

CHAPTER 8
LIQUOR CONTROL AND LIQUOR LICENSING

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8.01 **DEFINITIONS** *Amended, 2010-11-17, 2015-16-11*

Terms used in this Chapter shall mean as follows:

Alcohol: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin, and includes synthetic ethyl alcohol; it does not include denatured alcohol or wood alcohol.

Alcoholic Liquor: Alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

Beer: A beverage obtained by the alcohol fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Country Club: A recreational area with buildings or structures used in conjunction therewith for the primary use of members and their guests, as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, e.g. golf, tennis, etc.

Golf Course: A recreational area with or without club house facilities primarily for the use of members and their guests or the general public, as the case may be, engaging in a form of recreation or game commonly known as golf.

Local Liquor Control Commissioner: The President of the Village.

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail Sales: The sale for use or consumption and not for resale.

Retreat Center: A building with retreat sleeping rooms, kitchen, congregate dining facilities, chapel, meeting rooms and indoor and outdoor recreational amenities, and which is used for purposes such as prayer, meditation, religious, family and corporate events, leadership training, team building, sports, recreation, cultural events or educational instruction, typically with temporary overnight lodging and congregate meals.

Spirits: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Video Gaming Terminal (“terminal”): 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, 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.

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

8.02 LICENSE REQUIRED

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

8.03 APPLICATION

Applications for such license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the President and Board of Trustees, and shall further contain a statement and information as found in Exhibit A of this Chapter.

8.04 DISPOSITION OF FEES

All license fees shall be paid to the Local Liquor Control Commissioner at the time the application is made, and shall be forthwith turned over to the Treasurer.

If the license applied for is denied, the license fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the General Corporate Fund or in such other fund as designated by the Board of Trustees.

8.05 RESTRICTION ON LICENSES

No such license shall be issued to:

1. A person who is not a resident of the Village;
2. A person who is not of good character and reputation in the Village;
3. A person who is not a citizen of the United States;
4. A person who has been convicted of a felony under any Federal or State law, if the Local Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The burden of proof of sufficient rehabilitation shall be on the applicant;
5. A person who has been convicted of being the keeper or is keeping a house of ill fame;

6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
7. A person whose license issued under this Chapter has been revoked for cause;
8. 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;
9. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder;
10. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence in the Village;
11. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the “Business Corporation Act” of 1983 (805 ILCS 5.1.01 *et seq.*) to transact business in Illinois;
12. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee, except those required in paragraph 14 hereof;
13. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) or has forfeited his bond to appear in court to answer charges for any such violation;
14. 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;
15. Any law enforcing public official, including members of the Local Liquor Control Commission, the Village President, any member of the Board of Trustees or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the Local Liquor Control Commission;
16. A person who is not a beneficial owner of the business to be operated by the licensee;
17. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of, or as proscribed by Section 28-3 of, the “Criminal Code of 1961”, approved July 28, 1961, as heretofore to hereafter amended (Chapter 38, par.

28-1, 28-3 of the Illinois Revised Statutes), or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

18. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
19. A copartnership to which 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;
20. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20 percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period; or
21. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

8.06 **TERM, PRORATING FEE**

A license is purely a personal privilege, good for not to exceed one year from the date of issuance. The one year period shall be from the 1st day of May of each year to the 30th day of April of each following year, unless sooner revoked or suspended. Licenses issued after the 1st day of May of any year shall pay the full license fee as provided herein.

All licenses, regardless of the date of issuance, shall terminate on the 30th day of April of each year following the date of issuance.

8.07 **CLASSIFICATION, FEE, DAILY PERMIT** *Amended, 2010-11-17, 2008-09-15, 2008-09-08, 1996-97-13*

A. Class, Fee.

1. A Class A license authorizes the retail sale of alcoholic liquor for consumption on the premises where sold, and not for resale in any form, to a regularly organized golf club or country club. The annual fee for a Class A license shall be \$2,400.
2. A Class B license authorizes the retail sale of alcoholic liquor for consumption within the premises of a retreat center, for consumption within the principal buildings of a retreat center or any decks, patios or temporary tents at a retreat center provided such locations are 300 feet or more from the nearest property line zoned "E" Estate. The annual fee for a Class B license shall be \$2,400.

