

CHAPTER 21

LIQUOR

ARTICLE I - GENERAL REGULATIONS

21-1-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases used in this Chapter are used in the sense given them in the definition set forth in Section 2, Article I of the Illinois Liquor Control Act of the State of Illinois. (1983-5; 11-02-83)

21-1-2 **TYPES OF LICENSES.** Any person, firm, partnership or corporation who shall hereafter engage, in whole or in part, in the business of, or in any manner dealing in any alcoholic liquors, within the Village, in any quantity, to be consumed upon the premises or elsewhere, shall first obtain a license therefore, from this Village; said license to be one of the following kind or type:

- (A) A license to operate a public place or dramshop; or
- (B) A package liquor store license; or
- (C) A club license; or
- (D) A beer license only; or
- (E) Special Event license.

(#2007-____; 4-17-07)

21-1-3 **LICENSE DEFINED.**

(A) **Public Place or Dramshop.** A license to operate a public place or dramshop for the selling or dispensing of any alcoholic liquors shall include all such public places or premises or dramshops maintained for the dispensing of alcoholic liquors which are open to the general public.

(B) **Package Liquor Store.** A package liquor license shall be issued to any person, firm, partnership or corporation selling alcoholic liquor in the original package and not for consumption on the premises and which business shall be deemed by the Local Liquor Control Commissioner to have come within the definition of a "package liquor store" as herein defined.

(C) **Club License.** A club license shall be issued to any corporation which shall have fully complied with the provisions of Section 1-3.24 of Article I of the Illinois Liquor Control Act of the State of Illinois, and whose organization shall be deemed by the Local Liquor Control Commissioner to have come within the definition of "club" therein defined.

(D) **Beer Only License.** A beer license shall be issued to any person, firm, partnership or corporation which shall have fully complied with the provisions of Section 1-3.23 of Article I of the Illinois Liquor Control Act of the State of Illinois, and this license shall authorize the retail sale of "beer only" for consumption on the premises

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as well as other retail sales of beer. (#2007-____; 4-17-07)

(E) Special Event License. A special event license shall be issued to any person, firm, partnership or corporation that shall have fully complied with the provisions of Section 1-3.30 of Article I of the Illinois Liquor Control Act of the State of Illinois, and this license shall authorize the retail sale of alcoholic liquors for a limited term not to exceed forty-eight (48) hours. (#2007-____; 4-17-07)

21-1-4 LICENSE FEE – PERIODS OF PAYMENT.

(A) Public Place or Dramshop. Any person applying for and holding a license to operate a public place or dramshop shall pay for such license at the rate of \$300.00 per annum, payable in advance.

(B) Package Liquor Store. Any person applying for and holding a license to operate a package liquor store shall pay for such license at the rate of \$200.00 per annum, payable in advance.

(C) Club License. Any person, firm or corporation applying for and holding a club license shall pay for the license at the rate of \$50.00 per annum, payable in advance; and provided further that the holder of such club license or an affiliated or parent corporation or club shall obtain a temporary license for the dispensing of alcoholic liquors for a period not to exceed 24 hours for any function held in the same building as that in which the club has its headquarters and bar, upon the payment to the Village or its Liquor Control Commissioner for such temporary license, the sum of \$2.00, to be paid in advance.

(D) Beer Only. Any person applying for and holding a license to operate a store for the business of the retail sale of beer only for consumption on the premises, as well as other retail sales of beer, shall pay for such license at the rate of \$150.00 per annum, payable in advance.

(E) Special Event License.

(1) Upon application, the Local Liquor Control Commissioner is authorized to issue a license for a period not to exceed 48 hours for any special event as defined in Section 1-3.30 of Article I of the Illinois Liquor Control Act of the State of Illinois.

(2) Such organization shall provide evidence of dramshop insurance as required by law and this Chapter governing the sale or giving away of alcoholic liquors.

(3) No such license shall be transferable.

(F) Expiration Date. All such licenses herein provided for, unless expiring by their terms at a sooner date, shall expire on April 30th in the municipal fiscal year in which the license is granted, and provided that there shall also be paid when each license is issued, the sum of \$1.00 for making out such license; said sum to be paid by applicant. (1983-5; 11-02-83)

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21-1-5 BOND REQUIRED. Every person applying for a license under the provisions of this Code shall, before obtaining such license, enter into a bond with good and sufficient security, to be approved by the Mayor as Local Liquor control commissioner, in the penal sum of \$2,000.00, and such bond shall be in substantially the following form: (1983-5; 11-02-83)

KNOW ALL MEN BY THESE PRESENTS:

That we of the County of Clinton, and the State of Illinois, are held and firmly bound unto the people of the State of Illinois, in the penal sum of \$1,000.00 lawful money of the United States, for the payment of which well and truly to be made, we, and each of us do hereby bind ourselves, our heirs, executors, and administrators, jointly, severally and firmly.

