

ALCOHOLIC BEVERAGES

3-7-1: DEFINITIONS AND INCORPORATION OF STATE STATUTE BY REFERENCE:

All words and phrases used in this chapter which are defined in the act of the general assembly of the state of Illinois entitled the liquor control act of 19341 (the "act") as now or hereafter amended, shall have the meanings given to said words in that act. (Ord. 04-21, 4-5-2004)

3-7-2: LIQUOR CONTROL COMMISSIONER:

The president of the village shall be the local liquor control commissioner and shall have such power and perform such duties as are prescribed in the act and such power and duties as are set forth in this chapter. The president may appoint, with the advice and consent of the village board, a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided for such liquor control commissioner.

The liquor control commissioner may take disciplinary action in the event that any village ordinance or state or federal law is violated. (Ord. 04-21, 4-5-2004)

3-7-3: LICENSE REQUIRED:

It shall be unlawful for any person to sell or offer for sale at retail in the corporate limits of the village any alcoholic liquor without having a retailer's license issued by both the village and the state of Illinois. This license shall allow the licensee to sell or offer for sale at retail, only in the premises specified in such license, alcoholic liquor for use of consumption, but not for resale in any form. (Ord. 04-21, 4-5-2004)

3-7-4: TEMPORARY PERMITS:

The local liquor control commissioner shall have power to issue a temporary permit for the sale of alcoholic liquor at a banquet, picnic, bazaar, fair or similar private or public assembly where food and drink is sold, served or dispensed. Such temporary permit shall be issued only to: a) a political subdivision or authority, in accordance with section 6-15 of the Illinois liquor control act of 1934; b) a nonprofit club, society or fraternal or benevolent organization for the sale of alcoholic liquor to be consumed on the premises; c) a winery for the sale of its wine or microbrewery for the sale of its crafted beer; or d) for a license holder in good standing of a class A, C, D, E, G, or I village of Oswego liquor license to allow sales off premises in conjunction with a special event.

- (A) A temporary permit shall be for a period of not more than four (4) days. Not more than one temporary permit shall be granted to any one political subdivision, club, society, organization, winery, microbrewery or class A, C, D, E, G, or I license holder in good standing in any one period of sixty (60) days. A fee of fifty dollars (\$50.00) shall be assessed for the issuance of each temporary permit. (Ord. 14-07, 2-4-2014)
- (B) A tamperproof wristband shall be placed on the wrist or nontransferable ink stamp shall be placed on the back of the hand of each person eligible to purchase alcoholic liquors, beer or wine prior to that person being given access to the licensed premises. (Ord. 11-61, 9-6-2011)

3-7-5: APPLICATION FOR LICENSE:

The local liquor control commissioner, or such person as may be designated by him as provided in section 3-7-2 of this chapter, shall grant retail liquor licenses in accordance with the provisions of the laws of the state and the provisions of this chapter. Any person desiring a license under this chapter shall make application to said local liquor control commissioner to be filed with the village clerk. The application shall be sworn to by the applicant if an individual, by at least two (2) members of any partnership, for corporations by the president and attested by the secretary thereof, if a limited liability company ("LLC") by the managing member. All applications shall be accompanied by a two hundred fifty dollar (\$250.00) nonrefundable application fee. The application fee shall include fingerprinting for the first person named in an application. The application shall contain the following information as applicable:

- (A) The name, age and address of the applicant in the case of any individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, for profit, or not for profit, the date of the incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person; if an LLC, the name and address of the managing member, and if a majority of the membership interest is owned by one or more persons, the name and address of such person. If said application is made by a corporation or LLC, then the legal address of the corporation and also the legal address of the person named to manage said business ("local manager") shall be shown. With the exception of subsection (I) of this section, the managing individual designated shall be required to comply with subsections (B) through (K) of this section. If the address of any licensee, or of a partner where a partnership is licensee, or the manager where the corporation is licensee, should be changed during the term of the license, then the licensee, partner, or manager so changing his legal address will immediately be required to inform the local liquor control commissioner as to the change in any such address; (Ord. 14-07, 2-4-2014)
- (B) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;
- (C) The character of business of the applicant, and in case of corporation, the objectives for which it was formed;
- (D) The length of time that applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;
- (E) The amount of goods, wares and merchandise on hand at the time application is made;
- (F) The location and description of the premises or place of business which is to be operated under such license and a floor plan or layout of the proposed facility;
- (G) All applicants, including individuals, partners or shareholders of corporations and members of LLCs shall submit fingerprints as a part of the application and shall pay a one hundred dollar (\$100.00) fee for processing said fingerprints. The liquor commissioner may waive fingerprints of corporate shareholders or LLC members when it would not be practical. The

fingerprint fee shall apply to the second and each subsequent person named per application;

