
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 23-065**

**AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 83 OF
THE CODE OF THE VILLAGE OF HOMER GLEN PROVIDING
FOR THE CONTROL OF ALCOHOLIC LIQUOR**

**CHRISTINA NEITZKE-TROIKE, Village President
CANDICE BIELSKI, Village Clerk**

**Village Trustees
JENNIFER CONSOLINO
DAN FIALKO
CURT MASON
CJ MCNAUGHTON
ROSE REYNDERS
SUSANNA E. STEILEN**

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 83 OF THE CODE OF THE VILLAGE OF HOMER GLEN PROVIDING FOR THE CONTROL OF ALCOHOLIC LIQUOR

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and

WHEREAS, pursuant to the pertinent provisions of the Illinois Liquor Control Act and the Illinois Municipal Code, the corporate authorities of the Village of Homer Glen at their June 19, 2001 meeting duly adopted an ordinance providing for the control of alcoholic liquor within the corporate limits of the Village (hereinafter sometimes referred to as the “Liquor Control Ordinance”); and

WHEREAS, upon further review of the aforesaid ordinance, the staff and Corporate Authorities of the Village have determined that it is in the best interests of the Village to amend the Liquor Control Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: Incorporation of Recitals. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Amendments. Article VII (Liquor) of Chapter 83 of the Code of the Village of Homer Glen is hereby amended as outlined in Exhibit A (additions are indicated by **blue underlining**; deletions are indicated by **red strikeouts**).

Section 3: 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 4: 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.

Section 5: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

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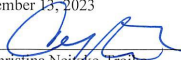
“Exhibit A”

Article VII (Liquor) of Chapter 83 of the Code of the Village of Homer Glen

Adopted this 13th day of December 2023 pursuant to a roll call vote as follows:

	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>PRESENT</u>
Consolino	X			
Fialko	X			
Mason	X			
McNaughton	X			
Reynders (Recused Herself)				
Steilen	X			
Neitzke-Troike (Village President)				
TOTAL	5			

APPROVED by the Village President on December 13, 2023



Christina Neitzke-Troike
Village President

ATTEST:


Candice Bielski
Village Clerk

ARTICLE VII

Liquor

[Adopted 3-25-2014 by Ord. No. 14-021; amended in its entirety 7-10-2019 by Ord. No. 19-020]

§ 83-57. Definitions.

All words and phrases used in this article, not otherwise defined herein, and which are defined in the Liquor Control Act of 1934 ("Act"), 235 ILCS 5/1-1 et seq., shall have the meanings accorded to such words and phrases in the Act. Unless the context otherwise requires, the following terms, as used in this article, shall be construed according to the definitions given below:

AGRITOURISM — Includes any business activity or operation that brings the public to a farm or rural setting to enjoy traditional agricultural uses, or the enjoyment of related outdoor activities. Agritourism allows certain operations relative to farming which are developed to attract tourists and visitors to a particular parcel or parcels of property.

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 known 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, are marketed as being similar to beer or wine.

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.

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 for such sale and consumption and who or which is authorized to sell solely at retail.

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 "club" in Section 1-3.24 of the Act (235 ILCS 5/1-3.24).

CONTRACTED THEATER RENTAL — A prearranged function in which an entity enters into a rental agreement or contract for the use of a theater for events, film viewing/critique or theater production/box office events.

CRAFT BEER — Beer from a craft brewery that:

- A. Produces less than 3.7 million (3,700,000) barrels of beer annually;
- B. Is less than 25% owned or controlled by an alcoholic beverage industry member that is not a crafter brewer; and
- C. Produces a significant volume of either malt beers or beer that use adjuncts to enhance flavor.

CRAFT PRODUCTS — Includes craft beer and craft spirits.

CRAFT PRODUCTS OR WINE FACILITY — A place kept, used, maintained, advertised or held out to the public as a place in which the primary business is the distribution, manufacture, packaging, sale and storage of craft products or wine produced on the premises in compliance with federal and state laws.

CRAFT SPIRITS — Spirits from a craft distillery that manufactures alcoholic liquor in quantities not greater than 100,000 gallons per calendar year or such quantities as may be permitted under the Illinois Liquor Control Act, as amended from time to time.

§ 83-57

§ 83-57

HOTEL or MOTEL (FULL SERVICE) — Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is available and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 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.

HOTEL or MOTEL (LIMITED SERVICE) — Any building or other structure that meets all requirements of the definition of "hotel or motel (full service)" other than having a dining room or a kitchen on the premises.

MINOR — Any person who has not attained the age of 21 years.

RESTAURANT — Any public place kept, used, maintained, advertised and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with Village ordinances. The sale of packaged foods such as potato chips, pretzels, popcorn, peanuts or other similar snacks or frozen or premade foods such as pizzas, hamburgers or sandwiches which can be prepared by heating or warming in an oven shall not be considered food prepared and served on premises, as required herein.

RETAIL SALE — The sale for use or consumption and not for resale.

RETIREMENT FACILITY — A multifamily dwelling complex and health center where meal service and recreational activities are provided to occupants 55 years of age or older.

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.

[SALON - Establishments where the public may receive grooming services, at a barber, beauty or nail salon. Salon establishments that offer any type of massage or massage therapy services as defined by the state \(225 ILCS 57-1\) will be considered on a case-by-case basis.](#)

SCHOOL — An educational institution, including preschools and day-care centers, but not including undergraduate or postgraduate colleges and universities, having a formal curriculum consisting of recognized academic subjects.

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.

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.

SPORTS/RECREATIONAL FACILITY — Any public place kept, used, maintained, advertised and held out to the public as a golf course, bowling alley, health club, indoor sports facility, indoor simulated golf, arcade, active family entertainment attractions, 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 60% of the facility's total annual revenue is derived from sources other than the sale of

§ 83-57
alcoholic beverages.

§ 83-57

STATE COMMISSION — The Illinois Liquor Control Commission, as defined Section 3-1 of the Act (235 ILCS 5/3-1).

§ 83-57

THEATER — A place kept, used, maintained, advertised or held out to the public as a place regularly used for showing motion pictures/films or conducting theatrical, musical or live performances or events.

§ 83-58

THEATER PRODUCTION/BOX OFFICE EVENTS — Theatrical, musical, live performances or special events in which tickets are sold to the general public. These productions shall not include regularly scheduled motion pictures or films.

VIDEO GAMING — Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

WINE or VINOUS BEVERAGE — Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

WINE/CRAFT BEER BOUTIQUE — A premises where the sale of wine and/or craft beer is the primary business. A wine/craft beer boutique (also known as "tasting room" or "tap room") can either adjoin the premises of a restaurant or operate as a standalone establishment. The retail sale of wine or craft beer by the drink for consumption on the premises and the retail sale of packaged wine or craft beer to be consumed off of the premises would be permitted.

§ 83-58. Local Liquor Control Commissioner.

- A. Liquor Commissioner. The Village President shall be the Local Liquor Control Commissioner (hereinafter "Commissioner") and shall be charged with the administration of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Commissioner may appoint a person or persons to assist in the exercise of the powers and duties of the Commissioner.
- B. Powers, duties and functions. The Commissioner shall have the following powers, functions and duties with respect to local liquor licenses:
- (1) To grant and/or suspend for not more than 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 article.
 - (2) 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 Act or any 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.
 - (3) To receive complaints that any of the provisions of the Act or any Village ordinance have been or are being violated, and to act upon such complaint(s) in the manner provided by law.
 - (4) To receive local license fees and pay same to the Treasurer.
 - (5) 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 Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; to hear testimony; 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 or her agent to act on his or her behalf.

- (6) To order, upon the issuance of a written order, a licensed premises closed for not more than seven 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 on the licensed premises, such order shall not be applicable to such other business.

§ 83-59. 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.

§ 83-60. Application for license.

- A. Applications for liquor 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.
- B. All managers ~~and assistant managers~~ for all 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 article, as if they were applicants for individual licenses, 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.
- C. ~~A background check is required for initial first-time license applicants. This is done through fingerprinting. The following individuals are required to be fingerprinted: The Commissioner may, in his or her discretion, require any applicant for a renewal of a liquor license to be fingerprinted, whether said applicant is an individual or a partnership.~~
 - (1) ~~If the applicant is a corporation, the Commissioner may, in his or her discretion, require the following to be fingerprinted: the All officers, managers, or directors, partners thereof, or any persons, stockholder or stockholders holding directly, beneficially or through any form or indirect or concealed ownership or control, owning in the aggregate more than five percent (5%) of the stock or ownership interest, of said corporation. The Commissioner may, in his or her discretion, require any applicant for a renewal of a liquor license to be fingerprinted.~~
 - (2) All such fingerprinting shall be done by the ~~Village Commissioner's designated vendor. Clerk, Deputy Village Clerk or a law enforcement agency designated by the Commissioner.~~ Said fingerprints shall be submitted to the appropriate state and/or federal agencies for processing. The cost of fingerprinting shall be paid by the applicant to the ~~designated vendor Village.~~
- D. The Commissioner shall issue a written approval or rejection of an application within 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 the application for a liquor license as allowed by Section 7-9 of the Act (235 ILCS 5/7-9).

§ 83-61. Restrictions on 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 article, "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 a resident of the Village in which the premises are located. (This provision only applies to liquor licensees who are operating as a sole proprietor, as opposed to a corporation, LLC or partnership. Officers/members of those types of business entities are not required to be residents of the Village.)
- B. A person who is not of good character and reputation in the community in which such person resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any federal or state law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- E. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- 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 article, 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 a~~ license upon ~~initial a~~ first application.
- I. A ~~co~~-partnership, if ~~a~~ ~~any~~ general partnership ~~thereof~~; or ~~any~~ limited partnership thereof owning more than 5% of the aggregate limited partner interest in ~~such the~~ ~~co~~-partnership would not be eligible to receive a license hereunder for any reason other than residence within the Village, unless residency is required hereunder.
- J. A corporation or limited-liability company if any member, officer, manager, ~~assistant manager~~, or director thereof, or any stockholder owning in the aggregate more than 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 or limited-liability company, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act (805 ILCS 5/1.01 et seq.) 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 ~~agent~~ ~~assistant~~ shall not be required to reside within the Village.
- 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 or her 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 have any ownership interest or direct pecuniary interest, in part or in whole, in an establishment or in the manufacture, sale or distribution of alcoholic liquor in the Village, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted to any member of the Village Board of Trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if: 1) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; 2) the issuance of the license is approved by the State Commission; 3) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located; and 4) the official granted a license does not vote on alcoholic liquor issues pending before the Board. Notwithstanding any provision of this subsection to the contrary, a member of the Village Board of Trustees, other than the President of the Village Board of Trustees, may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law-enforcing public official or the Village Board President. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the Village President may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the Village Board has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of the Act (235 ILCS 5/4-2).
- 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. 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 of alcoholic liquor without exiting a motor vehicle or without entering such building or structure where alcoholic liquor is sold.