WITNESS our hands and seals this _____ day of _____, A.D. 19__.

The condition of the above obligation is such that, whereas the above bounden _____ has obtained a license to keep _____ in which to sell or deal in alcoholic liquors, at _____ in which to sell or deal in alcoholic liquors at _____ in the Village of Germantown, in the County of Clinton and State of Illinois, from the _____ day of _____, A.D., 19__.

NOW, if the said _____ shall well and truly pay all damages to any person or persons, which may be inflicted upon them either in person or property, or means of support, by reason of said _____ selling or giving away alcoholic liquors, and shall well and truly observe all laws of the State of Illinois and all Ordinances of the Village of Germantown not in conflict therewith concerning the sale of alcoholic liquors, then this obligation to be void, otherwise to remain in full force and effect.

Taken and approved by me this _____ day of _____, A.D., 19__.

Local Liquor Control
Commissioner

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21-1-6 **FAILURE TO OBTAIN LICENSE: PENALTY.** Any person who shall, by himself or another, either as principal, clerk or servant, directly or indirectly sell at retail or deal in alcoholic liquors without first having obtained a license therefor, or who shall in any other manner violate the foregoing sections of this Code, shall for each offense be fined not less than \$50.00, and upon conviction under this section, shall forfeit any license for the sale of alcoholic liquors held by the defendant, and the Court rendering judgment upon such conviction shall, in such judgment, declare a forfeiture of such license; except as otherwise provided for under the laws of the State of Illinois. (1983-5; 11-02-83)

21-1-7 **CLOSING HOURS: EXCEPTIONS.**

(A) **Established.** All such places in which alcoholic liquors are sold at retail in this Village shall not keep open or offer to sell or deliver any liquor or intoxicating beverage, or shall admit anyone into his or her place of business between the hours of **2:00 A.M. and 6:00 A.M.** on Sunday through Saturday, except as stated in paragraph (C). (2001-01; 1-16-01)

(B) **Election Days.** Any person, firm, partnership or corporation licensed by this Village to sell alcoholic liquors at retail is hereby authorized to sell any alcoholic liquor at retail on any National, State, County or Municipal election day, including primary elections, during the hours the polls are open. (1983-5; 11-02-83)

(C) **Exception to Established Hours.** It shall be unlawful to sell or offer for sale at retail or to consume on the premises any alcoholic liquor in the Village between the hours as established in paragraph (A) of this section, except:

(1) New Year's Eve and the A.M. hours of New Year's Day for which the closing hours are suspended.

(2) Upon written permission of Local Liquor Control Commissioner, any licensee may extend the permissible hours for sale at retail of alcoholic liquor from **2:00 A.M. to 3:00 A.M.** The extended hours shall only be for Saturday and Sunday mornings, and the following holidays: Memorial Day, Labor Day, Christmas Day, Independence Day (4th of July), Thanksgiving Day, and Veteran's Day. Said written permission will be for one (1) calendar year or the remaining calendar year if permission is granted after January 1st, and can be rescinded at any time by written notice of the the Local Liquor Control Commissioner.

21-1-8 **POWER OF LOCAL LIQUOR CONTROL COMMISSIONER.** The Mayor, as Local Liquor Control Commissioner, shall have the following powers, functions and duties with respect to liquor licenses:

(A) To grant licenses authorized by this Code and to suspend for not more

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more than 30 days or revoke for cause all local licenses issued to persons for premises within the Village.

(B) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act of the State of Illinois, or any of the provisions of this Code or any rules or regulations adopted by the State Liquor Control Commission have been or are being violated, and at such time to examine the premises of said licensees in connection therewith.

(C) To receive complaints from any citizen within the Village that any of the provisions of the Illinois Liquor Control Act of the State of Illinois or any rules or regulations adopted thereto have been or are being violated and to act upon such complaints in the manner provided in the Illinois Liquor Control Act of the State of Illinois.

(D) To receive local license fees and to pay the same forthwith to the Village Treasurer. (1983-5; 11-02-83)

21-1-9 EXAMINATION OF APPLICANT. The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided in the Liquor Control Act of the State of Illinois; and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purposes, to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf. (1983-5; 11-02-83)

21-1-10 DISORDERLY HOUSES AND PREMISES.

(A) Any person licensed to keep a place where such liquor is sold or given away, who shall suffer any disorder, drunkenness, quarreling, fighting, unlawful games or riotous or disorderly conduct whatever, in any house, or premises by him kept or occupied for such purposes, shall be deemed guilty of a misdemeanor, subject to a penalty as provided in Section 1-1-20 of this Code.