- (H) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter or any ordinance or statute;
- (I) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof;
- (J) A statement that the applicant will not violate any of the laws of the state or of the United States or any provisions of this code in the conduct of his business;
- (K) Such other information as may be required by the liquor control commissioners. (Ord. 04-21, 4-5-2004)

3-7-6: RESTRICTIONS ON LICENSES:

No such license shall be issued to:

- (A) A person who is not a resident of the state of Illinois; (Ord. 14-07, 2-4-2014)
- (B) A person who is not of good character and reputation in the community in which he resides;
- (C) A person who is not a citizen of the United States;
- (D) A person who has been convicted of a felony under the laws of the state;
- (E) A person who has been convicted of being the keeper of a house of ill fame;
- (F) A person who has been convicted of pandering or any other crime or misdemeanor opposed to decency and 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 a license upon a first application;
- (I) A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license; (Ord. 04-21, 4-5-2004)
- (J) A corporation or LLC, if: 1) an officer, manager or director thereof, or any member, stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, or 2) any member with five percent (5%) membership interest, or 3) the local manager, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (K) A person whose place of business is conducted by a manager or agent unless said manager, agent, or local manager possesses the same qualifications required for the licensee; (Ord. 14-07, 2-4-2014)
- (L) 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 this chapter, or shall have forfeited his bond to appear in court to answer charges of any such violation;

- (M) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (N) Any law enforcing public official, president, trustee or member of the village board or any member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- (O) Any person, association or corporation not eligible for a state retail liquor dealer's license. (Ord. 04-21, 4-5-2004)

3-7-7: BOND:

Each person desiring a license under this chapter shall execute a surety bond in the form and with security to be approved by the president and board, conditioned upon the faithful observance of the provision of all statutes and ordinances relating thereto. Said bond shall be in the surety sum of one thousand dollars (\$1,000.00) and shall upon approval be filed in the office of the village clerk. (Ord. 04-21, 4-5-2004)

3-7-8: ISSUANCE OF LICENSE:

Upon the approval of the president of the application and bonds as is provided in this chapter, and the payment of the required license fee, the village clerk shall issue to the person or persons applying therefor, a license for retail alcoholic liquors under the provisions of this chapter, indicating the classification under which the license is issued, for the term for which such license is issued, which license shall be signed by the president. (Ord. 04-21, 4-5-2004)

3-7-9: TRANSFER OF LICENSE:

A license issued hereunder may not be assigned or transferred voluntarily or involuntarily, provided, however, that the executor or administrator of the estate of a deceased license holder may operate said business for the remainder of the license year. (Ord. 04-21, 4-5-2004)

3-7-10: RENEWAL OF LICENSE; CLASSIFICATION OF LICENSES; LICENSE FEE:

- (A) Renewal Licenses: An applicant for renewal of license shall submit to the local liquor control commissioner, or his designee, an application for renewal of the license containing the same information requested in section 3-7-5 of this chapter, or in lieu thereof, the license holder or his agent may submit a letter to the local liquor control commissioner, or his designee, stating that no changes have occurred or have been made during the past year of the term of this license.

No applications for renewal licenses shall be accepted by the local liquor control commissioner, or his designee, after April 15 of the year preceding the year for which the license is issued. At the time of filing for application for renewal license, each applicant must produce evidence that he has received a federal and state liquor license. Every retail liquor license is terminated on the next April 30 following its issuance. The fee hereinafter designated for such license shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of the license. If retail liquor license is held by said licensee for a period exceeding one year without having been in actual operation of said business at any time during the course of said year or without having

premises for operation of said business, then after the expiration of said one year the license so issued shall automatically become null and void.

No license shall be renewed unless principal owner or manager has attended and completed a mandatory yearly training session.

