

AN ORDINANCE PROVIDING FOR THE CONTROL
OF ALCOHOLIC LIQUOR WITHIN THE VILLAGE
OF HOMER GLEN, WILL COUNTY, ILLINOIS

WHEREAS, the Corporate Authorities of the Village of Homer Glen have determined that it is in its best interest to regulate and control the sale of alcoholic liquor within the Village of Homer Glen;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN THAT :

Section 1: Recitals.

The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Definitions.

All words and phrases used in this Ordinance, not otherwise defined herein, and which are defined in "An Act Relating to Alcoholic Liquors", approved January 31, 1934, as amended, shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this Ordinance shall be construed according to the definitions given below:

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| a. ALCOHOLIC LIQUOR: | Any alcohol, spirits, wine, beer, ale or other liquid manufactured, produced or distilled for or fit for beverage purposes that contains any amount of alcohol including beverages commonly know as "near beer", "nonalcoholic beer", or "nonalcoholic wine" whose taste, color, odor and consistency are similar to the alcoholic beverages known as beer and wine and, except for the reduced alcohol content, is marketed as being similar to beer or wine. |
| b. BEER: | 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. |
| c. BREWERY PUB: | A person, or other entity, who or which manufactures beer as defined elsewhere |

herein, only at a designated premises, for the sole purpose of sale and consumption only at and within such premises and who stores such beer at the designated premises for such sale and consumption and who is authorized to sell solely at retail.

d. CLUB:

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 and consumption of alcoholic liquors which conforms to the definition of a club in 235 ILCS 5/1-1-3.24.

e. HOTEL AND TAVERN or
MOTEL AND TAVERN:

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 twenty five (25) or more rooms are used for the 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 and dining room equipment and capacity, and where meals are actually and regularly served; provided, that no hotel or motel licensed alone as such shall sell alcoholic liquor except with meals.

f. HOTEL or MOTEL:

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 twenty five (25) or more rooms are used for the 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 and dining room equipment and capacity, and where meals are actually served and regularly served; provided, that no hotel or motel licensed alone as such shall sell alcoholic liquor except with meals.

g. MINOR:

Any person who has not attained the age of eighteen (18) years.

h. NIGHTCLUB:

Every building or other structure kept, used, maintained, advertised and held out to the public as a place permitting any amusements such as and including but not limited to live musical performances, vaudeville, acting, comedy, dancing or contests.

i. PERSON OF NONAGE:

Any person not yet twenty one (21) years of age.

j. RECREATIONAL FACILITY:

Any public place kept, used, maintained advertised and held out to the public as a golf course, bowling alley, health club, tennis, racquetball or handball club or facility, whether such place is open to the public in general or only available to those who have paid a membership fee and where at least sixty percent (60%) of the facility's total annual revenue is derived from sources other than the sale of alcoholic beverages.

k. RESTAURANT:

Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually 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. Sixty percent (60%) of total annual revenue must be derived from the sale of food; provided, further, that no restaurant licensed as such shall sell alcoholic liquor except with meals.

l. RESTAURANT AND TAVERN:

Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually 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. Sixty percent (60%) of total annual revenue must be derived from the sale of food.

m. RETAIL SALE:

The sale for use or consumption and not for resale.

n. SALE:

Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to any importing distributor's license, even if both licenses are held by the same person.

o. SCHOOL:

An educational institution, including pre-schools and day care centers, but not including undergraduate or post-graduate colleges and universities, having a formal curriculum consisting of recognized academic subjects.

p. SHOPPING CENTER:

An integrated group of commercial establishments which is planned, developed, and managed as a unit with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic consideration and protection from the elements.

- q. SPIRITS: 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.
- r. STATE COMISSION: The Illinois Liquor Control Commission, as defined under 235 ILCS 5/3-1.
- s. WINE or VINOUS BEVERAGES: 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.

Section 3: Local Liquor Control Commissioner.

- a. Village President to Serve As: The Village President is hereby authorized to be the Local Liquor Control Commissioner (hereinafter "Commissioner") and shall be charged with the administration of the Dram Shop Act, and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Village President may appoint a person or persons to assist the Commissioner in the exercise of the powers and the performance of the duties provided for such Commissioner. Each assistant shall serve for a period of four (4) years or until their successors are appointed.
- b. Powers, Duties and Functions: The Commissioner shall have the following powers, functions and duties with respect to local liquor licenses:
- i. To grant and/or suspend for not more than thirty (30) days, or revoke for cause, all local licenses issued to persons or entities for premises within the Commissioner's jurisdiction, and to impose fines as authorized in this Ordinance.
 - ii. To enter or to authorize any law enforcement officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the State law or Village ordinance, or any rules or regulations adopted by the Commissioner or by the State Commission, have been or are being violated, and at such time to examine the premises of the licensee

in connection therewith. Any person or persons appointed by the Commissioner pursuant to this Section shall have the power given to the Commissioner by this subsection.

- iii. To receive complaints from any citizen within the Commissioner's jurisdiction that any of the provisions of the State law or of this Ordinance have been or are being violated, and to act upon such complaint(s), in the manner provided by law.
- iv. To receive local license fees and pay same to the Treasurer.
- v. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for his information in the performance of his duties; and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Commissioner under this Section, the Commissioner may authorize his agent to act on his or her behalf.
- vi. To order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

Section 4: License Required:

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a liquor license, or in violation of the terms of such license. Applications for such licenses shall be made to the Commissioner.

Section 5: Application for Licenses.

- a. Liquor Licenses:
 - i. Applications for such licenses shall be made to the Commissioner, in writing, signed by the applicant, if an individual, or by a duly

authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the statements and information and be in the form provided for in the rules and regulations of the Commissioner.

- ii. All managers and assistant managers for all types of licensed liquor businesses must file applications pursuant to this Section as if they were applicants for individual licenses, must meet all pertinent licensing requirements of this Ordinance, and must be approved by the Commissioner. The application, approval and qualification requirements for managers and assistant managers shall be conditions attached to the license of the business employing them, and any violations of those requirements can result in license penalties for the employing business, including suspension, revocation, and/or fines.
- iii. The Commissioner may, within his or her discretion, require any applicant for a new Village liquor license, any applicant for a renewal of a Village liquor license, to be fingerprinted whether said applicant be an individual or a partnership. Should the applicant be a corporation, the Commissioner may, within his or her discretion, require the following to be fingerprinted:

The officers, manager or director thereof, or any stockholder or stockholders owning in the aggregate of more than five percent (5%) of the capital stock of said corporation.

