

## **VILLAGE OF ELWOOD**

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### **ORDINANCE NO. 1096**

#### **AN ORDINANCE AMENDING THE VILLAGE OF ELWOOD CODE OF ORDINANCES WITH RESPECT TO ALCOHOL AND LIQUOR CONTROL REGULATIONS**

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**PASSED AND APPROVED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
THE 11<sup>th</sup> DAY OF JULY, 2018 .**

**Published in Pamphlet form  
By the Corporate Authorities of the  
Village of Elwood, Illinois on the  
11<sup>TH</sup> day of July, 2018**

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ORDINANCES WITH RESPECT TO ALCOHOL AND LIQUOR CONTROL  
REGULATIONS**

WHEREAS, the Village of Elwood is a home-rule municipal corporation; and

WHEREAS, it is in the best interest of the Village to amend its Code of Ordinances with respect to alcohol and liquor control regulations as hereafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ELWOOD, WILL COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME-RULE, STATUTORY, AND OTHER AUTHORITY, AS FOLLOWS:

**SECTION 1. AMENDMENT**

Chapter 112 of the Elwood Code of Ordinances be and the same is hereby deleted and a revised Chapter 112 as set forth in Exhibit A attached hereto is inserted in its place.

**SECTION 2: SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 3: REPEALER**

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

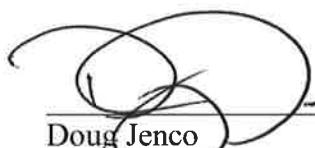
**SECTION 4: EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form.

**PASSED** by the Board of Trustees of the Village of Elwood, Will County, Illinois, this 11<sup>th</sup> day of July, 2018, by the following roll call vote:

NAME	AYE	NAY	ABSENT	ABSTAIN
Trustee Don LaPaglia	✓	_____	_____	_____
Trustee Jasen Melahn	✓	_____	_____	_____
Trustee Mary Matichak	_____	_____	✓	_____
Trustee Joe Berscheid	✓	_____	_____	_____
Trustee Darryl P. Lab	✓	_____	_____	_____

**APPROVED** by Doug Jenco, as Village President of the Board of Trustees of the Village of Elwood, Will County, Illinois on this 11<sup>th</sup> day of July, 2018.



Doug Jenco  
Village President  
Village of Elwood, Will County, Illinois

ATTEST:



Julie Friebele  
Village Clerk  
Village of Elwood, Will County, Illinois

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## CHAPTER 112: ALCOHOL AND LIQUOR CONTROL REGULATIONS

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## **GENERAL PROVISIONS**

### **§ 112.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALCOHOL.** The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**ALCOHOLIC LIQUOR AND ALCOHOLIC BEVERAGES.** Includes alcohol, spirits, wine, beer, ale and every other liquid or solid containing more than one-half (1/2) of one percent (1%) of alcohol by volume which is capable of being consumed as a beverage by human beings.

**APPLICANT.** Includes any natural person or business entity which requests a license hereunder and any natural person or business entity which owns more than five percent (5%) of any business entity which requests such license or is otherwise required to provide information on the Application as provided in 112.04.

**BAR:** A counter over and upon which alcoholic drinks are prepared where consumers of alcoholic beverages sit or stand to receive and/or consume such beverages.

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

**BOWLING ALLEY.** Any establishment or building, or any part thereof, wherein the game of bowling with composition balls and ten wooden pins is played.

**COMMISSIONER or LOCAL LIQUOR CONTROL COMMISSIONER.** An office held by the Village President. As used in this chapter, reference to the liquor control commissioner includes any person who may be appointed by the village president to serve as a designated agent of the liquor control commissioner.

**CLUB.** A corporation organized under the laws of this state, and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, which conforms to the definition of a club pursuant to Liquor Control Act , or as the same may be hereafter amended.

**ENTERTAINMENT.** The offering or permitting of any amusement including live musical performances, disc jockeys, vaudeville, acting, dancing or contests. **ENTERTAINMENT** shall not be construed to include radio, television, electronic reproduction of music or coin-operated game machines.

**HOTEL.** Any public area held out to the public as a place where sleeping accommodations are offered for consideration on a transient basis.

