

VILLAGE OF LIBERTYVILLE  
**LICENSE & PERMITS COMMITTEE**

January 19, 2016  
6:30 p.m.

**AGENDA**

- 1) Approval of Minutes – November 24, 2015
- 2) Continue Review of Village Code re: Liquor Licenses
- 3) Other
- 4) Adjournment

VILLAGE OF LIBERTYVILLE

**LICENSE AND PERMITS COMMITTEE**

November 24, 2015

Minutes

A meeting of the License and Permits Committee was held on Tuesday, November 24, 2015 at 6:00 p.m. at the Libertyville Village Hall. Those in attendance included Chairperson/Trustee Jay Justice and Committee members Scott Adams and Pete Garrity. Others in attendance included Mayor Terry Weppler, Village Administrator Kevin J. Bowens, and Police Chief Clint Herdegen.

Trustee Adams moved and Trustee Garrity seconded to approve the Minutes of the September 15, 2015 Committee meeting. Motion carried unanimously.

Village Staff reviewed proposed changes to the Libertyville Liquor Code, which incorporates discussions from the September License and Permits Committee meeting, as well as follow-up discussions between the Village Staff and Village Attorney. Trustee Garrity suggested that the reference to "he" throughout the document be changed to either "they" or "he/she". Significant discussion took place regarding how to interpret the reference to limiting the floor area devoted to alcohol sales for a Class B restaurant and bar license not exceed 25% of the total floor space devoted to eating and drinking by patrons at the establishment. The Committee suggested that the Staff and Village Attorney review this provision and define further.

The Committee and Police Chief also discussed reducing the closing hour for liquor establishments from 3 a.m. to 2 a.m., and asked the Chief to provide an analysis of liquor establishment activity during the past year since a similar discussion occurred. The Committee recommended that the draft changes be refined based on tonight's discussion, and that the January License and Permits Committee be devoted to a final review of the changes as well as a further discussion of liquor establishment closing hours, and then invite liquor license holders to a February Committee meeting for discussion regarding the proposed changes.

The Committee meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Kevin J. Bowens  
Village Administrator

MEMORANDUM

TO: Chairman Justice and Members of the License and Permits Committee

FROM: Kevin J Bowens, Village Administrator 

DATE: January 14, 2016

SUBJECT: Update of Village Code Re: Liquor Licenses

Attached is a highlighted copy of Chapter 4 of the Libertyville Municipal Code regarding liquor licenses. The attached draft incorporates those revisions and cleanup items discussed at the November 24, 2015 License and Permits Committee. In addition, the major change pertains to clarification language developed by the Village Attorney for the calculation of area devoted to alcohol sales and food for Class B liquor licenses. Village Staff and the Village Attorney will be in attendance at the January 19, 2016 meeting to finalize the proposed changes to the Village Code, and discuss options for distributing the information to current liquor license holders. Please contact me if you have any questions or need any additional information.

Cc: Village Attorney  
Police Chief

## Chapter 4 - ALCOHOLIC LIQUOR

### FOOTNOTE(S):

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**Cross reference**— Licenses, taxation and miscellaneous business regulations, Ch. 13

**State Law reference**— Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 4-1. - Definitions.

Unless the context otherwise requires, all terms used in this chapter that are specifically defined in the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.] shall be as construed in that act.

Convenience store means any business that is primarily engaged in the retail sale of convenience goods and has less than ten thousand (10,000) square feet of retail floor space.

Identification card means a written, printed or photostatic document issued by a public officer of a federal, state, county or municipal government, or subdivision or agency thereof, in the performance of his or her official duties and evidencing the age and identity of a person, including without limitation 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.

Legal guardian means a person appointed guardian, or given custody, of a minor by a circuit court of this state but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.].

Meal consists of a larger quantity of food than that which ordinarily comprises a single sandwich, but usually it consists of a diversified selection of foods which would not be susceptible of consumption in the absence of a least some articles of tableware and could not be conveniently consumed while one is standing or walking about. Furthermore, the service of ice cream sodas or sundaes, or items such as cakes, cookies, pretzels, popcorn, candy, chips, nuts or a sandwich, with or without soft drinks, coffee or tea, or any combination of the foregoing enumeration in this sentence, without other components of a meal, as contemplated in the foregoing definition, shall not be considered a meal under the foregoing generally accepted concept of a meal; provided, however, that this shall not be construed to exclude the inclusion of any or all of the foregoing enumerated items in this sentence when forming a part or parts of such components of what are commonly understood to be nutritionally adequate to meet the day-to-day demands of normal living.

Minor means a person under the age of twenty-one (21) years.

Parent means a natural or adoptive parent or a court designated guardian.

Vehicle or premises means any privately-owned and operated motor vehicle, conveyance or vessel; any house or apartment; any hotel, motel, or bed and breakfast room or any similar premises to which the general public is not normally admitted.

(Code 1977, § 22.1; Ord. No. 91-0-15, § 2(22-1), 4-9-91; Ord. No. 95-0-22, § 2, 4-11-95; Ord. No. 14-O-86, § 2, 12-9-14)

**Cross reference**— Definitions and rules of construction generally, § 1-2

**State Law reference**— Definitions, 235 ILCS 5/1-3 et seq.

Sec. 4-2. - Conformance with law.

Notwithstanding anything contained in this chapter, if any provision hereof conflicts with any applicable law, statute or constitutional provision, such provision hereof shall be construed, or shall automatically be altered, so as to conform with such applicable law, statute or constitutional provision. Nothing in this chapter shall excuse or relieve the owner, proprietor or person in charge of any tavern, or other place in the village where alcoholic liquor is sold, served or delivered, from the restrictions and requirements of any other provision of this Code, any ordinance of the village or any federal or state laws or regulations.

(Code 1977, § 22.23; Ord. No. 91-0-15, § 2(22-2), 4-9-91; Ord. No. 95-0-22, § 3, 4-11-95)

Sec. 4-3. - Local liquor control commissioner; powers and duties.

- (a) The village president shall be the local liquor control commissioner for the village and shall be charged with the administration of the provisions of this chapter and the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.] as applicable. The local liquor control commissioner may appoint such deputies, including but not limited to the Village Administrator, as are necessary to assist in the administration of this chapter and the Liquor Control Act of 1934.
- (b) The local liquor control commissioner shall exercise the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, nonresident dealers, nonbeverage users, brokers, railroads, airplanes and boats:
  - (1) Grant all local licenses for premises within the village;
  - (2) Issue renewal licenses on an annual basis to qualified licensees;
  - (3) Suspend for cause any license for not more than thirty (30) days;
  - (4) Revoke for cause any license;
  - (5) Levy fines on any licensee in lieu of suspension or revocation of the license;
  - (6) Enter, or authorize any law enforcing officer to enter, at any time upon any premises licensed under this chapter to determine whether any provisions of the Liquor Control Act of 1934 or this chapter have been or are being violated, and at such time to examine the premises of the licensee in connection therewith;
  - (7) Receive complaints from any citizen of the village that any of the provisions of this chapter or the Liquor Control Act of 1934 have been or are being violated and act upon such complaints in a manner permitted by law; and
  - (8) Exercise all other powers, functions and duties authorized by this chapter, the Liquor Control Act of 1934, or any other applicable law.

(Ord. No. 91-0-15, § 2(22-3), 4-9-91)

**State Law reference**— Local liquor control commissioner, 235 ILCS 5/4-2 et seq.

Sec. 4-4. - Prohibitions regarding minors.