§ 83-62. Record of licenses.

The Village Clerk shall keep a complete record of all liquor licenses issued.

§ 83-63. 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 Section 6-21 of the Act (235 ILCS 5/6-21). 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.

§ 83-64. 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 the licensee 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 of the Village from decreasing or limiting the number of classes of licenses to be issued within the Village.

§ 83-65. 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 provided in this article, 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 or, in the case of a corporation, limited-liability company or partnership, its dissolution [or bankruptcy](#), and shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate 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 months after the death, bankruptcy or insolvency of such licensee.

[Any sale, transfer, or assignment of more than 50% of the shares of a corporation or more than 50% of an interest in a partnership or other business entity, shall require the payment of a new application fee and review by the Commissioner, so long as that business entity will remain the holder of the liquor license after the sale. Should the Commissioner approve the application as presented, no further action is required. Should the Commissioner not approve of the application, the license would be terminated and an application for a new liquor license would have to be completed and a new liquor license fee paid \(if approved\).](#)

§ 83-66. License classifications 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.

- (1) A restaurant license authorizes the retail sale, for consumption on the license premises, 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 60 ounces.
- (2) Service of alcoholic liquor shall be only during the time that food is being served and a full menu is in effect.
- (3) The license shall only be available for premises defined as a "restaurant" herein containing a minimum area of 1,200 square feet.
- (4) All such liquor service shall be from a service bar only; said bar shall not be available for customer use.
- (5) Restaurant licenses shall be issued only to restaurants that have dining facilities as stated.
- (6) The annual fee for a Class A license shall be \$2,000.

B. Class B: Restaurant and Bar.

- (1) A restaurant and bar license authorizes the retail sale, for consumption on the licensed premises, 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 60 ounces.

- (2) Service of alcoholic liquor shall be only during the time that food is being served and a full menu is in effect.
- (3) The license shall only be available for premises defined as a "restaurant" herein containing a minimum area of 1,200 square feet.
- (4) The annual fee for a Class B license shall be \$2,000.

C. Class C: Craft Products or Wine Facility.

- (1) A craft products or wine facility license authorizes the on-premises consumption and retail sale of craft products in sealed packages where the premises is that of a craft products or wine facility as defined herein. The following provisions shall apply:
 - (a) The licensee shall maintain in good standing a State of Illinois brew pub license, craft brew license, craft distiller license or wine-maker's premises license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1 et seq.), as amended.
 - (b) Product sampling shall be permitted in accordance with state law at no charge.
 - (c) On-premises consumption shall be limited to the retail portion of the licensed premises except during supervised tours and private events. The retail portion shall not exceed 3,000 square feet.
 - (d) Patrons under the age of 21 shall be allowed on the premises when accompanied by an individual 21 years of age or older, however, classes and seminars shall be limited to patrons 21 years of age or older.
 - (e) Such facilities shall provide food service during consumption of alcohol on the premises, which may include hot or cold sandwiches, appetizers or other similar foods which may be prepared on the premises, but is not so required. Licensees are encouraged to partner with local restaurants for food service.
- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class C license shall be \$2,000.

D. Class D: Package Store License.

- (1) A package store license authorizes the retail sale, on the premises specified, of alcoholic liquor in its original package, not for consumption on the premises.
- (2) 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 which shall be approved by the Commissioner or the Commissioner's designee.
 - (a) Notwithstanding the foregoing, the requirement set forth in the preceding sentence of this Subsection D(2) 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.
 - (b) Notwithstanding the foregoing, free alcoholic liquor tastings shall be permitted at and

within such premises in accordance with state law, except at businesses where the primary operation is the retail sale of gasoline and/or diesel fuel.

- (3) Subject to the regulations stated herein, a business where the primary operation is for the retail sale of gasoline and/or diesel fuel shall not be prohibited from obtaining a package store license.
- (4) The annual fee for a Class D license shall be \$2,000.

E. Class E: Temporary License.

- (1) A temporary license authorizes the retail sale of alcoholic liquor, on the premises specified, for consumption on or adjacent to the licensed premises at a picnic, carnival, or similar function. Such temporary licenses are to be granted to local organizations, groups or entities promoting a common object other than the sale of alcoholic liquor.
- (2) Such license shall be authorized on a day-to-day basis, but for not more than seven consecutive days or for intermittent use on not more than seven total days in a consecutive thirty-day period.
- (3) 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 licenses 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.
- (4) The fee for such license shall be \$100, regardless of the number of days for which such license is sought.

F. Class F: Beer and Wine Retail Sales.

- (1) A beer and wine retail sales license 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 60 ounces.
- (2) Service of beer and wine shall be only during the time that food is being served.
- (3) The license shall only be available for premises containing a minimum area of 1,200 square feet.
- (4) The annual fee for a Class F license shall be \$1,500.

G. Class G: Beer and Wine Package Sales.

- (1) A beer and wine package sales license authorizes the retail sale of beer and wine only in sealed packages, but not for consumption on the premises where sold.
- (2) 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 which shall be approved by the Commissioner or the Commissioner's designee.
- (3) Notwithstanding the foregoing, free beer and wine tastings shall be permitted at and within such premises in accordance with state law and except at businesses where the primary operation is the retail sale of gasoline and/or diesel fuel.
- (4) The annual fee for a Class G license shall be \$1,500.

H. Class H: Clubs.

- (1) A club license 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.
- (2) The license shall only be available for premises containing a minimum area of 1,200 square feet.
- (3) The annual fee for a club license is \$750.

I. Class I: Catering.

- (1) 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.
- (2) Alcoholic liquor shall only be sold and served by the licensee in connection with the catering of foods.
- (3) In addition to the other requirements of this article, 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.
- (4) The annual fee for a Class I license shall be \$1,000.

J. Class J: Special Events.

- (1) A special event license authorizes the retail sale of alcoholic liquor on the licensed 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. No license shall be required for any event conducted by or under the auspices of the Village. Such sales are limited to the public in general at a picnic, carnival or similar function.
- (2) Such license authorizes the retail sale and/or consumption of alcoholic liquor only, on government-owned property, such as streets, roads or parks. The boundaries of the licensed 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 their prior condition, including the removal of trash, rubbish and garbage in accordance with this article. 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 article and its license.
- (3) The retail sale and consumption of alcoholic liquor 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 separating each fence row, demarcating the licensed premises.
- (4) No applicant shall be allowed to apply for or receive more than two Class J licenses during the course of any one-year period.
- (5) The fee for such license shall be \$50 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: Sports/Recreational Facility.

- (1) Sports/recreational facility licenses authorize the sale, to the general public of alcoholic liquor by the drink for consumption on the premises of a sports/recreational facility where sold, and not for resale in any form. Sale in the original package for consumption off the premises is prohibited.
- (2) Service of alcoholic liquor shall be only during the time that the sports/recreational portions of the facility are open and available for use.
- (3) Alcoholic liquor may only be served when food is being served from a restaurant located on the licensed premises.
- (4) The license shall only be available for premises where the restaurant portion contains a minimum area of 1,200 square feet.
- (5) Appropriate security for the space must be utilized at all times when alcoholic liquor is being sold or consumed on the premises of the sports/recreational facility. A security plan must be submitted for approval by the Local Liquor Control Commissioner and must be updated on an annual basis with license renewal. The security plan must at a minimum address any age restrictions, identification of patrons 21 and older, alcohol sale control measures, monitoring of the premises, and control of entrances and exits.
- (6) Video gaming on premises is prohibited.
- (7) The annual fee for a Class K license shall be \$2,000.

L. Class L: Agritourism Operations.

- (1) An agritourism operation license authorizes the retail sale, on the premises or parcels so 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 60 ounces.
- (2) Service of alcoholic liquor shall be only during the time that agritourism events are being held on the premises or parcels so specified, and the events are open and abide by the Village's approved liquor license hours of operation.
- (3) Alcoholic liquor may be only served when food is being served, sold and/or catered at the agritourism events.
- (4) The annual fee for a Class L license shall be \$1,000.

M. Class M: Wine/Craft Beer Boutique.

- (1) Wine/craft beer boutique licenses shall authorize the retail sale of wine and/or craft beer in original packages and for consumption on the premises. Tastings, classes or seminars shall be permitted on such premises in accordance with state law and Village ordinances. Such licenses shall be only authorized in locations where the sale of wine and/or craft beer is the primary business. The sale of wine and/or craft beer shall be permitted for consumption on the premises subject to the following conditions:

- (a) The premises shall not exceed 3,600 square feet.
 - (b) Food must be provided on the premises and may include hot or cold sandwiches, appetizers or other similar foods. Food may be prepared on the premises or off the premises from a licensed food establishment. Licensees are encouraged to partner with local restaurants for food service.
- (2) The annual fee for a Class M license shall be \$1,500.

N. Class N: Brewery Pub.

- (1) A brewery pub license 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, and free beer tastings at and within such premises in accordance with state law.
- (2) The license shall only be available as a supplemental license for premises holding a Class A or Class B license.
- (3) The annual fee for a Class N license shall be \$500.