**LICENSEE.** Any person, firm, corporation, partnership, Limited Liability Company, club or any other entity holding, a license under the provisions of this chapter.

**LIQUOR.** Includes alcoholic liquor and alcoholic beverages.

**LIQUOR CONTROL ACT OR ACT.** The Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1, *et. seq.*)

**ORIGINAL PACKAGE.** Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container of whatsoever kind used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

**OUTING:** A temporary event at which alcoholic liquor is sold or offered for sale for consumption only on the dates and only at the location designated on the special event retail liquor license.

**PERSON.** Any business entity, any natural individual, or applicant.

**PREMISES.** The area described in the application where alcohol is served, stored or sold and areas internally connected thereto by doorway which areas are integrally related to the operation of the licensed establishment.

**RESTAURANT.** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually served without sleeping accommodations, the space being provided with adequate and sanitary kitchen and dining equipment and capacity and having employed either in a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Restaurants must generate at least 33.33% of their gross revenue (excluding video gaming) from the sale of food and drink excluding alcoholic beverages.

**SELL.** Any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee; to solicit or receive an order for, or keep or expose for sale and to keep with intent to sell.

**SELL AT RETAIL** and **SALE AT RETAIL**. These phrases refer to and mean sales for use and consumption and not for resale in any form.

**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.

**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 defined in the Illinois Liquor Control Act.

## **§ 112.02 LOCAL LIQUOR CONTROL COMMISSIONER.**

(A) The Village President is hereby designated to be the Local Liquor Control Commissioner and shall be charged with the administration of the Act, and of Village ordinances and resolutions relating to alcoholic liquor as may be needed. The Village President may appoint a person or persons to assist him or her in the exercise of the power and performance of the duties assigned to the Local Liquor Control Commissioner.

(B) The Local Liquor Control Commissioner is hereby given the power to enter or to authorize any law enforcement officer to enter, at any time, upon any premises licensed hereunder to determine whether any of the provisions of local Ordinances, the Liquor Control Act, or any rules or regulations adopted by him or her or by the State Liquor Commission have been or are being violated, and at such time, to examine the premises of the licensee in connection therewith.

## **§ 112.03 LICENSE REQUIRED; COMPLIANCE.**

It shall be unlawful for any person to sell, or offer for sale at retail, in the village, any alcoholic liquor or alcohol beverage without having a retail liquor license issued by the Village and one issued by the State of Illinois or while in violation of the terms of the license, the Act, local Ordinances, or other applicable laws and regulations.

## **§ 112.04 APPLICATION FOR LICENSE; APPLICATION FEE; CONTENTS.**

Application for the license shall be made to and filed with the Local Liquor Control Commissioner, shall be in writing, signed by the applicant, if an individual, or a duly authorized agent thereof, if a corporation or other business entity, verified by oath or affidavit. Every application for license made pursuant to this chapter shall be accompanied by a set of inked fingerprints and/or livescan biometric fingerprinting of each individual required to be investigated on a form as may, from time to time, be prescribed by the liquor control commissioner and an application fee in the amount of fifty six dollars (\$56.00) for each person fingerprinted. Every applicant and individual listed on such application for license shall be deemed, upon the filing of an application required herein, to have consented and authorized the chief of police or his designee to make an investigation of the statements made in such application. Each such applicant shall submit an authorization and release in the following form with the application:

*The undersigned applicant for a retail liquor license in the Village of Elwood, Will County, Illinois, do(es) hereby authorize the Liquor Control Commissioner of said Village to make or cause to be made an investigation of the statements made in the application, including the submission of information to such agencies as may be necessary for an investigation of the applicant's criminal history.*

*The undersigned do(es) hereby release the Liquor Control Commissioner, the Village of Elwood, its Trustees, employees and agents from any and all claims, actions and causes of action which result or may result from said investigation or the utilization*

*of such information in the evaluation of the application for license.*

The application shall be presented not less than ten (10) days prior to the date issuance is desired, and shall contain the following information:

- (A) The name, age and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit, the date of the incorporation, the object for which it was organized, the names and addresses of the officers and directors, and if a majority interest of the stock of the corporation is owned by one person or his or her nominees, the name and address of the person, if a Limited Liability Company then all of the above information for each member.
- (B) The citizenship of the applicant, his or her place of birth and, if a naturalized citizen, the time and place of his or her naturalization;
- (C) The character of business of the applicant and, in the case of a business entity, the object for which it was chartered;
- (D) The length of time that the applicant has been in a business of that character or, in the case of a corporation, the date on which it was chartered;
- (E) The address of the proposed premises, a detailed description of the proposed premises, an exterior photograph of the premises, and an interior layout plan of the proposed premises;
- (F) A statement whether applicant has made a similar application for another similar license on those premises other than those described in this application, and the disposition of the application;
- (G) A statement that the 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, the laws of the state or the ordinances of the village;
- (H) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefor;
- (I) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the village in the conduct of his or her place of business;
- (J) If a business entity, the date of becoming qualified under the applicable State law, to transact business, if a foreign entity to transact business in Illinois; and
- (K) A statement that the location where the applicant intends to conduct its business is properly zoned for the use intended as set forth in the application and license.
- (L) A statement whether the applicant has ever been convicted of any crime or ordinance violation, and if so, the particulars thereof.

## **§ 112.05 PERSONS PROHIBITED FROM LICENSING.**

The following people are ineligible to hold a liquor license:

- (A) A person who is not a citizen of the United States; unless such prohibition is prohibited by federal law or the United States constitution.
- (B) A person who has been convicted of a felony;
- (C) A person who has been convicted of being the keeper of a house of ill fame;

- (D) A person who has been convicted of pandering or crime or misdemeanor opposed to decency and morality pursuant to the Illinois Criminal Code;
- (E) A person whose license under this chapter has been revoked for cause, or under the laws of the state;
- (F) A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for the license upon a first application;
- (G) A partnership, unless all of the members of the partnership shall be qualified to obtain a license;
- (H) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of the corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (I) A foreign business entity unless it is qualified to transact business in Illinois ;
- (J) A Limited Liability Company unless all the members are eligible to obtain a license;
- (K) An applicant who has been convicted of a violation of any state or federal law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer to charges for the violation;
- (L) An applicant 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 issued;
- (M) Any law enforcement public official, current Village President or current member of the Board of Trustees, and no such official shall be interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor;
- (N) Any person who is not a beneficial owner of the business to be operated by the licensees;
- (O) A person who has been convicted of a gambling offense as proscribed by any of the divisions subsections (a)(3) through (a)(10) of § 28-1 (ILCS Ch. 720, Act 5, § 28-1(a)(3) through (a)(10)) of, or as proscribed by § 28-3 of the Criminal Code of the state, ILCS Ch. 720, Act 5, § 28-3, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions; provided, that any person convicted of a first offense shall not be issued the license for a period of one year from the conviction; and
- (P) A person not eligible for a state retail liquor dealer's license.
- (Q) Any person or entity which does not present evidence of dramshop insurance, in the form of a certificate of insurance, issued by an insurance company authorized to do business in Illinois and insuring the applicant, and the owner or lessor of the premises, in at least the amounts recoverable under the Illinois liquor control act. Further, said certificate of insurance must contain an affirmative statement that the village will be notified upon the cancellation, revocation, or suspension of said policy of insurance.
- (R) Any applicant who has not submitted to livescan biometric fingerprinting and/or a copy of all fingerprints and the total fingerprinting and background check fee required by this chapter.
- (S) Any applicant who has failed to provide information or documentation required pursuant to the application or requested by the liquor control commissioner, proved false or misleading information, or who has attempted to obstruct the village's gathering of information during the review, investigation, and/or processing of the application.
- (T) Before denying a license based upon a conviction, the Local Liquor Control Commissioner shall consider whether the applicant has been sufficiently rehabilitated to warrant the public trust.