- (a) Acts prohibited. Subject to the exceptions set forth in subsection (b) below:

- (1) It shall be unlawful for any person to sell, give, deliver, dispense or furnish alcoholic liquor to any minor.
  - (2) It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, deliver, dispense or furnish such alcoholic liquor to any minor.
  - (3) It shall be unlawful for any minor to purchase, obtain, receive, accept, have in his or her possession or control, sell, give, deliver, mix, dispense, serve, furnish or consume alcoholic liquor.
  - (4) It shall be unlawful for any minor to misrepresent his or her age to circumvent the provisions of this chapter, including without limitation presenting or offering to any person any identification card that is false, fraudulent, forged or not actually his or her own.
  - (5) It shall be unlawful for any minor to possess or use any identification card that is false, fraudulent, forged or the identification card of another or to obtain an identification card by means of false information.
  - (6) It shall be unlawful for any person to sell, give, deliver or furnish to any minor any identification card that is false, fraudulent, forged, or of another person.
  - (7) It shall be unlawful for any person to forge, alter or deface any identification card.
  - (8) It shall be unlawful for any retail liquor dealer's licensee, or any officer, associate, member, representative, agent or employee of such licensee, to suffer, permit or allow any minor to be or remain on such licensee's licensed premises, or in any room or compartment adjoining or adjacent to such licensed premises.
  - (9) It shall be unlawful for any owner of, or other person having control over, any vehicle or premises to knowingly initiate, suffer, permit or allow one (1) or more occupants, invitees, visitors, guests, trespassers or other persons under the age of twenty-one (21) years to assemble or be assembled in such vehicle or premises in possession of any alcoholic liquor in violation of this section.
  - (10) It shall be unlawful for any person to rent, or pay for, any hotel, motel or bed and breakfast room or facility from the proprietor or agent thereof for the purpose of, or with knowledge that, such room or facility shall be used for the consumption of alcoholic liquor by any minor.
  - (11) It shall be unlawful for any parent or legal guardian of a minor to knowingly suffer, permit or allow such minor to violate any provision of this chapter.
- (b) Exceptions.
- (1) The possession, mixing, dispensing and serving, or consumption of alcoholic liquor by a minor in the performance of a bona fide religious service or ceremony is not prohibited by this Code.
  - (2) The possession, mixing, dispensing and serving, or consumption, of alcoholic liquor by a minor under the direct supervision and approval of a parent or legal guardian in the privacy of such parent's or legal guardian's residence is not prohibited by this Code; provided, however, that this exception shall not extend to any other occupant, invitee, visitor or guest that is a minor.
  - (3) The possession and serving of alcoholic liquor by a minor as an employee of any licensee under this chapter in such licensee's licensed premises is not prohibited by this Code; provided, however, that this exception shall not extend to those persons under the age of eighteen (18) years nor shall this exception extend to the mixing or dispensing of alcoholic liquor, or to bartending, by any minor.
  - (4) The possession and delivery of any alcoholic liquor in its original package and not for consumption on the premises where sold by a minor as an employee of any licensee under this chapter or pursuant to the order of his or her parent or legal guardian is not prohibited by this Code.

- (5) The location or assembly of any minor in any retail premises licensed under this chapter or in any room or compartment adjoining or adjacent to any such licensed premises is not prohibited by this Code if such person is accompanied by his or her parent or legal guardian; or if such licensed premises derives its principal business from the sale or service of commodities other than alcoholic liquor; or if such minor is an employee of any licensee under this chapter if such licensee's licensed premises whose duties do not include the mixing or dispensing of alcoholic liquor or bartending and, if under the age of eighteen (18) years, whose duties do not include the handling or serving of alcoholic liquors.
  - (6) The action or omission of any person at the express lawful, or apparently lawful, direction of a law enforcement officer in the performance of his or her official duties is not prohibited by this Code.
- (c) Presumption of knowledge.
- (1) Presence in vehicle or premises. Whenever a person is present within any vehicle or premises of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier thereof at the time that a violation of the provisions of this section is occurring and has not informed the police thereof, it shall be prima facie evidence that such person had knowledge of such violation.
  - (2) Failure to control access. An owner, lessee, permittee, bailee, legal possessor or occupant of any vehicle or premises shall be deemed to have permitted such vehicle or premises to be used in violation of this section if he or she knowingly authorizes such use or enables such use to occur by failing to control access to such vehicle or premises or to the alcoholic liquor maintained therein.
  - (3) Parental residence. Every parent or legal guardian of any minor whose residence is used by any occupant, invitee, visitor, guest or other person under the age of twenty-one (21) years in a manner that constitutes a violation of this section shall be presumed to have permitted the conduct that constitutes the violation unless the contrary is established by a preponderance of the evidence.
- (d) Reliance on identification card. Proof that any person demanded, was shown and reasonably relied upon an identification card evidencing the identity of a person and that such person is of lawful age in any transaction prohibited by this section is an affirmative defense in any criminal prosecution therefor, in any prosecution for a violation of this section, or in any proceedings for the suspension or revocation of any license, or the imposition of any fine or penalty based thereon; provided, however, that it shall not be an affirmative defense if such person accepted the identification card knowing it to be false, fraudulent, forged or the identification card of another person.

(Code 1977, § 22.16(f); Ord. No. 91-0-15, § 2(22-4), 4-9-91; Ord. No. 95-0-22, § 4, 4-11-95)

Sec. 4-5. - Preventing violations by minors.

- (a) Warning required. In any place in the village where alcoholic liquor is sold or distributed pursuant to a village retail liquor dealer's license, there shall be displayed at all times, in a prominent and conspicuous place, a printed card supplied by the village clerk reading substantially as follows:

**WARNING TO PERSONS UNDER THE  
AGE OF TWENTY-ONE YEARS**

You are subject to a fine up to \$500 under the law of the Village of Libertyville if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

- (b) Identification required. If any retail liquor dealer's licensee, or any officer, associate, member, representative, agent or employee of such licensee, believes or has reason to believe that the sale, delivery or giving of alcoholic liquor to a person, or the employment, location or assembly of a person in such licensee's licensed premises, is prohibited by section 4-4 above because of the age of such

person, such licensee, officer, associate, member, representative, agent or employee shall, before making such sale, delivery or service, and before allowing such person to remain on such licensee's licensed premises, demand presentation of an identification card. For purposes of preventing a violation of section 4-4 above, any such licensee, officer, associate, member, representative, agent or employee may refuse to sell, deliver or give alcoholic liquor to any person who is unable to produce a satisfactory identification card and may refuse to allow such person to remain on such licensee's licensed premises.

(Code 1977, § 22.16(a)—(e), (g)—(j); Ord. No. 83-0-7, § 1, 5-3-83; Ord. No. 91-0-15, § 2(22-5), 4-9-91; Ord. No. 95-0-22, § 5, 4-11-95)

**State Law reference**— Sale to or possession by underaged persons, drunkards, etc., 235 ILCS 5/16-16; purchases, etc., by underaged persons, 235 ILCS 5/6-20.

Sec. 4-6. - Prohibitions regarding other persons.

No retail liquor dealer's licensee, nor any officer, associate, member, representative, agent or employee of such licensee, shall sell, give, deliver, dispense or furnish alcoholic liquor to any intoxicated person or to any person who appears to be of questionable capacity to consume alcohol responsibly. ~~known by him or her to be under legal disability or in need of mental treatment.~~

(Ord. No. 95-0-22, § 6, 4-11-95)

Sec. 4-7. - Consumption of alcoholic liquor.

- (a) Consumption prohibited in public places. It shall be unlawful for any person to sell, consume or possess open containers of alcoholic liquor on any village park property, or in any village building, or on any street, sidewalk, alley or other public place in the village, or in any place open to the public, including without limitation parking lots; provided, however, that the sale, consumption and possession of open containers of alcoholic liquor specifically authorized by a license issued pursuant to this chapter, confined to the premises for which such license is issued, and otherwise in conformity with the provisions of this chapter, is not prohibited by this Code. Additionally, the sale, consumption or possession of open containers of alcoholic liquor shall not be prohibited on specifically designated public property area(s) as approved pursuant to a Class H Special Public Event License.
- (b) Public intoxication prohibited. It shall be unlawful for any person to be in an intoxicated condition on any village park property, or in any village building, or on any street, sidewalk, alley or other public place in the village, or in any place open to the public, including without limitation parking lots, or in any private residence or place to the disturbance of any other person.