No license shall be issued or renewed without having provided proof of dramshop insurance. Dramshop insurance shall be maintained during the term of the license. (Ord. 04-21, 4-5-2004)

(B) Retail Liquor Licenses: Retail liquor dealers' licenses shall be, and they hereby are, divided into the following classes: (Ord. 14-07, 2-4-2014)

1. Class A Retailer's License: Shall authorize the licensee to sell to the general public, alcoholic liquor in package or by the drink, for consumption on or off the specified premises, except, however, that sales made under a temporary permit authorized by section 3-7-4 of this chapter shall be limited solely to sales by the drink for consumption on the premises. Class A license holders may also permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. (Ord. 15-15, 3-31-2015)
2. Class B Package Liquor License: Shall authorize the licensee to sell to the general public, alcoholic liquor in original packages only, for the consumption off the premises where sold.
3. Class C Restaurant License: Shall authorize the retail sale of alcoholic beverages on the specified premises for consumption on the premises inside a restaurant. For purposes of this subsection a restaurant must receive more than fifty percent (50%) of its gross revenue from the sale of food.
4. Class D Beer And Wine License: Shall authorize the retail sale of beer and wine only on the specified premises for the consumption on the premises inside a restaurant. For purposes of this subsection, a restaurant must receive more than fifty percent (50%) of its gross revenue from the sale of food.
5. Class E Fraternal Society Or Club License: Shall authorize the licensee to sell alcoholic liquor for consumption on the premises as well as other retail sale of liquor, when sold only to members and the invited guests of said members when such guest is personally accompanied by a member.
6. Class F Package Liquor License (Beer And Wine Only): Shall authorize the licensee to sell to the public beer and wine only in original packages for consumption off the premises where sold.
7. Class G Golf Course/Clubhouse License:

- (a) Authorizes the licensee to sell alcoholic liquors to its patrons and guests by the drink, for consumption on the golf course, and not for resale in any form.
 - (b) The license shall only be available for premises defined as a golf course herein which has a minimum of one hundred (100) total acres for an eighteen (18) hole or greater course, or a minimum of fifty (50) total acres for a nine (9) hole course. (Ord. 04-21, 4-5-2004)
 - (c) The license shall only be available for premises defined herein as an indoor simulated golf course with a minimum of six (6) simulated golf stations and deriving more than fifty percent (50%) of its gross revenue from the simulated golf. (Ord. 07-68, 4-23-2007)
8. Class H Gift Basket License: Shall authorize the retail sale of alcoholic liquor in original packages only, not for consumption on the premises where sold, and only in conjunction with the sale of gift baskets, flowers or plants. (Ord. 05-30, 3-14-2005)
9. Class I Winery/Microbrewery License: Shall authorize a winery or microbrewery to: a) manufacture/produce wine or beer only on the specified licensed premises, b) furnish samples of the manufactured/produced wine or beer for consumption on the premises, c) sell the manufactured/produced wine or beer by the glass for consumption on the premises, d) sell the manufactured/produced wine or beer in the original corked, capped or sealed and labeled container for consumption on or off the premises, and e) permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. (Ord. 15-15, 3-31-2015)
10. Class J Bring Your Own License: A class J bring your own license authorizes the licensee to allow customers to carry their own beer and wine into a "BYO authorized establishment" as defined in this subsection for consumption within that establishment, subject to the conditions stated in this subsection.
- (a) A class J license may be issued and held only for a business that generates more than sixty percent (60%) of its gross annual revenue from the sale of food. The licensee must provide, at the time of license application, license renewal and when otherwise requested by the village, proof of compliance with that sixty percent (60%) sales requirement, and the licensee must maintain compliance with that sales requirement at all times.
 - (b) Each person, corporation, or limited liability corporation desiring a license must meet all conditions in this chapter required of other license applicants.
 - (c) The following establishments are authorized to allow bring your own beer and wine, and limited other services subject to the specific conditions stated in this subsection:
 - (1) Establishments holding a class J liquor license shall authorize a restaurant to allow patrons to bring their own wine or beer onto the premises to be consumed

as a complement to the sale of food. The licensee may provide only glasses, ice and an ice holder; employees may open but not serve, pour or provide storage for the beer or wine. Patron may not leave with open wine or beer; unconsumed liquor must be disposed of by the patron prior to exiting the premises or sealed as described under subsection (G) of this section. (Ord. 11-46, 6-21-2011)

- (2) Establishments holding a class A, C, or D license shall be permitted to allow patrons to bring in their own wine as provided in this subsection without obtaining an additional license. License holder may provide uncorking service as provided in subsection (I) of this section. Any unconsumed liquor must be disposed of by the patron prior to exiting the premises or sealed as described under subsection (G) of this section. (Ord. 15-15, 3-31-2015)

11. Class K Salon License: A class K salon license authorizes the retail sale of alcoholic beverages adjunct to a principal beauty shop or other service business subject to the conditions stated in this subsection.

