIONS**

**A. HOURS.** It shall be lawful for holders of a liquor license to sell or offer for sale alcoholic liquor as permitted by the holder's class of license from the Village between the hours of **7:00 a.m. to 12:00 a.m. (midnight) Monday through Saturday**. It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of **12:00 a.m. (midnight) to 7:00 a.m. Monday through Saturday** and **12:00 a.m. (midnight) to 12:00 p.m. (noon) Saturday to Sunday** and **9:00 p.m. to 7:00 a.m. Sunday to Monday morning**.

The premises on which alcoholic liquor is sold shall be cleared of all persons, except owners and employees, and closed with **thirty (30) minutes** after the last allowable time for sale of alcoholic liquor as provided herein provided this paragraph shall not apply to those portions of Class "B" and Class "H" licensed premises which are devoted to the business of the sale of services of commodities other than alcoholic liquor.

**B. SUNDAY SALES.** It shall be lawful for holders of a liquor license to sell or offer for sale alcoholic liquor as permitted by the holder's class of license from the Village between the hours of **12:00 p.m. (noon) to 9:00 p.m.**



- C. **Class "A", "C", "D", "E" and "J" license holders** authorized by this Ordinance may apply to the Local Liquor Control Commissioner to extend the closing hour by **one (1) hour** and sell alcoholic liquor for consumption on the premises up until **1:00 a.m. on Saturday, Sunday or Monday morning**. Said license holders shall be granted any of these extended hours a **maximum** of twelve (12) times within a calendar year. Said license holders shall make written letter to the Local Liquor Control Commissioner at least thirty (30) days prior to the date extended hours are requested. Letter for such extended hours shall be approved by the Local Liquor Control Commissioner, if the Local Liquor Control Commissioner determines the letter to extend the closing hour is consistent with all laws, regulations, ordinances and public good. Letters that are not approved are of no effect.
- D. **PROHIBITED LOCATIONS.** No license shall be issued for the sale of any alcoholic liquor at retail within one hundred feet (100') of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent person, 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, regular organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors 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 this Ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship service or educational programs, and not to property boundaries.
- E. **OPEN LIQUOR – CUP – TO – GO PROHIBITED.** The licensee shall not knowingly permit any person to leave their premises with open liquor or in a cup-to-go.
- F. **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 codes regulating the condition of the premises used for the storage of sale of food for human consumption.
- G. **DISEASED EMPLOYEES.** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling preparation or distribution of such liquor.
- H. **PEDDLING.** It shall be unlawful to peddle alcoholic liquor in this municipality.
- I. **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the Village, to-wit:
1. Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Local Liquor Control Commissioner.
  2. Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

**J. UNLAWFUL ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees (topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward), or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to see alcoholic liquor are prohibited:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
2. The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals
3. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals;
4. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttock, genitals, vulva, or anus;
5. The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

**K. PROHIBITED SALES – GENERALLY.** No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him/her to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service.

**L. EMPLOYMENT OF MINORS.** It shall be unlawful for any licensee holder other than a Class "E" license holder to permit or to employ any person under the age of **twenty-one (21) years** of age to serve, sell, pour, draw or mix any alcoholic liquor. A Class "E" license holder may employ an **eighteen (18) years** of age or older individual to serve, sell, pour, draw or mix any alcoholic liquor provided a person over the age of **twenty-one (21) years** is in the same area where the serving, selling, pouring, drawing or mixing of any alcoholic liquor.

**M. CLERK DUTIES.** Prior to issuing new, renewal or special licenses under this Ordinance, the Clerk shall confirm that there are no unpaid charges for utilities service, other municipal services or any other municipal fees, fines, judgments, levies, or debts then due and unpaid. No such license shall be approved or issued until the applicant

presents documentation to the Clerk, indicating that all charges, fees, assessments, fines judgements, levies, or debts owed to the Village have been paid in full.