(Ord. No. 95-0-22, § 6, 4-11-95)

Secs. 4-8—4-25. - Reserved.

ARTICLE II. - RETAILERS

FOOTNOTE(S):

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**State Law reference**— Authority to regulate retail sales of liquor, 235 ILCS 5/4-1.

DIVISION 1. - GENERALLY

Sec. 4-26. - Hours.

- (a) Except as otherwise provided in subsections 4-45(a)(2) and (a)(5) and (a)(12), the retail sale of alcoholic liquor in the village shall be limited to between the hours of 5:00 a.m. on any Sunday, Monday, Tuesday, Wednesday and Thursday, until 2:00 a.m. on the following day other than when such Sunday, Monday, Tuesday, Wednesday and Thursday is a national Federal holiday (New Year's Day, MLK Jr. Day, George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day), and between the hours of 5:00 a.m. on any Friday, Saturday and national Federal holiday, until 3:00 a.m. on the following day. ~~In addition to the hours herein specified, class F and Class G license holders may sell packaged alcoholic liquor, not for consumption on the premises where sold, between the hours of 7:00 a.m. on Sunday and 2:00 a.m. on Monday. It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail other than during the hours hereinabove specified; provided, however, that restaurants, clubs, hotels, food shops and other places where the sale of alcoholic liquors is not the principal business may remain open other than during the hours hereinabove specified, but no alcoholic liquor may be sold to or consumed by the public on such premises other than during the hours hereinabove specified.~~

(Code 1977, § 22.20; Ord. No. 91-0-15, § 2(22-26), 4-9-91; Ord. No. 99-O-08, § 2, 2-9-99; Ord. No. 06-O-22, § 5, 2-28-06; Ord. No. 14-O-33, § 2, 5-27-14)

**State Law reference**— Authority to regulate hours, 235 ILCS 5/6-14.

- (b) Any licensee offering happy hour specials must do so in compliance with Illinois Public Act 99-0046, which is adopted by reference herein.

Sec. 4-27. - 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, 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 1977, § 22.17; Ord. No. 91-0-15, § 2(22-27), 4-9-91)

Secs. 4-28—4-40. - Reserved.

DIVISION 2. - LICENSES

FOOTNOTE(S):

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**State Law reference**— Authority to license liquor, 235 ILCS 5/4-1.

Sec. 4-41. - Required.

It shall be unlawful to sell 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 1977, § 22.2; Ord. No. 91-0-15, § 2(22-41), 4-9-91)

Sec. 4-42. - Applications.

- (a) Applications for retail liquor dealers' licenses shall be made to the president as local liquor control commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent and designated manager thereof, if a partnership, club or corporation, verified by oath or affidavit, and shall contain the following information and statements:
- (1) The name, address and age of the applicant in the case of an individual; in the case of a partnership, the names, addresses and ages of persons entitled to share in the profits thereof; in the case of a for profit corporation or a club, the name and address, the date and state of incorporation, the date qualified to do business in Illinois, the name and address of the registered agent, the objects for which it was organized, the names, addresses, and ages of the officers and directors, and of any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation along with the percentage of stock owned. Two (2) or more individuals may apply as joint license holders, and all such individuals must meet the requirements for issuance of a license.
  - (2) The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the date and place of his or her naturalization.
  - (3) The character of business of the applicant; and, in case of a corporation or club, 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 value 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 that is to be operated under such license and evidence that the applicant will own or lease the premises during the entire term of the license.
  - (7) Whether applicant has made any applications for any other state or local liquor license, and the disposition of such application.
  - (8) Whether applicant has ever been convicted of a felony or a violation of any federal or state law or regulation concerning the manufacture, possession or sale of alcoholic liquor.
  - (9) Whether a previous license by any state or subdivision thereof, or by the federal government, has been suspended or revoked, or whether fines have been levied for violation thereof, and the reasons therefor.
  - (10) A statement that the applicant has read, understands and will not violate any of the laws of the state or of the United States or any ordinances of the village in the conduct of his or her place of business.
- (b) In addition to the foregoing information, such application shall contain such other and further information as the local liquor control commissioner may, by rule or regulation not inconsistent with law, prescribe, and each application for a liquor license, except for Class H and Class I liquor license applications, shall be accompanied by a nonrefundable application fee determined in accordance with the annual fee ordinance.

- (c) Any applicant for a license under this chapter must be actively involved in the operation of the licensed premises or name an individual as a designated manager who will be actively involved in the operation of the licensed premises. Any applicant not an individual must name a designated manager. Any designated manager must provide all the information required of, and meet all of the same requirements as, a licensee.
- (d) The local liquor control commissioner shall have the right to require fingerprints of any applicant, including any officer, director, stockholder, member, partner or manager of any applicant for a license or a renewal thereof other than an air carrier operating pursuant to the Federal Aviation Act of 1958. To cover the costs of obtaining fingerprints, the liquor commissioner shall collect a fee from the applicant for submission to the appropriate police agencies.
- (e) No license shall be issued until the applicant has submitted to the liquor commissioner a certificate of insurance indicating that dram shop insurance is in force for the premises at which the license is to be issued in an amount of not less than one hundred thousand dollars (\$100,000.00). For all licenses effective on or after May 1, 1991, the amount of such insurance shall be not less than five hundred thousand dollars (\$500,000.00). The certificate of insurance shall indicate that the village shall be notified at least ten (10) days prior to the cancellation or modification of such policy.
- (f) Once an application for a license has been denied either because the applicant did not qualify or there were no liquor licenses currently available for issuance, the application shall no longer be considered to be on file after the applicant has received notice of the denial of the issuance of a license.
- (g) Any individual applicant for a license under this chapter shall be a resident of the village.
- (h) If any of the information provided by the applicant on any application changes or becomes incomplete or inapplicable following submission of the application or during the term of any license issued pursuant to the application, the applicant or licensee shall submit a supplemental application to the local liquor control commissioner within five (5) days following the change in information. Failure to submit such a supplemental application within this five-day period shall be grounds for denial of the application for, or suspension or revocation of, the license by the local liquor control commissioner.
- (i) Any change in the information provided in the application for, or any supplemental application involving, a license that would make the applicant or licensee no longer qualified to receive a license under this chapter or other applicable law shall be grounds for denial of the application for, or suspension or revocation of, the license by the local liquor control commissioner.
- (j) The providing of false, fraudulent, forged or incomplete information on an application or supplemental application for a license under this chapter shall be grounds for denial of an application for, or the suspension or revocation of, a license by the local liquor control commissioner.

(Code 1977, § 22.3; Ord. No. 89-0-42, § 4, 8-8-89; Ord. No. 91-0-15, § 2(22-42), 4-9-91; Ord. No. 97-O-29, § 6, 4-22-97)

**State Law reference**— Dram shop liability, 235 ILCS 5/6-21.

Sec. 4-43. - Persons ineligible.

No license under this division shall be issued to, or remain valid when held by, any person not eligible for a state retail liquor dealer's license nor to any applicant made ineligible under the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.] as it may from time to time be amended.