(B) Any person licensed to keep a place where such liquor is sold or given away, who shall accumulate, keep, permit, deposit, store, scatter, or place on his premises any junk, refuse, trash, garbage litter, material or debris or to permit the accumulation of abandoned, discarded, or unused property or equipment of any kind which is no longer safely usable for the purpose for which it was manufactured, shall be deemed guilty of a misdemeanor, subject to a penalty as provided in Section 1-1-20 of this Code. (2010-____; 7-20-10)

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21-1-11 RENEWAL. The owner or owners of a license to keep a place where such alcoholic liquor is sold or offered for sale shall have and be given the right to a renewal at the same or different place of business in compliance with the laws of the United States and the State of Illinois; and upon compliance with the provisions of this Code and all other ordinances now in force in this Village, or which may hereafter be passed, governing the licensing of places where such alcoholic liquor is sold or given away.

The privilege of renewal provided by this Code shall apply so long as the license in each case shall have been kept in force, continuously and uninterruptedly, in the name of the licensee. No license to keep a place where such liquor is sold or given away shall be hereafter issued to a firm except to the individual members of the firm; provided, however, that such person or persons shall duly qualify by complying with all the laws of the United States and of the State of Illinois, and the laws and ordinances in force at the time in this Village; and provided further, that nothing contained in this Code shall be construed to deny or refuse to grant a new license to conduct a place where such liquor is sold, as provided in this Code, to the owner of any premises lawfully occupied and used as and for a place where such alcoholic liquor is sold hereunder at the time this Code become effective. (1983-5; 11-02-83)

21-1-12 DISPLAY OF LICENSE. Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises. (1983-5; 11-02-83)

21-1-13 WHOLESALE LIQUORS. Any person desiring to sell liquors by the gallon or over shall be required to procure the regular alcoholic liquor license provided for selling under the provisions of this Code. (1983-5; 11-02-83)

21-1-14 BREWERS AND DISTILLERS. Manufacturers, brewers and distillers shall each pay at the rate of \$300.00 per year, in advance, as provided herein this Code. (1983-5; 11-02-83)

21-1-15 PEDDLING PROHIBITED. It shall be unlawful to peddle alcoholic liquor in the Village. (1983-5; 11-02-83)

21-1-16 PROHIBITED LOCATIONS. No license shall be issued for the sale of any alcoholic liquor at retail within 125 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of

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business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within 125 feet of any church or school where such church or school has been established within such 125 feet since the issuance of the original license.

In the case of a church, the distance of 125 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (Ill. Rev. Stat., Ch. 43; ¶ 127)

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21-1-17 OPEN VIEW INTO INTERIOR. On premises in which the sale of alcoholic liquor for consumption upon the premises is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk, fronting the premises, at all times. (1983-5; 11-02-83)

21-1-18 PERSON SELLING LIQUOR. It shall be unlawful for any person under the age of 18 years to attend any bar or to sell, draw, pour, mix or dispense any alcoholic liquor in any licensed retail premises except with respect to holders of Class "E", Special Event licenses, in which case it shall be unlawful for any person under the age of 21 years to attend any bar or to sell, draw, pour, mix or dispense any alcoholic liquor in said retail establishment. (2007-9; 05-15-07)

21-1-19 SALE OF SCHOOL SUPPLIES, ETC. No license shall be issued to any person for the sale at retail 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. (1983-5; 11-02-83)

21-1-20 UNLAWFUL SALE. It shall be unlawful for anyone not having a license as herein provided for to sell or offer for sale at retail or wholesale any alcoholic liquor or to permit the same to be sold or offered for sale. (1983-5; 11-02-83)

21-1-21 NATURE AND EXTENT OF LICENSE. A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked and shall not constitute property and is not assignable.

Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided that executors 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, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate Court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes, and provided further that the renewal privilege herein provided for shall not be construed as a vested right. (1983-5; 11-02-83)

21-1-22 CONSUMPTION OF ALCOHOL BY PERSON UNDER AGE 21.

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(A) It shall be unlawful for any person under the age of twenty-one (21) years to consume alcoholic liquor.

(B) It shall be an affirmative defense to the charge of consumption by a person under twenty-one (21) years of age that the person consumed alcoholic liquor in the performance of a religious service or ceremony or that the consumption by a person under twenty-one (21) years of age was under the direct supervision and approval of the parents or parent, or those persons standing in loco parentis of such person under twenty-one (21) years of age in the privacy of a home. (2008-____; 4-15-08)

21-1-23 PROHIBITED SALES, POSSESSION, FALSE IDENTIFICATION.

