

CHAPTER 3.

ALCOHOLIC BEVERAGES

Article I. In General.

- §3-1. Definitions.
- §3-2. Local Liquor Control Commissioner--Designated; Powers and Duties Generally.
- §3-3. Records of Licenses Issued; Notice to Clerk, Director of Finance and Chief of Police of Issue or Revocation of License.
- §3-4. Transporting, etc., in Motor Vehicles.
- §3-5. Peddling.
- §3-6. Possession of Alcohol by Minors Prohibited; Consumption in Public Places Prohibited.

Article II. Retail Licenses and Business Regulations.

Division 1. Local Retail Liquor License.

- §3-7. Required; Violation of Terms Prohibited.
- §3-8. Nature and Extent.
- §3-8.1. Repealed by Ord. 87-40.
- §3-9. Processing of Applications.
- §3-10. Persons Ineligible for License.
- §3-11. Application for License.
- §3-12. Application Fee; Administration.
- §3-12.1. Mandatory Alcohol Awareness Training.
- §3-13. Consent of Property Owners Prerequisite to Issuance for Certain Residential Areas.
- §3-14. Issuance for Sale within One Hundred Feet of Certain Institutions and Establishments.
- §3-15. Appointment, Composition, Duties Generally, etc., of Advisory Liquor Control Commission; Procedure of Commission on Application.
- §3-16. License Contents.
- §3-17. Classification and Fees Generally.
- §3-18. Payment of Fees Generally; Applicability of Chapter to Other License Fees.
- §3-19. Number of Licenses to be Issued.
- §3-20. Term; Proration of Fees.
- §3-21. Renewal.
- §3-22. Transferability; Effects of Death; Insolvency or Bankruptcy of Licensee; etc.
- §3-23. Display.

- §3-24. Changes of Location of Business.
- §3-25. Change in Personnel.
- §3-26. Suspension and Revocation.
- §3-27. Revocation upon Conviction of Violation.
- §3-28. Violation of State of Illinois Tax Statutes.
- §3-29. Multiple Locations.
- §3-30. Cessation of Business.
- §3-31. Insurance.

Division 2. Operation of Licensed Establishments.

- §3-32. Permitting, etc. Consumption on Premises by Licensee Not Having License for Same.
- §3-33. Outside Sales, Service and Consumption Prohibited.
- §3-34. Curb Service.
- §3-35. Opening and Closing Hours.
- §3-35.1. Open After Hour Prohibition.
- §3-36. Extension of Hours.
- §3-37. View of Interior of Building from Street.
- §3-38. Sanitary Conditions of Premises Generally.
- §3-39. Employment of or Working by Persons with Infectious, etc., Diseases.
- §3-40. Stores Selling School Supplies.
- §3-41. Gambling.
- §3-42. Improper Exhibitions.
- §3-43. Solicitation.
- §3-44. Refilling Original Packages.
- §3-45. Responsibility for Agents and Employees.
- §3-46. Unlawful Possession and Consumption by Persons under Age.
- §3-47. Parental Responsibility.
- §3-48. Responsibility of the Owner or Occupant of Premises.
- §3-49. Sale by Licensee to Underaged and Certain Other Persons.
- §3-50. Evidence of Age of Person Attempting to Purchase or Receive Alcoholic Liquor.
- §3-51. Solicitation by Minor to Purchase; Unlawful Sale, Gift or Delivery by Adult to a Minor.
- §3-52. Required Warning Signs.
- §3-53. Additional Penalty for Sale to Underaged Persons.
- §3-54. Employment of Underaged Persons.
- §3-54.1. Happy Hours Prohibited.
- §3-54.2. Duty to Report Illegal Activity.
- §3-55. Failure to Pay a Debt Due the Village.
- §3-56. Employment of Musicians.
- §3-57. Amusement Devices.
- §3-58. Public Nuisance.
- §3-59. Reserved for future use.
- §3-60. General Penalty.

- §3.61. License Penalties.
§3.62. Severability.

Article I. In General.

Sec. 3-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

Alcoholic liquor means any spirits, wine, beer, ale or other liquid containing more than one half (1/2) of one percent (1%) of alcohol by volume, which is fit for beverage purposes and being capable of being consumed as a beverage by a human being.

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

Drive-in restaurant means a food service establishment with or without interior facilities for eating, which caters to and permits the consumption of food either in customers' automobile parking on the premises or in any other designated area on the premises outside the building where the food is so prepared. "Drive-In Restaurant" shall not be construed to include "Restaurant."

Hotel means any building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations and dining rooms being conducted in connection therewith, and such buildings or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Licensed video gaming location means a licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, as defined in Section 5 of the Video Gaming Act (230 ILCS 40/5). (Ord. 12-52)

Original package means any bottle, flask, jug, can, cask, barrel, or keg or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.

Resident means any person, other than a corporation, who has resided and maintained a bona fide residence in the State for at least one (1) year.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, without sleeping accommodations, such space being provided with an adequate and sanitary kitchen and dining room equipment and kind of employees to prepare, cook and serve suitable food for guests. "Restaurant" shall not be construed to include "Drive-In Restaurant" or "Self-Service or Carry-Out Restaurant." (Ord. 86-03)

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

Sale means any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration. Such term also means and includes all sales made by any person, whether principal, proprietor, agent, servant or employee. (Ord. 72-03)

Self-service or carry-out or carry-out restaurant means any place kept, used, maintained, advertised and held out to the public as a place where foods are served either manually (when a coin or coins are dropped in a slot) or personally served by the customer himself and which place offers such food service with or without interior facilities for eating such food. "Self-Service or Carry-Out Restaurant" shall not be construed to include "Restaurant." (Ord. 86-03)

Service of food or to serve food means the retail sale of food prepared and served on the licensed premises for consumption. This term shall not include the retail sale or service of prepackaged food, snacks or other foods which have been primarily prepared off the licensed premises, except if same is less than twenty-five percent (25%) of the total retail sales of food prepared and served on the licensed premises for consumption. (Ord. 99-131)

Service bar means an additional facility for serving liquor by waitresses/waiters only. Area to be limited to six feet (6') in length, with no provisions for seating; to be located on premises which have a valid retail liquor license in effect. (Ord. 83-40; 83-63; 12-52)

Video gaming terminal means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board 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. (Ord. 12-52)

Sec. 3-2. Local Liquor Control Commissioner – Designated; Powers and Duties Generally.

The Mayor shall be the Local Liquor Control Commissioner for the Village, with authority to appoint one or more persons to assist him in the exercise of the powers and in the performance of his duties within the corporate limits of the Village. The Commissioner shall have the following powers:

- (A) To grant and to fine or revoke or suspend for cause all local licenses issued to persons for premises in the Village. (Ord. 90-35)
- (B) To enter, or to authorize any law enforcing officer to enter at any time upon any premises licensed under this Chapter to determine whether any of the provisions of the State Liquor Control Act, or any rules or regulations adopted by the Village, have been or are being violated, and at such time to examine the entire premises of the licensee in connection therewith.

It shall be unlawful for any person to interfere with either the Commissioner or duly authorized law enforcing officers in the performance of their duty.

- (C) To receive complaints from any citizens of the Village that any provision of state law relating to alcoholic liquor of this Code or other ordinances have been or are being violated, and to act upon such complaint in the manner provided in this article and by state law.
- (D) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee under this Chapter upon whom notice of revocation of license has been served; to examine or cause to be examined, the books and records of any applicant or licensee under this Chapter; and to hear testimony and take proof of his information in the performance of his duties, and for such purpose to issue subpoenas. For the purpose of obtaining any of the information desired by him under this Chapter, he may authorize his agent to act in his behalf. (Ord. 72-03; 83-63)
- (E) To issue temporary liquor licenses to current liquor licensees in good standing in order to allow the service of alcoholic liquor at community events. The term of any such temporary license shall not exceed the period of the community event and shall be limited to the premises where the community event is held. No separate liquor license fee shall be required for these temporary liquor licenses. (Ord. 13-63; 17-07)

Sec. 3-3. Records of Licenses Issued; Notice to Clerk, Director of Finance, and Chief of Police of Issue or Revocation of License.

The Local Liquor Control Commissioner shall keep or cause to be kept, a complete record of all licenses issued by him, and shall furnish the Clerk, Director of Finance and Chief of Police each with a copy thereof. Upon the issuance of any new license or the revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action. (Ord. 72-03; 83-63; 92-91)

Sec. 3-4. Transporting, etc., in Motor Vehicles.