(Code 1977, § 22.4; Ord. No. 91-0-15, § 2(22-43), 4-9-91)

**State Law reference**— Persons eligible for licenses, 235 ILCS 5/4-1, 5/6-2, 5/6-11, 5/6-12, 5/6-25.

**Sec. 4-44. - General conditions on licenses.**

- (a) Each licensee under this chapter, except Class H, and Class J and Class K licensees, shall open and commence the operation of a business, including the serving of liquor, under the terms of his or her license within ninety (90) days following the issuance of that license by the local liquor control commissioner.
- (b) No licensee, except Class H and Class J and Class K licensees, shall cease the operation of his or her business, including the serving of liquor, under the terms of his or her license for any period exceeding fifteen (15) days without first obtaining written approval from the local liquor control commissioner. Such approval shall be granted by the local liquor control commissioner only following submission of evidence of good cause for the cessation of operations, and may include, at the option of the local liquor control commissioner, a date by which operation of the business, including the serving of liquor, shall resume.
- (c) BASSET certification.
  - (1) ~~Effective November 1, 2002, No existing licensee or employee, or person under the direction of an establishment covered under the provisions of this chapter shall serve or vend alcoholic beverages without first demonstrating that he or she has obtained Beverage Alcohol Sellers and Servers Education and Training (BASSET) certification through a program approved by the police department—Illinois Liquor Control Commission.~~
  - (2) ~~Effective upon passage of Ordinance No. 02-O-46, No new licensee shall serve or vend alcoholic beverages without first demonstrating that he or she has obtained BASSET certification through a program approved by the police department—Illinois Liquor Control Commission.~~
  - (3) Employees hired by liquor establishments ~~after passage of the ordinance~~ shall obtain BASSET certification through a program approved by the ~~police department~~ Illinois Liquor Control Commission and provide copies of such certification within ninety (90) days of beginning such employment, and until certified, shall not serve or vend alcoholic beverages except under the direct supervision of a BASSET-certified employer.
  - (4) ~~Programs other than BASSET may provide similar educational benefit, and may be substituted to demonstrate compliance with this section upon approval by the chief of police.~~
- (d) Effective July 1, 2016, any person serving alcoholic beverages for a liquor establishment must first obtain BASSET certification. Failure by a licensee, other than a Class H licensee, to comply with the requirements of this section shall be grounds for revocation of the license by the local liquor control commissioner.
- (e) Any applicant for a license under this chapter acknowledges and agrees that any license issued under this chapter, other than a Class H license, shall be subject to the conditions of this section.

(Ord. No. 91-0-15, § 2(22-44), 4-9-91; Ord. No. 91-0-33, § 4, 6-25-91; Ord. No. 01-O-11, § 4, 2-13-01; Ord. No. 02-O-46, § 2, 4-9-02; Ord. No. 02-O-76, § 2, 7-9-02; Ord. No. 06-O-22, § 4, 2-28-06; Ord. No. 08-O-23, § 2, 5-13-08; Ord. No. 14-O-75, § 2, 11-11-14)

**Sec. 4-45. - Classification; fees.**

- (a) Licenses issued under this division shall be divided into classes as follows:
  - (1) Class A Bar licenses.

- a. ~~Class A Bar licenses shall authorize the retail sale on the premises specified of alcoholic liquors for consumption on the premises, as well as other incidental retail sales of such liquor (such as in the original package and not for consumption on the premises), and the incidental sale of food to patrons of the establishment for consumption on the premises. Class A licenses may only be issued to and/or retained for use by establishments that are principally engaged in the sale of alcoholic liquor for consumption on the premises.~~
- b. ~~In addition to the hours which alcoholic liquor may otherwise be sold under licenses issued pursuant to this chapter, a licensee holding a Class A Bar license may sell and serve alcoholic liquor for consumption on the premises with meals, and only with meals, on Sundays between the hours of beginning at 11:00 a.m. and 12:00 noon.~~

(2) **Class B Restaurant and Bar licenses.**

- a. **Class B Restaurant and Bar licenses shall be adjunct to the operation of a restaurant that has a minimum seating capacity and is operated on the terms and conditions hereinafter specified. Each such license shall authorize the retail sale of alcoholic liquor for consumption on the premises where sold and the retail sale of alcoholic liquor in original packaging (not for consumption on the premises), however the combined floor area devoted to alcohol sales shall not exceed twenty five percent (25%) of the total floor area devoted to eating and drinking by patrons at the establishment. and the retail sale of such alcoholic liquor in the original package but limited to no more than 25 percent of floor area. Such a license may be issued to and/or retained for use only at an establishment which:**
  - ~~1. Has a seating capacity at tables and/or booths for a minimum of one hundred fifty (150) persons for meal service.~~
  - 2.1. **Is in fact operated principally as a restaurant.**
  - 3.2. **Offers its patrons the typical full and complete meals, including a full dinner menu, and where alcoholic beverages will be available for service with meals.**
  - 3. **Full meal service may cease no earlier than two (2) hours before the restaurant establishment closes.**
- b. **No such license shall be issued to or retained for use at by an establishment in which the facilities for food preparation and food service are not primarily principally those of a restaurant (at least seventy-five percent (75%) of the total floor space for use by patrons to eat and drink at the establishment is devoted to food sales). Without limiting the generality of the foregoing, limited food service, such a provided by fast food restaurants which provide drive-through services, etc., does not satisfy the requirements for this license classification. Any calculation of area devoted to alcohol sales and eating and drinking shall not include areas devoted to food preparation, storage or restrooms or other non-public areas. The calculation utilized to determine the area devoted to alcohol sales, shall be comprised of any area which separated from the main dining room in which a bar and tables for patrons of the bar is located, or if no separate area exists, the area devoted to alcohol sales shall be comprised of the bar, including bar seating and drink preparation area and shall also include all seating areas principally intended for use by bar patrons. All applications for a Class B Restaurant and Bar License shall include a scaled drawing of the premises for which the license is sought which identifies and calculates the total floor area within the premises, as well as floor area devoted to food sales and floor area devoted to alcohol sales.**
- c. ~~In addition to the hours during which alcoholic liquor may otherwise be sold under licenses issued pursuant to this chapter, a licensee holding a Class B Restaurant and Bar license may sell and serve alcoholic liquor for consumption on the premises with meals, and only with meals, on Sundays between the hours of beginning at 9:00 a.m. and 12:00 noon.~~

(3) **Class C Restaurant and Service Bar licenses.**

- a. Class C Restaurant and Service Bar licenses shall authorize the operators of restaurants to sell and serve alcoholic liquor for consumption only with meals on the premises where sold, and to have service bars only. A Service Bar shall be a bar utilized by restaurant staff to prepare alcoholic beverages for service by staff members to patrons. Patrons may not sit at or be served at a Service Bar. Any cafeteria type of operation that serves meals may qualify for a Class C Restaurant and Service Bar license issued hereunder if other all applicable provisions of this chapter subsection are met and/or will permit. Such a license may be issued to and/or retained for use only at a restaurant which:
  - ~~1. Has a seating capacity at tables and/or booths for a minimum of fifty (50) persons for meal service.~~
  - 2-1. Offers its patrons full and complete meals, including dinner menu, and in which the serving of alcoholic beverages is incidental and complementary to the service of such meals; and
  - 3-2. Serves alcoholic liquor only during the time that meals are being served or menu is in effect; and
  - 4-3. Is not confined to limited food service such as is provided by restaurants which provide drive-through services and fast food establishments.
- b. In addition, a licensee under a Class C Restaurant and Service Bar license shall be governed by the following conditions and limitations:
  - 1. It shall be unlawful for such licensee to render a bill for the sale or service of alcoholic beverages which does not include a charge for a meal; and the alcoholic liquor must only have been served for consumption with the meal.
  - 2. Live entertainment is prohibited on the licensed premises except when a special permit is issued under the authority of the village for a special occasion such as a Christmas or other holiday party, a private reception, wedding or a special group meeting.

(4) Class D Restaurant licenses.