O. Class O: "BYO" Bring Your Own Licenses.

- (1) "BYO" licenses shall authorize the consumption of beer and wine which has been brought onto the premises by a patron or patrons 21 years of age or older for on-site consumption at the following business premises:
 - (a) Restaurants. A restaurant may allow BYO beer and wine to be consumed within the licensed premises, but only in conjunction with the purchase and consumption of a meal while seated at a table and served by an employee of the restaurant. BYO shall be allowed only during the restaurant hours of operation and only along with and during regular food service.
 - ~~(b) Meal preparation services stores. A meal preparation services store may allow BYO beer and wine to be consumed within the licensed premises: i) during the time customers (whether individuals or a group) actually are engaged in make your own meal activities for consumption away from the store; and ii) during a private event or a group class or other function attended only by invited guests and not open to individual customers or to the public.~~
 - (c) Crafts-making stores. A crafts-making store may allow BYO beer and wine to be consumed within the licensed premises at the following times: i) during the time customers (whether individuals or a group) actually are engaged in designing and creating craft goods such as pottery, ceramics, jewelry, sculpture, painting, or similar do-it-yourself projects; ii) during a private event or a group class or other function attended only by invited guests and not open to individual customers or to the public.
 - (d) Other retail stores. A retail store may allow BYO beer and wine to be consumed within the licensed premises during: i) a private event; ii) a structured instructional class such as a cooking class, crafts class, or similar class; or iii) a similar structured activity attended only by invited guests and not open to the general public.
- (2) The following provisions shall apply to all BYO licensees:
 - (a) All employees who perform corkage/serving duties shall have successfully completed a

certified BASSET training program and shall serve the wine and beer as if it was purchased in the establishment, complying with all state and local laws. Such employees must be at least 19 years of age or older.

- (b) No more than one 750ml bottle of wine per patron or no more than 36 ounces of beer per patron (unopened) shall be permitted to be brought into the premises.
- (c) BYO licensees shall uncork, pour and control consumption of BYO beer and wine.
- (d) BYO licensees may provide glassware and ice to patrons and may charge a corkage fee.
- (e) BYO licensees shall provide a certificate of insurance reflecting coverage for dram shop as required by this article.
- (f) No customer shall leave the licensed premises with any open or uncorked container except when a single wine bottle is sealed in compliance with the requirements set forth in Section 6-33 of the Illinois Liquor Code (235 ILCS 5/6-33).
- (g) BYO licensees are prohibited from storing alcoholic liquor on the premises, unless as otherwise provided by a separate license classification validly held by the licensee.
- (h) Packaged and on-site sales of alcoholic liquor is prohibited.
- (i) BYO licensees shall be liable for violations of this article 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.
- (j) A BYO licensee shall not advertise or otherwise hold their business out to be a drinking establishment.

- (3) Excluded from BYO licenses are smoking lounges, as defined herein.
- (4) Video gaming on premises is prohibited.
- (5) The annual fee for a Class O license shall be \$500.

P. Class P: Grocery Sip and Shop.

- (1) Grocery sip and shop licenses shall authorize the retail sale of individual servings of beer and wine for consumption on the premises where sold as an incidental part of sales by those retail food establishments commonly referred to as grocery stores that have a minimum of 15,000 square feet of retail floor area; and, further provided, that the retail floor area devoted to the sale of packaged alcoholic liquor shall not exceed 1,500 square feet, excluding seating areas.
 - (a) The consumption of individual servings of beer and wine shall be permitted throughout the entire retail floor area of the licensed premises and on designated outdoor patios attached to the licensed premises.
 - (b) Alcoholic liquor stocked on store display shelves within the retail floor area and sold in their original packages shall not be consumed on the licensed premises.
- (2) A grocery sip and shop license shall only be permitted when issued in conjunction with a retail package license of the grocery store business.
- (3) Video gaming on premises is prohibited.
- (4) The annual fee for a Class P license shall be \$500.

Q. Class Q: Retirement Facility License. Retirement facility licenses shall authorize the sale of beer and wine for consumption on the premises to temporary or permanent residents of a retirement facility and their bona fide guests age 21 and over.

- (a) On-site consumption shall be allowed within the confines of dining rooms and outdoor patio areas where meals are regularly served.
 - (b) No packaged sales of alcoholic liquor shall be allowed.
 - (c) The facility shall not be permitted to advertise or promote the sale of alcoholic liquor nor offer alcoholic liquor for sale to the public.
 - (d) Private functions shall be allowed in common areas as part of regular activities integral to the facility.
 - (e) Marketing programs conducted by the facility shall be allowed provided they are private, by invitation only, and are limited to age-appropriate prospective clientele.
- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class Q license shall be \$1,500.

R. Class R: Hotel Licenses.

(1) Class R-1: Hotel License (Full Service).

- (a) The license shall only be available for premises defined as a "hotel or motel (full service)" herein.
- (b) Authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold.
- (c) Authorizes the licensee to place small, refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms.
- (d) The dining room of said hotel must have a menu in effect at all times that liquor is served in the dining room. Said menu may consist of, but not be limited to, hot appetizers, hot or cold sandwiches, or other hot entrees prepared on the premises.
- (e) If the hotel has a lounge, it shall be unlawful for any minor to be present in said lounge unless accompanied by his or her parent or guardian. A menu must be in effect during those hours that liquor is being served in the lounge. Such menu may be limited to hot appetizers prepared on the premises.
- (f) Authorizes the licensee to serve registered guests of the hotel beer and wine at no charge during a two-hour period each day while providing appetizers or other similar foods for consumption during the two-hour period at no charge.
- (g) Authorizes the individual package sale of beer and wine to hotel guests.
- (h) Video gaming on the premises is ~~not permitted~~ prohibited.
- (i) The annual fee for a Class R-1 license shall be \$3,000.

(2) Class R-2: Hotel License (Limited Service).

- (a) The license shall only be available for premises defined as a "hotel or motel (limited service)" herein.

- (b) Authorizes the sale of alcoholic liquor to registered guests of the hotel only, for consumption on the premises where sold.
- (c) The facility shall be allowed to place small, refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms.
- (d) Authorizes the licensee to serve registered guests of the hotel beer and wine at no charge during a two-hour period each day while providing appetizers or other similar foods for consumption during the two-hour period at no charge.
- (e) Authorizes the individual package sale of beer and wine to hotel guests.
- (f) Video gaming on premises is prohibited.
- (g) The annual fee for a Class R-2 license shall be \$2,000.

S. Class S: Special Promotional Permits.

- (1) 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.
- (2) The fee for such permit shall be \$50 per event.

T. Class T: Smoking Lounge License.

- (1) Smoking lounge licenses shall authorize the consumption of alcoholic liquor which has been brought onto the premises by a patron or patrons 21 years of age or older for on-site consumption where the premises' primary business is to sell tobacco and nicotine products for on-site and off-site consumption. The following provisions shall apply:
 - (a) Smoking lounge licensees shall provide a certificate of insurance reflecting coverage for dram shop or equivalent liability for BYO service.
 - (b) Food must be provided on the premises and may include hot or cold sandwiches, appetizers or similar foods. Food may be prepared on the premises or off the premises from a licensed food establishment. Licensees are encouraged to partner with local restaurants for food service.
 - (c) All employees who perform corkage/serving duties of alcoholic liquor shall have successfully completed a certified BASSET training program and shall serve the alcoholic liquor as if it was purchased in the establishment, complying with all state and local laws. Such employees must be at least 19 years of age or older.
 - (d) No more than one 750 ml bottle of wine per patron or no more than 36 ounces of beer per patron or no more than one 750 ml bottle of distilled spirits per patron (unopened) shall be permitted to be brought into the premises.
 - (e) Smoking lounge licensees may provide glassware and ice to patrons and may charge a corkage fee.
 - (f) No customer shall leave the licensed premises with any open or uncorked container except when a single wine bottle is sealed in compliance with the requirements set forth in Section 6-33 of the Illinois Liquor Code (235 ILCS 5/6-33).

- (g) Smoking lounge licensees must offer for rent or sale a personal and secured storage locker for members for the storage of unconsumed products.
- (h) Smoking lounge licensees are permitted to store unconsumed bottles of alcoholic liquor on the premises for customers.
- (i) Packaged and on-site sales of alcoholic liquor is prohibited, unless as otherwise provided by a separate license classification validly held by the licensee.
- (j) Smoking lounge licensees shall be liable for violations of this article 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.
- (k) Smoking lounge licensees shall not advertise in print or electronic media or otherwise hold their business out to be a drinking establishment.
- (l) Consumption of alcoholic liquor is permitted only during regular business hours of the smoking lounge.

- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class T license shall be \$750.

U. Class U: Theater License.

- (1) Authorizes the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a theater as defined herein, subject to the following conditions:
 - (a) Sales of alcoholic liquor shall be limited to contracted theater rentals, theater production/box office events and regularly scheduled motion pictures or films. Under no circumstances may alcoholic liquor be served more than one hour prior to a scheduled event, rental or the advertised time of the first motion picture or film showing on any day.
 - (b) Sales shall be made from bars containing alcoholic liquor, mixes and related preparation materials. Such bars shall not have seats or stools for patrons at which to sit.
 - (c) Food service must be available during all times alcoholic liquor is available on the premises.
 - (d) The licensee shall not serve or deliver more than one alcoholic beverage to a person at a time and no person shall have in his/her possession at any given time more than one alcoholic beverage.
 - (e) Containers in which alcoholic liquor is served must be of a different color, size and design of those in which nonalcoholic beverages are served.
 - (f) Alcoholic liquor shall be served only in single servings; no bottles, pitchers, buckets, etc.
- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class ~~U~~ U license shall be \$2,000.

~~(V)~~ V. Class V: Salon.

- (1) A salon license authorizes the service of beer and wine for on premise consumption where the primary business is that of a salon, defined herein, subject to the following conditions:
 - (a) No more than two (2) drinks (each limited to a twelve-ounce serving of beer or a six-ounce

- serving of wine) shall be served per patron, per calendar day.
- (b) No beer or wine may be sold, given, or delivered to persons who are not receiving salon services.
 - (c) Bring Your Own (BYO) alcohol is prohibited.
 - (d) It is intended that the service of beer and wine is merely an adjunct to the operation of a salon and the salon shall not be advertised or otherwise held out to be a drinking establishment.
 - (e) No licensee shall advertise, whether on or off the licensed premises, that beer or wine is "free" or "complimentary", but rather may advertise that it is "included" with the purchase of a salon service.
 - (f) Serving of beer and wine shall take place only during the operating hours of the business and no beer or wine may be sold or served for off premise consumption.
- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class V license shall be \$500.00

§ 83-67. Initial license applications and fees.