All such fingerprinting shall be done by the Will County Sheriff's Department or such other law enforcement agency designated by the Commissioner. Said fingerprints shall be submitted to the appropriate State and/or Federal agencies for processing as available. The cost of fingerprinting shall be recoverable from the applicant.

- iv. The Commissioner shall issue a written acceptance or rejection of an application within sixty (60) days of its receipt by the Commissioner; or shall notify any applicant of the reasons for further time being necessary to complete the investigation or processing; or shall schedule a hearing on an application for a liquor license as allowed by 235 ILCS 5/7-9.
- b. Existing Liquor Licenses: All valid liquor licenses issued by the Will County Liquor Control Commissioner for the sale of alcoholic liquor or for the operation of a premises within the Village of Homer Glen for which a liquor license is required under the provisions of this Ordinance

which are in effect as of the date of the adoption of this Ordinance shall be deemed to be liquor licenses issued by the Commissioner under the provisions of this Ordinance. Prior to the expiration of the term of the existing valid liquor license, the licensees shall make application to the Commissioner for the renewal of such license. In the event that expiration occurs prior to April 30, 2002, the Commissioner may issue an interim license commencing upon the expiration date of the existing license and continue in effect until April 30, 2002 at which time the licensee shall apply to the Commissioner for renewal. The fee for such interim license shall be an amount equal to one-third of the annual fee for such license under the provisions of this Ordinance. For purposes of the existing liquor licenses issued by the Will County Liquor Control Commissioner, the following license classifications under the Will County Ordinance shall be deemed to be transferred and subject to enforcement as the following classifications under this Ordinance:

<u>County Classification</u>	<u>Village Classification</u>
C1	D
C	D
A	B
B	B
E	A

Section 6: Restrictions on Liquor Licenses.

The fact that an applicant has been convicted of or has been placed on supervision for a drug or alcohol-related offense or suspension of a liquor license in any other jurisdiction shall be considered in the review of an application for a liquor license or renewal thereof, and may be the basis for the denial of the license or renewal of any license hereunder. For purposes of this Ordinance, “alcohol-related offense” includes driving while under the influence of intoxicating liquor, and any offenses involving the possession, transfer or consumption of alcohol. No such license shall be issued to:

- a. A person who is not of good character and reputation in the community in which such person resides, or is a habitual user of alcohol, drugs, narcotics, marijuana, or controlled substances.
- b. A person who is not a citizen of the United States.
- c. A person who is not a resident of the Village of Homer Glen.

- d. A person who has been convicted of a felony under any Federal or State law.
- e. A person who has been convicted of being the keeper or is keeping a house of ill-fame.
- f. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- g. A person whose license under this Ordinance, or any similar regulatory ordinance or statute, has been revoked for cause.
- h. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- i. A partnership, if any general partner thereof, or any limited partner thereof, owning more than five percent (5%) of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder.
- j. A corporation, if any officer, manager, assistant manager, or director thereof, or any stockholder owning more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residency.
- k. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in Illinois.
- l. A person whose place of business is conducted by a manager or assistant manager or agent, unless said manager or assistant manager or agent possesses the same qualifications required by the licensee, and except that such manager or assistant shall not be required to reside within the corporate limits of the Village of Homer Glen.
- m. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
- n. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
- o. Any elected public official, Homer Glen officer or employee or member of any Homer Glen Village Board or commission; and no such official shall

be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

- p. Any person, firm or corporation not eligible for a State retail liquor dealer's license.
- q. Any applicant who fails to obtain a State liquor license.
- r. A person who is not a beneficial owner of the business to be operated by the licensee.
- s. A person who has been convicted of a gambling offense as prescribed by State statute.
- t. A person to whom a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period; a partnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the current tax period; a corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax period; or any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period.
- u. Any premises from which alcoholic liquor is or may be sold at a drive-through facility where the customer or purchaser can purchase or receive delivery or alcoholic liquor without exiting a motor vehicle or without entering such building or structure where alcoholic liquor is sold.

Section 7: Record of Licenses.

The Village Clerk shall keep a complete record of all liquor licenses issued and shall furnish the Will County Sheriff's Department or the presiding law enforcement officer for the Village of Homer Glen with a copy thereof; upon revocation or suspension of any license, the Village Clerk shall immediately give written notice thereof to such law enforcement agency or official.

Section 8: Liquor License; Insurance Requirements.

No liquor license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Commissioner that such applicant is covered by a policy of dram

shop insurance issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21, as may be amended from time to time, and specifically designating the Village of Homer Glen as an additional insured. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought.

Section 9: Term of License; Renewals.

Each license issued hereunder shall terminate on April 30 following the issuance thereof. Any licensee may renew such license at the expiration thereof, provided that it is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall prevent the Corporate Authorities from decreasing or limiting the number of classes of licenses to be issued within the Village.

Section 10: Transfer of License:

A liquor license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as in this Ordinance provided, 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 cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

Section 11: Liquor Licenses, Classification and Fees.

There shall be the following classes of liquor licenses with an annual license fee as indicated:

- a. Class A. – Restaurant with Service Bar:
 - i. A restaurant license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink or vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.
 - ii. Service of alcoholic liquor shall be only during the time that full meals are being served and a full menu is in effect.

- iii. The license shall only be available for premises defined as a restaurant herein.
 - iv. All such liquor service shall be from a service bar only; said bar not to be available for customer use.
 - v. Restaurant licenses shall be issued only to restaurants that have dining facilities as stated.
 - vi. The annual fee for a Class A license shall be \$2,000.00.
- b. Class B – Restaurant and Bar:
- i. A restaurant and tavern license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink for consumption on the premises, and beer and vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.
 - ii. Service of alcoholic liquor shall be only during the time that food is being served and a menu is in effect. A Class B licensee, if a regular full menu is not in effect at all times, must have a printed after dinner menu, and food must be available.
 - iii. All such liquor service shall be by the drink only, excepting vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.
 - v. The annual fee for a Class B license shall be \$2,000.00.
- c. Class C – Tavern:
- i. Authorizes the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form.
 - ii. All such liquor service, excepting vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces, shall be by the drink only and may be served from a customer bar.
 - iii. The annual fee for a Class C license shall be \$2,000.00.
- d. Class D – Package Store:

- i. Authorizes the retail sale, on the premises specified of alcoholic liquor in its original package, not for consumption on the premises.
- ii. If the sale of alcoholic liquor is conducted on premises which are utilized primarily for other retail sales activity, the sale of liquor shall be confined to an area which is separated from the other retail portions of the premises by a suitable enclosure or partition, the design and construction of same to be approved by the Commissioner.