(A) No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, except as provided in this Section.

(B) Any person under the age of 21 years who presents or offers to any licensee of his agent or employee any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his own for the purposes of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving of any alcoholic liquor, who falsely states in writing that he is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity, shall be punished by the fine of not less than \$500.00 and at least 25 hours of community service. If possible, any community service shall be performed for an alcoholic abuse prevention program.

(C) It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, or deliver such alcoholic liquor to another person under 21 years of age.

(D) It shall be unlawful for any person under 21 years of age to purchase, or accept a gift of, or be present in the Village after consuming alcoholic liquor or to have liquor in his or her possession. For the purpose of this Section, the presence in a vehicle other than a public bus of any alcoholic liquor shall be prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such vehicle at the time at which such alcoholic liquor is found, except where such liquor is found on the person of one of the occupants therein, or where such vehicle contains at least one occupant over 21 years of age.

(E) It shall be unlawful for any person to display an identification card that:

- (1) is altered or defaced in any manner;
- (2) is false or forged;
- (3) is the identification card of another;
- (4) was obtained by means of false information;

to induce another to sell, give or deliver alcoholic liquor to the bearer. For the purposes of this Section, an identification card is defined as any document issued by a public officer in the performance of his/her official duties which on its face purport to identify the name and age of bearer. (2008-___; 4-15-08)

21-1-24 CHANGE OF LOCATION. A liquor license shall permit the sale of the alcoholic liquor only at the premises described in the license. Such location may be changed only upon written permit to make such change issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the ordinances of the Village. (1983-5; 11-02-83)

21-1-25 PROHIBITED LICENSEES. No person or personas shall receive a license under provisions of this Code unless he or they are citizens of the United States and of good moral character; nor shall any person, firm, partnership or corporation as aforesaid, obtain a license under the provisions of this Code without first stating the location of such place of business and furnishing satisfactory proof of legal qualifications and requirements under the laws of the United States and the State of Illinois relative thereto. (1983-5; 11-02-83)

21-1-26 DRINKING, TRANSPORTING, ETC. ON PUBLIC WAYS. It shall be unlawful to drink or carry any alcoholic liquor, except in the original package with the seal unbroken, on any public streets, alleys, sidewalks, and other public ways in the municipality unless authorized at a regular or special meeting of the corporate authorities (however, this shall not make it unlawful to drink alcoholic beverages at the public park). (2014-___; 10-21-14)

21-1-7 TRANSPORTING, ETC., IN MOTOR VEHICLES. No person shall, within this municipality, transport, carry possess, or have any alcoholic liquor in, upon, or about any motor vehicle in the passenger compartment or any public street, alley or place, except in the original package and with the seal unbroken. The licensee shall not knowingly permit any person to leave his premises with liquor in a "cup-to-go". (1983-5; 11-02-83)

21-1-28 UNLAWFUL ACTS. It shall be unlawful for any person to do or commit any of the following acts with the municipality, to wit:

- (A) Drink or carry any alcoholic liquor, except in the original package with the seal unbroken, on any public streets, alleys, sidewalks, and other public ways in the municipality without special permission granted by the Village President (however, this shall not make it unlawful to drink alcoholic beverages at the public park).
- (B) Drink or possess any alcoholic liquors on any private property without permission of an owner thereof; (2015-02; 02-17-2015)
- (C) Drink or possess any alcoholic liquors at any business holding a Village liquor license after closing hours; (2015-02; 02-17-2015)
- (D) Appear on or in any public street, alley or sidewalk in an intoxicated condition.

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(E) Appear on or in any public street, alley or sidewalk in an intoxicated condition. (2003-07; 11-18-03)

21-1-29 UNLAWFUL ENTERTAINMENT. No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees (“topless” being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and “bottomless” being defined as naked and substantially without clothing or covering of the body from the waist downward), or entertainment to be performed within the licensed premises by any entertainer therein, or by any employee or guest. Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest. (2003-7; 11-18-03)

21-1-30 PENALTY. Any person violating the provisions of this Chapter where no specific penalty is provided shall be fined not more than \$750.00.

21-1-31 APPEAL. Appeal of a decision of the Local Liquor Commissioner shall be as provided for in 235 ILCS 5/7-9 of the Illinois Liquor Control Act and shall be limited to a review of the official record from the proceedings of the Local Liquor Commissioner. The Local Liquor Commissioner is hereby directed to file a certified copy of the record and all exhibits with the State Commission within five (5) days of the notice of appeal being filed if the appellant licensee pays for the cost of said transcript. (2003-7; 11-18-03)