- a. Class D restaurant licenses shall authorize the operators of restaurants as defined herein to sell and serve beer and wine for consumption only with meals on the premises where sold, and to have a service bar. Any cafeteria type of operation that serves meals may qualify for a Class D restaurant license issued hereunder if other all applicable provisions of this chapter subsection are met and/or will permit. Such a license may be issued to and/or retained for use only at a restaurant which:
  - ~~1. Has a seating capacity at tables and booths for a minimum of twenty five (25) persons for meal service.~~
  - 2-1. Serves beer and/or wine only during the time that meals are being served or menu is in effect; and
  - 3-2. Is not confined to limited food service such as is provided by restaurants which provide drive-through services and fast food establishments.
- b. It shall be unlawful for a licensee under a Class D restaurant license to render a bill for the sale or service of beer or wine which does not include a charge for a meal; and the beer or wine must only have been served for consumption with a meal.

~~(5) Class D-1 restaurant licenses. Class D-1 restaurant licenses shall authorize the operators of restaurants as defined herein to sell and serve beer and wine for consumption only with meals on the premises where sold, to sell and serve beer and wine for consumption on the premises where sold, and to have a service bar. Such a license may be issued to and/or retained for use only at a restaurant which:~~

- ~~a. Has a seating capacity at tables and booths for a minimum of twenty-five (25) persons for meal service.~~
  - ~~b. Is located on the premises of a health and fitness center.~~
  - ~~c. Serves beer and/or wine only during the time that meals are being served or a full menu is in effect.~~
  - ~~d. Is not confined to limited food service such as is provided by lounges, luncheonettes, diners, delicatessens, pizza parlors, coffeeshops, drive-ins and fast food establishments.~~
  - ~~e. Serves snack foods that are smaller than a meal, as defined in this chapter, between the hours of 5:00 p.m. and 7:00 p.m. every day except Sunday.~~
  - ~~f. Operates not later than 10:00 p.m. of any Monday, Tuesday, Wednesday, Thursday, or Friday; not later than 10:00 p.m. of any Saturday; and not later than 7:00 p.m. of any Sunday except that it may operate for private parties no later than 12:00 a.m. on any Friday or Saturday. Each such private party must be prearranged under the sponsorship of a particular person or organization, and the sale and service of alcohol at any such private party is limited to beer and wine to invited guests only.~~
  - ~~g. After 5:00 p.m. on any day, serves nonalcoholic beverages at no charge to persons identifying themselves as designated drivers.~~
  - ~~h. Provides educational materials, including without limitation items such as brochures and pamphlets to assist customers in the restaurant in determining the safe limits for consumption of alcoholic liquor and encouraging responsible use of alcoholic liquors.~~
  - ~~i. Provides training for restaurant staff dealing with customers on how to recognize both the signs of intoxication and who to serve and when to stop serving alcoholic liquor. Such training shall include, without limitation, annual participation by all employees in the B.A.S.E.T. training program provided by the village.~~
  - ~~j. Provides a program for transportation for restaurant customers who have signs of intoxication. Such program shall include both local taxi service and transportation by restaurant staff.~~
- (6)(5) Class E licenses. Class E licenses shall authorize the retail sale of alcoholic liquor by a club for consumption on the premises of such club only. No Class E licensee shall sell alcoholic liquor to any person unless accompanied by a member in good standing of the club.
- (7)(6) Class F licenses. Class F licenses shall authorize the retail sale of alcoholic liquor but not for consumption on the premises where sold and not for sale at a location which also sells gasoline or other fuel for dispensing into motor vehicles. All alcoholic liquor must be sold in the original package and may not be sold, individually.
- (7) Class F-1 license. Class F-1 licenses shall be adjunct to the operation of a grocery store that is operated on the terms and conditions herein specified. Each such license shall authorize the retail sale of alcoholic liquor on the premises where sold and not for sale at a location which also sells gasoline or other fuel for dispensing into motor vehicles. All alcoholic liquor must be sold in the original package and may not be sold individually. A licensee holding a class F-1 license may also sell and serve alcoholic liquor for consumption on the premises with meals. Such a license may be issued to and/or retained for use only at an establishment which:
- a. Is in fact operated as a grocery store; and
  - b. Offers for sale a typical full and complete grocery inventory; and
  - c. Is primarily (accounts for at least eight percent (80%) of the total floor area) a grocery store.
- (8) Class G licenses. Class G licenses shall authorize the retail sale of beer and wine (and no other alcoholic liquor) but not for consumption on the premises where sold and not for sale at a

location which also sells gasoline or other fuel for dispensing into motor vehicles. All alcoholic liquor must be sold in the original package and may not be sold individually.

- (9) Class G-1 license. A Class G-1 license shall authorize the retail sale of beer, wine and/or distilled spirits in its original package, not for consumption on the premises where sold, and also authorize the retail sale on the specified premises of beer, wine, and/or distilled spirits for consumption on the premises. The retail sale of beer, wine and/or distilled spirits in its original package, not for consumption on the premises, is permitted during the authorized hours of business subject to the condition that no sale of beer, wine, and/or distilled spirits in its original package, not for consumption on the premises, shall be limited to between the hours of 9:00 a.m. and 10:00 p.m. on any day of the week.

The retail sale of beer, wine, and/or distilled spirits for consumption on the premises and/or sampling shall only be permitted between the hours of 11:00 a.m. and 10:00 p.m. on any day of the week. The following conditions shall also apply to Class G-1 licenses:

- a. That no more than two (2) craft beer servings shall be sold and served on premises to any customer in any one (1) day and each serving shall be limited to either: by the glass, having a capacity of not more than sixteen (16) ounces; by the bottle, having a capacity of not more than sixteen (16) ounces; or by the flight, having not more than four (4) glasses with each glass not having a capacity of more than four (4) ounces.
- b. That no more than two (2) wine servings shall be sold and served on premises to any customer in any one (1) day and each serving shall be limited to five (5) ounces.
- c. That no more than two (2) servings of distilled spirits shall be sold and served on premises to any customer in any one (1) day and each serving shall be limited to one and one-half (1-½) ounces.
- d. That a combination of servings allowed in paragraphs a., b., and/or c. above shall not exceed a total of two (2) servings to any one (1) customer in any one (1) day.
- e. May offer samples at no charge of craft beer from premises to consumers of products manufactured and sold for retail. Samples shall be limited to not more than two (2) ounces per sample. The number of samples shall be limited to not more than an aggregate of eight (8) ounces combined of beer/wine per customer per day.
- f. May offer samples at no charge of wine from premises to consumers of products manufactured and sold for retail. Samples shall be limited to not more than one (1) ounce per sample. The number of samples shall be limited to not more than an aggregate of eight (8) ounces combined of beer/wine per customer per day.
- g. May offer samples at no charge of distilled spirits from premises to consumers of products manufactured and sold for retail. Samples shall be limited to not more than one-quarter (¼) ounce per sample. The number of samples shall be limited to not more than an aggregate of six (6) ounces combined of beer/wine when also combined with one (1) ounce of distilled spirits.
- h. Is permitted to serve snack foods that are smaller than a meal, as defined in this chapter, between the hours of 11:00 a.m. and 10:00 p.m. each day of the week. May offer crackers with wine tasting at no charge. All other food items are subject to approval from the Lake County Health Department.
- i. No person under the age of twenty-one (21) shall be allowed on premises unless a parent or guardian is present.
- j. All applicable taxes, including sales tax, shall be collected and paid on all revenue realized from the retail sale of craft beer and/or wine.
- k. Compliance with all terms and conditions set forth in the definition of this class.