- (A) Except as provided in Subsection (B) hereof, no person shall transport, carry, possess or have any alcoholic liquor in the passenger area of any motor vehicle, except in the original package and with the seal unbroken.
- (B) Notwithstanding any other provision of this Chapter, a restaurant licensed to sell alcoholic liquor in the Village may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time-use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed an unsealed container for the purposes of Section 11-502 of the Illinois Vehicle Code (625 ILCS 5/11-502) or any comparable provision of the Village Code. (Ord. 72-03; 83-63; 07-67)

Sec. 3-5. Peddling.

It shall be unlawful to peddle alcoholic liquor in the Village. (Ord. 72-03; 83-63)

Sec. 3-6. Possession of Alcohol by Minors Prohibited; Consumption in Public Places Prohibited.

- (A) It shall be unlawful for any person under the age of twenty-one (21) years to have any alcoholic beverage in his possession on any street or public highway, or in any place open to the public.
- (B) No person shall drink any alcoholic liquor on any public street, sidewalk or alley, or in any publicly owned or controlled space. It shall further be unlawful to consume alcoholic liquors on a property owned by the Village. Upon written application, to and approval by the Village Board, alcoholic liquor may be consumed and sold on a public street, alley or sidewalk at a civic affair. Upon written application, not less than thirty (30) days prior to a scheduled event, approved by the Village Board, alcoholic liquor may be consumed and sold on a public street, alley or sidewalk, or in any publicly owned or controlled space at a civic affair. (Ord. 79-46; 83-63; 84-22)

Article II. Retail Licenses and Business Regulations.

DIVISION 1. LOCAL RETAIL LIQUOR LICENSE.

Sec. 3-7. Required; Violation of Terms Prohibited.

It shall be unlawful for any person, firm or corporation, except anyone acting under a retail liquor license granted in accordance with this ordinance or a person acting in the privacy of his home, or as part of a religious ceremony, to engage in the following acts:

- (A) To sell at retail or dispense any alcoholic liquor, including the pouring of liquor and the providing of "set-ups" containing alcoholic liquor;
- (B) To provide mix, ice, water or glasses for the purpose of mixing drinks at any place where liquor is present; (NOTE: In the case of *M. & G. Food Co., Inc. v. Village of Addison*, the Circuit Court for the 18th Judicial Circuit, DuPage County, Illinois, found "That subsection (b) of Section 3-7 of Chapter 3 of the Addison Village Code is vague and is invalid.")
- (C) To maintain a private or public club with liquor on the premises;
- (D) To maintain a restaurant or banquet hall with liquor on the premises;
- (E) To maintain a movie theater with liquor on the premises.
- (F) To maintain a private club, public club, restaurant, banquet hall, movie theater, or place of public accommodation, as defined in Section 11-42-10.1 of the Illinois Municipal Code, and permit the consumption of alcoholic liquor on the premises; and
- (G) To maintain any establishment, which is licensed by the Village pursuant to Chapter 10 of the Village Code, and permit the consumption of alcoholic liquor on the premises. (Ord. 72-03; 77-57; 78-24; 83-63; 25-42)

Sec. 3-8. Nature and Extent.

The license required by Section 3-7 shall be a retailer's license and shall allow the licensee to sell and offer for sale at retail, on the premises specified in such license, alcoholic liquor for use or consumption, as provided under the various classifications in this article but not for resale as defined in this Chapter. (Ord. 72-03; 83-63)

Sec. 3-8.1 repealed by Ord. 87-40.

Sec. 3-9. Processing of Applications.

Any application received shall be forthwith forwarded to the Local Liquor Control Commissioner and Advisory Liquor Commission for review. Written acceptance or rejection of such application shall be issued within sixty (60) days of its receipt by the Local Liquor Control Commissioner, providing all information requested by this Chapter or by the Commissioner has been furnished. Any application disapproved due to lack of data may be resubmitted within thirty (30) days of date of said notification, at no additional cost. (Ord. 85-40)

Sec. 3-10. Persons Ineligible for License.

No local retail liquor dealer's license shall be issued to:

- (A) A person who is not a resident of the Village of Addison or who has not been a resident of the Village for at least ninety (90) days prior to the issuance of said license.
- (B) A person who has not attained the age of twenty-one (21) years.
- (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, if determined by the Liquor Control Commissioner that such person has not been sufficiently rehabilitated to warrant public trust.
- (E) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
- (G) A person whose license issued under this Chapter has been revoked for cause.
- (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- (I) A co-partnership, unless all the persons forming a part of such co-partnership shall be qualified to obtain a license; partners shall be required to be residents of the Village of Addison for at least ninety (90) days prior to the issuance of said license.
- (J) A corporation, limited liability corporation or an association, if any officer, manager or the director thereof, or any stockholder(s) or member(s) owning in the aggregate more than five percent (5%) of the stock corporation or association, would not be eligible to receive a license hereunder for any reason other than citizenship or residence in the Village.
- (K) A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- (L) A person whose place of business is conducted by a manager unless said manager possesses the same qualifications required of the licensee, except that said manager need not be a resident of the Village. (Ord. 94-16)
- (M) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
- (N) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- (O) Any elected public official, law enforcing officer, the Mayor or member of the Village Board of Trustees, Addison officer or employee or member of any board or commission.
- (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 any of the Subsections (a)(3) through (a)(10) of Section 18-1, or July 28, 1961, Chapter 38 of the Illinois Revised Statutes, as heretofore or hereafter amended, or as prescribed by a Statute replacing any of the aforesaid statutory provisions; or any person who has been convicted of a gambling offense as prescribed by an ordinance of the Village.
- (T) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- (U) A partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
- (V) A corporation, limited liability corporation or an association, if any officer, manager or director thereof, or any stockholder or member owning in the aggregate more than five percent (5%) of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- (W) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- (X) Any person who has sold, given away or delivered alcoholic liquor to any person under the age of twenty-one (21) years, in violation of the applicable State laws or Village ordinances, or to any intoxicated person, or to any person known to him to be a habitual drunkard, insane, mentally ill, mentally deficient or in need of mental treatment, unless otherwise determined by the Local Liquor Control Commissioner.
- (Y) A person who is not of good character and reputation in the Village of Addison.
- (Z) A corporation whose shareholder of more than five percent (5%) of the stock of the corporation has been a shareholder of more than five percent (5%) of the stock of another corporation whose license has been revoked for cause.
- (AA) Any person who is married to or is the registered domestic partner of an individual who is disqualified from obtaining a license under this Chapter or under the Liquor Control Act of 1934, as amended, unless the person can establish by clear and convincing proof that the disqualified individual will not have any direct or indirect beneficial interest in any liquor license issued to the person under this Chapter; provided, however, that if the disqualified individual was denied a liquor license pursuant to subsections (d), (e), (f), (g), (h), (n), (o) or (t) of this section, the person who is married to or the registered domestic partner of the disqualified individual shall not be required to comply with this subsection if the Liquor Control Commissioner determines, after investigation, that the disqualified individual has

been sufficiently rehabilitated to warrant the public trust. For purposes of this subsection, the term “registered domestic partner” means any person who has filed a fully executed affidavit of domestic partnership with the Office of the County Clerk.

- (BB) A person who knowingly files false or incomplete information on a liquor license application pursuant to this ordinance.
- (CC) A person who knowingly files false or fraudulently obtained signatures on a petition or petitions for the purpose of obtaining a late-hour license or on any other petition required by this ordinance. (Ord. 72-03; 81-58; 83-63; 87-40; 89-89; 93-104; 04-38; 13-63)

Sec. 3-11. Application for License.

Applications for a Local Retail Liquor Dealer's License shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant if an individual, signed by each individual partner if a partnership, or signed by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- (A) The applicant's name, mailing address and telephone number and proof that the applicant has been a resident of the Village for a period of at least ninety (90) days prior to the proposed issuance date of said license.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "Assumed Name" of the business with the County Clerk of DuPage County.
- (D) In the case applicant is a partnership, the date of the formation of the partnership, the full name, age, address and telephone numbers of all persons with an ownership interest in the partnership, or who have a right to receive a direct or indirect benefit from the profits of the partnership.
- (E) An Illinois corporation must state the date of its incorporation, a statement of the object for which the corporation was organized, the full name, age, address and telephone number of all shareholders with an aggregate of more than five percent (5%) of the capital stock of the corporation of any person(s) receiving a direct or indirect benefit from the profits of the sale of alcoholic liquors in the Village of Addison.
- (F) The name, age, address and telephone number of the person(s) who will manage the business of the applicant in the Village. (Ord. 94-16)
- (G) The citizenship of all persons required herein to be identified in the application, their date and place of birth, and if a naturalized citizen, the time and place of their naturalization.
- (H) The character of the business of the applicant.
- (I) The length of time that applicant has been in business of that character.