A. The 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 nonrefundable fee of \$1,000 to defray costs of investigating the applicant pursuant to the provisions of this article, payable in one installment. The initial license fee for a new liquor license ~~issued between November 1 and April 30 for any year~~ shall be prorated based on the month the applicant applies, in an amount equal to 1/2 of the annual fee plus a nonrefundable fee of \$1,000 to defray costs of investigating the applicant pursuant to the provisions of this article, payable in one installment. There is not a prorated fee for initial Class E, J, & S licenses. The following shall not be subject to an initial liquor license fee:

- (1) An applicant 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 15 days prior to the filing of a new application.

~~B. Any sale, transfer, or assignment of more than 50% of the shares of a corporation or more than 50% of an interest in a partnership or other business entity shall terminate the liquor license for the purpose of payment of a fee for the first and initial liquor license. Any bankruptcy or insolvency of a liquor licensee or 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.~~

C. Applicants for a Class E or Class J license shall only be required to pay the license fees set forth in § 83-66 and shall not be required to pay the investigation fee of \$1,000 otherwise required by this § 83-67.

§ 83-68. Number of licenses issued. [Amended 8-28-2019 by Ord. No. 19-038; 8-28-2019 by Ord. No. 19-039; 10-9-2019 by Ord. No. 19-047; 3-25-2020 by Ord. No. 20-006; 4-22-2020 by Ord. No. 20-012; 7-22-2020 by Ord. No. 20-029; 9-9-2020 by Ord. No. 20-039; 9-9-2020 by Ord. No. 20-040; 10-28-2020 by Ord. No. 20-052; 12-9-2020 by Ord. No. 20-057; 1-27-2021 by Ord. No. 21-003; 4-28-2021 by Ord. No. 21-021; 2-8-2023 by Ord. No. 23-008; 2-8-2023 by Ord. No. 23-009]

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:

License Classification	Number
Class A	4
Class B	17
Class C	—
Class D	7
Class E	0
Class F	4
Class G	6
Class H	1
Class I	1

Class J

0

License Classification	Number
Class K	0
Class L	2
Class M	—
Class N	0
Class O	—
Class P	—
Class Q	1
Class R	—
Class S	—
Class T	—
Class U	—

Class V

—

§ 83-69. Incomplete or inaccurate applications.

- A. Applications for liquor licenses which are incomplete, inaccurate or fail to contain the statements or information required by this article shall be rejected by the Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiencies in said application within 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 article.
- 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. An 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 the license.

§ 83-70. Disposition of fees and fines.

All license, permit and application fees shall be paid to the Village at the time application is made and all fines and penalties shall be paid to the Village within two business days of the entry of the fine and penalty, unless otherwise ordered by the Commissioner. In the event a license application is denied, the fees shall be returned to the applicant. The initial application fee of \$1,000 is nonrefundable. If the license is granted, the annual license fee shall be deposited as set forth above, and no portion thereof shall be refunded.

§ 83-71. Conditions of license.

- A. Hours of operation.
- (1) 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, except during the following hours:

§ 83-71

§ 83-71

- (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 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.
 - (f) The Commissioner may extend the hours of operation of any licensee for one additional hour.
 - (g) The current liquor license holders do not need to apply for a special use permit for operating outside the hours of 6:00 a.m. and 11:00 p.m. **[Added 10-28-2020 by Ord. No. 20-053]**
- (2) 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's closing hour.
- (3) In the case of restaurants, hotels, sports/recreational facilities, and licensees selling packaged liquors, where the sale of alcoholic liquor is conducted on the 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 the specified closing hours, and no person other than the licensee and employees of the licensee in the pursuit of their employment shall be permitted to remain in or upon that portion of the premises used for the dispensation of alcoholic liquors.
- (4) In the case of other nonresidential uses open for business outside the hours of 6:00 a.m. and 11:00 p.m., such uses may apply for an extended hours of operation license with the Village Clerk. Establishments seeking twenty-four-hour operation must be approved as a special use as set forth in § 220-711A(11), Hours of operation. **[Added 10-28-2020 by Ord. No. 20-053]**
- B. Refilling original liquor packages. No person licensed under this article 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 or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages, except vinous beverages and pitchers of beer as permitted elsewhere herein.
- C. Service restrictions.
- (1) No retail liquor licensee or employee or agent of such licensee shall:
- (a) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that 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, without increasing proportionately the price regularly charged for the drink on that day;

§ 83-71

§ 83-72

- (d) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
- (e) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under this section.

(2) Nothing in 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 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 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.

D. Displaying liquor licenses. Every liquor licensee shall cause its license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

E. Political campaign contributions are prohibited.

- (1) It is unlawful for any licensee or an individual owning directly or beneficially more than 5% of the corporation stock of any licensee, where more than 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 \$150 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.
- (2) Any person violating this subsection shall be fined not less than \$500 nor more than \$1,000 for each offense and shall be subject to the suspension or revocation of that person's liquor license.¹

§ 83-72. Location, building and premises restrictions.

A. Location restrictions.

- (1) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or for indigent persons or for veterans, their spouses or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants or other places

1. Editor's Note: Former § 83-71.1, Sale of alcohol for off-premises consumption, added 6-10-2020 by Ord. No. 20-023, which immediately followed this section, expired 6-2-2021.

§ 83-72

§ 83-72

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 spouses 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 100 feet of any church or school, where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of the building used for worship services or educational programs and not to property boundaries.

- (2) The Commissioner may consider and grant a waiver to an applicant that is prohibited from issuance of a license under Subsection A(1) above based upon unique site-specific circumstances. Such considerations shall include, but are not limited to: current business location, accessibility and location of entrance, fencing, screening, berms, and walkable distance between buildings.
 - (3) Nothing in this subsection 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.
 - (4) 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 permission of the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this article.
- 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, sports/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 licensed 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 subsection, the Commissioner shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as 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.
- (1) No 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 or the state.
 - (2) Maximum capacity or occupancy restrictions shall be established for each premises by the fire

§ 83-72

protection district having jurisdiction or such ordinances and codes as may be applicable to the Village, and shall be posted in no less than two prominent locations in the premises. § 83-74

- (3) Liquor sales are prohibited from a drive-in or drive-through associated with a permitted use.

§ 83-73. Personnel restrictions.

A. Change in personnel.

- (1) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than 5% of the stock or ownership interest, managers or assistant managers or establishments licensed to sell liquor under this article shall be reported in writing to the Commissioner within 10 days of the change. All such new personnel shall meet all the requirements of this article and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Commissioner.
- (2) 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, the license shall terminate.
- (3) When a liquor license has been issued to a corporation, and a change takes place in officers, directors, managers or shareholders of more than 5% of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, the license shall terminate.
- (4) When a liquor license has been issued to an individual who is no longer eligible for a license, the 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. Manger 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, bartender, and server 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 Commission or otherwise approved or recommended under applicable Illinois law. Evidence of certification or enrollment of every owner, manager, assistant manager, bartender, and server shall be kept in each licensed premises, and shall be presented upon demand of the liquor commissioner, a person or persons whom the liquor commissioner has appointed to assist in the exercise of powers and duties of the commissioner, or code enforcement officer. Persons holding Class D, Class E, Class G, 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 article.

§ 83-74. Prohibited acts and conditions.

A. Peddling. No licensee shall peddle alcoholic liquor in the Village.

B. Intoxicated persons. No licensee shall permit or allow an intoxicated person to enter into or be

§ 83-74 allowed to remain upon the premises. No licensee shall sell alcoholic liquor to any intoxicated or incompetent persons. § 83-75

- C. 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.
- D. Dancing. No licensee shall permit or allow dancing upon the premises except in an area specifically designated for dancing only or upon a stage.
- E. Discrimination. No licensee shall discriminate in service because of race, sex, religion, national origin, physical handicap, or any other status protected by state or federal laws or regulations.
- F. Violations of county, state or federal laws. No licensee shall permit or allow the violation of any ordinance, statute or law upon the licensed premises by any person.
- G. Nudity. The following conduct on premises licensed to sell alcoholic liquor is prohibited:
 - (1) Public indecency.
 - (a) Any person who performs any of the following acts in a public place commits public indecency:
 - [1] An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/11-0.1; or
 - [2] A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of that person or another person.
 - (b) "Public place" for purposes of this subsection means any place where the conduct may reasonably be expected to be viewed by others.
 - (2) The actual or simulated caressing or fondling of genitals, buttocks or breast.
 - (3) The actual or simulated display or exposure of genitals, pubic hair, buttocks, anus or breasts.
 - (4) 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.
 - (5) The displaying of films, pictures or any other visual display depicting acts set forth in Subsection G(1) above.
- H. 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 requested by the customers.
- I. No licensee shall permit, contract for or allow any person 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.

§ 83-75. Minors.

- A. Sales to minors and intoxicated persons.
 - (1) 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 21 years, or to any intoxicated person. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service. It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor.

- (2) In every place 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 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

- (3) It shall be unlawful for any licensee, or his or her agent or employee, to permit any person under the age of 21 years to 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 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 licensee's license for any violation of this subsection.
- (4) It shall be unlawful for any parent or guardian to knowingly permit any person under the age of 21 of which he or she is the parent or guardian to violate any provisions of this section.
- (5) It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of 21.
- (6) Except for those employees at least 19 years of age or older who have successfully completed a certified BASSET training program in accordance with all state and local laws, it shall be unlawful for any person under the age of 21 to tend bar.
- (7) Except for those employees at least 19 years of age or older who have successfully completed a certified BASSET training program in accordance with all state and local laws, it shall be unlawful for any person under the age of 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 21 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 subsection, it shall be lawful for any person 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 a minor; identification cards.

- (1) Purchase or possession of alcoholic liquor by minors.
 - (a) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of the age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or

§ 83-75

have alcoholic liquor in his or her possession.

§ 83-76

- (b) It shall be unlawful for any minor to be or remain in any room, apartment, house, place or vehicle which is not licensed for the sale of alcoholic liquor under this article, and wherein alcoholic liquor is being consumed by a minor, except as otherwise provided in this article; provided, however, a minor 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 minors for the consumption or possession of alcoholic liquor.
- (2) 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 age 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 or her 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 article relating to revocation or suspension for the violation of any other provision of this article.
 - (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.
- (3) Consumption. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden; provided, however, the possession and dispensing, or consumption by a person under the age of 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.