- (a) The service of alcoholic beverages is limited to one drink per hour per customer or patron of the premises, and no such customer or patron shall be served more than two (2) alcoholic beverages during the permitted hours of retail sale of alcoholic liquor during any one calendar day.
- (b) No window or any other signage visible from the outside of the business shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale at the specified premises, provided, however, that the business identification signage may contain the word "bar", and provided further that the word "bar" is only used as part of the business name.
- (c) No person may be served alcoholic beverages unless another service or nonalcoholic product is also purchased as part of the same transaction or transactions. (Ord. 12-80, 11-13-2012)

12. Class L Large Event Venue: Subject to the conditions stated in this subsection, a class L license authorizes: a) the retail sale of alcoholic beverages for consumption on the premises; b) the sale of wine or beer in their original package for consumption off the premises; and c) consumption on the premises of alcohol carried into the venue by a patron.

- (a) Only large event venues, consisting of greater than fifty (50) acres, are eligible for a class L license.
- (b) The license holder shall not serve alcoholic beverages to a patron without their age having been first verified and a tamperproof wristband or stamp having been applied by the license holder. For any event in which alcohol may be brought into the venue, by a patron, the license holder shall take reasonable measures to verify the age of patrons upon entrance to the premises and apply a tamperproof wristband or stamp to all patrons which distinguishes patrons over twenty one (21) years of age from those under twenty one (21) years of age. In all events, the license holder shall post at each entrance of the venue, signs informing patrons that no

alcohol may be consumed prior to age verification and receipt of a tamperproof wristband or stamp from the license holder.

- (c) The license holder shall post at each exit of the venue signs informing patrons that opened containers may not leave the venue, and will make good faith effort to communicate with patrons that regulations prohibit the removal of open containers from the venue.
- (d) Once an original container is opened, it may not be removed from the premises.
- (e) Consumption is permitted in all access controlled areas of the premises, including those areas outdoors. (Ord. 13-34, 6-18-2013)

13. Class M Catering License: A class M catering license authorizes the licensee to sell alcoholic liquor in connection with the operation of:

- (a) A catering business, with its liquor license location within the village of Oswego, to sell to the general public alcoholic beverages in its original packages; only for consumption at a private party in the village of Oswego when the food for said party is prepared by the licensee.
- (b) A class M license shall only be issued to persons who can demonstrate they are operating a bona fide catering business.
- (c) The catering business must abide by all village of Oswego liquor licensing requirements; prior to the issuance of an original or renewal class M license; the licensee must provide a copy of their state of Illinois liquor license, state of Illinois seller's license, Illinois department of agriculture "egg breakers" license and type 1 meat and poultry license.
- (d) All food and beverage sales made by the licensee shall be taxed as if made at the licensee's location of its business or existing liquor license. (Ord. 13-35, 6-18-2013)

14. Class N Winery/Brewery Retailer License: Subject to the conditions stated in this subsection, a class N license authorizes a winery or microbrewery to:

- (a) Manufacture/produce wine or beer only on the specified licensed premises
- (b) Furnish samples of the manufactured/produced wine or beer for consumption on the premises
- (c) Sell the manufactured/produced wine or beer by the glass for consumption on the premises
- (d) Sell the manufactured/produced wine or beer in the original corked, capped or sealed and labeled container for consumption on or off the premises
- (e) Permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

Class N license holders may also sell to the general public, alcoholic liquor in package or by the drink, for consumption on or off the specified premises, except, however, that sales made under a temporary permit authorized by section 3-7-4 of this chapter shall be limited solely to sales by the drink for consumption on the premises. (Ord. 15-15, 3-31-2015)

15. Class O Cinema/Movie Theater License: A class O license authorizes the licensee to sell to the general public, alcoholic liquor for consumption only on the licensed premises operating as a cinema or movie theater venue, consisting of a single or multi- screen operation in conjunction with the purveying of food for consumption on the premises, and further provided that the sale of food and alcoholic beverages shall be an accessory to the operation of the premises as a cinema or movie theater venue.