- (J) The location and description of the premises or place of business which is to be operated under such license, and the following information:
- (1) If a leased premises, a copy of the lease shall be provided, and the lease shall be for a term of sufficient length to encompass the term of the license sought.
 - (2) The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust.
 - (3) The name, address and telephone number of the manager of the licensed business.
 - (4) A copy of the current agreement for the management of the licensed business.
- (K) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.
- (L) A statement signed by or on behalf of the applicant and by all individuals required to be identified therein, that each of them has never been convicted of a felony or a Class A misdemeanor, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the State of Illinois or the provisions of this Chapter.
- (M) Whether a previous license by any state or subdivision thereof, or by the Federal government has been issued, and if so, where and when, or if any such license has been revoked, state the reasons therefor.
- (N) A statement that the applicant and all individuals required to be identified in the application have not in the past and will not in the future violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the Village controlling the retail sale of alcoholic liquors in the conduct of his place of business.
- (O) The applicant's Retailer's Occupational Tax (ROT) Registration number and a statement whether the applicant is delinquent in the payment of the Retailer's Occupation Tax (sales tax), and if so, the reasons therefor.
- (P) A statement whether applicant is delinquent under the thirty (30) day credit law, and if so, the reasons therefor.
- (Q) Whether the applicant possesses a current Federal wagering and gaming device stamp, and if so, the reasons therefor.
- (R) Whether the applicant, any individual identified in the application or any other person, directly or indirectly interested in his place of business is a public official, and if so, the particulars thereof.

- (S) A statement whether applicant is in violation of Section 123 of the Liquor Control Act, and if so, the reasons therefor.
- (T) A statement that applicant and all individuals required to be identified in the application have not sold, delivered or given away alcoholic liquor in violation of any state law, or Village ordinance to a person under the minimum age required to purchase or possess alcoholic liquor.
- (U) Any other information that the Local Liquor Commissioner may require to implement the requirements of this Chapter. (Ord. 83-63; 89-89; 13-63)

Sec. 3-12. Application Fee; Administration.

A non-refundable license application fee shall be paid by each applicant for a new license or for a revised license. The fee for each new license shall be one thousand dollars (\$1,000.00). A licensee holding a current, valid liquor license shall not pay any additional license application fee when applying for a second liquor license for the same establishment.

In addition to the aforesaid application fee, at the time that an application for issuance, modification, or renewal of a liquor license is made, a non-refundable fingerprint fee equal to the State's charge for processing shall be paid for each applicant who must be fingerprinted.

Upon a change in officers, manager, director or any stockholder owning in the aggregate more than five percent (5%) of the capital stock, an application for a revised license must be submitted to the Village Clerk. At the time of submission of this application, a fingerprint fee shall be paid for each revised individual.

If a license is issued to a partnership and there is a change of membership in the partnership resulting in a new partner, a new application shall be submitted, and a fingerprint fee shall be paid for each new partner.

If such an application is not submitted within fifteen (15) days after such change, the Liquor Commissioner shall have the authority to terminate the liquor license or to temporarily suspend such license.

All applications shall be addressed to the Local Liquor Commissioner and filed in the office of the Village Clerk and shall be accompanied by the appropriate non-refundable application fee. Upon receipt of any application, the Liquor Commissioner shall require such applicant to be fingerprinted under the direction of the Chief of Police, whether such applicant is an individual or a partnership. Should the applicant be a corporation, the Commissioner shall require the following persons to be fingerprinted: the officers, manager or director thereof, or any stockholder owning in the aggregate of more than five percent (5%) of the capital stock of such corporation. This provision shall also apply to all applications for renewal or revision. Each applicant shall be supplied with a copy of this Chapter.

At the time an application for a liquor license is originally filed or subsequently renewed, the applicant or licensee shall provide proof that the applicant or licensee has obtained liquor liability (dramshop) insurance for the operation of the premises described in such application or license in the aggregate amount of not less than three hundred thousand dollars (\$300,000.00); the insurance policy shall be for a term at least in coexistence with the duration of the applicable license period and shall not be subject to cancellation except upon thirty (30) days prior notice to the Liquor Commissioner; and the termination or lapse of the licensee's insurance coverage shall be grounds for the revocation of such license. (Ord. 72-03; 75-61; 82-49; 83-63; 85-63; 87-14; 92-72; 97-62; 13-63; 18-13; 19-10)

3-12.1. Mandatory Alcohol Awareness Training.

- (A) Each liquor licensee, or a principal officer thereof, and each manager of a licensed establishment or caterer serving alcoholic beverages shall have successfully completed a certified Beverage Alcohol Sellers and Servers Education and Training (BASSETT) Program approved by the Village of Addison prior to issuance of a liquor license or renewal thereof. In addition to the penalties otherwise provided in this Chapter 3, any failure to comply with this Section shall be cause for suspension, revocation or denial of a liquor license.
- (B) The initial application and renewal applications for Class A, C-1, D, D-1, DB, DC, DC-1 and E licenses shall be accompanied by proof of completion of such state certified Beverage Alcoholic Sellers and Servers Education and Training (BASSETT) Program. A photocopy of the certificate of completion must be on file in the Village Manager's office. All certificates of completion shall be maintained in the manager's office on the premises of the establishment serving or selling alcoholic liquor. (Ord. 87-46; 03-122; 12-10)

Sec. 3-13. Consent of Property Owners Prerequisite to Issuance for Certain Residential Areas.

It is hereby determined that the following described portions of the Village are predominantly residential in character: All that territory restricted to single-family residence use or apartment building use under the Village Zoning Ordinance.

It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within any such portion of the Village, unless the owners of at least two-thirds (2/3) of the frontage feet along the streets adjacent to such place of business for which a license is sought, for a distance of two hundred feet (200') in each direction from the proposed place of business, shall file with the Mayor their written consent to the use of such place for the sale of alcoholic liquor. (Ord. 72-03; 83-63)

Sec. 3-14. Issuance for Sale within One Hundred Feet of Certain Institutions and Establishments.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school other than an institution of higher learning, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, restaurants, food shops or other places where the sale of alcoholic liquors is not the principal

business carried on, if such place of business so exempted shall have been established for such a purpose prior to March 25, 1972. No person shall engage in business as a retailer of any alcoholic liquor within one hundred feet (100') of any undertaking establishment or mortuary. (Ord. 72-03; 83-63; 94-129)

Sec. 3-15. Appointment, Composition, Duties Generally, etc., of Advisory Liquor Control Commission; Procedure of Commission on Application.

(A) The Liquor Commissioner shall appoint every three (3) years on May 1, an Advisory Liquor Control Commission, consisting of five (5) qualified voters of the Village. When an application has been made to the Liquor Commissioner, he shall refer such application to the Advisory Commission for their study. The Advisory Commission shall investigate the applicant as to qualifications under this Chapter.

Such Commission shall hold a public hearing to hear testimony as to the qualifications under this Chapter. A public notice shall be published in a local newspaper of general circulation by the Local Advisory Control Commission. Such notice shall be published not less than fifteen (15) days nor more than (30) days prior to the date set for such public hearing.

The Advisory Liquor Control Commission shall submit its recommendation, after investigation and hearing, to the Liquor Commissioner. Such recommendation shall be made after consideration of the following criteria:

1. Results of police investigation of applicant;
2. Proximity of location as requested to other established similar business;
3. Consideration of Section 3-11 and Section 3-12;
4. Zoning and parking requirements as outlined in the Village Zoning Ordinance;
5. Population trends and area requirements;
6. Building Commissioner's determination as to conformance of applicant's building regarding Building Code violations; etc.; and
7. The Advisory Liquor Commission shall regularly review the Village Code, numbers of licenses, fees and procedures for recommendations as to issuance of licenses and any other matters germane to the application for liquor license.

(B) The Advisory Liquor Commission shall also conduct public hearings with respect to any alleged violation of Village codes and ordinances relating to a liquor license. (Ord. 07-02; 17-39)

Sec. 3-16. License Contents.

Every license issued by virtue of this article shall state thereon the name of the licensee, the class of license, the license fee and the address and description of the premises for which it is granted. (Ord. 73-03; 83-63)

Sec. 3-17. Classification and Fees Generally.

Every person engaging in the retail sale of alcoholic liquor in the Village shall, unless otherwise required within this Section, pay a semi-annual license fee as hereinafter set forth.