B. Number of Licenses Issued. There shall be issued in the Village not more than two Class A licenses and not more than one Class B license.

C. Daily Permit. The Local Liquor Control Commissioner may grant a daily permit to any non-profit organization or club located within the Village, such as a church, order or lodge, veterans organization, civic organization, fire department or other similar organization, authorizing the sale of alcoholic liquor at any picnic, club or similar function sponsored by such organization or club. No more than seven such daily permits shall be issued to any one such organization or club during the period of one year. A permit fee of \$5.00 per day shall be payable by the permittee upon the issuance of a daily permit. Unless specifically provided otherwise, all requirements of Chapter 8, Liquor Control and Liquor Licensing, of the Code shall apply to permits granted under this Section.

8.08 **RECORDS** *Amended, 2011-12-6*

The Local Liquor Control Commissioner shall keep a complete record of all licenses issued, and shall furnish the Village Clerk, Treasurer and Administrator or designee each with a copy thereof. Upon the issuance of any new license, or the suspension or revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of these officers.

8.09 **DEATH OR BANKRUPTCY OF LICENSEE**

A license shall be a purely personal privilege, not to exceed one year after issuance unless revoked sooner, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that the 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 bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this Section.

8.10 **CHANGE OF LOCATION**

A liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the receipt of written permission from the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Chapter.

8.11 ABANDONMENT

If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for 90 consecutive days, or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation.

8.12 RENEWAL OF LICENSE

Any licensee may renew his liquor license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the Village.

8.13 DISPLAYING 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.

8.14 INSURANCE

No license shall be issued hereunder unless the applicant files with the application an insurance certificate, issued by an insurance company that is authorized to do business in the State of Illinois, certifying that the applicant, and the owner of the building housing the establishment from where the liquor will be sold, have in full force and effect Dram Shop Insurance.

8.15 SANITARY CONDITIONS

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 laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

8.16 EMPLOYEE RESTRICTIONS *Amended, 2008-09-08*

A. It shall be unlawful for any person under the age of 21 years to draw, pour or mix any alcoholic liquor or in any way tend bar as an employee of any retail licensee. This shall not prevent persons 18 years of age and over, as employees of the licensed premises, from delivering alcoholic liquor for consumption on the licensed premises. Except as otherwise provided by this Section, no person under the age of 21 years shall at any time attend any bar; or draw, pour or mix any alcoholic liquor; or sell any alcoholic liquor for consumption on or off the premises in any licensed retail premises.

B. It shall be unlawful to employ in any premises used for 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 such disease

to work in or about any premises or to engage in any way in the handling, preparing or distribution of such liquor.

8.17 LOCATION RESTRICTIONS, NOTIFICATION

A. Location Restrictions. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, park, undertaking establishment or mortuary, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station.

B. Notification. Prior to the initial application for a liquor license under this Chapter, the applicant shall notify, by certified mail, return receipt requested, the owners of all property adjoining and within 500 feet adjacent to the property for which the applicant is seeking a license, including the property directly opposite and across a public street or alley, of the filing of its application for a liquor license and the location of the property for which the license is sought. Proof of such notification shall be submitted with the applicant's initial application for the license.

The Village Board reserves the right to direct the initial applicant to notify additional interested property owners, groups or organizations. This notice shall be given not less than 15 days prior to the granting of an initial liquor license.

For the purpose of notice, "owner" shall mean the person to whom the most recent statement of real property taxes on the property in question was sent.

This Section shall not apply to the renewal of a liquor license provided the renewal pertains to the same location for which the initial license was granted.

8.18 PREMISES

Except in the case of clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

8.19 BOOKS AND RECORDS OF LICENSEE

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or any Local Liquor Control Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase.