## **§ 112.06 LICENSE CLASSIFICATION; FEES; NUMBER.**

- (A) Every person engaged in the retail sale of alcoholic liquor within the village shall pay an annual license fee.
- (B) The licenses shall be divided into the following classes:
  - (1) Class A License: Tavern
    - (a) The license shall authorize the retail sale of alcoholic liquor for consumption upon specified premises;
    - (b) The annual fee for the license shall be \$850; and
    - (c) A maximum of 3 Class A licenses may be issued.
  - (2) Class B License: Package Liquor Store
    - (a) The license shall authorize the retail sale of alcoholic liquor in the original package upon the premises specified to be only consumed off the premises where the alcoholic liquor is sold;
    - (b) The annual fee for the license shall be \$850; and
    - (c) A maximum of 1 Class B licenses may be issued.
  - (3) Class C License: Club License
    - (a) The license shall authorize the retail sale and consumption of alcoholic liquor to members of the club to which it is issued, or their invitees, on the specified premises;
    - (b) The annual fee for the license shall be \$400; and
    - (c) A maximum of 2 Class C licenses may be issued.
  - (4) Class D License: Bowling Alley
    - (a) The license shall authorize the retail sale of alcoholic liquor in bowling alleys to be consumed on the premises, and which may or may not be in conjunction with the service of food;
    - (b) The annual fee for the license shall be \$850;
    - (c) A maximum of 1 Class D licenses may be issued; and
  - (5) Class E License: Special Event (Not for Profit)
    - (a) The license shall authorize the sale of alcoholic liquor at the place specified in the application, for picnics or public gatherings for a period of not to exceed 24 hours;
    - (b) The fee for each license shall be \$30 \$50;
    - (c) There is no maximum restriction as to the number of Class E licenses which may be issued; and
    - (d) Class E licenses may be issued to any club, organization, association or corporation organized or existing not for pecuniary profit and solely for the promotion of some common goal other than the sale or consumption of alcoholic liquor, for the

sale of alcoholic liquor at picnics and public gatherings within the village; provided, however, that no member, agent, officer or employee, directly or indirectly shall receive a salary or other compensation from the sale of the alcoholic liquor licensed hereunder. Application for the license shall be in writing, shall give the name of the club, organization, association or corporation, shall give the location of the place where the alcoholic liquor is to be sold, and the date on which the picnic or public gathering is to be held, and the hours during which the alcoholic liquor will be served.

(6) Class F License: Restaurant and/or Banquet Hall

- (a) The license shall authorize the retail sale of alcoholic liquor upon the premises specified for consumption in:
  - 1. A banquet hall in conjunction with a gathering for which the banquet hall has been rented; or
  - 2. A restaurant in conjunction with the serving of meals in a dining room.
- (b) The annual fee for the license shall be the sum of \$1,000;
- (c) A maximum of 2 Class F licenses may be issued; and
- (d) The holder of a Class F license may permit customers to carry alcoholic liquor onto their premises for consumption on their premises, in such areas of the premises as the licensee permits under the following conditions:
  - 1. Only beer and wine may be brought onto the premises;
  - 2. All alcoholic liquor carried onto the premises must be in sealed containers;
  - 3. Service and consumption of alcoholic liquor carried onto the premises must be incidental and complimentary to the service of a meal;
  - 4. Licensees shall not permit patrons to leave their establishment with open liquor containers unless the containers have been properly sealed by the establishment;
  - 5. Licensees shall be allowed to charge a corkage fee.

(7) Class H License: Hotel

- (a) The license shall authorize the retail sale of alcoholic liquor upon the premises specified for consumption in a hotel;
- (b) The annual fee for the license shall be the sum of \$1,000; and
- (c) There is no restriction as to the maximum number of Class H licenses which may be issued.

(8) Class K License: Package Liquor Grocery Store Beer and Wine only

- (a) The license shall authorize the retail sale upon the premises specified of beer and wine in the original packages to be consumed off of the premises where the same are sold. Retail sale of grocery items may be conducted from the premises;
- (b) Beer and wine shall only be displayed in a separate section, divided from the remainder of the store;
- (c) The separate section for retail sales shall be capable of being secured from the remainder of the store during any hours of operation when beer and wine can not be sold;
- (d) Any areas used to store beer and wine not on display shall also be divided in such manner so as to allow the beer and wine inventory to be secured from the remainder of the storeroom during any hours of operation when beer and wine can not be sold;

(e) The beer and wine retail sales area as well as the beer and wine storage area shall be secured by an adequate locking device so as to preclude access thereto during hours when beer and wine can not be sold;

(f) The annual fee for the license shall be \$850; and

(g) A maximum of three Class K licenses may be issued.