A. Such licenses shall be divided into the following classes:

Class "A". Shall authorize the retail sale of alcoholic liquors for consumption on the premises specified. Food may also be sold on the premises as an adjunct to such sale of alcoholic liquors. (Ord. 92-109)

Class A-1. Shall authorize the self-service pouring of beer, wine, cider and pre-mixed liquor cocktails from an enclosed kiosk for consumption on the premises specified. Said premises shall be operated by a BASSET certified individual that shall ensure that each person receiving beer, wine, cider or pre-mixed liquor cocktails is of sufficient legal age to consume alcohol. After confirming that a customer is legally able to consume alcohol, each customer shall be given a self-service card that will allow the customer to receive not more than thirty-two (32) ounces of beer, wine, cider or pre-mixed liquor cocktails from the self-service kiosk. A customer may obtain an additional self-service card only from the BASSET certified individual operating the premises. The container provided for the self-service pouring of beer or cider shall not exceed sixteen (16) ounces. The container provided for the self-service pouring of wine or pre-mixed liquor cocktails shall not exceed eight (8) ounces. (Ord. 22-43)

Class "B". Shall authorize the retail sale of alcoholic liquors, but not for consumption on the premises where sold. However, no retail sale of alcoholic liquors shall take place unless the main classification of business in such retail sale is the selling of alcoholic liquor.

Class "B-1." Shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. However, no retail sale of alcoholic liquor shall take place hereunder unless (1) the main classification of the business for such retail sale is either the selling of food for consumption off the premises or of pharmaceuticals; (2) the main business area accessible to customers is a minimum of ten thousand (10,000) square feet; and (3) the area where alcoholic liquor may be located for sale is limited to a specific area of the premises as shown on the floor plan of the premises and said area has been approved by the Liquor Commissioner as being appropriate. (Ord. 94-93; 00-48; 03-46)

Class "B-2." Shall authorize the retail sale of alcoholic liquor for consumption either on or off the premises where sold. However, no retail sale of alcoholic liquor shall take place hereunder unless: (1) the main classification of the business for such retail sale is the selling of food for consumption on or off the premises; (2) there is a minimum store area of at least three thousand three hundred (3,300) square feet (excluding any basement area); (3) a minimum of one thousand five hundred (1,500) square feet of store area is accessible to customers; and (4) a minimum of one thousand five hundred (1,500) square feet of store area is used solely for food preparation. (Ord. 00-48)

Class "B-3." Shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. Said premises shall engage in the sale of motor fuel products at

retail and either shall have been issued a County liquor license for the premises prior to incorporation into the Village or shall have a liquor being considered as part of a pre-annexation agreement with the Village. (Ord. 03-03; 14-24)

Class "B-3(A)." Shall authorize the retail sale of beer and wine only for consumption on the premises specified only. Said premises shall engage in the sale of motor fuel products at retail and shall also maintain a full service automobile repair shop which shall include no less than six (6) service bays. (Ord. 22-33)

Class "B-4." Shall authorize the retail sale of alcoholic liquor at certain, specified areas on the premises of a business establishment provided that: (1) the main classification of the business for such retail sale is selling food for consumption off the premises; and (2) the main business area accessible to customers is a minimum of fifty thousand (50,000) square feet. With respect to the retail sale of liquor for consumption off the premises, the area where alcoholic liquor may be located for sale is limited to a specific area of the premises as shown on the floor plan of the premises (the "Packaged Liquor Area"), which area shall have been approved by the Liquor Commissioner as being appropriate. With respect to the retail sale of liquor for consumption on the premises, the area where the retail sale and consumption of alcoholic liquor may occur is limited to a specific area of the premises (the "Bar Area") as shown on a floor plan of the premises, which shall have been approved by the Liquor Commissioner as being appropriate, and the removal or transport of alcoholic liquor from the Bar Area is strictly prohibited and enforced by the licensee. (Ord. 17-51)

Class "B-5." Shall authorize a Class E-5 liquor license to engage in the retail sale of craft beer, which has been produced on the premises, for consumption on or off the premises where sold. (Ord. 17-76)

Class "C." Shall authorize the retail sale of alcoholic liquors for consumption only on the premises specified, being a club license of a nonprofit club. (Ord. 96-79)

Class "C-1." Shall authorize the retail sale of alcoholic liquors for consumption only on the premises specified, being a country club.

Class "C-2." Shall be issued only to a licensee holding a Class C license and shall authorize the retail sale of alcoholic liquor for consumption only in an outdoor service area for special events sponsored by the not-for-profit club. The Class C-2 license shall be a temporary license, and the term of the license shall not exceed the duration of the special event, or such shorter period of time as may be determined by the Mayor, as Liquor Commissioner. The request for such license shall be submitted to the Mayor not less than thirty (30) days prior to the special event and shall describe in detail the outdoor premises area where alcoholic liquor will be served. (Ord. 05-104)

Class "D." Shall authorize the retail sale of alcoholic liquors for consumption only upon the premises specified. Such premises shall serve food for at least eight (8) hours per day and must have adequate facilities for banquet food service.

Class "D-1." Shall authorize the retail sale, on the specified premises, of alcoholic liquor in restaurants seating not less than fifty (50) nor more than three hundred (300) persons at times when food service is available, for consumption only on the premises where sold and served from service bar as described in Section 3-1.

Class "DB." Shall authorize the retail sale of alcoholic liquors in banquet halls where the principal purpose of the business is to serve food in connection with weddings, parties or social functions or liquors for consumption only on the premises specified. A Class DB license shall permit the retail sale of alcoholic liquors at more than one (1) location on the same premises, under control of one (1) ownership. All locations shall be from a service bar facility for the serving of alcoholic liquor by waitress/waiter and/or patrons. The area is to be at least six feet (6') in length, with no provisions for seating.

Class "DC." Shall authorize a licensed food caterer to sell and serve alcoholic liquor for consumption on such premises where food is served by the caterer. (Ord. 03-122)

Class "DC-1." Shall be issued only in addition to and in conjunction with a Class D license and shall authorize a licensed food caterer who also holds a Class D license to sell and serve alcoholic liquor for consumption on such premises where food is served by the caterer. (Ord. 12-10)

Class "DD." Shall authorize only a Class D liquor licensee to engage in the retail sale of packaged wine at the premises specified in the Class D license for consumption off the premises where sold. (Ord. 06-11)

Class DD-1. Shall authorize only a Class D liquor license to engage in the retail sale of packaged beer and wine for consumption off premises. (Ord. 14-22)

Class "E." Shall authorize the retail sale of beer only or wine, containing twenty percent (20%) or less of alcohol by volume, for consumption on the premises only, as specified on such license. Such premises shall serve food at least eight (8) hours per day and must have adequate facilities for serving food.

Any eligible organization requesting such license may request waiver of the fee. Said request shall be made in writing to the Board of Trustees and shall be acted upon by the Board of Trustees at the next regularly scheduled Board meeting after the issuance of the license.

Class "E-1." Shall authorize a Class E-1 liquor licensee to engage in the retail sale of packaged beer and wine containing twenty percent (20%) or less alcohol by volume at the premises specified in the Class E-1 license for consumption off the premises where sold. (Ord. 06-72)

Class "E-2." Shall authorize a Class E-2 liquor licensee to engage in the retail sale of beer and wine for consumption on the premises where sold and in the retail sale of packaged beer and wine for consumption off the premises where sold. (Ord. 08-80)

Class "E-3." Shall authorize a Class E-3 liquor licensee to engage in the retail sale of beer and wine only for consumption off the premises where sold. (Ord. 08-81)

Class E-4. Shall authorize the retail sale of beer only or wine, containing twenty percent (20%) or less of alcohol by volume, for consumption on the premises only, as specified on such license. Such premises shall serve food at least eight (8) hours per day and must have adequate facilities for serving food. The holder of an E-4 license shall be ineligible to obtain a video gaming license. (Ord. 17-12)

Class E-5. Shall authorize a Class E-5 liquor licensee to engage in the retail sale of craft beer, which has been produced on the premises, for consumption on or off the premises where sold. (Ord. 17-76)

Class "G." Shall authorize the sale, distribution or delivery of alcoholic liquor for a twenty-four (24) hour period by not-for-profit corporations who have been in existence for three (3) or more years and qualified individuals using a facility. This would apply to all charitable organizations, homeowners organizations and/or groups. Sufficient proof of dram shop insurance must be supplied to the Mayor prior to issuance of said license.

Class "H." Shall authorize the retail sale, on the specified premises of a hotel, as defined by this Chapter, in a banquet facility, conference center, and one (1) or more restaurants, lounges or bars, in addition to the retail sale of liquor on a "room service" basis, provided that all of such facilities are under single ownership. Facilities located within such hotel/motel which are under separate ownership shall be subject to liquor license requirements for the appropriate classification. (Ord. 88-02; 91-76)

Class "H-1." Shall authorize the retail sale, on the specified premises of a hotel, as defined by this Chapter, in which one hundred (100) or more rooms are used for sleeping accommodations and having one (1) or more public dining rooms with a seating capacity of not less than one hundred twenty five (125), in a banquet facility, conference center, and one (1) or more restaurants, lounges or bars, in addition to the retail sale of liquor on a "room service, basis, provided that all of such facilities are under single ownership. Facilities located within such hotel lounges or bars, in addition to the retail sale of liquor on a "room service" basis, provided that all of such facilities are located within such hotel. Facilities which are under separate ownership shall be subject to liquor license requirements for the appropriate classification.