§ 83-76. Suspension and revocation of licenses; penalty.

- A. Suspension and revocation. The Commissioner may, in addition to imposing a fine, revoke or suspend any license issued by the Commissioner if the Commissioner determines that the licensee has violated any of the provisions of the Act, this article or of any other ordinance or resolution of the Village, or any applicable rule or regulation established by the Commissioner or the State Commission with respect to liquor licenses. The Commissioner shall, within 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 15 days upon the licensee. Review of decisions of the Commissioner by the State Commission shall be as provided for by the Act and a record review.
- B. Assessment of costs of hearings. Any licensee determined by the Commissioner to have violated any provision of the Act 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

§ 83-76

§ 83-76

records, attorney's fees, the cost of preparing and mailing notices and orders, and other miscellaneous expenses incurred by the Village. The licensee shall pay the costs to the Village within 30 days of the notification of the costs by the Commissioner. Failure to pay the costs within 30 days of notification is a violation of this section, and may be cause for license revocation or suspension. In the event of an appeal to the State Commission, and in cases where appeal is taken under the Administrative Review Act (735 ILCS 5/3-101 et seq.), payment is due 40 days after entry of an order finally affirming the determination of the Commissioner.

- C. Forfeiture of fees. Whenever any license hereunder has been revoked as provided for in this article, the licensee shall incur a forfeiture of all monies that have been paid for the license.
- D. 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.
- E. Monetary penalty. Unless otherwise provided in this article, any person violating any provision of this article relating to liquor shall be fined not less than \$500 nor more than \$1,000 for a first violation within a twelve-month period, \$1,500 for a second violation within a twelve-month period, and \$2,500 for a third or subsequent violation within a twelve-month period. Each day on which a violation continues shall constitute a separate violation.

ARTICLE VII

Liquor

[Adopted 3-25-2014 by Ord. No. 14-021; amended in its entirety 7-10-2019 by Ord. No. 19-020]

§ 83-57. Definitions.

All words and phrases used in this article, not otherwise defined herein, and which are defined in the Liquor Control Act of 1934 ("Act"), 235 ILCS 5/1-1 et seq., shall have the meanings accorded to such words and phrases in the Act. Unless the context otherwise requires, the following terms, as used in this article, shall be construed according to the definitions given below:

AGRITOURISM — Includes any business activity or operation that brings the public to a farm or rural setting to enjoy traditional agricultural uses, or the enjoyment of related outdoor activities. Agritourism allows certain operations relative to farming which are developed to attract tourists and visitors to a particular parcel or parcels of property.

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 known 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, are marketed as being similar to beer or wine.

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.

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 for such sale and consumption and who or which is authorized to sell solely at retail.

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 "club" in Section 1-3.24 of the Act (235 ILCS 5/1-3.24).

CONTRACTED THEATER RENTAL — A prearranged function in which an entity enters into a rental agreement or contract for the use of a theater for events, film viewing/critique or theater production/box office events.

CRAFT BEER — Beer from a craft brewery that:

- A. Produces less than 3.7 million (3,700,000) barrels of beer annually;
- B. Is less than 25% owned or controlled by an alcoholic beverage industry member that is not a crafter brewer; and
- C. Produces a significant volume of either malt beers or beer that use adjuncts to enhance flavor.

CRAFT PRODUCTS — Includes craft beer and craft spirits.

CRAFT PRODUCTS OR WINE FACILITY — A place kept, used, maintained, advertised or held out to the public as a place in which the primary business is the distribution, manufacture, packaging, sale and storage of craft products or wine produced on the premises in compliance with federal and state laws.

CRAFT SPIRITS — Spirits from a craft distillery that manufactures alcoholic liquor in quantities not greater than 100,000 gallons per calendar year or such quantities as may be permitted under the Illinois Liquor Control Act, as amended from time to time.

HOTEL or MOTEL (FULL SERVICE) — Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is available and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 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.

HOTEL or MOTEL (LIMITED SERVICE) — Any building or other structure that meets all requirements of the definition of "hotel or motel (full service)" other than having a dining room or a kitchen on the premises.

MINOR — Any person who has not attained the age of 21 years.

RESTAURANT — Any public place kept, used, maintained, advertised and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with Village ordinances. The sale of packaged foods such as potato chips, pretzels, popcorn, peanuts or other similar snacks or frozen or premade foods such as pizzas, hamburgers or sandwiches which can be prepared by heating or warming in an oven shall not be considered food prepared and served on premises, as required herein.

RETAIL SALE — The sale for use or consumption and not for resale.

RETIREMENT FACILITY — A multifamily dwelling complex and health center where meal service and recreational activities are provided to occupants 55 years of age or older.

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.

SALON - Establishments where the public may receive grooming services, at a barber, beauty or nail salon. Salon establishments that offer any type of massage or massage therapy services as defined by the state (225 ILCS 57-1) will be considered on a case-by-case basis.

SCHOOL — An educational institution, including preschools and day-care centers, but not including undergraduate or postgraduate colleges and universities, having a formal curriculum consisting of recognized academic subjects.

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.

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 spiritous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

SPORTS/RECREATIONAL FACILITY — Any public place kept, used, maintained, advertised and held out to the public as a golf course, bowling alley, health club, indoor sports facility, indoor simulated golf, arcade, active family entertainment attractions, 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 60% of the facility's total annual revenue is derived from sources other than the sale of alcoholic beverages.

STATE COMMISSION — The Illinois Liquor Control Commission, as defined Section 3-1 of the Act (235 ILCS 5/3-1).

THEATER — A place kept, used, maintained, advertised or held out to the public as a place regularly used for showing motion pictures/films or conducting theatrical, musical or live performances or events.

THEATER PRODUCTION/BOX OFFICE EVENTS — Theatrical, musical, live performances or special events in which tickets are sold to the general public. These productions shall not include regularly scheduled motion pictures or films.

VIDEO GAMING — Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

WINE or VINOUS BEVERAGE — Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

WINE/CRAFT BEER BOUTIQUE — A premises where the sale of wine and/or craft beer is the primary business. A wine/craft beer boutique (also known as "tasting room" or "tap room") can either adjoin the premises of a restaurant or operate as a standalone establishment. The retail sale of wine or craft beer by the drink for consumption on the premises and the retail sale of packaged wine or craft beer to be consumed off of the premises would be permitted.

§ 83-58. Local Liquor Control Commissioner.

- A. Liquor Commissioner. The Village President shall be the Local Liquor Control Commissioner (hereinafter "Commissioner") and shall be charged with the administration of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Commissioner may appoint a person or persons to assist in the exercise of the powers and duties of the Commissioner.
- B. Powers, duties and functions. The Commissioner shall have the following powers, functions and duties with respect to local liquor licenses:
 - (1) To grant and/or suspend for not more than 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 article.
 - (2) 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 Act or any 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.
 - (3) To receive complaints that any of the provisions of the Act or any Village ordinance have been or are being violated, and to act upon such complaint(s) in the manner provided by law.
 - (4) To receive local license fees and pay same to the Treasurer.
 - (5) 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 Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or

respondent; to hear testimony; 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 or her agent to act on his or her behalf.

- (6) To order, upon the issuance of a written order, a licensed premises closed for not more than seven 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 on the licensed premises, such order shall not be applicable to such other business.

§ 83-59. 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.

§ 83-60. Application for license.

- A. Applications for liquor 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.
- B. All managers for all licensed liquor businesses must meet all pertinent licensing requirements of this article as if they were applicants for individual licenses. The qualification requirements for 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.
- C. A background check is required for initial first-time license applicants. This is done through fingerprinting. The following individuals are required to be fingerprinted:
 - (1) All officers, managers, directors, partners, or persons holding directly, beneficially or through any form or indirect or concealed ownership or control, more than five percent (5%) of the stock or ownership interest. The Commissioner may, in his or her discretion, require any applicant for a renewal of a liquor license to be fingerprinted.
 - (2) All such fingerprinting shall be done by the Commissioner's designated vendor. Said fingerprints shall be submitted to the appropriate state and/or federal agencies for processing. The cost of fingerprinting shall be paid by the applicant to the designated vendor.
- D. The Commissioner shall issue a written approval or rejection of an application within 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 the application for a liquor license as allowed by Section 7-9 of the Act (235 ILCS 5/7-9).

§ 83-61. Restrictions on 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 article, "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 a resident of the Village in which the premises are located. (This provision only applies to liquor licensees who are operating as a sole proprietor, as opposed to a corporation, LLC or partnership. Officers/members of those types of business entities are not required to be residents of the Village.)
- B. A person who is not of good character and reputation in the community in which such person resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any federal or state law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- E. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- 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 article, or any similar regulatory ordinance or statute, has been revoked for cause.
- H. A person who at the time of renewal, would not be eligible for a license upon initial application.
- I. A co-partnership, if a general partnership or limited partnership thereof owning more than 5% of the aggregate limited partner interest in the co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the Village, unless residency is required hereunder.
- J. A corporation or limited-liability company if any member, officer, manager, or director thereof, or any stockholder owning in the aggregate more than 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 or limited-liability company, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act (805 ILCS 5/1.01 et seq.) to transact business in Illinois.
- L. A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required by the licensee-and except that such manager or agent shall not be required to reside within the Village.
- 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 or her 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 have any ownership interest or direct pecuniary interest, in part or in whole, in an establishment or in the manufacture, sale or distribution of alcoholic liquor in the Village, except that a license may be granted to such official in relation to premises that

are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted to any member of the Village Board of Trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if: 1) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; 2) the issuance of the license is approved by the State Commission; 3) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located; and 4) the official granted a license does not vote on alcoholic liquor issues pending before the Board. Notwithstanding any provision of this subsection to the contrary, a member of the Village Board of Trustees, other than the President of the Village Board of Trustees, may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law-enforcing public official or the Village Board President. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the Village President may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the Village Board has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of the Act (235 ILCS 5/4-2).

- 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. Any premises from which alcoholic liquor 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.

§ 83-62. Record of licenses.

The Village Clerk shall keep a complete record of all liquor licenses issued.

§ 83-63. 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 Section 6-21 of the Act (235 ILCS 5/6-21). 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.

§ 83-64. 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 the licensee 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 of the Village from decreasing or limiting the number of classes of licenses to be issued within the Village.

§83-65. Transfer of license.