- (a) The license holder shall not serve alcoholic beverages to a patron without their age having been first verified and a tamperproof wristband or stamp having been applied by the license holder.
- (b) Only one (1) alcoholic beverage will be served to an individual at a time. It shall be unlawful for any licensee or its agents to knowingly overserve a patron.
- (c) All alcoholic beverages shall be poured from their original containers into a clear container before serving to a patron. No cans or glass containers shall be allowed.
- (d) All mixed alcoholic drinks must also contain a non-alcoholic beverage.
- (e) No alcoholic beverages shall be served in “shot” form, “on the rocks”, or provided as a sample.
- (f) Alcoholic beverages shall not be served to patrons entering, attending, or viewing a “G” or “PG” rated movie prior to 8:00 p.m. nor shall anyone possess or consume alcoholic beverages in G” or “PG” rated movie prior to 8:00 p.m.
- (g) Alcoholic beverage service shall be provided to cinema/movie theater patrons only.
- (h) Alcoholic beverages may be removed from the bar area to the cinema/movie theater, the designated lounge areas, and the party/meeting room only.
- (i) No Happy Hour practices shall be allowed on the license premises.
- (j) No patio, beer garden, or similar area is allowed on the licensed premises for alcohol consumption.
- (k) No alcoholic beverages are to leave the licensed premises at any time. Proper signage shall be posted stating such.
- (l) The license holder shall adhere to the Village’s closing hours. (Ord. 15-83, 12-1-2015)

(C) Annum Fee Per License:

1. The per annum fee for all class A licenses shall be one thousand eight hundred dollars (\$1,800.00). Such license fee shall be paid in two (2) installments of nine hundred dollars

(\$900.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application.

2. The per annum fee for all class B licenses shall be one thousand five hundred dollars (\$1,500.00). Such license fee shall be paid in two (2) installments of seven hundred fifty dollars (\$750.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application.
3. The per annum fee for all class C licenses shall be one thousand five hundred dollars (\$1,500.00). Such license fee shall be paid in two (2) installments of seven hundred fifty dollars (\$750.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application.
4. The per annum fee for all class D licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee shall be paid in two (2) installments of six hundred dollars (\$600.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application.
5. The per annum fee for all class E licenses shall be seven hundred fifty dollars (\$750.00). Such license fee shall be paid in two (2) installments of three hundred seventy five dollars (\$375.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application.
6. The per annum fee for all class F licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee shall be paid in two (2) installments of six hundred dollars (\$600.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application.
7. The per annum fee for all class G licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee shall be paid in two (2) installments of six hundred dollars (\$600.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 04-21, 4-5-2004)
8. The per annum fee for all class H licenses shall be one hundred dollars (\$100.00). Such license fee shall be paid in two (2) installments of fifty dollars (\$50.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 05-30, 3-14-2005)
9. The per annum fee for all class I licenses shall be eight hundred dollars (\$800.00). Such license fee shall be paid in two (2) installments of four hundred dollars (\$400.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 05-70, 6-13-2005)
10. The per annum fee for all class J licenses shall be two hundred fifty dollars (\$250.00). Such license fee may be paid in two (2) installments of one hundred twenty five dollars (\$125.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 11-46, 6-21-2011)

11. The per annum fee for all class K licenses shall be two hundred fifty dollars (\$250.00). Such license fee may be paid in two (2) installments of one hundred twenty five dollars (\$125.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 12-80, 11-13-2012)
12. The per annum fee for all class L licenses shall be two thousand fifty dollars (\$2,050.00). Such license fee may be paid in two (2) installments of one thousand twenty five dollars (\$1,025.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 13-34, 6-18-2013)
13. The per annum fee for all class M licenses shall be five hundred fifty dollars (\$550.00) at the time of first application. Such license fee may be paid in two (2) installments of two hundred seventy five dollars (\$275.00) thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 13-35, 6-18-2013)
14. The per annum fee for all class N licenses shall be two thousand two hundred dollars (\$2,200.00). Such license fee may be paid in two (2) installments of one thousand one hundred dollars (\$1,100.00) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 15-15, 3-31-2015)
15. The per annum fee for all class O licenses shall be six hundred twenty five dollars (\$625.00). Such license fee may be paid in two (2) installments of three hundred seventeen dollars and fifty cents (\$317.50) payable at the time of first application for a license and thereafter before each successive October 1 and April 15 for each succeeding year of application. (Ord. 15-83, 12-1-2015)

All licenses issued hereunder shall be from May 1 to April 30 of each year, both dates inclusive.

All license fees shall be paid to the village clerk.

All said license fees shall be effective for fiscal year beginning May 1 of each year and the first installment for renewal licenses for said fiscal year shall be paid by April 15. (Ord. 04-21, 4-5-2004)

(D) Prohibited Products: (Rep. by Ord. 14-07, 2-4-2014)

(E) Consumption On Premises: It shall be unlawful:

1. For any person, firm, corporation, LLC, association, partnership or club, other than holders of classes A, C, D, E, G, I, K, N and O liquor licenses, as defined herein, to sell or offer for sale any alcoholic liquor for consumption on premises where sold. (Ord. 15-15, 3-31-2015)
2. For any person in any public place, or in any area within the village, except property zoned and occupied for residential purposes, to possess any alcoholic beverage except in the original package with the seal unbroken, or in accordance with subsection (F) or (G) of this section.