- (10) Class H licenses. Class H licenses shall only be issued for special public events and shall authorize the retail sale on the premises specified of alcoholic beverages for consumption on such premises, as well as other retail sales of such beverages, including any gift, sale or dispensing of same for special events. The Class H license may also authorize the sale for consumption and possession by pedestrians of alcoholic beverages on specifically designated public property if approved by with the prior written approval of the corporate authorities. A Class H license shall not be issued for more than forty-eight (48) hours' duration, except that by action of the corporate authorities it may be extended so as to have a total duration of not more than one (1) week, or more than one similarly reoccurring public event. In addition to the usual requirements for applicants of liquor licenses in this village, whoever is approved by the local liquor control commissioner for a Class H license must produce to the village, through the village clerk for approval by the village president, an insurance policy saving harmless and indemnifying the village from any damage or injury sustained by anyone both as to personal injury and property damage, in such amounts and companies as required by the local liquor control commissioners, before any application for a Class H license shall be approved by the local liquor control commissioner. Class H license applications must be filed with the clerk at least fifteen (15) days prior to the special event in connection with which same is issued.
- (11) Class I licenses. Class I licenses shall only be issued for retail sale of alcoholic liquor for consumption on the premises where sold, during those times when food is dispensed, at facilities owned by municipalities, including recreational, fitness and golf course operations. The retail sale of alcoholic liquor may be licensed to the municipality or to a designated entity leasing the municipal facility, in connection with the operation of food service on the premises. The retail sale of alcoholic liquor will be confined to buildings and structures or other locations as may be approved the local liquor commissioner. Licenses issued to an entity leasing the municipal facilities will require the lessee to provide the required insurance and naming the municipality as an additional insured.
- (12) Class J licenses. Class J licenses shall authorize the service or sale of alcoholic liquor as an incidental part of the catering of food service involving prepared meals, which excludes the serving of snacks as the primary meal, at private or public facilities within the village. All applicants for a Class J license must meet all other requirements of the Libertyville Alcoholic Liquor Ordinance including insurance and participation in a liquor license orientation program.
- ~~(13) Class K licenses. A Class K license shall authorize the manufacture and sale of wine as a small wine maker. All applicants for a Class K license must meet all other requirements of the Libertyville Alcoholic Liquor Ordinance including insurance and participation in a liquor license orientation program.~~
- ~~a. Small wine maker defined: bottles not more than fifty thousand (50,000) gallons of wine per year.~~
  - ~~b. May sell wine they manufacture to wholesalers, licensed retailers and directly to consumers for off premises consumption.~~
  - ~~c. May purchase bulk wine for blending purposes from licensed out of state wine seller.~~
  - ~~d. Wine must be manufactured and labeled in accordance with federal wine regulations from TTB (formerly BATF).~~
  - ~~e. License holder must obtain wine producers permit from TTB; all federal permits as required, and Lake County Health Department license when applicable.~~
  - ~~f. May offer samples from premises to consumers of products manufactured and sold under the small wine maker license. The number of samples shall be limited to not more than eight (8) per customer per event. Samples shall be limited to one (1) ounce. Wine tasting shall not be limited during hours of operation.~~
  - ~~g. May charge consumers a "glass fee" for more than four (4) samples, which can be applied to the purchase price of wine being manufactured. May sell no more than two (2) glasses~~

~~of wine to those customers who wish to purchase a glass after participating in a wine sampling.~~

~~h. May offer crackers with wine tasting at no charge. All other food items are subject to approval from the Lake County Health Department.~~

~~i. No person under the age of twenty-one (21) shall be allowed on premises during wine tasting unless a parent or guardian is present.~~

~~j. Wine tasting is not permitted before the hour of 11:00 a.m. Monday through Saturday, and 1:00 p.m. Sunday; nor after the hours of 8:00 p.m. Monday through Saturday and 5:00 p.m. on Sunday. There shall be no limit on hours for private parties not open to the public.~~

(14)(13) Class L K BYO-1 license. Class L K "BYO-1" shall authorize the consumption of beer and wine which has been brought onto the premises by a patron or patrons ~~over the age of~~ at least twenty-one (21) years of age for on-site consumption where the premises is that of a restaurant, which restaurant does not have a Village of Libertyville liquor license. The following provisions shall apply: BYO-1 shall be permitted in conjunction with the purchase and consumption of a meal while seated at a table and served by wait staff; no more than one (1) seven hundred fifty (750) milliliter bottle of wine per patron or no more than thirty-six (36) ounces of beer per patron (unopened) shall be permitted to be brought into the premises; BYO-1 shall be limited to indoor seating or authorized outdoor dining locations only; BYO-1 licensees may provide glassware and ice to patrons; may uncork, pour and control its consumption and may charge a reasonable corkage fee; only employees who have successfully completed a certified BASSET training program approved through the Illinois Liquor Control Commission may perform corkage/serving duties. Such employees must be at least twenty-one (21) years of age and shall serve in accordance with all state and local laws; BYO-1 licensees shall provide a certificate of insurance reflecting coverage for dram shop or equivalent liability for BYO-1 service; patrons may not transport unsealed or opened containers of beer from the licenses establishment and may only transport unsealed or opened containers of wine from the licenses establishment if the wine container is re-sealed securely by restaurant personnel prior to removal from the premises and placed in a transparent one-time-use tamper-proof bag, in accordance with state law; possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited; licensees are prohibited from storing liquor on the premises; packaged and on-site sales of liquor is prohibited; licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over-serving of patrons,

Class K "BYOB-2" shall authorize the consumption of beer and wine which has been brought onto the premises by a patron or patrons ~~over the age of~~ at least twenty-one (21) years of age for on-site consumption where the premises is that of a theatre or other similar entertainment venue, which venue does not have a Village of Libertyville liquor license. The following provisions shall apply: BYO-2 shall be permitted in conjunction with the attendance at a play or other event sponsored by the theatre or entertainment venue; no more than one (1) seven hundred fifty (750) milliliter bottle of wine per patron or no more than thirty-six (36) ounces of beer per patron (unopened) shall be permitted to be brought into the premises; BYO-2 shall be allowed only during the theatre's hours of operation when the theatre is open to the public and in conjunction with a performance; BYO-2 shall be limited to indoors, inside the confines of the theatre space; BYO-2 licensees may provide glassware and ice to patrons; may uncork, pour and control its consumption and may charge a reasonable corkage fee; only employees who have successfully completed a certified BASSET training program approved through the Illinois Liquor Control Commission may perform corkage/serving duties. Such employees must be at least twenty-one (21) years of age and shall serve in accordance with all state and local laws; BYO-2 licensees shall provide a certificate of insurance reflecting coverage for dram shop or equivalent liability for BYO-2 service; patrons may not transport unsealed or opened containers of beer from the licenses establishment and may only transport unsealed or opened containers of wine from the licenses establishment if the wine container is re-sealed securely by theatre personnel prior to removal from the premises and placed in a transparent one-time-use tamper-

proof bag, in accordance with state law; possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited; licensees are prohibited from storing liquor on the premises; packages and on-site sales of liquor is prohibited; licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over-serving of patrons.

- (b) The fee to be paid to the village for a license shall be as established by the annual fee ordinance and the amount of any application fee paid shall be credited toward the applicable liquor license fee.

(Code 1977, §§ 22.1(c), (f), 22.5; Ord. No. 82-0-18, § I, 3-23-82; Ord. No. 89-0-42, §§ 1, 3, 8-8-89; Ord. No. 91-0-15, § 2(22-45), 4-9-91; Ord. No. 93-0-13, § 2, 4-27-93; Ord. No. 97-0-29, § 7, 4-22-97; Ord. No. 01-0-11, § 2, 2-13-01; Ord. No. 02-0-38, § 2, 3-26-02; Ord. No. 03-0-33, § 2, 4-23-03; Ord. No. 06-0-22, § 2, 2-28-06; Ord. No. 08-0-23, § 3, 5-13-08; Ord. No. 09-0-28, § 2, 4-14-09; Ord. No. 14-0-29, § 3, 5-13-14; Ord. No. 14-0-75, §§ 3—7, 11-11-14; Ord. No. 14-0-86, §§ 3, 4, 12-9-14)

Sec. 4-46. - Limitation of number.