8.20 STORES SELLING SCHOOL SUPPLIES, LUNCHESES, 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 persons under the age of 21 or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such persons.

8.21 CLOSING HOURS

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 a.m. and 6 a.m. Monday through Friday and between the hours of 1 a.m. and 6 a.m. on Saturday and Sunday.

It shall be unlawful to keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants and clubs, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited.

8.22 DRINKING ON PUBLIC STREETS *2013-14-06*

No person shall openly drink or furnish to others any alcoholic liquor to be drunk upon any street, public place or vacant lot within the Village and no person shall connive at or assist in or procure others to violate any provision of this Chapter.

8.23 PEDDLING

It shall be unlawful to peddle alcoholic liquor in the Village.

8.24 PURCHASE OR ACCEPTANCE OF GIFTS OF LIQUOR BY PERSONS UNDER THE AGE OF 21; IDENTIFICATION CARDS, PUNISHMENT; EXCEPTIONS
Amended, 1998-99-15

A. Purchase or Acceptance. It shall be a violation of this Chapter for any person under the age of 21 to purchase, obtain, accept delivery of, accept a gift of, consume, or have in his or her possession alcoholic liquor.

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

Warning to Persons Under 21 Years of Age

You are subject to a fine up to Five Hundred Dollars (\$500.00) under the Liquor Control Ordinance of the Village of Bull Valley if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

C. Exemptions. The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Chapter.

D. Penalty. Whoever violates any provision of this Section shall be fined pursuant to Appendix A of this Code plus the Village's cost of prosecution including reasonable attorney fees.

8.25 **SALE TO PERSONS UNDER 21 YEARS OF AGE** *Amended, 1998-99-15; 2013-14-06*

A. Sale by Licensee. It shall be a violation of this Chapter for the licensee or any officer, associate, member, representative, agent or employee of such licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years.

B. Sale by Other Persons. It shall be a violation of this Chapter for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

C. Proof of Identity and Age: To prevent the violation of this Section, any licensee, or his officer, associate, member, representative, 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 21 years. Adequate written evidence of age and identity of the person is a document issued by a Federal, State, County or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the Armed Forces.

D. Penalty. Whoever violates any provision of this Section shall be fined pursuant to Appendix A of this Code plus the Village's cost of prosecution including reasonable attorney fees. In addition to all other fines and penalties, the Local Liquor Control Commissioner may suspend or revoke the retail liquor dealer's license for any violation of this Section.

8.26 **SALE OR USE OF FALSE EVIDENCE OF AGE AND IDENTITY**

A. It shall be a violation of this Chapter for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the age and/or identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of age and/or identification of any other person.

B. It shall be a violation of this Chapter for any person under the age of 21 to present or offer to any licensee, his agent or employee, any written, printed or photostatic evidence or age

and/or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed or photostatic evidence of age and/of identity.

C. Penalty. Whoever violates any provision of this Section shall be fined not less than \$100.00 nor more than \$500.00.

8.27 SALES TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, SPEND-THRIFTS AND MENTAL INCOMPETENCE

No licensee, or any officer, associate, member, representative or agent or employee of the licensee, shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, feeble minded or distracted, mentally ill, mentally deficient or in need of mental treatment.

No licensee, or agent or employee of the licensee, shall harbor or permit any intoxicated persons to loiter on the premises described in the license or permit any conduct which shall tend to disturb the peace or quiet or the neighborhood or the premises.

8.28 INSPECTIONS AND ENFORCEMENT

Any law enforcing officer of the Village may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter or whether any of the rules or regulations adopted by the President and Board of Trustees or by the State of Illinois have been or are being violated and at such time may examine the premises of the licensee in connection therewith.

Any law enforcing officer of the Village may receive complaint from any citizen within the jurisdiction of the Village that any of the provisions of this Chapter or any rules or regulations adopted by the President and Board of Trustees or by the State of Illinois have been or are being violated, and may act upon such complaints in the manner provided.