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A liquor license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as provided in this article, 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 or, in the case of a corporation, limited-liability company or partnership, its dissolution or bankruptcy, and shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate 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 months after the death, bankruptcy or insolvency of such licensee.

Any sale, transfer, or assignment of more than 50% of the shares of a corporation or more than 50% of an interest in a partnership or other business entity, shall require the payment of a new application fee and review by the Commissioner, so long as that business entity will remain the holder of the liquor license after the sale. Should the Commissioner approve the application as presented, no further action is required. Should the Commissioner not approve of the application, the license would be terminated and an application for a new liquor license would have to be completed and a new liquor license fee paid (if approved).

§ 83-66. License classifications 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.

- (1) A restaurant license authorizes the retail sale, for consumption on the license premises, 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 60 ounces.
- (2) Service of alcoholic liquor shall be only during the time that food is being served and a full menu is in effect.
- (3) The license shall only be available for premises defined as a "restaurant" herein containing a minimum area of 1,200 square feet.
- (4) All such liquor service shall be from a service bar only; said bar shall not be available for customer use.
- (5) Restaurant licenses shall be issued only to restaurants that have dining facilities as stated.
- (6) The annual fee for a Class A license shall be \$2,000.

B. Class B: Restaurant and Bar.

- (1) A restaurant and bar license authorizes the retail sale, for consumption on the licensed premises, 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 60 ounces.
- (2) Service of alcoholic liquor shall be only during the time that food is being served and a full menu is in effect.
- (3) The license shall only be available for premises defined as a "restaurant" herein containing a minimum area of 1,200 square feet.
- (4) The annual fee for a Class B license shall be \$2,000.

C. Class C: Craft Products or Wine Facility.

- (1) A craft products or wine facility license authorizes the on-premises consumption and retail sale of craft products in sealed packages where the premises is that of a craft products or wine facility as defined herein. The following provisions shall apply:
 - (a) The licensee shall maintain in good standing a State of Illinois brew pub license, craft brew license, craft distiller license or wine-maker's premises license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1 et seq.), as amended.
 - (b) Product sampling shall be permitted in accordance with state law at no charge.
 - (c) On-premises consumption shall be limited to the retail portion of the licensed premises except during supervised tours and private events. The retail portion shall not exceed 3,000 square feet.
 - (d) Patrons under the age of 21 shall be allowed on the premises when accompanied by an individual 21 years of age or older, however, classes and seminars shall be limited to patrons 21 years of age or older.
 - (e) Such facilities shall provide food service during consumption of alcohol on the premises, which may include hot or cold sandwiches, appetizers or other similar foods which may be prepared on the premises, but is not so required. Licensees are encouraged to partner with local restaurants for food service.
- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class C license shall be \$2,000.

D. Class D: Package Store License.

- (1) A package store license authorizes the retail sale, on the premises specified, of alcoholic liquor in its original package, not for consumption on the premises.
- (2) 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 which shall be approved by the Commissioner or the Commissioner's designee.
 - (a) Notwithstanding the foregoing, the requirement set forth in the preceding sentence of this Subsection D(2) 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.
 - (b) Notwithstanding the foregoing, free alcoholic liquor tastings shall be permitted at and within such premises in accordance with state law, except at businesses where the primary operation is the retail sale of gasoline and/or diesel fuel.
- (3) Subject to the regulations stated herein, a business where the primary operation is for the retail sale of gasoline and/or diesel fuel shall not be prohibited from obtaining a package store license.
- (4) The annual fee for a Class D license shall be \$2,000.

E. Class E: Temporary License.

- (1) A temporary license authorizes the retail sale of alcoholic liquor, on the premises specified, for consumption on or adjacent to the licensed premises at a picnic, carnival, or similar function. Such temporary licenses are to be granted to local organizations, groups or entities promoting a common object other than the sale of alcoholic liquor.
- (2) Such license shall be authorized on a day-to-day basis, but for not more than seven consecutive days or for intermittent use on not more than seven total days in a consecutive thirty-day period.
- (3) 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 licenses 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.
- (4) The fee for such license shall be \$100, regardless of the number of days for which such license is sought.

F. Class F: Beer and Wine Retail Sales.

- (1) A beer and wine retail sales license 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 60 ounces.
- (2) Service of beer and wine shall be only during the time that food is being served.
- (3) The license shall only be available for premises containing a minimum area of 1,200 square feet.
- (4) The annual fee for a Class F license shall be \$1,500.

G. Class G: Beer and Wine Package Sales.

- (1) A beer and wine package sales license authorizes the retail sale of beer and wine only in sealed packages, but not for consumption on the premises where sold.
- (2) 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 which shall be approved by the Commissioner or the Commissioner's designee.
- (3) Notwithstanding the foregoing, free beer and wine tastings shall be permitted at and within such premises in accordance with state law and except at businesses where the primary operation is the retail sale of gasoline and/or diesel fuel.
- (4) The annual fee for a Class G license shall be \$1,500.

H. Class H: Clubs.

- (1) A club license 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.
- (2) The license shall only be available for premises containing a minimum area of 1,200 square feet.
- (3) The annual fee for a club license is \$750.

I. Class I: Catering.

- (1) 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.
- (2) Alcoholic liquor shall only be sold and served by the licensee in connection with the catering of foods.
- (3) In addition to the other requirements of this article, 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.
- (4) The annual fee for a Class I license shall be \$1,000.

J. Class J: Special Events.

- (1) A special event license authorizes the retail sale of alcoholic liquor on the licensed 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. No license shall be required for any event conducted by or under the auspices of the Village. Such sales are limited to the public in general at a picnic, carnival or similar function.
- (2) Such license authorizes the retail sale and/or consumption of alcoholic liquor only, on government-owned property, such as streets, roads or parks. The boundaries of the licensed 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 their prior condition, including the removal of trash, rubbish and garbage in accordance with this article. 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 article and its license.
- (3) The retail sale and consumption of alcoholic liquor 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 separating each fence row, demarcating the licensed premises.
- (4) No applicant shall be allowed to apply for or receive more than two Class J licenses during the course of any one-year period.
- (5) The fee for such license shall be \$50 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: Sports/Recreational Facility.

- (1) Sports/recreational facility licenses authorize the sale, to the general public of alcoholic liquor by the drink for consumption on the premises of a sports/recreational facility where sold, and not for resale in any form. Sale in the original package for consumption off the premises is prohibited.
- (2) Service of alcoholic liquor shall be only during the time that the sports/recreational portions of the facility are open and available for use.
- (3) Alcoholic liquor may only be served when food is being served from a restaurant located on the licensed premises.
- (4) The license shall only be available for premises where the restaurant portion contains a minimum area of 1,200 square feet.
- (5) Appropriate security for the space must be utilized at all times when alcoholic liquor is being sold or consumed on the premises of the sports/recreational facility. A security plan must be submitted for approval by the Local Liquor Control Commissioner and must be updated on an annual basis with license renewal. The security plan must at a minimum address any age restrictions, identification of patrons 21 and older, alcohol sale control measures, monitoring of the premises, and control of entrances and exits.
- (6) Video gaming on premises is prohibited.
- (7) The annual fee for a Class K license shall be \$2,000.

L. Class L: Agritourism Operations.

- (1) An agritourism operation license authorizes the retail sale, on the premises or parcels so 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 60 ounces.
- (2) Service of alcoholic liquor shall be only during the time that agritourism events are being held on the premises or parcels so specified, and the events are open and abide by the Village's approved liquor license hours of operation.
- (3) Alcoholic liquor may be only served when food is being served, sold and/or catered at the agritourism events.
- (4) The annual fee for a Class L license shall be \$1,000.

M. Class M: Wine/Craft Beer Boutique.

- (1) Wine/craft beer boutique licenses shall authorize the retail sale of wine and/or craft beer in original packages and for consumption on the premises. Tastings, classes or seminars shall be permitted on such premises in accordance with state law and Village ordinances. Such licenses shall be only authorized in locations where the sale of wine and/or craft beer is the primary business. The sale of wine and/or craft beer shall be permitted for consumption on the premises subject to the following conditions:

- (a) The premises shall not exceed 3,600 square feet.
- (b) Food must be provided on the premises and may include hot or cold sandwiches, appetizers or other similar foods. Food may be prepared on the premises or off the premises from a licensed food establishment. Licensees are encouraged to partner with local restaurants for food service.

(2) The annual fee for a Class M license shall be \$1,500.

N. Class N: Brewery Pub.

- (1) A brewery pub license 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, and free beer tastings at and within such premises in accordance with state law.
- (2) The license shall only be available as a supplemental license for premises holding a Class A or Class B license.
- (3) The annual fee for a Class N license shall be \$500.

O. Class O: "BYO" Bring Your Own Licenses.

- (1) "BYO" licenses shall authorize the consumption of beer and wine which has been brought onto the premises by a patron or patrons 21 years of age or older for on-site consumption at the following business premises:
 - (a) Restaurants. A restaurant may allow BYO beer and wine to be consumed within the licensed premises, but only in conjunction with the purchase and consumption of a meal while seated at a table and served by an employee of the restaurant. BYO shall be allowed only during the restaurant hours of operation and only along with and during regular food service.
 - (b) Crafts-making stores. A crafts-making store may allow BYO beer and wine to be consumed within the licensed premises at the following times: i) during the time customers (whether individuals or a group) actually are engaged in designing and creating craft goods such as pottery, ceramics, jewelry, sculpture, painting, or similar do-it-yourself projects; ii) during a private event or a group class or other function attended only by invited guests and not open to individual customers or to the public.
 - (c) Other retail stores. A retail store may allow BYO beer and wine to be consumed within the licensed premises during: i) a private event; ii) a structured instructional class such as a cooking class, crafts class, or similar class; or iii) a similar structured activity attended only by invited guests and not open to the general public.
- (2) The following provisions shall apply to all BYO licensees:
 - (a) All employees who perform corkage/serving duties shall have successfully completed a certified BASSET training program and shall serve the wine and beer as if it was purchased in the establishment, complying with all state and local laws. Such employees must be at least 19 years of age or older.
 - (b) No more than one 750ml bottle of wine per patron or no more than 36 ounces of beer per patron (unopened) shall be permitted to be brought into the premises.
 - (c) BYO licensees shall uncork, pour and control consumption of BYO beer and wine.