(9) Class L License: Full Service Package Liquor Grocery Store

(a) The license shall authorize the retail sale upon the premises specified of alcoholic liquor in the original packages to be consumed off of the premises where the same are sold. Retail sale of grocery items may be sold from the premises;

(b) Alcoholic liquor shall only be displayed in a separate section divided from the remainder of the store;

(c) The separate section for retail sales shall be capable of being secured from the remainder of the store during any hours of operation when alcoholic liquor cannot be sold;

(d) Any areas used to store alcoholic liquor not on display shall also be divided in such a manner so as to allow the liquor inventory to be secured from the remainder of the store room during any hours of operation when alcoholic liquor cannot be sold;

(e) The alcoholic liquor retail sales area as well as the alcoholic liquor storage area shall be secured by an adequate locking device so as to preclude access thereto during hours when alcoholic liquor cannot be sold;

(f) The annual fee for the license shall be \$850; and

(g) A maximum of 2 Class L licenses may be issued.

(10) Class M license: Outdoor Seating for Restaurants and Taverns

(a) The license shall only be issued as a supplement to those places appropriately licensed to restaurants or taverns permitted to serve alcohol and shall authorize the retail sale of alcoholic liquor in areas permitted for outdoor seating as an accessory use to a restaurant.

(b) The annual fee for the license shall be \$50

(c) An applicant seeking a Class M license shall provide such information as necessary for the Liquor Commissioner to determine whether the license should be issued and shall include a Site Plan for the outdoor seating area.

(d) The outdoor seating area shall include a decorative fence to designate the outdoor seating area and control ingress and egress.

(e) No outdoor seating is permitted past 10:30 p.m.

(11) Class N license: Outing Permits

(a) The license shall authorize the temporary retail sale of alcoholic beverages by an otherwise unlicensed person, business entity, or organization, but only on the date and as the place specified in the outing permit.

(b) Each outing permit license shall be valid for a period of time between one and three (3) days, and the number of days shall be specified on the outing permit.

(c) Outings include, but are not limited to, picnics, festivals, fundraisers, tournaments, sporting events, fairs, rallies and other special events, whether public or private, at which alcoholic liquor is sold.

(d) The fee for each license shall be \$50;

#### **§ 112.07 RESERVED.**

#### **§ 112.08 ISSUANCE OF LICENSE.**

The Commissioner, with the approval of the Village Board is authorized to issue licenses to qualified applicants provided that a license is available. The Commissioner does not need Village Board approval, is issue a renewal license .

#### **§ 112.09 LICENSE TERM; PAYMENT OF FEES.**

(A) All licenses, except Class E, issued hereunder shall be valid from May 14 to April 30 of each year. For all the licenses issued and in effect prior to July 1 of each year, the full fee shall be paid; for all licenses issued subsequent to June 30 of each year, the fee therefor shall be 50% of the annual fee as hereinbefore established.

(B) All license fees shall be paid at the time of application for the license. In the event the license application is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board by proper action.

#### **§ 112.10 RECORD OF LICENSES.**

The Commissioner shall keep or cause to be kept a complete record of all the licenses issued by him or her and shall furnish the Clerk of the village, the Treasurer of the village, and the Chief of Police each with a copy thereof upon the issuance of any new license, and shall notify each of the officers, in writing, upon the issuance of any new licenses or revocation of any old licenses.

#### **§ 112.11 LICENSE LIMITATIONS.**

(A) A license shall be purely a personal privilege, good for a period not to exceed one year after issuance, unless sooner revoked as provided in this chapter, 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. The license shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of the decedent, or the insolvency or bankruptcy until the expiration of the license but not longer than six months after the death, bankruptcy or insolvency of the licensee.