The Local Liquor Control Commissioner shall have the authority to make and establish rules and regulations of procedure concerning notice of hearings and all such other matters as may from time to time be necessary, and to appoint deputy commissioners to the local liquor control commission.

It shall be a violation of this Chapter to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer or any other legally authorized person.

8.29 REVOCATION OR SUSPENSION OF LICENSE; FINES; NOTICE; HEARING; APPEAL

The Local Liquor Control Commissioner may revoke or suspend any local retail liquor dealer's license issued by him if he determines that the licensee has violated any provision of this Chapter or of

any valid ordinance or resolution enacted by the Board of Trustees or any applicable rule or regulation established by the Local Liquor Control Commissioner or the State Liquor Control Commission which is not inconsistent with law. In lieu of suspension or revocation, the Local Liquor Control Commissioner may instead levy a fine on the licensee for such violation. The fine imposed shall not exceed \$1,000.00 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000.00 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the General Corporate Fund of the Village.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village 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 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The Local Liquor Control Commissioner shall within five days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension or that the license has been revoked, and shall serve a copy of such order within the five days upon the licensee.

8.30 LICENSE FORFEITURE

Whenever any licensee shall have been convicted by any court of a willful violation of any provision of this Chapter, or of the state law, he shall, in addition to the penalties for such offense, incur a forfeiture of his local license and monies that have been paid therefor. The Local Liquor Control Commissioner shall thereupon revoke his license.

8.31 SOCIAL HOSTING *2013-14-6*

A. Definitions: The following words and phrases when used in this Section shall, for the purposes of this Section, have the meaning respectively ascribed to them in this Section except where the context clearly indicates a different meaning:

Alcohol: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Conveyance: Any vehicle, trailer, watercraft, or container operated for the transportation of persons or property.

Event or gathering: Any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Host: To overtly aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Illicit drugs: Any drug, substance, or compound prohibited by law, as defined in the Illinois Controlled Substance Act, 720 ILCS 570/100 et seq., or the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq., including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

Parent: Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or stepparent; or
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

Public place: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses, or parking lots.

Religious ceremony: The possession, consumption, and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

Residence or premises: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Response costs: The costs associated with responses by law enforcement, fire, and other emergency response providers to an event or gathering, including but not limited to:

1. Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with an event or gathering, and the administrative costs attributable to such response(s);
2. The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of an event or gathering;
3. The cost of repairing any Village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of an event or gathering.

Underage person: Any individual under 21 years of age.

B. Violations; Exceptions: Except as permitted by state law, it is unlawful for any person to permit, allow, or host an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance where illicit drugs, alcohol, or alcoholic beverages have been consumed by an underage person, if such person either knows or reasonably should know that an underage person has consumed any illicit drugs, alcohol, or alcoholic beverages.

A person who permits, allows, or hosts an event or gathering shall be deemed to have known or should have known that an underage person has consumed illicit drugs, alcohol, or alcoholic beverages if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by underage persons.

A person who permits, allows, or hosts an event or gathering shall be rebuttably presumed to have known or reasonably should have known that underage persons have consumed illicit drugs, alcohol, or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage person consumes illicit drugs, alcohol, or an alcoholic beverage.

This Section shall not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or exclusively between an underage person and his or her parent or legal guardian, as permitted by state law.

It is the duty of any person who permits, allows, or hosts an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance, where underage persons will be present, to take all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by any underage person at the event or gathering.

A person who hosts an event or gathering shall not be in violation of this Section if he or she seeks assistance from the police department or other law enforcement agency to remove any person who refuses to abide by the person's performance of the duties imposed by this Section, or terminate the event or gathering because the person has been unable to prevent underage persons from consuming

illicit drugs, alcohol, or alcoholic beverages despite having taken all reasonable steps to do so, as long as such request is made before any other person makes a complaint about the event or gathering.

A person who hosts, as defined heretofore, an event or gathering does not have to be present at the event or gathering to be liable under this Section.

Any person found to be in violation of this Section shall be responsible for any and all response costs incurred to investigate the event or gathering.