- (d) BYO licensees may provide glassware and ice to patrons and may charge a corkage fee.
- (e) BYO licensees shall provide a certificate of insurance reflecting coverage for dram shop as required by this article.
- (f) No customer shall leave the licensed premises with any open or uncorked container except when a single wine bottle is sealed in compliance with the requirements set forth in Section 6-33 of the Illinois Liquor Code (235 ILCS 5/6-33).
- (g) BYO licensees are prohibited from storing alcoholic liquor on the premises, unless as otherwise provided by a separate license classification validly held by the licensee.
- (h) Packaged and on-site sales of alcoholic liquor is prohibited.
- (i) BYO licensees shall be liable for violations of this article 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.
- (j) A BYO licensee shall not advertise or otherwise hold their business out to be a drinking establishment.

- (3) Excluded from BYO licenses are smoking lounges, as defined herein.
- (4) Video gaming on premises is prohibited.
- (5) The annual fee for a Class O license shall be \$500.

P. Class P: Grocery Sip and Shop.

- (1) Grocery sip and shop licenses shall authorize the retail sale of individual servings of beer and wine for consumption on the premises where sold as an incidental part of sales by those retail food establishments commonly referred to as grocery stores that have a minimum of 15,000 square feet of retail floor area; and, further provided, that the retail floor area devoted to the sale of packaged alcoholic liquor shall not exceed 1,500 square feet, excluding seating areas.
 - (a) The consumption of individual servings of beer and wine shall be permitted throughout the entire retail floor area of the licensed premises and on designated outdoor patios attached to the licensed premises.
 - (b) Alcoholic liquor stocked on store display shelves within the retail floor area and sold in their original packages shall not be consumed on the licensed premises.
- (2) A grocery sip and shop license shall only be permitted when issued in conjunction with a retail package license of the grocery store business.
- (3) Video gaming on premises is prohibited.
- (4) The annual fee for a Class P license shall be \$500.

Q. Class Q: Retirement Facility License. Retirement facility licenses shall authorize the sale of beer and wine for consumption on the premises to temporary or permanent residents of a retirement facility and their bona fide guests age 21 and over.

- (a) On-site consumption shall be allowed within the confines of dining rooms and outdoor patio areas where meals are regularly served.
- (b) No packaged sales of alcoholic liquor shall be allowed.

- (c) The facility shall not be permitted to advertise or promote the sale of alcoholic liquor nor offer alcoholic liquor for sale to the public.
- (d) Private functions shall be allowed in common areas as part of regular activities integral to the facility.
- (e) Marketing programs conducted by the facility shall be allowed provided they are private, by invitation only, and are limited to age-appropriate prospective clientele.

- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class Q license shall be \$1,500.

R. Class R: Hotel Licenses.

(1) Class R-1: Hotel License (Full Service).

- (a) The license shall only be available for premises defined as a "hotel or motel (full service)" herein.
- (b) Authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold.
- (c) Authorizes the licensee to place small, refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms.
- (d) The dining room of said hotel must have a menu in effect at all times that liquor is served in the dining room. Said menu may consist of, but not be limited to, hot appetizers, hot or cold sandwiches, or other hot entrees prepared on the premises.
- (e) If the hotel has a lounge, it shall be unlawful for any minor to be present in said lounge unless accompanied by his or her parent or guardian. A menu must be in effect during those hours that liquor is being served in the lounge. Such menu may be limited to hot appetizers prepared on the premises.
- (f) Authorizes the licensee to serve registered guests of the hotel beer and wine at no charge during a two-hour period each day while providing appetizers or other similar foods for consumption during the two-hour period at no charge.
- (g) Authorizes the individual package sale of beer and wine to hotel guests.
- (h) Video gaming on the premises is ~~not permitted~~ prohibited.
- (i) The annual fee for a Class R-1 license shall be \$3,000.

(2) Class R-2: Hotel License (Limited Service).

- (a) The license shall only be available for premises defined as a "hotel or motel (limited service)" herein.
- (b) Authorizes the sale of alcoholic liquor to registered guests of the hotel only, for consumption on the premises where sold.
- (c) The facility shall be allowed to place small, refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms.
- (d) Authorizes the licensee to serve registered guests of the hotel beer and wine at no charge during a two-hour period each day while providing appetizers or other similar foods for

consumption during the two-hour period at no charge.

- (e) Authorizes the individual package sale of beer and wine to hotel guests.
- (f) Video gaming on premises is prohibited.
- (g) The annual fee for a Class R-2 license shall be \$2,000.

S. Class S: Special Promotional Permits.

- (1) 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.
- (2) The fee for such permit shall be \$50 per event.

T. Class T: Smoking Lounge License.

- (1) Smoking lounge licenses shall authorize the consumption of alcoholic liquor which has been brought onto the premises by a patron or patrons 21 years of age or older for on-site consumption where the premises' primary business is to sell tobacco and nicotine products for on-site and off-site consumption. The following provisions shall apply:
 - (a) Smoking lounge licensees shall provide a certificate of insurance reflecting coverage for dram shop or equivalent liability for BYO service.
 - (b) Food must be provided on the premises and may include hot or cold sandwiches, appetizers or similar foods. Food may be prepared on the premises or off the premises from a licensed food establishment. Licensees are encouraged to partner with local restaurants for food service.
 - (c) All employees who perform corkage/serving duties of alcoholic liquor shall have successfully completed a certified BASSET training program and shall serve the alcoholic liquor as if it was purchased in the establishment, complying with all state and local laws. Such employees must be at least 19 years of age or older.
 - (d) No more than one 750 ml bottle of wine per patron or no more than 36 ounces of beer per patron or no more than one 750 ml bottle of distilled spirits per patron (unopened) shall be permitted to be brought into the premises.
 - (e) Smoking lounge licensees may provide glassware and ice to patrons and may charge a corkage fee.
 - (f) No customer shall leave the licensed premises with any open or uncorked container except when a single wine bottle is sealed in compliance with the requirements set forth in Section 6-33 of the Illinois Liquor Code (235 ILCS 5/6-33).
 - (g) Smoking lounge licensees must offer for rent or sale a personal and secured storage locker for members for the storage of unconsumed products.
 - (h) Smoking lounge licensees are permitted to store unconsumed bottles of alcoholic liquor on the premises for customers.
 - (i) Packaged and on-site sales of alcoholic liquor is prohibited, unless as otherwise provided by a separate license classification validly held by the licensee.
 - (j) Smoking lounge licensees shall be liable for violations of this article 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.

- (k) Smoking lounge licensees shall not advertise in print or electronic media or otherwise hold their business out to be a drinking establishment.
- (l) Consumption of alcoholic liquor is permitted only during regular business hours of the smoking lounge.

- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class T license shall be \$750.

U. Class U: Theater License.

- (1) Authorizes the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a theater as defined herein, subject to the following conditions:
 - (a) Sales of alcoholic liquor shall be limited to contracted theater rentals, theater production/box office events and regularly scheduled motion pictures or films. Under no circumstances may alcoholic liquor be served more than one hour prior to a scheduled event, rental or the advertised time of the first motion picture or film showing on any day.
 - (b) Sales shall be made from bars containing alcoholic liquor, mixes and related preparation materials. Such bars shall not have seats or stools for patrons at which to sit.
 - (c) Food service must be available during all times alcoholic liquor is available on the premises.
 - (d) The licensee shall not serve or deliver more than one alcoholic beverage to a person at a time and no person shall have in his/her possession at any given time more than one alcoholic beverage.
 - (e) Containers in which alcoholic liquor is served must be of a different color, size and design of those in which nonalcoholic beverages are served.
 - (f) Alcoholic liquor shall be served only in single servings; no bottles, pitchers, buckets, etc.
- (2) Video gaming on premises is prohibited.
- (3) The annual fee for a Class U license shall be \$2,000.

V. Class V: Salon.

- (1) A salon license authorizes the service of beer and wine for on premise consumption where the primary business is that of a salon, defined herein, subject to the following conditions:
 - (a) No more than two (2) drinks (each limited to a twelve-ounce serving of beer or a six-ounce serving of wine) shall be served per patron, per calendar day.
 - (b) No beer or wine may be sold, given, or delivered to persons who are not receiving salon services.
 - (c) Bring Your Own (BYO) alcohol is prohibited.
 - (d) It is intended that the service of beer and wine is merely an adjunct to the operation of a salon and the salon shall not be advertised or otherwise held out to be a drinking establishment.

- (e) No licensee shall advertise, whether on or off the licensed premises, that beer or wine is “free” or “complimentary”, but rather may advertise that it is “included” with the purchase of a salon service.
 - (f) Serving of beer and wine shall take place only during the operating hours of the business and no beer or wine may be sold or served for off premise consumption.
- (2) Video gaming on premises is prohibited.
 - (3) The annual fee for a Class V license shall be \$500.00.

§ 83-67. Initial license applications and fees.

- A. The 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 nonrefundable fee of \$1,000 to defray costs of investigating the applicant pursuant to the provisions of this article, payable in one installment. The initial license fee for a new liquor license shall be prorated based on the month the applicant applies, plus a nonrefundable fee of \$1,000 to defray costs of investigating the applicant pursuant to the provisions of this article, payable in one installment. There is not a prorated fee for initial Class E, J, & S licenses. The following shall not be subject to an initial liquor license fee:
 - (1) An applicant 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 15 days prior to the filing of a new application.
- B. Applicants for a Class E or Class J license shall only be required to pay the license fees set forth in § 83-66 and shall not be required to pay the investigation fee of \$1,000 otherwise required by this § 83-67.

§ 83-68. Number of licenses issued. [Amended 8-28-2019 by Ord. No. 19-038; 8-28-2019 by Ord. No. 19-039; 10-9-2019 by Ord. No. 19-047; 3-25-2020 by Ord. No. 20-006; 4-22-2020 by Ord. No. 20-012; 7-22-2020 by Ord. No. 20-029; 9-9-2020 by Ord. No. 20-039; 9-9-2020 by Ord. No. 20-040; 10-28-2020 by Ord. No. 20-052; 12-9-2020 by Ord. No. 20-057; 1-27-2021 by Ord. No. 21-003; 4-28-2021 by Ord. No. 21-021; 2-8-2023 by Ord. No. 23-008; 2-8-2023 by Ord. No. 23-009]

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:

License Classification	Number
Class A	4
Class B	17
Class C	—
Class D	7
Class E	0
Class F	4
Class G	6
Class H	1
Class I	1
Class J	0
Class K	0
Class L	2
Class M	—
Class N	0
Class O	—
Class P	—
Class Q	1
Class R	—
Class S	—
Class T	—
Class U	—
Class V	—

§ 83-69. Incomplete or inaccurate applications.