3. For any licensee or agents to knowingly permit any person to leave the licensed building with alcoholic beverages, unless said alcoholic beverages are in the original package with the seal unbroken, or in accordance with subsection (F) or (G) of this section. (Ord. 07-57, 4-9-2007)
4. For any business operating as a public accommodation to permit the consumption, on the premises, of alcoholic liquor that is not purchased on the premises, or allowed as set forth in subsection (B)10 of this section; pursuant to a license issued under this chapter. "Public accommodation" means any refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public. (Ord. 11-46, 6-21-2011)

(F) Outdoor Consumption (Beer Gardens):

1. It shall be unlawful for any person in any public place, except as provided in subsection (E)2 of this section and/or as specified under "special event permits", to consume any alcoholic beverage outside of the licensed premises.
2. The local liquor control commissioner may authorize seasonal beer gardens pursuant to a permit. Applicant shall be required to submit a floor plan or layout of the proposed facility.
3. It shall be unlawful for any licensee or his agents to knowingly permit any person to consume any alcoholic beverage outside the licensed premises, unless such outside location (beer garden) has a permanent, unbroken barrier not less than three feet (3') high, conforming to the zoning ordinance requirements and shall have one main entrance/exit, and a gate or removable section intended as an emergency exit only. The main entrance/exit shall be posted in plain view, a permanently affixed sign (pursuant to the sign ordinance) prohibiting alcohol from leaving the designated outside location or beer garden. (Ord. 04-21, 4-5-2004)

(G) Off Premises Consumption Of Partially Consumed Bottles Of Wine From Licensed Restaurants: Notwithstanding any other provision of this chapter, a restaurant licensed to sell alcoholic liquor or a restaurant holding a class J bring your own liquor license 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 subsection shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. If the wine is purchased from the licensee, the licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. (Ord. 11-46, 6-21-2011)

(H) Product Sampling For Consumption: Licensees possessing classes A, B, C, D, and F licenses may conduct product sampling for consumption at the licensed retail location. Up to three (3) samples, consisting of no more than: 1) one-fourth (1/4) ounce of distilled spirits, 2) one ounce of wine, or 3) two (2) ounces of beer may be served to a consumer in one day. All provisions of section 6-28 of the liquor control act shall apply to a licensee that conducts

product sampling. Licensees possessing a class I or N license may conduct product sampling for consumption at the licensed retail location, of up to five (5) samples in the sizes designated above. (Ord. 15-15, 3-31-2015)

- (l) Uncorking: Establishments with class C, D, and J liquor licenses may permit patrons to bring into the licensed premises wine or vinous beverages to be consumed on premises by patrons who order a full meal from the licensee. Licensee may charge an uncorking fee; the amount of this fee to be determined by the establishment. It shall be unlawful for the licensee, its agent or employee to permit any patron to leave the licensed premises with open liquor except as allowed under subsection (G) of this section. (Ord. 14-07, 2-4-2014)

3-7-11: NUMBER OF LIQUOR LICENSES:

- (A) There shall be no more than the following licenses in effect at any one time:

Class	Number
A	4
B	18
C	19
D	3
E	3
F	4
G	2
H	0
I	0
J	1
K	1
L	1
M	1
N	1
O	0

(Ord. 15-83, 12-1-2015)

** For up to date license totals, please refer to http://www.sterlingcodifiers.com/codebook/index.php?book_id=394*

(B) Upon the alienation, sale, transfer, assignment or donation of the business that underlies the license to any third party or person other than the licensee, the liquor license shall automatically become void and the number of available licenses in that classification as authorized by the corporation authorities shall automatically and immediately be reduced by one. (Ord. 04-21, 4-5-2004)

3-7-12: LICENSE TO BE POSTED:

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises. (Ord. 04-21, 4-5-2004)

3-7-13: LIST:

The local liquor commissioner shall keep or cause to be kept a complete record of all such licenses issued by him and shall furnish the village clerk and the chief of police with copies thereof. Upon issuance of any new license, or the revocation of an old license, the president shall give written notice of such action to each of these officers within forty eight (48) hours of such action. (Ord. 04-21, 4-5-2004)

3-7-14: LOCATION RESTRICTIONS:

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 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; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not the 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.