Notwithstanding the foregoing, the requirement set forth in the preceding sentence of this Section 11.d.ii shall not apply to any Class D licensee that is actually primarily engaged in the retail sale of grocery products as a full service grocery store, and holds itself out to the public as so engaged, whether or not the licensee operates such grocery store in connection with a pharmacy or in connection with the operation of any other lawful business or the provision of any otherwise lawful good or service.

- iii. The annual fee for a Class D license shall be \$2,000.00.
- e. Class E – Temporary License:
- i. Authorizes the retail sale of wine and/or beer only, on the premises specified, for consumption on or adjacent to said premises at a picnic, carnival, or similar function. Such temporary licenses are to be granted to local organizations or groups promoting a common object rather than the sale of wine and/or beer.
 - ii. Such license shall be authorized on a day-to-day basis, but for not more than seven (7) consecutive days.
 - iii. There shall be no fixed or absolute limits on the number of such licenses that may be issued to any applicant in a given year or on the number of such license that may be in force or effect at any given time, but the issuance of such licenses shall in all circumstances be subject to the reasonable discretion and control of the Local Liquor Control Commissioner.
 - iv. The fee for such license shall be \$100.00, regardless of the number of days for which such license is sought.
- f. Class F – Beer and Wine Retail Sale:

- i. Authorizes the retail sale of beer and wine only for consumption on the premises where sold by the glass, bottle, carafe, or beer by the pitcher of a capacity not to exceed sixty (60) ounces.
- ii. The annual fee for a Class F license shall be \$1,500.00.
- g. Class G – Beer and Wine Package Sale:
 - i. Authorizes the retail sale of beer and wine only in sealed packages, but not for consumption on the premises where sold.
 - ii. If the sale of alcoholic liquor is conducted on premises which are utilized primarily for other retail sales activity, the sale of liquor shall be confined to an area which is separated from the other retail portions of the premises by a suitable enclosure or partition, the design and construction of same to be approved by the Commissioner.
 - iii. The annual fee for a Class G license shall be \$1,500.00.
- h. Class H – Clubs:
 - i. Authorizes the retail sale of alcoholic liquor only on the premises where sold to be issued to a regularly organized club, as heretofore defined, such sales to be made only to members of the club or their guests.
 - ii. The club shall file with the Commissioner at the time of its application for a license two (2) copies of a list of names and residences of its members, and similarly shall file within ten (10) days of the election of any additional member his name and address; and, provided further that the club affairs and management shall be 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 shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profit 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.
 - iii. The annual fee for a club license is \$750.00.
- i. Class I – Catering License:

- i. A catering license authorizes the sale of alcoholic liquor in connection with the operation of a catering business within the Village, which sale shall be made at the registered office of the licensee, which shall be the licensed premises, and nowhere else.
 - ii. Alcoholic liquor shall only be sold and served by the licensee in connection with the catering of foods.
 - iii. In addition to the other requirements of this Ordinance, a Class I license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business with headquarters within the Village.
 - iv. The annual fee for a Class I license shall be \$1,000.00.
- j. Class J – Special Event License:
- i. Authorizes the retail sale of wine and/or beer only, on the specified premises. Such special event licenses are to be granted to local not-for-profit community organizations chartered as such, or governmental entities, which are dedicated to the realization of local goals which are a direct benefit to all the citizens of the Village. Such sales are limited to the public in general at a picnic, carnival or similar function.
 - ii. Such license authorizes the retail sale and/or consumption of wine and/or beer only, on Village-owned property, such as streets, roads or parks. The boundaries of the licenses premises and the duration of the license shall be established by the Commissioner. The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities as may be required by the Commissioner to protect the public health, safety, welfare and morals of the residents of the Village, and shall restore the premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage in accordance with this Ordinance. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this Ordinance and its license.
 - iii. The retail sale and consumption of wine and beer authorized by a license issued pursuant to this subsection shall be limited to the premises specified in the license, which premises shall be entirely enclosed in a tent, in a fenced area, or entirely enclosed by a

- double fence with at least four feet (4') separating each fence row, demarcating the licensed premises.
- iv. No applicant shall be allowed to apply for or receive more than two (2) Class J licenses during the course of any one (1) year period.
 - v. The fee for such license shall be \$50.00 per day, plus payment to the Village for the actual cost incurred by the Village in providing additional police personnel necessitated by improper conduct or control by the licensee on the specified premises. Each licensee who is to be held responsible for additional charges shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the Commissioner, and shall thereafter promptly pay any such additional charge determined by the Commissioner to be due the Village.
- k. Class K – Recreational Facility:
- i. A recreational facility license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink or vinous beverages by the bottle or carafe, or beer by the pitcher of a capacity not to exceed sixty (60) ounces.
 - ii. Service of alcoholic liquor shall be only during the time that the athletic or sports portions of the facility are open and available for use.
 - iii. Food may be served for the convenience of the patrons, so long as such food service complies with all applicable health regulations and licensing requirements.
 - iv. The annual fee for a Class K License shall be \$2,000.00.
- l. Special Promotional Permits:
- i. Promotional activities by local merchants or under sponsorship of a local not-for-profit organization for the sale of merchandise other than undergarments, sleepwear, lingerie or swimming attire, displayed by live models, shall be permitted within Class A, B, I, J or K licensed premises.
 - ii. The fee for such permit shall be \$50.00 per event.
- m. Class L – Wine/Champagne Basket Sales License:

- i. Authorizes the retail sale of bottled wine or champagne to be sold exclusively as part of an arrangement in a gift basket by an establishment in which the retail sale of bottled wine and champagne is the primary and principal business thereof.
 - ii. In addition to other requirements of this Ordinance, a Class L license shall only be issued to persons who can demonstrate that they are operating a bona fide wine/champagne gift basket business.
 - iii. Wine and champagne shall be sold in sealed packages only and consumption on the premises where sold is not permitted.
 - iv. For purposes of this license classification, a basket shall be defined as a decorative gift container which may be constructed of wood, metal, plastic, woven rope, decorative paper or plastic bag or such similar material the purpose of which is to hold the gift bottle arrangement.
 - v. The annual fee for the Class L License shall be \$250.00.
- n. Class M – Nightclubs:
- i. A nightclub license authorizes the retail sale on the premises specified of alcoholic liquor by the drink for consumption on the premises, and beer, vinous beverages by the bottle, carafe or beer by the pitcher of a capacity not to exceed sixty (60) ounces.
 - ii. The license shall only be available for premises defined as a nightclub herein.
 - iii. The display by live models of undergarments, sleepwear, lingerie and swimming attire is prohibited.
 - iv. All such liquor service, excepting beer and vinous beverages by the bottle, carafe or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces shall be by the drink only, and shall be served from a service bar by waitresses and waiters.
 - v. The annual fee for a Class M license shall be \$3,000.00.
- o. Class N – Brewery Pub:

- i. Permits the manufacture of beer as defined elsewhere herein, only at a designated premises, for the sole purpose of the retail sale, consumption and storage of such beer only at and within such premises.
 - ii. The license shall only be available as a supplemental license for premises holding a Class A or Class B license.
- p. Class B1-Bar with Food Service:
- i. The retail sale of alcoholic liquor shall be only during the time that food is being prepared on premises and served for immediate consumption in an establishment having a seating capacity for the service of said food to be served primarily at tables, not just a counter or bar, for not less than 30 patrons at the same time. The sale of packaged foods such as potato chips, pretzels, popcorn, peanuts or other similar snack foods, or frozen or pre-made foods such as pizzas, hamburgers or sandwiches which can be prepared by only heating or warmed in an oven shall not be considered food prepared and served on premises, as herein required; and
 - ii. The retail sale of alcoholic liquor is limited to the sale of alcoholic liquor by the drink for consumption on the premises, and beer and vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounce. The annual fee for a Class B1 license shall be \$2,000.00.

Section 12: Initial Liquor License Applications, Fees.

The first and initial license fee for new liquor licenses issued between May 1 and October 31 of any year shall be in an amount equal to the annual fee plus a one thousand dollar (\$1,000.00) nonrefundable fee to defray costs of investigation of applicant as provided for and pursuant to the provisions of this Ordinance, payable in one installment. The first and initial liquor license fee for new liquor licenses issued between November 1 and April 30 for any year shall be in an amount equal to one-half (1/2) the annual fee plus a one thousand dollar (\$1,000.00) nonrefundable fee to defray costs of investigation of applicant as provided for and pursuant to the provisions of this Ordinance, payable in one installment. The following shall not be subject to a first and initial liquor license fee:

1. One who at the time of the adoption of this Ordinance held a valid liquor license issued by the Will County Liquor Control Commissioner for the operation of a premises within the Village of Homer Glen.
2. One who is a father, mother, brother, sister, husband, wife, son or daughter of a liquor licensee or a deceased licensee, provided that said license of the

licensee has first been cancelled and so cancelled not more than fifteen (15) days prior to the filing of a new application.

Any sale, transfer, or assignment of more than fifty percent (50%) of the shares of a corporation shall terminate said liquor license for the purpose of payment of a fee for a first and initial liquor license. Any bankruptcy, insolvency of a liquor licensee, any sale, transfer or assignment of any partner or partnership or partnership interest in a license held by a partnership shall terminate said license for the purposes of payment of a fee for a first and initial liquor license.

Notwithstanding anything in this Section 12 to the contrary, applicants for Class E licenses, Class J licenses and special promotional permits shall only be required to pay the license fees set forth in Section 11 of this Ordinance, and shall not be required to pay the one thousand dollar (\$1,000.00) investigation fee otherwise required by this Section 12.

Section 13: Number of Liquor Licenses Issued.

All liquor licenses issued hereunder shall be designated by the classification letter herein provided. There shall be such number of liquor licenses as may be from time to time determined by the corporate authorities. There may be in force at any time no more than:

- | | | |
|----|-------------|-------------------|
| a. | one (1) | Class A licenses. |
| b. | eleven (11) | Class B licenses. |
| c. | one (1) | Class B1 licenses |
| d. | one (1) | Class C licenses. |
| e. | four (4) | Class D licenses. |
| f. | one (1) | Class E licenses. |
| g. | one (1) | Class F licenses. |
| h. | nine (9) | Class G licenses. |
| i. | zero (0) | Class H licenses. |
| j. | one (1) | Class I licenses. |
| k. | zero (0) | Class J licenses. |
| l. | zero (0) | Class K licenses. |
| m. | zero (0) | Class L licenses. |
| n. | zero (0) | Class M licenses. |
| o. | zero (0) | Class N licenses. |

The Village of Homer Glen hereby approves the special use permit for liquor sales ancillary to a restaurant use in a C-3 zoning district to permit the development of the Property as and for a restaurant and lounge to be known as Litsa Lounge and Eatery, subject however, to the following conditions: (a) that said Unit shall be developed substantially in accordance with the Floor Plan, dated November 15, 2005, prepared by David Wayne McEachern Architects Ltd., (b) alcoholic beverages shall only be served during hours of operation of the restaurant during which food is served.

Section 14: Incomplete or Inaccurate Applications.

- a. Applications for liquor licenses which are incomplete, inaccurate or fail to contain the statements or information required by this Ordinance shall be rejected by the Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiencies in said application within sixty (60) days of its receipt by the Commissioner. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application in accordance with this Ordinance.
- b. Administrative or legal expenses incurred in reviewing incomplete or inaccurate liquor license applications, advising the applicant of such deficiencies and rejecting such applications shall be paid by the applicant. A bill or invoice shall be submitted to the applicant specifying the additional administrative or legal expenses incurred in processing the applicant's incomplete liquor license application, which shall be paid by the applicant together with the annual license fee prior to the issuance of such license.

Section 15: Disposition of Fees and Fines.

All license, permit and application fees shall be paid to the Treasurer at the time application is made and all fines and penalties shall be paid to the Treasurer within two (2) business days of the entry of the fine and penalty, unless otherwise ordered by the Commissioner. Although the license is payable at the time of making application for license, the Commissioner may divide the annual license fee into two (2) payments, each payable semiannually. In the event the license applied for is denied, the fees shall be returned to the applicant. The initial \$1,000.00 application fee is non-refundable. If the license is granted, then the annual license fee shall be deposited as set forth above, and no portion thereof shall be refunded.

Section 16: Conditions of Liquor License.

- a. Closing Hours:
 - i. Effective November 1, 2008, it shall be unlawful to remain open for business or to admit the public to any licensed premises, or to sell or offer for sale at retail or offer to give away on any licensed premises any alcoholic liquor in the Village of Homer Glen, except during the following hours:
 - a. Sundays, 10:00 A.M. until 1:00 A.M. the following day.
 - b. Mondays through Thursdays, 6:00 A.M. until 1: 00 A.M. the following day.