- A. Applications for liquor licenses which are incomplete, inaccurate or fail to contain the statements or information required by this article shall be rejected by the Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiencies in said application within 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 article.
- 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. An 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 the license.

§ 83-70. Disposition of fees and fines.

All license, permit and application fees shall be paid to the Village at the time application is made and all fines and penalties shall be paid to the Village within two business days of the entry of the fine and penalty, unless otherwise ordered by the Commissioner. In the event a license application is denied, the fees shall be returned to the applicant. The initial application fee of \$1,000 is nonrefundable. If the license is granted, the annual license fee shall be deposited as set forth above, and no portion thereof shall be refunded.

§ 83-71. Conditions of license.

- A. Hours of operation.
 - (1) 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, 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 New Year's Eve, closing time shall be 2:00 a.m. on January 1.

§ 83-71

§ 83-72

- (e) All establishments may remain open until 2:00 a.m. the day before a national holiday.
 - (f) The Commissioner may extend the hours of operation of any licensee for one additional hour.
 - (g) The current liquor license holders do not need to apply for a special use permit for operating outside the hours of 6:00 a.m. and 11:00 p.m. **[Added 10-28-2020 by Ord. No. 20-053]**
- (2) 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's closing hour.
- (3) In the case of restaurants, hotels, sports/recreational facilities, and licensees selling packaged liquors, where the sale of alcoholic liquor is conducted on the 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 the specified closing hours, and no person other than the licensee and employees of the licensee in the pursuit of their employment shall be permitted to remain in or upon that portion of the premises used for the dispensation of alcoholic liquors.
- (4) In the case of other nonresidential uses open for business outside the hours of 6:00 a.m. and 11:00 p.m., such uses may apply for an extended hours of operation license with the Village Clerk. Establishments seeking twenty-four-hour operation must be approved as a special use as set forth in § 220-711A(11), Hours of operation. **[Added 10-28-2020 by Ord. No. 20-053]**
- B. Refilling original liquor packages. No person licensed under this article 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 or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages, except vinous beverages and pitchers of beer as permitted elsewhere herein.
- C. Service restrictions.
- (1) No retail liquor licensee or employee or agent of such licensee shall:
- (a) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that 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, without 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 involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 - (e) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under this section.
- (2) Nothing in this section shall be construed to prohibit a liquor licensee from:

§ 83-71

§ 83-72

- (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 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 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.

D. Displaying liquor licenses. Every liquor licensee shall cause its license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

E. Political campaign contributions are prohibited.

- (1) It is unlawful for any licensee or an individual owning directly or beneficially more than 5% of the corporation stock of any licensee, where more than 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 \$150 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.
- (2) Any person violating this subsection shall be fined not less than \$500 nor more than \$1,000 for each offense and shall be subject to the suspension or revocation of that person's liquor license.¹

§ 83-72. Location, building and premises restrictions.

A. Location restrictions.

- (1) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or for indigent persons or for veterans, their spouses or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants or other places

1. Editor's Note: Former § 83-71.1, Sale of alcohol for off-premises consumption, added 6-10-2020 by Ord. No. 20-023, which immediately followed this section, expired 6-2-2021.

§ 83-72

§ 83-72

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 spouses 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 100 feet of any church or school, where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of the building used for worship services or educational programs and not to property boundaries.

- (2) The Commissioner may consider and grant a waiver to an applicant that is prohibited from issuance of a license under Subsection A(1) above based upon unique site-specific circumstances. Such considerations shall include, but are not limited to: current business location, accessibility and location of entrance, fencing, screening, berms, and walkable distance between buildings.
 - (3) Nothing in this subsection 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.
 - (4) 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 permission of the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this article.
- 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, sports/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 licensed 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 subsection, the Commissioner shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as 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.
- (1) No 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 or the state.
 - (2) Maximum capacity or occupancy restrictions shall be established for each premises by the fire

§ 83-72

protection district having jurisdiction or such ordinances and codes as may be applicable to the Village, and shall be posted in no less than two prominent locations in the premises.

§ 83-74

- (3) Liquor sales are prohibited from a drive-in or drive-through associated with a permitted use.

§ 83-73. Personnel restrictions.

A. Change in personnel.

- (1) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than 5% of the stock or ownership interest, managers or assistant managers or establishments licensed to sell liquor under this article shall be reported in writing to the Commissioner within 10 days of the change. All such new personnel shall meet all the requirements of this article and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Commissioner.
- (2) 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, the license shall terminate.
- (3) When a liquor license has been issued to a corporation, and a change takes place in officers, directors, managers or shareholders of more than 5% of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, the license shall terminate.
- (4) When a liquor license has been issued to an individual who is no longer eligible for a license, the 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. Manger 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, bartender, and server 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 Commission or otherwise approved or recommended under applicable Illinois law. Evidence of certification or enrollment of every owner, manager, assistant manager, bartender, and server shall be kept in each licensed premises, and shall be presented upon demand of the liquor commissioner, a person or persons whom the liquor commissioner has appointed to assist in the exercise of powers and duties of the commissioner, or code enforcement officer. Persons holding Class D, Class E, Class G, 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 article.

§ 83-74. Prohibited acts and conditions.

A. Peddling. No licensee shall peddle alcoholic liquor in the Village.

B. Intoxicated persons. No licensee shall permit or allow an intoxicated person to enter into or be

§ 83-74 allowed to remain upon the premises. No licensee shall sell alcoholic liquor to any intoxicated or incompetent persons. § 83-75

- C. 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.
- D. Dancing. No licensee shall permit or allow dancing upon the premises except in an area specifically designated for dancing only or upon a stage.
- E. Discrimination. No licensee shall discriminate in service because of race, sex, religion, national origin, physical handicap, or any other status protected by state or federal laws or regulations.
- F. Violations of county, state or federal laws. No licensee shall permit or allow the violation of any ordinance, statute or law upon the licensed premises by any person.
- G. Nudity. The following conduct on premises licensed to sell alcoholic liquor is prohibited:
 - (1) Public indecency.
 - (a) Any person who performs any of the following acts in a public place commits public indecency:
 - [1] An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/11-0.1; or
 - [2] A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of that person or another person.
 - (b) "Public place" for purposes of this subsection means any place where the conduct may reasonably be expected to be viewed by others.
 - (2) The actual or simulated caressing or fondling of genitals, buttocks or breast.
 - (3) The actual or simulated display or exposure of genitals, pubic hair, buttocks, anus or breasts.
 - (4) 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.
 - (5) The displaying of films, pictures or any other visual display depicting acts set forth in Subsection G(1) above.
- H. 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 requested by the customers.
- I. No licensee shall permit, contract for or allow any person 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.

§ 83-75. Minors.

- A. Sales to minors and intoxicated persons.
 - (1) 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 21 years, or to any intoxicated person. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service. It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor.

- (2) In every place 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 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

- (3) It shall be unlawful for any licensee, or his or her agent or employee, to permit any person under the age of 21 years to 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 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 licensee's license for any violation of this subsection.
- (4) It shall be unlawful for any parent or guardian to knowingly permit any person under the age of 21 of which he or she is the parent or guardian to violate any provisions of this section.
- (5) It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of 21.
- (6) Except for those employees at least 19 years of age or older who have successfully completed a certified BASSET training program in accordance with all state and local laws, it shall be unlawful for any person under the age of 21 to tend bar.
- (7) Except for those employees at least 19 years of age or older who have successfully completed a certified BASSET training program in accordance with all state and local laws, it shall be unlawful for any person under the age of 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 21 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 subsection, it shall be lawful for any person 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 a minor; identification cards.

- (1) Purchase or possession of alcoholic liquor by minors.
- (a) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of the 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 minor to be or remain in any room, apartment, house, place or vehicle which is not licensed for the sale of alcoholic liquor under this article, and wherein alcoholic liquor is being consumed by a minor, except as otherwise provided in this article; provided, however, a minor 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 minors for the consumption or possession of alcoholic liquor.

(2) 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 age 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 or her 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 article relating to revocation or suspension for the violation of any other provision of this article.

- (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.

(3) Consumption. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden; provided, however, the possession and dispensing, or consumption by a person under the age of 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.

§ 83-76. Suspension and revocation of licenses; penalty.

- A. Suspension and revocation. The Commissioner may, in addition to imposing a fine, revoke or suspend any license issued by the Commissioner if the Commissioner determines that the licensee has violated any of the provisions of the Act, this article or of any other ordinance or resolution of the Village, or any applicable rule or regulation established by the Commissioner or the State Commission with respect to liquor licenses. The Commissioner shall, within 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 15 days upon the licensee. Review of decisions of the Commissioner by the State Commission shall be as provided for by the Act and a record review.
- B. Assessment of costs of hearings. Any licensee determined by the Commissioner to have violated any provision of the Act 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, and other miscellaneous expenses incurred by the Village. The licensee shall pay the costs to the Village within 30 days of the notification of the costs by the Commissioner. Failure to pay the costs within 30 days of notification is a violation of this section, and may be cause for license revocation or suspension. In the event of an appeal to the State Commission, and in cases where appeal is taken under the Administrative Review Act (735 ILCS 5/3-101 et seq.), payment is due 40 days after entry of an order finally affirming the determination of the Commissioner.

- C. Forfeiture of fees. Whenever any license hereunder has been revoked as provided for in this article, the licensee shall incur a forfeiture of all monies that have been paid for the license.
- D. 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.
- E. Monetary penalty. Unless otherwise provided in this article, any person violating any provision of this article relating to liquor shall be fined not less than \$500 nor more than \$1,000 for a first violation within a twelve-month period, \$1,500 for a second violation within a twelve-month period, and \$2,500 for a third or subsequent violation within a twelve-month period. Each day on which a violation continues shall constitute a separate violation.