Class "O." Shall be issued only in addition to and in conjunction with a Class C-1, Class D, Class D-1 or Class E-2 license and shall authorize the retail sale of beer and wine or alcoholic liquor on the specified premises for consumption only in an outdoor service area (the "Class O Premises") sold and only as a service which is incidental to or accessory to the principal use of the premises (the "Principal Premises") with a Class C-1, Class D, Class D-1 or Class E-2 license. The minimum standards for such Class O Premises are as follows:

- (1) The regulations for the principal classification to which this license is accessory shall apply to the Class O Premises, provided that where such regulations conflict with the standards set forth hereinbelow, the standards set forth hereinbelow shall prevail.
- (2) Reduced hours of operation for the Class O Premises shall be as set forth in Section 3-35 of this Chapter.
- (3) The Class O Premises shall be open only from April 1 through October 31 of each year.
- (4) The Class O Premises shall be accessible only through the Principal Premises and shall be constructed and maintained in accordance with plans which have been submitted to the Village in accordance with Subsection (14) hereof and approved by the Board of Trustees.
- (5) The Class O Premises shall comply with all building, health and zoning ordinances.
- (6) The flooring in the Class O Premises shall be of a readily cleanable material.
- (7) The Class O Premises shall conform to the same parking-to-seating ratio as that required for the Principal Premises.
- (8) All food and beverages served in the Class O Premises shall be stored and prepared indoors, and all service containers shall be stored indoors.
- (9) All furnishings in the Class O Premises shall be made of material which can be easily sanitized.
- (10) All sanitation facilities shall be located within the Principal Premises.
- (11) Liquor may be served in the Class O Premises only in conjunction with food service.
- (12) Lighting for the Class O Premises shall be of architectural character without spillover to adjacent properties.
- (13) Any amplified sound system in the Class O Premises shall not exceed the noise standards set forth in the Zoning Ordinance for manufacturing districts.
- (14) An applicant for a Class O license shall submit a site plan of the Class O Premises for review and approval. Such site plan shall include the overall architectural plan and landscape details, including all signage, parking, trash storage and lighting.

The Class O license shall be renewable only upon submittal to and approval by the Board of Trustees of a new application, including all required plans. (Ord. 13-62)

B. Except as noted hereinbelow, the semi-annual fee for each such license, payable in one payment, shall be as follows:

Class	
A	\$1,590.00
A-1	\$1,590.00
B	\$1,130.00
B-1	\$1,130.00
B-2	\$1,130.00
B-3	\$1,130.00
B-3(A)	\$1,130.00
B-4	\$1,130.00
C (annual)	\$110.00
C-1	\$1,360.00
C-2 (daily)	\$10.00
D	\$1,440.00
D-1	\$1,130.00
DB ¹	\$1,290.00
DC	\$1,130.00
DC-1 ² (annual)	\$140.00
DD ² (annual)	\$140.00
DD-1 ² (annual)	\$140.00
E	\$830.00
E-1	\$830.00
E-2	\$1,130.00
E-3	\$1,130.00
E-4	\$830.00
E-5	\$830.00
G (daily)	\$60.00
H ³	\$2,750.00
H-1 ⁴	\$4,130.00
O (annual)	\$60.00

¹Plus charge of \$220.00 for each additional service bar.

²In addition to fee paid for on-premises license.

³Plus charge of \$300.00 for each additional restaurant, lounge or bar which sells liquor within such hotel.

⁴Plus charge of \$500.00 for each additional restaurant, lounge or bar which sells liquor within such hotel.

(Ord.18-13; 19-10; 22-33, 43)

C. There shall be an additional semi-annual fee of two hundred twenty dollars (\$220.00) required in all liquor classifications for any permanent secondary bar serving alcoholic beverages.

- D. Any licensed video gaming location operating video gaming terminals shall be required to pay an additional semiannual fee for each video gaming terminal of two hundred fifty dollars (\$250.00) per terminal, which shall be paid to the Village at the same time the fee for an application for or renewal of the establishment's liquor license is due. (Ord. 79-17; 81-60, 64; 82-21; 83-63; 89-70; 92-44; 98-40; 99-37; 03-74,122, 12-52; 13-23; 14-22; 17-76)

Sec. 3-18. Payment of Fees Generally; Applicability of Chapter to Other License Fees.

All license fees shall be paid to the Village Director of Finance. (Ord. 92-91; 12-52)

Fees covered in this Chapter do not include applicable fees for other licenses; provided, however, the video gaming terminal liquor fee shall be in lieu of the coin-operated amusement device license fee under Section 10-18 of this Code. (Ord. 72-03; 82-46; 83-63; 85-40, 56, 92-72, 12-52)

Sec. 3-19. Number of Licenses to be Issued.

There shall be issued in the Village not more than four (4) Class "A" licenses; not more than one (1) Class "A-1" license; not more than six (6) Class "B" licenses; not more than seven (7) Class "B-1" licenses; not more than two (2) Class "B-2" licenses; not more than two (2) Class "B-3" license; not more than one (1) Class "B-3(A)" license; not more than one (1) Class "B-4" license; not more than two (2) Class "C" licenses; not more than three (3) Class "C-1" licenses; not more than thirty-one (31) Class "D" licenses; not more than three (3) Class "D-1" licenses; not more than two (2) Class "DB" licenses; not more than one (1) Class "DC" licenses; not more than one (1) Class "DC-1" license; not more than two (2) Class "DD" license; not more than two (2) Class "DD-1" license; not more than eight (8) Class "E" licenses; not more than one (1) Class "E-1" license; zero (0) Class "E-2" license; zero (0) Class "E-3" licenses; one (1) Class "E-4" license; zero (0) Class "E-5" licenses; not more than one (1) Class "H" licenses; no Class "H-1" license; and the number of Class "O" licenses as may be authorized by the Board pursuant to Section 3-17. There shall be no limit to the number of Class "C-2" or Class "G" licenses. The number of licenses authorized herein for the above classes shall remain at the number set forth in this Section unless amended by the corporate authorities when it is determined to be in the best interest of the Village to increase or decrease the number of licenses. (Ord. No. 79-17, 81-28, 82-14, 83-22, 29, 54, 55, 56, 63 and 75; 84-40, 85-40 and 42; 86-16, 18, 26, 42, and 46, 87-10, 12, 26, 27, 59, 60 and 70; 88-7, 10, 14, 15, 22, 23, 47 and 57; 89-6, 20, 50 and 94; 90-93, 94, 95, 96, 102 and 103; 91-4, 47, 67,68,71,76, 92-28,89, 90, 97, 98,103, 104, 111, and 112; 93-6, 7, 8, 13, 37, 38, 72, 73, 74, 75, 77, 84, 111, 112, 129 and 130; 94-53; 54; 108, 109 and 128, 95-44, 73, 96, 110, and 111; 96-23, 24, 31, 32 and 53; 97 8 and 85; 98-3, 4, 14, 15, 40, 54 and 55; 99-18, 19, 24, 31, 43, 44, 68, 69 and 124; 00-07, 08, 48, 54 and 67, 01-02, 07, 08, 46 and 103; 02-15, 65, 80, 82, 103, 104, 105; 03-03, 05, 22, 23, 24, 25, 45, 54, 74; 96; 97; 98; 99; 100; 101; 116 and 122; 04-23; 25; 33, 55, 60 and 89; 05-03, 04, 24, 37; 56; 57; 95; 96; 97; 134,135; 136 and 145; 06-1, 11; 24, 27, 28, 29, 30, 33, 53, 62, 72, 75, 76, 77, 90, 108,109; 07-11, 92, 93, 105, 106, 113, 114; 08-03, 13, 16, 17, 45, 51, 52, 62, 77, 78, 79, 80, 81, 86 and 88; 09-24, 25, 26; 10-06, 30, 31, 37, 47, 59, 60, 64, 65 and 76; 11-31, 39; 12-01, 09, 10, 26, 27, 32, and 40; 13-41, 42, 43, 48, 53, 54, and 61; 14-1, 2, 3, 23, 75; 15-18, 46, 47, 48, and 57; 16-11, 12, 22, 26, 37, 45, 46, 51, and 52; 17-1, 12, 32, 33, 34, 35, 36, 37, 50, 51, 52, 57, and 58; 18-04, 13, 16, 17, 30, and 31; 19-02, 03, 09, 13, 19, 21, 26, 43, 48, 52, and 61; 20-05, 33, 40, 41, 45; 21-03, 19, 28, 43, 44, 48, 49, 50, 51 and 52; 22-01, 02, 07, 13, 14, 28, 29, 33, 35, 36, 37, 40, 42, 43, 45,

50, 57, 58; 23-05, 06, 07, 09, 14, 20, 37, 39, 40, 48 and 49; 24-01, 02, 03, 13, 14, 15, 31, 49, 54, 58, 59, 66, 67, 68; 25-01, 03, 04, 21, 22, 38, 39, 48; 26-13, 23, 24, 25)

Sec. 3-20. Term; Proration of Fees.