- c. Fridays and Saturdays, 6:00 A.M. until 2:00 A.M. the following day.
 - d. On Christmas Eve, closing time shall be 11:00 P.M., and on New Year's Eve closing time shall be 2:00 A.M. on January 1.
 - e. All establishments may remain open until 2:00 A.M. the day before a national holiday.
- ii. Service of alcoholic liquor must conclude 30 minutes prior to the establishment's closing hour. An announcement regarding the conclusion of the sale of alcoholic beverages of the establishment must be made 30 minutes prior to the establishment closing hour.
 - iii. In the case of restaurants, hotels, recreational facilities, and licenses selling packaged liquors, where the sale of alcoholic liquor is conducted on premises which are utilized primarily for other retail sales activities, such establishments may be kept open for business after the closing hours set forth herein, but no alcoholic liquor may be sold, offered for sale, or given away after said closing hours, and no person other than the licensee and employees of the licensee in the actual active pursuit of their employment shall be permitted to remain in or upon that portion of the premises, used during opening hours, for the dispensation of alcoholic liquors.
- b. Election Days: Licensees may sell at retail any alcoholic liquor on the day of any national, State, County or Village election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.
 - c. Refilling Original Liquor Packages: No person licensed under this Ordinance shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages, excepting vinous beverages and pitchers of beer as permitted elsewhere herein.
 - d. Quantity Sales for On-Premises Liquor Consumption: It shall be unlawful for any licensee to sell, give away, or permit to be sold, served or given away for consumption on the licensed premises any distilled spirits except, by the glass, in individual servings not exceeding three (3) fluid ounces.
 - i. It shall be unlawful for any licensee licensed hereunder to sell, offer for sale, dispense, or serve any alcoholic beverages at reduced prices, or promotional drinks.

- ii. All retail liquor licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a Class A, B or C license holder operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the license holder shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.
- iv. No retail liquor licensee or employee or agent of such licensee shall:
 - a. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person except selling or delivering wine by the bottle or carafe;
 - b. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 - c. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, with out increasing proportionately the price regularly charged for the drink on that day;
 - d. Encourage or permit, on the licensed premises, any game or contest which involved drinking alcoholic liquor or the awarding or drinks of alcoholic liquor as prizes for such game or contest on the licenses premises; or
 - e. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under this Section.
- v. Nothing in subsection iii of this Section shall be construed to prohibit a liquor licensee from:
 - a. Offering free food or entertainment at any time;
 - b. Including drinks of alcoholic liquor as part of a meal package;
 - c. Including drinks of alcoholic liquor as part of a hotel package;

- d. Negotiating drinks of alcoholic liquor as part of a contract between a Class A, B, C, I or J liquor license holder and another group for the holding of any function, meeting, convention or trade show on the premises of the licensee;
 - e. Providing room service to persons renting rooms at a hotel;
 - f. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
 - g. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- vi. A violation of this Section shall be grounds for suspension or revocation of the retailer's liquor license.
- e. **Displaying Liquor Licenses:** Every liquor licensee shall cause the license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.
- f. **Political Campaign Contributions Prohibited:**
- i. It is unlawful for any licensee or an individual owning directly or beneficially more than five percent (5%) of the corporation stock of any licensee, where more than five percent (5%) of the licensee's gross income is derived from the sale of alcoholic liquor, to become liable for, pay or make any contribution exceeding one hundred fifty dollars (\$150.00) directly or indirectly toward the nomination, campaign fund or expenses of any candidate for an elected office of the Village of Homer Glen. "Gross income" shall mean income or receipts before any deductions. "Contribution" shall mean monetary contributions having monetary value or any in-kind contributions having monetary value.
 - ii. Any person violating this Section shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense and shall subject such liquor license to suspension or revocation in the manner provided in this Ordinance.

Section 17: Liquor Manufacturers and Distributors, Restrictions.

- a. Loan and Credit.

- i. No person holding a liquor license under this Ordinance shall accept, receive or borrow money or anything of value directly or indirectly from any person connected with or in any way representing any manufacturer or distributor of any coin-operated or amusement device who shall install or furnish such device for use on the licensed premises; provided that the provision of this Section shall not apply to commissions or rental fees arising out of the use of such coin-operated or amusement device on the licensed premises.
- ii. It is unlawful for any person having a retailer's liquor license or any officer, associate, member, representative or agent of such licensee to accept, receive or borrow money or anything else of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor of alcoholic liquor, or from any person connected with or in any way representing or from any members of the family of, such manufacturer, importing distributor or wholesaling of such liquor, or from any officer, manager, agent or representative of said manufacturer.
- iii. It is unlawful for any manufacturer or distributor or importing distributor of alcoholic liquor to give or lend money or anything of value, or otherwise loan or extend credit (except such merchandising credit) directly or indirectly to any retail licensee or to the manager, representative, agent, officer or director of such licensee. No retail liquor licensee delinquent beyond such thirty (30) day period shall solicit, accept or receive credit, purchase or acquire alcoholic liquors, directly or indirectly from any other licensee, and no manufacturer, distributor or importing distributor shall knowingly grant or extend credit, sell, furnish or supply alcoholic liquors to any such delinquent retail licensee; provided that the purchase price of all beer sold in returnable bottles shall expressly include a charge for the bottles and cases, the retail licensee shall, on or before delivery of such beer, pay the seller in cash a deposit in an amount not less than the deposit required to be paid by the distributor or the brewer; but where the brewer sells direct to the retailer, the deposit shall be an amount no less than required by the brewer from its own distributors; and provided further, that in no instance shall this deposit be less than fifty cents (\$.50) for each case of beer in pint or smaller bottles, and sixty cents (\$.60) for each case of beer in quart or half-gallon bottles

Nothing herein contained shall prohibit any liquor licensee from crediting or refunding to a purchaser the actual amount of money paid for bottles, cases, kegs or barrels returned by the purchaser to the seller, or paid by the purchaser as a deposit on bottles, cases, kegs or barrels when such containers or packages are returned to the seller.