- (a) There shall be a limited number of liquor licenses issued within the village under each class specified in section 4-45. There shall be no limitation on the number of Class H licenses which can be issued. Any increase in the number of liquor license shall require an amendment of this section.
- (b) The number of authorized liquor licenses under each class specified in section 4-45 is as follows:

Class A	15
Class B	7
Class C	8
Class D	2
Class D1	0
Class E	0
Class F	6
Class F-1	0
Class G	1
Class G1	2

Class H	unlimited
Class I	0
Class J	0
Class K	0
Class K BYO-1	0
Class K BYO-2	2

(c) Any time a liquor license is revoked or voluntarily surrendered for any reason, the number of authorized licenses shall automatically be reduced by one (1) without any further amendment of this section or this Code.

(Code 1977, § 22.10; Ord. No. 82-0-18, § II, 3-23-82; Ord. No. 89-0-42, § 2, 8-8-89; Ord. No. 91-0-15, § 2(22-46), 4-9-91; Ord. No. 91-0-33, §§ 2, 3, 6-25-91; Ord. No. 91-0-45, § 2, 8-27-91; Ord. No. 91-0-58, § 2, 11-12-91; Ord. No. 92-0-48, § 1, 10-13-92; Ord. No. 92-0-53, § 1, 10-27-92; Ord. No. 93-0-23, § 2, 6-22-93; Ord. No. 93-0-43, § 2, 9-14-93; Ord. No. 93-0-46, § 2, 9-28-93; Ord. No. 93-0-59, § 2, 11-23-93; Ord. No. 93-0-65, § 2, 12-21-93; Ord. No. 94-0-07, § 2, 2-8-94; Ord. No. 95-0-6, § 2, 2-14-95; Ord. No. 95-0-7, § 2, 2-14-95; Ord. No. 95-0-11, § 2, 3-14-95; Ord. No. 95-0-25, § 3, 4-27-95; Ord. No. 95-0-34, § 2, 6-13-95; Ord. No. 95-0-35, § 2, 6-13-95; Ord. No. 95-0-45, § 2, 6-11-95; Ord. No. 96-O-61, § 2, 11-26-96; Ord. No. 96-O-66, § 2, 12-10-96; Ord. No. 97-O-18, § 2, 3-11-97; Ord. No. 97-O-20, § 2, 3-25-97; Ord. No. 97-O-76, § 2, 10-14-97; Ord. No. 97-O-77, § 2, 10-14-97; Ord. No. 97-O-91, § 2, 11-25-97; Ord. No. 97-O-92, § 2, 12-9-97; Ord. No. 98-O-42, § 2, 4-28-98; Ord. No. 98-O-45, § 2, 5-26-98; Ord. No. 98-O-81, § 2, 11-10-98; Ord. No. 99-O-02, § 2, 1-12-99; Ord. No. 99-O-07, § 2, 1-26-99; Ord. No. 99-O-33, § 2, 4-13-99; Ord. No. 99-O-49, § 2, 5-25-99; Ord. No. 99-O-72, § 2, 8-10-99; Ord. No. 99-O-82, § 2, 9-14-99; Ord. No. 00-O-05, § 2, 1-25-00; 00-O-08, § 2, 3-14-00; Ord. No. 00-O-11, § 2, 3-14-00; 00-O-16, § 2, 4-11-00; Ord. No. 00-O-34, § 2, 7-11-00; Ord. No. 01-O-11, § 3, 2-13-01; Ord. No. 01-O-39, § 2, 7-10-01; Ord. No. 02-O-38, § 3, 3-26-02; Ord. No. 03-O-55, § 2, 7-23-03; Ord. No. 04-O-12, § 2, 1-27-04; Ord. No. 05-O-54, § 2, 8-9-05; Ord. No. 06-O-22, § 3, 2-28-06; Ord. No. 07-O-27, § 2, 4-24-07; Ord. No. 07-O-56, § 2, 8-28-07; Ord. No. 08-O-23, § 4, 5-13-08; Ord. No. 08-O-49, § 2, 6-24-08; Ord. No. 08-O-54, § 2, 8-12-08; Ord. No. 09-O-12, § 2, 2-10-09; Ord. No. 09-O-28, §§ 3, 4, 4-14-09; Ord. No. 09-O-37, § 2, 4-28-09; Ord. No. 09-O-41, § 2, 5-25-09; Ord. No. 09-O-60, § 2, 7-28-09; Ord. No. 09-O-61, § 2, 7-28-09; Ord. No. 09-O-71, § 2, 9-8-09; Ord. No. 10-O-32, § 2, 4-15-10; Ord. No. 10-O-55, § 2, 5-25-10; Ord. No. 10-O-85, § 2, 9-14-10; Ord. No. 11-O-22, § 2, 3-8-11; Ord. No. 11-O-26, § 2, 4-12-11; Ord. No. 11-O-29, § 2, 4-26-11; Ord. No. 11-O-36, § 2, 5-24-11; Ord. No. 11-O-68, § 2, 11-22-11; Ord. No. 12-O-03, § 2, 1-10-12; Ord. No. 12-O-04, § 2, 1-10-12; Ord. No. 12-O-14, § 2, 3-3-12; Ord. No. 12-O-19, § 2, 3-27-12; Ord. No. 12-O-71, § 2, 11-13-12; Ord. No. 13-O-04, § 2, 1-22-

13; Ord. No. 13-O-12, § 2, 3-12-13; Ord. No. 13-O-15, § 2, 4-9-13; Ord. No. 13-O-17, § 2, 4-23-13; Ord. No. 13-O-18, § 2, 4-23-13; Ord. No. 13-O-40, § 2, 7-23-13; Ord. No. 13-O-66, § 2, 11-12-13; Ord. No. 13-O-76, § 2, 12-10-13; Ord. No. 14-O-03, § 2, 1-14-14; Ord. No. 14-O-04, § 2, 1-28-14; Ord. No. 14-O-12, § 2, 2-11-14; Ord. No. 14-O-34, § 2, 5-27-14; 14-O-35, § 2, 5-27-14; Ord. No. 14-O-36, § 2, 5-27-14; Ord. No. 14-O-87, § 2, 12-9-14; Ord. No. 14-O-88, § 2, 12-9-14)

Sec. 4-47. - Location restrictions.

- (a) 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. Such location may be changed only upon the written permit to make such change issued by the village president. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the ordinances of the village.
- (b) Restricted areas. No license shall be issued to any person for the purpose of operating the business of a dealer in alcoholic liquors as provided for in this chapter in any private dwelling house, nor on any premises where same would be unauthorized under the zoning chapter, nor on any premises where same would be unauthorized by law.

(Code 1977, §§ 22.14, 22.19; Ord. No. 91-0-15, § 2(22-47), 4-9-91)

**State Law reference**— Location restrictions, 235 ILCS 5/6-11, 5/6-12.

Sec. 4-48. - Expiration.

Each liquor license issued, except Class H licenses, shall be issued for a period expiring at the end of the day of April 30 next following the date of issuance.

(Code 1977, § 22.6; Ord. No. 91-0-15, § 2(22-48), 4-9-91)

Sec. 4-49. - Renewal.

Any licensee under this division may renew his or her license at the expiration thereof, provided he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege 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 within their jurisdiction.

(Code 1977, § 22.13; Ord. No. 91-0-15, § 2(22-49), 4-9-91)

Sec. 4-50. - Privilege granted by license; insolvency, bankruptcy and death of licensee; refund of fees.

- (a) A license under this division shall be purely a personal privilege, good for not to exceed the period ending on April 30 next 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. For the purposes of this section, to "alienate" or "transfer" a license shall mean to give, sell or convey a license or fifty (50) percent or more of the total number of shares of stock or securities convertible into stock of a corporation or entity that holds a license.