- (A) Except with respect to Class "O" licenses, each such license shall terminate on the thirtieth (30th) day of April or the thirty-first (31st) day of October next following the date of issuance.
- (B) Except with respect to Class "O" licenses, the fee to be paid shall be reduced in proportion to the full calendar months which have expired in the one half (1/2) year prior to the issuance of the license, if a new license is being requested in the interim period outlined above.
- (C) In addition, a licensee that voluntarily terminates its license prior to its expiration shall be entitled to reimbursement of liquor license fees previously paid in proportion to the full calendar months which remain until the normal expiration of the license pursuant to this Section, provided that:
 - (1) No charges or proceedings are pending for suspension or revocation of the license.
 - (2) A new liquor license for the premises has been issued contemporaneously with the voluntary termination.
 - (3) Liquor is no longer to be sold or served on the premises. (Ord. 72-03; 83-63; 97-73; 98-30; 03-74)

Sec. 3-21. Renewal.

Except with respect to Class "O" licenses, which may only be renewed with the approval of the Board of Trustees under Section 3-17, any licensee may renew his license at the expiration thereof; provided that he is then qualified to receive a license, that the licensee is in compliance with the regulatory provisions of this Chapter (including any debts due and owing to either the Village or the State of Illinois) and that the premises for which such renewal license is sought are suitable for such purposes; and provided, that the renewal privilege provided for in this Section shall not be construed as a vested right which shall in any case prevent the Village Board of Trustees from decreasing the number of licenses to be issued within the Village. No license may be renewed if the business is not commenced on such premises within six (6) months of the issuance of the initial license. At the time of renewal, the licensee, if a corporation, shall file an affidavit stating the names and addresses of all officers and stockholders of the corporation, as outlined under Subsection (a) of Section 3-11.

Upon application for renewal, a complete list of all stockholders and corporate officers shall be submitted to the Village Clerk.

In addition, the renewal application shall include photographic identification of the applicant, or its duly authorized agent, whose name and signature appear on the renewal

application. The photographic identification shall be either a valid driver's license or a state-issued photographic identification card. (Ord. 72-03; 75-61, 83-63; 03-74; 13-63)

Sec. 3-22. Transferability; Effects of Death; Insolvency or Bankruptcy of Licensee; etc.

A license shall be purely a personal privilege, good for not to exceed six (6) months after issuance, unless sooner revoked as in this division provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of the testate or intestate dissolution, but it shall cease upon the death of the licensee; provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under order of the appropriate Court, may exercise the privileges of the deceased licensee or insolvent or bankrupt licensee until the expiration of such license but not longer than six (6) months after the death, bankruptcy, dissolution of any partnership or corporation, or insolvency of such licensee. There shall be no refund of any unused portion of a license fee. (Ord. 72-03; 81-59; 83-63)

Sec. 3-23. Display.

Every licensee shall cause his license to be framed and displayed in plain view in a conspicuous place on the licensed premises. (Ord. 72-03; 83-63)

Sec. 3-24. Changes of Location of Business.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon written permission to make such change issued by the Mayor of the Village. No change of location shall be permitted, unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the State and the provisions of this Code and other ordinances of the Village. (Ord. 72-03; 83-63)

Sec. 3-25. Change in Personnel.

(A) Any changes in partnership, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change and prior to the renewal of any license. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Liquor Control Commissioner within sixty (60) days of the change. Such review shall include, but is not limited to, the requirement that a new application be submitted and a background check be required. The Liquor Control Commissioner shall also, as part of his review, refer the change in personnel to the Advisory Liquor Control Commission to hold a public hearing to hear testimony as to the qualifications of any new personnel and to submit its recommendations to the Liquor Control Commissioner. In addition to the above, if the original licensee's

ownership interest falls below fifty-one percent (51%), said license shall terminate and a new license shall be required. (Ord. 21-31)

- (B) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
- (C) When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent (5%) of the stock resulting in the holding of office of such shares of stock by one who is not eligible for a license, said license shall terminate.
- (D) When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate. (Ord. 83-63)

3-26. Suspension and Revocation.

The Liquor Control Commissioner may, in accordance with the Liquor Control Act, fine a licensee in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per violation (each day in which a violation continues shall constitute a separate violation) or ten thousand dollars (\$10,000.00) in the aggregate during the period of the license and may revoke or suspend any license issued under the provisions of this Chapter, if he determines that the licensee has violated any of the provisions of the Act, this Chapter or any other ordinance or resolution enacted by the corporate authorities of the Village of Addison, or applicable rules or regulations established by the Liquor Control Commissioner or the Illinois Liquor Control Commission, or any state and/or Federal statute which is not inconsistent with the law. However, no such license shall be revoked or suspended except after a public hearing by the Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend the charges contained in such notice. The three (3) day notice provision shall begin the day following delivery by certified or registered mail or by personal service. (Ord. 02-52)

If the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days giving the licensee an opportunity to be heard during that period except that if the licensee is also engaged in another business on the licensed premises such order shall not be applicable to such other business.

The Liquor Control Commissioner shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.

All appeals to the State Liquor Control Commission by a Village liquor licensee of a decision, order or action by the Local Liquor Control Commissioner or designee having the effect of fining a licensee, suspending or revoking the Village liquor license shall be limited to review of the official record of the formal proceedings before the Commissioner.

Sections 5/7-7, 5/7-9, 5/7-12 and 5/7-13 of the Liquor Control Act are incorporated herein by reference and made a part of this Chapter. (Ord. 72-03; 83-63; 90-35; 96-12)

Sec. 3-27. Revocation upon Conviction of Violation.

Whenever any licensee shall have been convicted by any court of a violation of any of the provisions of the Liquor Control Act, or of this Chapter or any other ordinance of the Village of Addison controlling or regulating the sale of alcoholic liquors, the licensee shall, in addition to all other penalties for such offense, incur a forfeiture of any local retail dealer's license issued pursuant to this Chapter and all monies that have been paid therefor. (Ord. 83-63)

Sec. 3-28. Violation of State of Illinois Tax Statutes.

In addition to other grounds specified in this Chapter, the Liquor Control Commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "Retailer's Occupation Tax Act", approved June 28, 1933, as amended, of any other State of Illinois tax statutes, or of any municipal tax ordinance:

- (A) Failure to make a tax return.
- (B) The filing of a fraudulent return.
- (C) Failure to pay all or part of any tax or penalty finally determined to be due.
- (D) Failure to keep books and records.
- (E) Failure to secure and display a certificate or sub-certificate or registration.
- (F) Willful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability. (Ord. No. 83-63; 92-43)

Sec. 3-29. Multiple Locations.

Where two (2) or more locations, places or premises are under the same roof or at one (1) street address, a separate local retail liquor dealer's license shall be obtained for each such location, place or premise; provided that nothing herein contained shall be so construed as to prevent any hotel or motel operator licensed under the provisions of this Chapter from serving alcoholic liquor to his registered guests in any room or part of his hotel or motel, if such liquor so served shall be kept in and served from a licensed location, place or premises in said hotel or motel. (Ord. 83-63)

Sec. 3-30. Cessation of Business.

Any licensee who ceased to do business or closes his place of business for a period of more than thirty (30) successive days shall be subject to having his license declared forfeited and lapsed by order of the Liquor Control Commissioner.

Any licensee who receives a liquor license and who fails to open for business or fails to commence alcoholic liquor sales, within sixty (60) days from issuance of such license shall be subject to having such license revoked by the Liquor Commissioner after a public hearing as provided for in this Chapter. (Ord. 83-63; 19-10)

Sec. 3-31. Insurance.

No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the State of Illinois, insuring such applicant for the initial license period against liability which such applicant may incur under the provisions of Paragraph 135 of the Liquor Control Act. No license shall be renewed unless the licensee demonstrates that he has obtained dram shop insurance as aforesaid for the next six (6) month period.

Notwithstanding the foregoing, in the event the State Liquor Control Commission does not require a particular applicant or licensee to have and maintain dram shop insurance, then dram shop insurance shall not be required by this Section with respect to such applicant or licensee. (Ord. 83-63; 89-02; 09-06)

DIVISION 2. OPERATION OF LICENSED ESTABLISHMENTS.