- iv. No right of action shall exist for the collection of any claim based upon credit extended to a distributor, importing distributor or retail liquor licensee contrary to the provisions of this Section.
 - v. The thirty (30) day merchandising credit period allowed by this Section shall commence with the date immediately following the date of the invoice and shall include all successive days including Sunday and holidays, to and including the thirtieth successive day.
 - vi. In addition to other methods allowed by law, payment by check during the period for which merchandising credit may be extended under the provisions of this Section shall be considered payment. All checks received in payment for alcoholic liquor shall be promptly deposited for collection. A post-dated check or a check dishonored on presentation for payment shall not be deemed payment.
 - vii. A retail liquor licensee shall not be deemed to be delinquent in payment for any alleged sale to him of alcoholic liquor when there exists a bona fide dispute between such retailer and a manufacturer, importing distributor or distributor with respect to the amount of indebtedness existing because of such alleged sale.
 - viii. The license of any person who violates any provision of this Section shall be subject to suspension or revocation in the manner provided.
- b. Furnishing or Signs to Retailers.
- i. Except as otherwise herein provided, no manufacturer or distributor or importing distributor shall, directly or indirectly, sell, supply, furnish, give or pay for, or loan or lease, any furnishing, fixture or equipment on the premises of a place of business of a licensee authorized under this Ordinance to sell alcoholic liquor at retail, either for consumption on or off the premises, nor shall they, directly or indirectly, pay for any such license, or advance, furnish, lend or give money for payment of such license, or purchase, or become the owner of, a note, mortgage, or other evidence of indebtedness of such licensee or any form of security therefore, nor shall such manufacturer, or distributor, or importing distributor,

directly or indirectly, be interested in the ownership, conduct or operation of the business, or distributor, or importing distributor be interested directly or indirectly, or as owner or part owner of said premises or as lessee or lessor thereof, in any premises upon which alcoholic liquor is sold at retail.

- ii. No manufacturer or distributor or importing distributor shall sell, directly or indirectly, or through a subsidiary or affiliate, or by any officer, director or firm of such manufacturer, distributor or importing distributor, furnish, give, lend or rent, install, repair or maintain, to or from any retail liquor licensee, any interior decorations or signs except as herein provided.
- iii. A manufacturer or distributor or importing distributor may furnish, give, lend or rent and erect, install, repair and maintain for any retail liquor licensee, for use at any one time in or about or in connection with a retail establishment on which the products of the manufacturer, distributor or importing distributor are sold: one outside sign and one or more inside signs, whether visible from the outside or the inside of the premises, all of which shall advertise only said products, window painting and window trim, costing in the aggregate not more than eight hundred ninety three dollars (\$893.00) in any one calendar year, exclusive of erection, installation, repair and maintenance costs and permit fee with respect to outside and inside signs; also other advertising materials, such as posters, placards, coasters, trays, bowling sheets and similar printed or illustrated material, in place and in use at any one time, costing in the aggregate not more than three hundred twenty five dollars (\$325.00). Nothing in this Ordinance shall be construed as affecting existing window painting or window trim, or as affecting existing outdoor or inside signs, installed in or on or about the premises of any retail establishment in the Village on or prior to the date of adoption of this Ordinance, but no such existing sign shall thereafter be installed or used on the premises of any other retailer in this Village unless it shall comply with the foregoing limitations, where not inconsistent or in violation with other ordinances of the Village.
- iv. No person engaged in the business of manufacturing, importing or distributing alcoholic liquor shall, directly or indirectly, pay for, or advance, furnish or lend money for the payment of any license of another. Any licensee who shall permit or assent, or be a party in any way to any violation or infringement of the provisions of this Section shall be deemed guilty of a violation of this Ordinance, and any money loaned contrary to a provision of this Section shall not be recovered back, or any note, mortgage or other evidence of

indebtedness, or security or any lease or contract obtained or made contrary to this Ordinance shall be unenforceable and void.

Section 18: Location, Building and Premises Restrictions.

a. Location Restrictions

- i. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged or for indigent persons or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business or use so exempted shall have been established for such purposes prior to the establishment of any such church, school, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station, nor to the renewal of a license for the sale at retail of alcoholic liquor on 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 services or educational programs and not to property boundaries.
- ii. Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor, if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than sale or consumption of alcoholic liquor.
- iii. No such license shall be issued to any person for the sale of any alcoholic liquor at any store or other place of business where the majority of customers are minors, or where the principal business transacted consists of the sale of school books, school supplies, food, lunches or drinks for such minors.
- iv. A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provision and regulations of this Ordinance.

b. View from Street.

In the premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, recreational facility or club) no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interiors of the premises shall be clearly visible. In case the view into any such licenses premises required by the foregoing provisions shall be willfully obscured by the licensee, or be permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this Section, the Commissioner shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required.

c. Sanitary Conditions.

All premises used for the retail sale of alcoholic liquor, 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.

d. Premises Restrictions.

- i. No liquor licensed premises shall be operated or occupied in violation of any building, fire, health or safety code, rule regulation, occupancy or capacity limitation established or adopted by the Village of Homer Glen, or the State of Illinois.
- ii. Maximum capacity or occupancy restriction shall be established for each premises by the fire protection district having jurisdiction or such ordinances and codes as may be applicable to the Village of Homer Glen, and shall be posted in no less than two (2) prominent locations in the particular premises.

e: Premises Expansion.

Any and all licenses issued hereunder shall only be valid for and apply to the premises as specifically described in the original application therefor, or as existing as of the date of the original or initial issuance of the license for said premises, and such premises shall not be expanded, added to or otherwise changed in such a fashion as to increase the amount of space available to the licensee within or at such premises for the sale of alcoholic liquors without first applying for a Premises Expansion Permit from the Village of Homer Glen Local Liquor Control Commissioner. Application for a Premises Expansion Permit shall be made in such form as the Local Liquor Control Commissioner shall require from time to time, and shall include, at a minimum, the name of the licensee, the class of the license, the length of time for which the premises in question have been licensed, the location and/or description of the presently licensed premises, the location and/or description of the premises upon completion of the proposed expansion thereof and a statement of the reasons supporting the proposed expansion of the licensed premises. Upon his receipt of an application for a Premises Expansion Permit, the Local Liquor Control Commissioner shall within fourteen (14) days of such receipt review such application with reference to the aforementioned items, and determine, on the basis of that review, whether granting the Premises Expansion Permit promotes the general health, safety, morals and welfare of the Village and its residents. The Local Liquor Control Commissioner shall inform an applicant of his decision on a Premises Expansion Permit Application within said fourteen (14) day period. Applicants may request a hearing before the Local Liquor Control Commissioner to reconsider any denial of a Premises Expansion Permit by filing a written request therefor with the Local Liquor Control Commissioner within three (3) days after the determination of denial of the Premises Expansion Permit application. Notwithstanding anything herein to the contrary, no licensee shall be eligible to receive or to apply for a Premises Expansion Permit during the term of the original license issued to such licensee.

Section 19: Personnel Restrictions, Liquor Licenses.

- a. Change in Personnel:
 - i. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5%) of the stock or ownership interest, managers or assistant managers or establishments licensed to sell liquor under this Ordinance shall be reported in writing to the Commissioner within ten(10) days of the change. All such new personnel shall meet all the standard of this Ordinance and must otherwise qualify to hold a liquor license. All

such changes in personnel shall be subject to review by the Commissioner.