(B) In the case of a corporate licensee or limited liability company, the prohibition against or transferability shall not be applicable to a sale, gift, transfer, pledge or assignment of the corporate stock or LLC membership or the issuance by the corporation of stock in the corporation or interest in the LLC to a person or persons or other legal entity owning 5% or more of the stock of the corporation or interest in the LLC at the time of issuance of the present liquor license to the corporation. All corporations and limited liability companies licensed hereunder must report in writing within 30 days of a corporate or membership change to the Village Clerk, all internal changes pertaining to officers, manager, members and stockholders.

### **§ 112.12 RENEWAL OF LICENSE.**

(A) Any licensee may renew his or her license at the expiration thereof, provided the applicant is then qualified to receive a license and the premises for which the renewal license is sought are suitable for such purpose, and provided further that the renewal privilege herein provided shall not be construed as a vested right, which shall in any case, prevent the President and Board of Trustees from decreasing the number of licenses to be issued within the village.

(B) In case any license of Class A, B, C, D, E, F, K and L is revoked, surrendered, or not renewed, the maximum number of licenses in that particular class shall be reduced accordingly.

### **SPECIFIC REGULATIONS**

### **§ 112.25 HOURS OF OPERATION.**

Subject to the provisions of § 112.06 above, no licensee shall keep open or allow his or her place of business to remain open or sell or offer for sale at retail, or offer to give away on any licensed premises during those dates and times set forth in the table below.

<i><b>Closing Hours for Premises Selling Alcoholic Beverages</b></i>			
	<i><b>Weekdays</b></i>	<i><b>Saturday</b></i>	<i><b>Sunday</b></i>
Class A, F, H, M	2:00 a.m. to 7:00 a.m.	2:00 a.m. to 7:00 a.m.	2:00 a.m. to 10:00 a.m.
Class B, C, D, K, L	10:00 p.m. to 10:00 a.m.	12:00 a.m. to 10:00 a.m.	11:00 p.m. (Sat.) to noon (12:00 p.m.)
*Class E and N	Friday and Saturday: Until 12:00 a.m. 18-hour license		
*License shall expire at 12:00 a.m. and shall be valid only for those times set forth in the permit.			

### **§ 112.26 LOCATION REQUIREMENTS; RESTRICTIONS.**

(A) Licenses issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application for license. The location may be changed only upon the written permission to make the change, issued by the Commissioner with the approval of the Village Board. No license shall issue nor shall a change of location be permitted unless the proposed original or

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. No license shall be issued under this chapter unless the licensee at least partially conducts its operations on the first floor or ground level of a building.

(B) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, other than an institution for higher learning, hospital, home for aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to clubs, or to restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if the place of business not exempted shall have been established for the purposes prior to the taking effect of these provisions. This prohibition shall not apply to the renewal on premises within 100 feet of a church or school where the church or school has been established within 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to the property line.

(C) No license shall be issued for the purpose of selling or offering for sale at retail any intoxicating liquor in any dwelling, house, flat or apartment building.

## **§ 112.27 PREMISES REQUIREMENTS.**

(A) In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in a restaurant, hotel, club or bowling alley other than one situated on the first or ground floor, no screen, blind, curtain, partition, article or other thing shall be permitted in the windows or upon the doors which would prevent a clear view into the interior of the licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction shall be permitted in or about the interior of the premises which shall prevent a full view of the entire interior of the premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk.

(B) All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible.

(C) In case the view into the licensed premises required by this section shall be willfully obscured by the licensee or by him or her willfully suffered to be obscured or obstructed, the license may be revoked in the manner provided.

(D) In order to enforce the provisions of this section, the local Liquor Control Commissioner shall have the right to require the filing with him or her of plans, drawings and photographs showing the clearance of the view as above required.

### **(E) Persons Not Permitted On Premises After Closing:**

(1) Members of the general public must leave the licensed premises no later than the closing time as specified in this section. The President and the Village Board may, in their discretion, further reasonably restrict the above general hours during which any licensee may keep open or allow his place of business to remain open or sell, offer for sale or give away any alcoholic liquor on any licensed premises when, in their joint judgment, a further restriction would be in the best interest of the public and the village and in furtherance of the general welfare and safety thereof. Any license so further restricted as to time, shall, when issued, indicate on the face thereof the hours during which the licensee thereunder may keep open or allow his place of business to remain open as aforesaid.