- (b) The executor or administrator of the estate of any deceased licensee, or the trustee 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 order of the appropriate court, and may exercise the privileges of the deceased, insolvent or bankrupt licensee, after the death of such decedent or after such insolvency or bankruptcy, until the expiration of such license but not longer than six (6) months after the death, insolvency or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this subsection. Any such executor, administrator or trustee, or any surviving license holder in the case of death of one (1) or two (2) or more joint license holders, shall be permitted to request the renewal of a license in his or her name prior to the regular expiration date of April 30 in the manner provided in section 4-49 the same as his or her decedent, insolvent or bankrupt, upon furnishing proper proof of his or her authority to act and compliance with all requirements for a license.

(Code 1977, § 22.12; Ord. No. 91-0-15, § 2(22-50), 4-9-91)

Sec. 4-51. - Disposition, proration of fees.

- (a) Class H and Class I liquor license fees shall be paid at the time the application is made. All other liquor license fees shall be paid prior to the issuance of the license. ~~The license fee shall be paid to the local liquor control commissioner and shall forthwith be turned over to the treasurer and 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.~~
- (b) The fee for any license issued after January 1<sup>st</sup> of each year shall be pro-rated by one-half.
- (b) (c) There shall be no prorating of license fees ~~if a license is issued during a license period, or in the event of a suspension or revocation of a license;~~ except that a refund may be granted in accordance with section 4-50

(Code 1977, § 22.8; Ord. No. 91-0-15, § 2(22-51), 4-9-91; Ord. No. 97-O-29, § 8, 4-22-97)

Sec. 4-52. - Wine and liquor tasting.

- (a) Wine and liquor tasting may be permitted under a Class F and Class F-1 license, and wine tasting only may be permitted under a Class G and Class ~~G~~ G-1 license, as a promotional procedure. Such wine and liquor tasting, however, shall be subject to the following conditions and limitations:
- (1) The tasting shall be attended by and supervised by a full-time employee and only in a designated area on the licensed premises as approved by the liquor commissioner and designated in the permit.
  - (2) The actual amount of wine tasted may not exceed one (1) ounce.
  - (3) The sample shall be served in a container disposed of following the sampling.
  - (4) No licensee shall give or offer to give away alcoholic liquors as a gift, gratuity or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products.
  - (5) That tasting times be restricted to 9:00 a.m. to 8:00 p.m. daily except Sunday, on which no tasting is permitted ~~before 4:00 p.m.~~ 12:00 noon.
  - (6) Nothing in this section shall be construed as authorizing the consumption of alcohol on the premises where sold in violation of subsection 4-45(a)(2) or (3).
- (b) The holder of a Class F, F-1, ~~or~~ Class G, and Class G-1 licenses may obtain an annual tasting permit in conjunction with their liquor license renewal on May 1 through April 30 by submitting

payment of the appropriate additional fee at the time of their annual license renewal application. Three (3) levels of tasting permits are offered to accommodate different retail uses. Days do not have to be consecutive.

- (1) Level 1. The Class F, F-1, G and G-1 liquor license holders are permitted to conduct alcoholic liquor tastings not to exceed a maximum of 150 calendar days throughout the year.
- (2) Level 2. The Class F, F-1, G and G-1 liquor license holder is permitted to conduct alcoholic liquor tastings not to exceed twelve (12) calendar days per year.
- (3) Level 3. The Class F, F-1, G and G-1 liquor license holders are permitted to conduct wine tasting using a "wine station" dispensing system, subject to the following:
  - a. Wine dispensing equipment defined: the automated dispenser is activated by a card purchased from the licensee, which allows sampling of various wines at a cost, per sample, as may be established by the licensee.
  - b. The maximum pour of wine from the dispenser can be no more than one (1) ounce. The maximum number of samples shall be limited to no more than eight (8) per customer per event.
  - c. All samples must be purchased from the dispenser and a fee must be charged for each sample.
  - d. Dispensing equipment must be located in full view and no further than twenty-five (25) feet from the clerk supervising the sampling.
  - e. May offer crackers with wine tasting at no charge. All other food items are subject to approval from the Lake County Health Department.
  - f. No person under the age of twenty-one (21) shall be allowed on premises during wine tasting unless a parent or guardian is present.
  - g. Wine tasting is not permitted before the hour of 11:00 a.m. Monday through Saturday, and 1:00 p.m. 12:00 noon Sunday; nor after the hours of 8:00 p.m. Monday through Saturday and 5:00 p.m. on Sunday. There shall be no limit on hours for private parties not open to the public.
  - h. Any tasting must be consumed on the premises.

~~(c) Wine tasting is permitted under a Class K license and regulated under subsection 4-45(a)(12) small wine maker. Since tasting is part of the selection process for manufacture, no separate wine tasting permit is required for a Class K license.~~

(c) Any violation of the tasting permit rules will be penalized to the maximum extent allowed by law, including license suspension and/or revocation.

(Code 1977, § 22.9; Ord. No. 91-0-15, § 2(22-52), 4-9-91; Ord. No. 06-O-22, § 6, 2-28-06; Ord. No. 06-O-25, § 2, 3-14-06; Ord. No. 09-O-62, § 2, 7-28-09; 14-O-29, § 4, 5-13-14; Ord. No. 14-O-33, § 3, 5-27-14)

#### Sec. 4-53. - Record of licenses.

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

(Code 1977, § 22.11; Ord. No. 91-0-15, § 2(22-53), 4-9-91)

Sec. 4-54. - Suspension, revocation or fines and appeals therefrom.

- (a) The local liquor control commissioner may temporarily suspend or permanently revoke any license issued under this division if he or she determines that the licensee has violated any of the provisions of the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.] or of this chapter or of any other ordinance or resolution enacted by the corporate authorities of the village, or of any applicable rule or regulation established by the local liquor control commissioner or the state commission, which is not inconsistent with law.
- (b) In lieu of suspension or revocation, the local liquor control commissioner may instead levy a fine on the licensee for such violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation; each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the village.
- (c) However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. 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 he 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, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.
- (d) The local liquor control commissioner shall within five (5) days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within five (5) days upon the licensee.
- (e) In the case of any suspension or revocation, it shall be the duty of the licensee to deliver over to the local liquor control commissioner his or her license certificate to be held during the period of such suspension or permanently in case of revocation. In the case of a failure to deliver or refusal of the holder of the license certificate to deliver over his or her license pursuant to the provisions of this section after demand made therefor by the local liquor control commissioner, such holder shall be deemed guilty of a violation of the provisions of this chapter and shall upon conviction be subject to a fine as provided in this Code. A separate offense shall be deemed committed on each day of the then current license year during or on which such failure or refusal continues. In case of any such suspension or revocation, the local liquor control commissioner shall have the power to seize any such suspended or revoked license certificate wherever the same may be found. However, the provisions of this subsection (e) shall not apply while a licensee's appeal of a decision of the local liquor control commissioner pertaining to such a suspension or revocation is pending before the state commission or during the period of time allowed for an application for rehearing by the state commission.
- (f) Any such suspension or revocation of a license shall not affect the sale of nonalcoholic products, food or services offered on the premises.
- (g) An appeal of the suspension or revocation of a license or the levying of a fine shall be limited to a review of the official record of the proceedings of the local liquor control commissioner within the meaning of and pursuant to section 7-9 of the Liquor Control Act of 1934 [235 ILCS 5/7-9]. A certified official record of the proceedings taken and prepared by a certified court reporter or a certified shorthand reporter shall be filed by the local liquor control commissioner within five (5) days after notice of the filing of such an appeal, if the appellant licensee pays for the cost of the transcript.

(Code 1977, § 22.22; Ord. No. 91-0-15, § 2(22-54), 4-9-91)

**State Law reference**— Suspension or revocation of local licenses, 235 ILCS 5/7-5 et seq.; appeals, 65 ILCS 5/7-9.