C. Penalties: Any person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined pursuant to Appendix A of this Code. Each day on which, or during which, a violation occurs shall constitute a separate offense.

8.32 **POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR** *2013-14-06*

A. Any person under the age of 21 years shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in their possession except as provided herein.

B. No person under 21 years of age shall consume alcoholic liquor except as provided herein.

C. The dispensing or serving of alcoholic liquor by a person under 21 years of age but not under 18 years of age in connection with their employment as an employee of any retail licenses, as provided in Section 8.16 of this Code, is not prohibited by this Section.

D. The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in the performance of a religious service or ceremony or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent of such person in the privacy of a home is not prohibited by this Section.

E. No person shall consume alcoholic liquor on any street or other public way within the Village.

8.33 **PENALTY** *Amended, 1998-99-15*

Whoever violates any provision of any section of this Chapter for which a specific penalty is not stated shall be fined pursuant to Appendix A plus the Village's cost of prosecution including reasonable attorney fees. Each day on which a violation continues shall constitute a separate violation.

8.34 **VIDEO GAMING TERMINALS** *2015-16-011*

Video Gaming terminals shall be permitted in and upon the premises used or occupied as an establishment holding a valid Village issued liquor license if each of the following conditions is first met:

1. The use and placement thereof is in compliance with the provisions of the Video Gaming Act, as amended;

2. The use and placement thereof is in compliance with the provisions of all rules promulgated by the Illinois gaming board pursuant to the Illinois administrative procedures act;
3. The establishment must have a minimum of 1500 square feet of interior space;
4. Video gaming is not the primary business of the establishment. Video gaming is prohibited as a primary business. Free-standing or store-front video gaming operations are prohibited;
5. The licensee or agent of the licensee:
 - a. Files with the Village clerk a copy of the licensee's written use agreement with the terminal operator for placement of the video gaming terminals and a copy of the license issued by the Illinois gaming board as well as, to the extent possible, a copy of a diagram or verbal description approved by the Illinois gaming board that shows the authorized location of the terminals; and
 - b. Pays to the Village an annual fee of Twenty-five Dollars (\$25.00) for each video gaming terminal upon the premises. The annual fee shall be due and payable upon application for issuance or renewal.
6. The Village shall issue a letter or certificate with the establishment's liquor license renewal certificate confirming that the business is licensed for video gaming terminals for the license year.
7. Licenses shall be for not longer than a one year period from May 1 of each year to April 30 of each following year, unless sooner revoked or suspended. All licenses, regardless of date of issuance, shall terminate on the following April 30th. This fee is not in lieu of any fee or payment payable to the state or the Illinois gaming board.
8. Hours of Operation: No video gaming terminal that is permitted under the provisions of this section may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages on the licensed premises.
9. Signage: No video gaming signage or advertising of any type or size, including, but not limited to, posters, paper signage, fliers, neon signage, banners, video or audio feed, or any other form of advertisement, shall be allowed on the exterior of the licensed establishment or on the inside of such establishment if such signage is visible from the outside in any way including, but not limited to, visibility through any window or door areas facing the public way.
10. Inspection: The Village may inspect or cause the inspection of any place or building in which any such terminal is operated or set up for operation to ensure that the facilities are operated in a manner consistent with the public health, safety and welfare and in a manner consistent with both state law and regulations and Village ordinances.
11. Violation and Revocation: If a licensee violates any provision of the Video Gaming Act or any provision related to video gaming terminals contained in this section, such violation shall be deemed a violation of the licensee's liquor license. In addition, the commissioner may revoke the Village's video gaming terminal license for any violation of this section or of any ordinance pertain-

ing to the conduct of such business and may report any violations to the Illinois state gaming board or other appropriate regulatory agency.

12. Any person, firm or corporation who violates any provision of this Chapter shall, upon conviction, be subject to a fine of not less than \$250.00 nor more than \$750.00 for each offense, and be responsible for the Village's cost of prosecution including reasonable attorney fees, and/or the revocation of his or her liquor license. Each day that a violation continues shall be considered a separate offense.