Provided, further, that no license shall be issued for the sale of alcoholic liquor in any area of the village that is predominantly residential or manufacturing. (Ord. 04-21, 4-5-2004)

3-7-15: CHANGE OF LOCATION:

A retail liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such a location may be changed only upon written permission to make such change issued by the president or 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 laws of the state and the ordinances of the village. Outdoor sales

or consumption may be allowed on a temporary basis by the local liquor control commissioner as long as such sale or consumption is limited to the premises for which a license hereunder has been issued and does not infringe on adjacent public or private property. (Ord. 04-21, 4-5-2004)

3-7-16: EMPLOYEES:

- (A) No licensee nor a representative, agent or employee shall employ or permit any person under the age of twenty one (21) years to act as an agent, clerk, servant, employee or entertainer in or about any premises offering alcoholic beverages for sale except as provided in subsection (D) of this section.
- (B) Notwithstanding anything to the contrary in this code, it shall not be a violation for wait staff eighteen (18) to twenty (20) years of age to deliver alcoholic beverages to the tables of customers in restaurants, provided that said wait staff shall not draw, mix or pour alcoholic beverages.
- (C) No licensee hereunder shall employ as a manager or as a barkeeper any person who would not be eligible to receive a license under this chapter if he were the applicant therefor.

Each licensee shall include with the application for a license or any renewal thereof a list of the names and addresses of the manager or barkeeper, or a statement that they have no managers or barkeepers. Any change in that list will be reported to the local liquor control commissioner within ten (10) days of such change.

The license holder will further furnish the local liquor control commissioner or his agent, upon request, any information concerning employees that may be relevant to the requirements of this section.

- (D) Subsection (A) of this section shall not apply to licensees whose businesses are not predominantly for the sale of alcoholic liquor such as restaurants, clubs, hotels, bowling alleys, grocery stores, gas station minimarts and drugstores if the employee is otherwise qualified by law for such employment provided, however, that no such licensee shall allow anyone under the age of twenty one (21) to dispense or sell beer, wine or any other alcoholic beverage.
- (E) In the event an employee of an establishment licensed hereunder has violated any of the provisions of the act, such employee may be subject to fines and/or penalties as provided herein. (Ord. 04-21, 4-5-2004)

3-7-17: SANITARY CONDITIONS:

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (Ord. 04-21, 4-5-2004)

3-7-18: SUSPENSION, REVOCATION OF LICENSE:

The local liquor control commissioner, in the event that a licensee has violated any of the provisions of the act, or the provisions of this chapter, or other village ordinances or state statutes, may revoke, suspend or fine any violator pursuant to the authority contained in the act as from time to time amended. 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. (Ord. 04-21, 4-5-2004)

3-7-19: ORIGINAL PACKAGE:

It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle in the village except in the original package and with the seal unbroken. Wine that is resealed in accordance with the provisions of subsection 3-7-10(G) of this chapter and not tampered with shall not be deemed in violation of this section. (Ord. 07-57, 4-9-2007)

3-7-20: QUALIFICATIONS OF EMPLOYEES:

No person shall be employed by any licensee to serve in the capacity of manager, bartender, or barkeeper who is not a citizen of the United States, who is not of good character and reputation in the community in which he resides, who has been convicted of being the keeper or is keeping a house of ill fame, who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality, or who has been convicted of a felony under any federal or state law. The licensee and all employees on the premises used for the retail sale of alcoholic liquor shall comply with the provisions of all ordinances and laws. It shall be unlawful to employ in 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 or a carrier of any such disease, to work in or about any premises, or to engage in any way in the handling, preparation or distribution of such liquor. (Ord. 04-21, 4-5-2004)

3-7-21: CLOSING HOURS:

All licensees may sell or permit to be sold on or in his licensed premises, alcoholic liquors between the hours of six o'clock (6:00) A.M. and one o'clock (1:00) A.M., on the day following, except on Fridays, Saturdays, and the days before the holidays of: Memorial Day, the Fourth Of July, Labor Day, Thanksgiving, Christmas and New Year's, when the licensee may sell or offer for sale, at retail, alcoholic liquor until two o'clock (2:00) A.M. on the succeeding morning. It shall be unlawful, however, to sell or offer for sale, at retail, any alcoholic liquor in the village, between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M., on Sundays. Any temporary variance in closing hours may be authorized by the local liquor control commissioner. (Ord. 13-01, 1-8-2013)