Sec. 3-32. Permitting, etc. Consumption on Premises by Licensee Not Having License for Same.

It shall be unlawful for any licensee to sell, offer for sale, serve or to allow the consumption of alcoholic liquor for consumption on the premises, or to permit such liquor to be consumed on the premises where sold except pursuant to the terms and conditions of said license and the regulations of this Chapter. (Ord. 83-63; 13-63)

Sec. 3-33. Outside Sales, Service and Consumption Prohibited.

- (A) It shall be unlawful for any licensee to sell, offer for sale, serve or allow the consumption of alcoholic beverages in any area other than the interior of the premises named in the licensee's application and license, unless the licensee has a Class O license.

For the purposes of this Section the word "**premises**" shall mean the structure or portion thereof located at the exact address and the full description of the location for alcoholic beverage sales listed on the licensee's application.

- (B) Notwithstanding the provisions of Subsection A hereof, a licensee holding a Class B-1 license may be permitted by the Liquor Commissioner to have sales of alcoholic beverages rung up at checkout counters outside of that portion of the premises licensed for the sale of alcoholic liquor if:
1. The licensee adopts and maintains appropriate training procedures, as required by the Liquor Commission, for the licensee's checkout cashiers;
 2. Appropriate signage is maintained in the checkout area; and
 3. The licensee successfully completes a three (3) month trial period using checkout cashiers for alcoholic beverage sales in accordance with regulations approved by the Liquor Commission.

Should the licensee violate any of the terms or provisions of this Chapter, in addition to the penalties otherwise provided for in this Chapter, the Liquor Commissioner may revoke or suspend the licensee's privilege of selling alcoholic beverages at checkout counters outside the licensed B-1 premises. (Ord. 82-27; 83-63; 98-40; 99-36)

Sec. 3-34. Curb Service.

No person shall sell, furnish or deliver any alcoholic liquor at what is known as curb service or for consumption in any vehicle. (Ord. 72-03, 83-63)

Sec. 3-35. Opening and Closing Hours.

No person having a Class A, B-3, C, C-1, D, D-1, DB, E, E-1, E-2, E-3, E-4, E-5, G, H or H-1 liquor license hereunder as a retailer of alcoholic liquor shall sell, permit to be sold, give away, allow to be served, or allow to be consumed on the licensed premises any alcoholic liquor between the hours of 1:00 a.m. and 6:00 a.m. on Monday through Friday, between the hours of 2:00 a.m. and 6:00 a.m. on Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday, except that a holder of a Class B-3 or DB license may sell liquor after 9:00 a.m. on Sunday.

It shall be unlawful to keep open for business the outdoor service area of any establishment having a Class O or C-2 license after 11:00 p.m.

No person having a Class B, B-1, B-2 or B-4 liquor license hereunder as a retailer of alcoholic liquor shall sell, permit to be sold, give away or allow to be consumed on the licensed premises any alcoholic liquor between the hours of 10:00 p.m. and 6:00 a.m.

The time for closing on New Year's Eve shall be extended by two (2) hours, in addition to the time ordinarily allotted, into New Year's Day, provided that, notwithstanding the foregoing, in no event shall a licensed establishment remain open after 3:00 a.m. on New Year's Day.

The computation of time under this Section shall always be in accordance with Central Standard Time or Central Daylight Savings Time, depending on which shall be in effect. (Ord. 72-03; 73-13; 75-61; 78-62,71; 81-62; 83-63; 88-02; 90-91; 95-15; 98-40; 00-48; 01-49; 03-03,46; 04-38; 05-104; 06-11,72; 08-80,81; 09-42; 10-20, 12-07; 13-62; 17-76; 18-13)

Sec. 3-35.1. Open After Hour Prohibition.

During the prohibited hours of operation, every location, place or premises where alcoholic liquor may be sold at retail shall be kept closed, and no person other than the licensee or an employee or a member of the immediate family of Licensee shall be permitted to remain therein. Locations, places, or premises which are licensed to serve both food and alcoholic liquor may remain open for food service only. (04-38)

Sec. 3-36. Extension of Hours.

The Board of Trustees has authority to extend the opening or closing hours of Class A, Class D, Class O, Class DB and Class DD, and Class DD-1 licenses for a period not exceeding two (2) hours, such extension shall be granted subject to the following conditions:

- (A) An application for extension shall be made to the Board of Trustees and such application must state the date, purpose, type of operation and advertising which will be used setting forth the extended hours.
- (B) Upon the discretion of the chief of police, a number of officers shall be present in the establishment for a period of time determined by him, and the licensee shall pay for such services on the basis of one and one-half (1-1/2) times the normal wage to the officer involved.
- (C) An additional fee of fifty dollars (\$50.00) per hour shall be paid to the Village prior to authorization by the Board of Trustees for such extension of hours.
- (D) The Addison Fire Protection District shall establish a maximum capacity for the location which shall be included in all advertisements.
- (E) Every location, place or premises where alcoholic liquor may be sold at retail shall display in plain view in a conspicuous place a framed capacity card in a form specified by the Village, setting forth the maximum capacity for the licensed premises. No persons in excess of the capacity so certified in Section 3-36(D) shall be allowed to enter or remain in any premises licensed for the retail sale of alcoholic liquor. (Ord. 75-33; 79-17; 83-63; 84-71; 85-25; 89-88; 98-40; 04-38; 06-11; 14-22)

Sec. 3-37. View of Interior of Building from Street.

No premises upon which the sale of alcoholic liquor for consumption on the premises is licensed, other than as a restaurant, hotel or club, shall be permitted to have any screen, blind, curtain, partition, article or other obstruction in the window or upon the doors of such licensed premises, or 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. No booth or screen 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 light, so that all parts of the interior 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 or in any manner obstructed, such licensee shall be subject to revocation of his license in this article. In order to enforce the provisions of this Section, the Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (Ord. 72-03; 83-63)

Sec. 3-38. Sanitary Conditions of Premises Generally.

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for sale shall be kept in full compliance with the provisions of this Code and other ordinances of the

Village regulating the condition of premises used for the storage or sale of food for human consumption. (Ord. 72-03; 83-63)

Sec. 3-39. Employment of or Working by Persons with Infectious, etc., Diseases.

It shall be unlawful to employ on any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease, and it shall be unlawful for any person who is afflicted with or is a carrier of any disease to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor. (Ord. 72-03; 83-63)

Sec. 3-40. Stores Selling School Supplies.

No license shall be issued to any person for the sale of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors. (Ord. 72-03; 83-63)

Sec. 3-41. Gambling.

It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

Notwithstanding the foregoing, lawfully licensed video gaming terminals operated at all times in full compliance with the Video Gaming Act (230 ILCS 40/1 *et seq.*) shall not be subject to the gambling prohibition set forth herein. (Ord. 12-52)

Sec. 3-42. Improper Exhibitions.

No person licensed under this Chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- (A) Exposes his or her genital, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (B) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (C) Exposes any portion of the female breast at or below the areola thereof.

The term "expose" as used herein shall mean to lay open or present to view and shall include, without limitation, the use of see-through fabrics or materials. (Ord. 92-68)

Sec. 3-43. Solicitation.

It shall be unlawful for any licensee, his manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or

non- alcoholic liquor for said person, or any other person therein; nor shall any female, or any male representing himself to be a female, whether employee, entertainer or otherwise, solicit any patron or customer therein to purchase alcoholic or non-alcoholic liquor for herself or himself or any other person therein; provided however, that nothing herein contained shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress. (Ord. 81-37; 83-63)

Sec. 3-44. Refilling Original Packages.

No person licensed under this Chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers of alcoholic liquor, except in original packages. (Ord. 83-63)

Sec. 3-45. Responsibility for Agents and Employees.

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter by an officer, director, manager or other agent or employee of any licensee, if such act is committed or omission is made within the scope of such agency or employment or with the authorization, knowledge, or approval of the licensee, shall be deemed and held to be the act of such employer or licensee and such employer and licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him personally. (Ord. 83-63)

Sec. 3-46. Unlawful Possession and Consumption by Persons under Age.

- (A) No person under the age of twenty-one (21) years shall consume, purchase or accept delivery of alcoholic liquor or have alcoholic liquor in his or her possession within the Village of Addison; provided the possession and dispensing, or consumption by a person under the age of twenty-one (21) years of alcoholic liquor in the performance of a religious service or ceremony, the consumption by a person under the age of twenty-one (21) years under the direct supervision and approval of the parent(s) or guardian(s) of such underage person in the privacy of the parent's or guardian's home, or the possession and delivery of alcoholic liquors in pursuance of person's employment by a licensee under this Chapter as allowed in Section 3-54 of the Village Code is not prohibited.
- (B) No person after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except as allowed under 3-46(A). (Ord. 81-73; 83-63; 84-66)

Sec. 3-47. Parental Responsibility.