- ii. When a liquor license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
- iii. When a liquor license has been issued to a corporation, and a change takes place in officers, directors, managers or shareholders of more than five percent (5%) of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
- iv. When a liquor license has been issued to an individual who is no longer eligible for a license, said license shall terminate.

b. Employees.

No employee, agent or manager, while on duty within the premises, shall use or consume any illegal drugs or alcoholic liquor, or be under the influence of illegal drugs or alcoholic liquor.

c. Manager on Duty.

At all times when the liquor license is in effect a licensee shall have on duty a manager, assistant manager or owner who is listed as managerial staff in the liquor license application of the licensee.

d. Training Requirements.

Every owner, manager, assistant manager and bartender of a licensee who dispenses, sells, delivers or serves alcoholic liquor, shall provide evidence of successful completion of a Beverage Alcoholic Sellers and Servers Education Training Program at a facility approved or recommended by the State Liquor Control Commission or otherwise approved or recommended under applicable Illinois law. Persons holding Class E or Class J licenses, together with their employees and agents, shall be exempt from this requirement, provided, however, all licensees shall provide a written statement signed by the licensee and each such bartender, agent and employee that they have read and understand this Ordinance.

Section 20. Prohibited Acts and Conditions.

- a. Peddling: No licensee shall peddle alcoholic liquor in the Village.
- b. Gambling: No licensee shall permit any gambling on any premises licensed to sell alcoholic liquor.

- c. Intoxicated Persons: No licensee shall permit or allow an intoxicated person to enter into or allow to remain upon the premises. No licensee shall sell alcoholic liquor to any intoxicated or incompetent persons.
- d. Disorderly Persons: No licensee shall permit or allow any person to enter into or remain upon the premises who is engaged in conduct which, under the circumstances, creates or which would tend to create a breach of the peace.
- e. Dancing: No licensee shall permit or allow dancing upon the premises except in an area specifically designated for dancing only or upon a stage.
- f. Discrimination: No licensee shall discriminate in service because of race, sex, religion, natural origin or physical handicap.
- g. Violations of County, State or Federal Laws: No licensee shall permit or allow the violation of County Ordinance, State Statute or Federal Law upon the licensed premises by any person.
- h. Nudity: The following conduct on premises licensed to sell alcoholic liquor is prohibited:
 - i. Public Indecency: Any person who performs any of the following acts in a public place commits public indecency:
 - (a) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12.; or
 - (b) a lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person or another.
 - (c) "Public place" for purposes of this section means any place where the conduct may reasonably be expected to be viewed by others.
 - ii. The act or simulated caressing or fondling of genitals, buttocks or breasts.
 - iii. The actual or simulated display or exposure of genitals, pubic hair, buttocks, anus or breasts.
 - iv. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, pubic hair, buttocks, breasts or anus.
 - v. The displaying of films, pictures or any other visual display depicting acts set forth in subparagraph (i) above.

- i. Soliciting Drinks: No person shall engage in the solicitation of drinks from customers other than to take orders for drinks and to mix and deliver drinks as required by said customers.
- j. No licenses shall permit, contract for or allow any person or persons to enter or remain on the licensed premises to engage in conduct commonly called a "Lingerie Show" as hereinafter defined. A "Lingerie Show" is defined as a public display, show or event at which any person or persons wears men's or women's undergarments, swimsuits, or sleepwear, including but not limited to bras, panties, underwear, slips, negligees, teddies, thong undergarments or g-strings whether for sale, raffle, display or gift.
- k. Live Entertainment – No licensee shall be permitted to offer or provide any form of live entertainment (limited to any form of live musical performances, karaoke performances, or comedian performances and excluding all other forms of possible live entertainment activities) whatsoever on the licensed premises, without first receiving a permit therefor, in accordance with and subject to the following terms, conditions and limitations:
 - i. Only licensees holding licenses that permit on-premises consumption of alcoholic liquor shall be eligible to apply for or to receive a Live Entertainment Permit as contemplated herein.
 - ii. Licensees shall be required to apply to the Local Liquor Control Commissioner of the Village for a Live Entertainment Permit, in such form as shall be prescribed by him from time to time. The fee for a Live Entertainment Permit shall be equal to five percent (5%) of the annual fee for that class of liquor license then held by the applicant for the Live Entertainment Permit.
 - iii. Only licensees that have not been subject to the imposition of any fines, license suspensions, license revocations or other discipline pursuant to the terms and provisions of this Ordinance within the twelve (12) months immediately prior to the date of application shall be entitled to apply for a Live Entertainment Permit.
 - iv. Recipients of a Live Entertainment Permit issued hereunder must comply at all times with all applicable Ordinances of the Village, and all state and federal laws, as the same may be amended from time to time. Violation of any of the same shall be considered grounds for the revocation of the Live Entertainment Permit, which shall generally follow the license revocation and discipline procedures set forth in this Ordinance. Upon revocation of a Live Entertainment Permit, the

holder thereof shall thereafter be permanently ineligible to receive or hold a Live Entertainment Permit in the future.

- v. Recipients of a Live Entertainment Permit issued hereunder shall also expressly be responsible for taking such measures as may be necessary to ensure that the conduct of live entertainment of the licensed premises does not constitute a public or private nuisance. Without otherwise limiting the foregoing, the holder of a Live Entertainment Permit shall specifically be required to prevent the production or emission of any sound or noise whatsoever that is caused by or reasonably related to the conduct of the live entertainment activities that is audible beyond the boundaries of the parcel of land on which the licensed premises are located. Furthermore, all live entertainment authorized pursuant to any Live Entertainment Permit shall be conducted entirely within an enclosed building or structure located on the licensed premises, and no live entertainment shall be conducted outside. Notwithstanding the foregoing, licensees holding a Class E license or a Class J license may be permitted to conduct live entertainment activities outside, subject to such reasonable restrictions as may be deemed necessary by the Local Liquor Control Commissioner to assure that the conduct of such live entertainment does not constitute a nuisance.
- vi. The use of pyrotechnics or fireworks of any type by the holder of a Live Entertainment Permit shall be prohibited.
- vii. Upon issuance, a Live Entertainment Permit shall be valid for a term of six (6) months from the date of issuance, except that any Live Entertainment Permit issued prior to October 31, 2004 shall expire on October 31, 2004. Holders of Live Entertainment Permits wishing to renew such permits shall be required to apply for such renewal to the Local Liquor Control Commissioner not less than thirty (30) days prior to the expiration thereof, in such form as may be required by the Local Liquor Control Commissioner.

Section 21: Persons of Nonage, Liquor.