3-7-22: SALES TO MINORS, DRUNKARDS AND INCOMPETENTS:

No persons engaged in the retail sale of alcoholic liquor, or any other person, shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21), or to any intoxicated person or to any person known by him to be a habitual drunkard or an incompetent, nor shall any such person be permitted on the licensed premises. It shall be a defense to any action brought under the provisions of this chapter, against any licensee charging a violation of this

chapter by the sale or gift by a licensee of alcoholic liquor to a person under twenty one (21) years of age, that licensee in question or his employee took from said underage person, prior to the alleged sale or gift of alcoholic liquor, an affidavit in legal form, under oath, in which the person of nonage swore that he was of lawful age and lawfully entitled to receive alcoholic liquor, provided, however, that in addition to said affidavit, the nonage person produce other documentation establishing his or her age of twenty one (21) years or older. It shall be unlawful for any person under the age of twenty one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place within the village where liquor is sold or dispensed. It shall be unlawful for any adult to give, sell or deliver any alcoholic liquor to any person under the age of twenty one (21) years, directly or indirectly. (Ord. 04-21, 4-5-2004)

3-7-23: MISCELLANEOUS:

- (A) Every licensee shall conduct his place of business in a quiet, decent and respectable manner and shall eject therefrom or refuse admittance thereto all persons rendering themselves objectionable or undesirable by reason of undue noise or other acts disturbing the peace.
- (B) It shall be unlawful for any licensee to give or deliver any alcoholic liquor or intoxicating beverages to a person under the influence of intoxicating liquor. Soliciting of drinks or prostitution is prohibited.
- (C) Every licensee shall immediately report to the village police any act by a person or any patron rendering himself objectionable, causing undue noise or disturbance, breach of peace or unlawful conduct.
- (D) No person licensed under the provisions hereof shall make or allow any loud or boisterous talking or obscene or profane language, quarreling, singing, fighting or other disturbance of persons passing along any street or public way in the vicinity thereof or to the disturbance of the peace and quiet of persons doing business or residing in the neighborhood thereof.
- (E) All licensees dispensing or serving food or alcoholic liquor shall be decently clothed. Topless or similar attire is prohibited.
- (F) It shall be unlawful for any person, while acting as a waiter, waitress, bartender, entertainer, vendor or any other position to:
 - 1. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
 - 2. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
 - 3. Expose any portion of the female breast at or below the areola thereof.It shall also be unlawful to allow any customer or any other person to perform any of the foregoing acts.
- (G) It shall be unlawful for any licensee to permit or allow any waiter, waitress, bartender, entertainer, vendor or any other employee or any person to commit any of the unlawful acts in this section. A person shall be deemed to be a waiter, waitress, bartender, vendor or entertainer if such person acts in that capacity without regard to whether or not such

person is paid any compensation by the management of the establishment in which the activity is performed.

- (H) It shall be unlawful for any licensee to permit or allow any act or form of entertainment which, when considered as a whole, would be considered obscene (i.e., has its predominant appeal to prurient interest) as such term is defined by state law.
- (I) It shall be unlawful for any licensee to permit or allow any of the following: male or female striptease (regardless of whether they strip off all of their clothes), lingerie (either male or female) fashion shows, lingerie raffles, wet T-shirt contests, mud or Jell-O wrestling or wrestling in any substance other than air and any similar contest or performance.
- (J) It shall be unlawful to employ in any premises 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. (Ord. 04-21, 4-5-2004)
- (K) It shall be unlawful for any licensee to suffer or permit any species of card games or gambling in his premises or any part thereof or any places adjacent thereto under his control, except as authorized by chapter 31, "Video Gaming Terminals", of this title. (Ord. 14-07, 2-4-2014)
- (L) It shall be unlawful for any licensee to suffer or permit the following conduct on licensed premises:
 1. Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or other sexual act.
 2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hairs, anus or genitals.
 3. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva or genitals.
 4. Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva or anus. (Ord. 04-21, 4-5-2004)

3-7-24: SALE OF ALCOHOLIC LIQUORS ON MUNICIPAL OWNED PROPERTY:

The sale or delivery of alcoholic liquors in compliance with all applicable local ordinances shall be allowed on the following village owned buildings and properties:

113 Main Street
100 Parkers Mill
101 South Adams Street
100 Theodore Drive
63 West Washington Street
65 West Washington Street (Ord. 12-40, 5-15-2012)

3-7-25: PENALTIES:

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. (Ord. 12-40, 5-15-2012)