It shall be unlawful for any parent or guardian to knowingly suffer or permit any minor child of which he or she may be the parent or guardian to violate any provision of this Chapter. (Ord. 83-63)

Sec. 3-48. Responsibility of the Owner or Occupant of Premises.

It shall be unlawful for any owner or occupant of any premises located within the Village to knowingly allow any person under the age of twenty-one (21) years to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquors in violation of Section 3-46 of the Village Code. (Ord. 83-63, 84-66)

Sec. 3-49. Sale by Licensee to Underaged and Certain Other Persons.

- (A) No licensee or officer, associated member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person, or to any person known by him to be a habitual drunkard, insane, mentally ill, mentally deficient or in need of mental treatment.
- (B) It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of twenty-one (21) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided, that this paragraph shall not apply to any person under the age of twenty-one (21) years who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from restaurants or the sale of service or commodities other than alcoholic liquor.
- (C) For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one (21) years, as required by this Chapter. (Ord. 72-03; 78-64; 83-63)

Sec. 3-50. Evidence of Age of Person Attempting to Purchase or Receive Alcoholic Liquor.

- (A) If a licensee or his agent or employee believes, has reason to believe or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is underage, then he shall, before making such sale or delivery, demand presentation or at least two (2) separate forms of positive identification each containing proof of age, each issued by a public officer in the performance of his official duties and one of those forms of identification must contain a picture of the holder thereof. A traffic citation shall not be accepted as identification or evidence of age.
- (B) No person shall transfer, alter or deface an identification card issued by a federal, state, county or municipal government or subdivision or agency thereof, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false identification.
- (C) No person shall purchase, accept delivery or have possession of alcoholic liquor by the use of an altered, forged or defaced identification card or by the use of an identification card of another person.

- (D) No person shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold at retail.

Sec. 3-51. Solicitation by Minor to Purchase; Unlawful Sale, Gift or Delivery by Adult to a Minor.

It shall be unlawful for any person under the age of twenty-one (21) years of age to solicit any person to purchase any alcoholic liquor of any kind from any establishment in the Village where alcoholic liquor is sold.

No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver liquor to another person who is under the age of twenty-one (21) years except in the performance of a religious ceremony or service. (Ord. 81-73; 83-63)

Sec. 3-52. Required Warning Signs.

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

WARNING: If you are under twenty-one (21) years of age, you are subject to a fine of up to five hundred dollars (\$500.00) under the Addison Village Code, if you **PURCHASE** alcoholic liquor or **MISREPRESENT YOUR AGE** for the purpose of purchasing or obtaining alcoholic liquor. **OFFICIAL PHOTO IDENTIFICATION** will be required to prove age before purchase.

Sec. 3-53. Additional Penalty for Sale to Underaged Persons.

- (A) In addition to all other fines and penalties the Liquor Control Commissioner may revoke, suspend or refuse to renew any license of a licensee who violates the provisions of Sec. 3-49 or whose employee or agent violates the provisions of Sec. 3-49.
- (B) Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon written evidence of identification as required by Section 3-52 in any transaction forbidden by Section 3-49, incompetent evidence and may be considered in any ordinance violation prosecution or in Any proceedings for the suspension or revocation of any license based on a violation of Section 3-49. (Ord. 83-63, §2; 84-66)

Sec. 3-54. Employment of Underaged Persons.

- (A) It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty-one (21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this Section shall not be construed to prevent the employment of persons who are at least nineteen (19) years of age as waiters or

waitresses in restaurants, hotels or motels for the purpose of serving food and alcoholic liquor on the licensed retail premises.

- (B) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell any alcoholic liquor in any licensed premises.

Sec. 3-54.1. Happy Hours Prohibited.

- (A) All retail licensees shall maintain a schedule of prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

- (B) No retail licensee or employee or agent of such licensee shall:

- (1) Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person except selling or delivering wine by the bottle or carafe;
- (2) Sell, offer 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;
- (3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in Subsection (C)(7) hereof;
- (4) Increase the volume of alcoholic liquor contained in one drink of alcoholic liquor without increasing proportionately the price regularly charged for that drink on that day;
- (5) 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
- (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under Subsections (B)(1) through (B)(5) hereof.

- (C) Nothing contained in Subsection (B) hereof shall be construed to prohibit a licensee from:

- (1) Offering free food or entertainment at any time;
- (2) Including drinks of alcoholic liquor as part of a meal package;

- (3) Including drinks of alcoholic liquor as part of a hotel package;
 - (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
 - (5) Providing room service to persons renting rooms at a hotel;
 - (6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
 - (7) 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) A violation of this Section shall be grounds for suspension or revocation of the retailer's license in addition to any other penalties otherwise provided for. (Ord. 90-18)

Sec. 3-54.2. Duty to Report Illegal Activity.

It is the affirmative duty of a person having a liquor license to report promptly to the police department all illegal activity reported to or observed on or within sight of the licensed premises. (Ord. 04-38)

Sec. 3-55. Failure to Pay a Debt Due the Village.

The Local Liquor Commissioner or may suspend or revoke any license if it is determined after a hearing that the licensee, or any entity controlled by the licensee, has willfully or negligently failed to pay or remit any Village tax, interest or penalty due or has willfully failed to pay any nontax debt due and owing to the Village. No license shall be suspended or revoked under this section if, within ten days after the issuance of a license suspension or revocation order the total tax and nontax liability, including interest or penalties, is paid to the Village. (Ord. 13-63)

Sec. 3-56. Employment of Musicians.

A person under twenty-one (21) years of age may be engaged, employed or permitted to work as a musician on the premises, but only pursuant to a written contract. A performer so engaged, employed or permitted to work who is sixteen (16) to eighteen (18) years of age must either be legally emancipated or be accompanied by a parent or legal guardian while on the licensed premises. Any person under sixteen (16) years of age so engaged, employed or permitted to work must be accompanied by a parent or legal guardian while on the licensed premises. (Ord. 13-63)

Sec. 3-57. Amusement Devices.

No person licensed under this ordinance shall accept, receive or borrow money or anything else of value directly or indirectly from any person connected with or in any way representing any manufacturer or distributor of any coin-operated or amusement device who shall install or furnish

such device for use on the licensed premises; provided, that the provisions of this section shall not apply to commissions or rental fees arising out of the use of such coin-operated or amusement device on the licensed premises. (Ord. 13-63)

Sec. 3-58. Public Nuisance.

Every liquor licensee has a duty to take reasonable steps to correct violations of the law or other objectionable conditions occurring on the licensed premises or occurring on the licensed premises and continuing on property adjacent thereto while the establishment is open for business and within one (1) hour or less of the time the establishment is open or closed for business. A licensee's failure to satisfy this duty shall be deemed to be a public nuisance and a violation of this Chapter. (Ord. 13-63)

Sec. 3-59. Reserved for future use.

Sec. 3-60. General Penalty.

Except as provided in Section 3-55.1 with respect to licensees, any person violating any provision of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 87-13, §1; 13-63)

Sec. 3-61. License Penalties.

(A) Any licensee violating any provision of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines may be imposed under this Section against any licensee during the period of his license.

In addition to or in lieu of said fines, the Liquor Control Commissioner may suspend, revoke, or not review the license of any licensee who has violated any provision of this Chapter.

(B) In addition to or in lieu of any penalties set forth in Subsection (A) hereof, the Liquor Control Commissioner may require a licensee, who has violated any of the provisions of this Chapter related to the sale of alcoholic liquor to a minor, to install and to utilize a bar code reader for the purpose of checking the authenticity of identification documents of all purchasers of alcoholic liquor. The bar code reader shall be used for each sale of alcoholic liquor by the licensee during such period of time as may be determined by the Liquor Commissioner, in his reasonable discretion.

(C) When any license issued pursuant to this ordinance shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for conducting the business of selling alcoholic liquor on the premises described in such revoked license unless the revocation order was entered as to the licensee only. (Ord. 87-13; 04-111; 13-63)

Sec. 3-62. Severability.

The repeal of this ordinance or parts of ordinances effectuated by the enactment of this Chapter shall not be construed as abating any actions now pending under or by virtue of such ordinance or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of the passage of this Chapter. This Chapter and every provision thereof, shall be considered separable; and that the invalidity of any section, of this Chapter shall not affect the validity of any other portion of this Chapter. If any part or provision of this Chapter or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined by its operation to the controversy in which it was mentioned and shall not affect or invalidate the remainder of this Chapter or the application thereof to any other person or circumstance and to this end the provisions of this Chapter are declared severable. (Ord. 13-63)