- a. Sales to Persons of Nonage and Habitual Drunkards, Mental Incompetents and Intoxicated Persons.
 - i. No licensee or officer, associate, member, representative, agent or employee of a liquor 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 to be an habitual

drunkard, insane, mentally ill, mentally deficient or in need of mental treatment. 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. It shall be unlawful for any person under the age of twenty one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold.

- ii. In every place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:

**WARNING TO PERSONS UNDER
THE AGE OF 21 YEARS**

You are subject to a fine up to \$500.00 under the laws of the State of Illinois and the ordinances of the Village of Homer Glen, if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

Village of Homer Glen
Liquor Control Commissioner

- iii. It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of twenty-one (21) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this subsection shall not apply to any person under the age of twenty-one (21) years who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor. In addition to all other fines and penalties, the Commissioner may suspend or revoke the liquor dealers' license for any violation of this subsection.
- iv. It shall be unlawful for any parent or guardian to knowingly permit any person under the age of twenty-one (21) of which her or she is the parent or guardian to violate any provisions of this Section.
- v. It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21).

- vi. It shall be unlawful for any person under the age of twenty-one (21) to tend bar.
 - vii. It shall be unlawful for any person under the age of twenty-one (21) to draw, pour or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of twenty-one (21) years to dispense, sell or deliver any alcoholic liquor in the original package, bottle or case for consumption off the premises of any licensed establishment. Except for the prohibitions provided for in this Section, it shall be lawful for any person eighteen (18) years of age or older to work in a licensed premises, and to serve alcoholic liquor.
- b. Purchase or Acceptance of A Gift by Persons of Nonage; Identification Cards.
- i. Purchase or Possession Of Alcoholic Liquor By Persons of Nonage:
 - (a) Any person to whom the sale, gift or deliver of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.
 - (b) It shall be unlawful for any “person of nonage”, as herein defined, to be or remain in any room, apartment, house, place or vehicle which is not licensed for the sale of alcoholic liquor under this Ordinance, and wherein alcoholic liquor is being consumed by persons of nonage, except as otherwise provided in this Ordinance; provided however, a person of nonage shall not be in violation of this subsection where the room, apartment or house is that person’s actual place of domicile, unless that person permits the use of the room, apartment or house when such person knows or in the exercise of ordinary care should know of a substantial probability that such place is or will be used by persons of nonage for the consumption or possession of alcoholic liquor.
 - ii. Identification cards:
 - (a) If a liquor licensee or such licensee’s agents or employees believe, have reason to believe or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the nonage of the prospective

recipient, such licensee, agent or employee shall, before making such sale or delivery, demand presentation of some form of positive identification (containing proof of age) issued by a public officer in the performance of his official duties. Reasonable care in compliance with the provisions of this subsection shall be competent evidence and may be considered in prosecution, revocation or suspension for the violation of any section of this Ordinance relating to revocation or suspension for the violation of any other provision of this Ordinance.

- (b) No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.
- iii. Consumption: The consumption of alcoholic liquor by any person under the age of twenty-one (21) years is forbidden, provided, however, the possession and dispensing, or consumption by a person under the age of twenty-one (21) of alcoholic liquor in the performance of a religious service or ceremony under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home is not prohibited.

Section 22: Violation, Suspension and Revocation of Licenses:

- a. Violation of Retailers' Occupation Tax Act.

In addition to other grounds specified in this Ordinance, the Commissioner may refuse the issuance or renewal of a retail liquor license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act", approved June 28, 1933, as amended:

- i. Failure to make a tax return.
- ii. The filing of a fraudulent tax return.
- iii. Failure to pay all or part of any tax or penalty finally determined to be due.
- iv. Failure to keep books and records.
- v. Failure to secure and display a certificate or subcertificates of registration.

- vi. Willful violation of any rule or regulation of the Illinois Department of Revenue relating to the administration and enforcement of tax liability.

b. Suspension and Revocation.

The Commissioner may, in addition to imposing a fine, but in accordance with law and the provision of “an Act Relating to Alcoholic Liquor”, approved January 31, 1934, as amended, revoke or suspend any license issued by the Commissioner if the Commissioner determines that the licensee has violated any of the provisions of said Act, this Ordinance or of any other ordinance or resolution enacted by the corporate authorities of the Village, or any applicable rule or regulation established by the Commissioner or the State Commission with respect to liquor licenses, which is not inconsistent with law. The Commissioner shall, within fifteen (15) days after the hearing, if the Commissioner determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension, and shall serve a copy of such order within the fifteen (15) days upon the licensee. Review of decisions of the Commissioner relating to liquor shall be as provided for by Statute, and shall be a record review.

c. Assessment of Costs of Hearings.

Any licensee determined by the Commissioner to have violated any of the provision of “An Act Relating to Alcoholic Liquor” approved January 31, 1934, as amended, or any ordinance or resolution of the Village, or any rule or regulation established by the Commissioner, or the State Commission, shall pay to the Village the costs of the hearing before the Commissioner on such violation. The Commissioner shall determine the costs incurred by the Village for the hearing, including: court reporter fees, the cost of transcripts or records, attorney’s fees, the cost of preparing and mailing notices and orders, other miscellaneous expenses incurred by the Village. The licensee shall pay said costs to the Village within thirty (30) days of notification of the costs by the Commissioner. Failure to pay said costs within thirty (30) days of notification is a violation of this Section, and may be cause for license revocation or suspension. In the event of an appeal to the State Commission, and in cases where appeal is taken under the Administrative Review Act, payment is due forty (40) days after entry of an order finally affirming the determination of the Commissioner.

d. Forfeiture of Fees.

Whenever any license hereunder has been revoked as provided for in this Ordinance, the licensee shall incur a forfeiture of all monies that have been paid for said license.

e. Use of Premises After Revocation.

When a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.

f. Monetary Penalty.

Unless otherwise provided in this Ordinance, any person violating any provision of this Ordinance relating to liquor shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) for a first violation within a twelve-month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve-month period, and two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation within a twelve-month period. Each day on which a violation continues shall constitute a separate violation.

Section 23: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 24: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

[INTENTIONALLY LEFT BLANK]

Section 25: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this Nineteenth day of June, 2001, with 5 members voting aye, 0 members voting nay, the President not voting, with 0 members abstaining or passing, and said vote being:

Mary Niemiec Aye

Thomas Polke Absent

Margaret Sabo Aye

Gail Snyder Aye

Laurel Ward Aye

Brian Andrews Aye

Approved this 19th day of June, 2001

Russ Petrizzo, Village President

Attest: _____
Christine Luttrell, Village Clerk