(2) No member of the general public shall remain in or upon the licensed premises after the closing time as provided in this section; provided, that in the case of licensed establishments whose principal business is other than the retail sale of liquor, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed during such hours on such premises.

(3) Nothing herein shall be construed to prevent the licensee and/or his employees from remaining upon the licensed

premises after the aforesaid closing hours. No alcoholic liquor shall be consumed after the time required for closing. Should any person other than the licensee, members of his family or his employees, agents or servants be found leaving the licensed premises after closing, the village shall have the right to presume that such person was served alcoholic beverage after the required closing time, and such presumption may be raised in any court in a proceeding for violation of the terms of this chapter or at any hearing concerning the revocation of the license issued to the licensee of the premises in question.

#### **§ 112.28 EMPLOYEES.**

(A) *Health.* 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 with 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 the liquor.

(B) *Minors.* No person under the age of 21 years shall wait on trade, act as agent or employee, sell or assist in the sale of any alcoholic liquor at retail for consumption on the premises. No person under the age of 21 years shall sell, deliver or assist in the sale or delivery of alcoholic liquor sold in any establishment licensed pursuant to this chapter.

#### **§ 112.29 LIQUOR ON PUBLIC PROPERTY; SPECIAL EVENTS AND OUTINGS.**

(A) *Liquor Sales Prohibited; Exceptions:* No alcoholic liquors or alcoholic beverages shall be sold in any building or upon any lands belonging to or under the control of the village except as provided in subsection B of this section or in conformance with the issuance of a Class E or Class N license (sale) or in accordance with the liquor control act.

(B) *Permit Required For Outings and Special Events:* Alcoholic beverages may only be sold on Village owned land in conjunction with a Class E or Class N license if approved by the Board of Trustees. The village board of trustees may, upon application, in writing, grant written permits on lands owned or under the control of the village in conjunction with a Class E or Class N license.

(C) No person shall have in his possession, custody or control, or consume any alcoholic liquors or alcoholic beverages in any building or upon any lands belonging to or under the control of the village, including parks and other places of recreation, without having in his possession a permit issued pursuant to paragraphs B or D.

(D) *Other Permits for Alcoholic Liquor on Village Property; Conditions:* Upon application, in writing, the Commissioner or the Village Administrator may grant written permits to individuals and groups for the purpose of possessing and consuming alcoholic liquors or beer on village owned lands used for gatherings. The permit shall state the name of the person or group to whom the same is issued, the place where consumption and possession of alcoholic liquors and beer are permitted and the dates or time period such permit shall be in effect. In the event the application for a permit under this subsection D is denied by the Commissioner or Village Administrator, the applicant may further apply before the village board of trustees which may reverse the denial and grant the permit. Permits issued under this subsection D shall not allow the sale of alcoholic liquors or beer.

(E) *Restrictions On Issuance Of Permit:* Neither the village administrator nor the village president nor the board of trustees shall grant any permit under the provisions of subsection D of this section in the event of any of the following:

- (a) The applicant is not a person of good moral standing.
- (b) The applicant has previously been issued a permit and has violated any of the terms of the former permit.
- (c) The applicant has previously violated any provision of this section within one year of the application.

- (d) The application is for a group the size of which is greater than the park or recreation site can accommodate.
- (e) The park or recreation site for which the permit is requested is otherwise reserved for another purpose during the date, dates or time period requested in the application.

(F) A village police officer may be required by the Police Chief for outings, special events, and gatherings on Village Property when alcoholic beverages are present. One officer is needed for groups of 70 or less when alcoholic beverages are being served; groups of more than 70 must have additional officers as designated by the Police Chief.

(G) Designated areas are required for alcoholic distribution and consumption at special events, outings, and gatherings on Village Property when alcoholic beverages are present.

(H) For outings, special events, and gatherings on Village Property when alcoholic beverages are present, a letter of explanation giving details of the event, such as date, purpose and planned activities, shall be provided by the Applicant. Procedures to control under-age drinking and over-consumption of alcohol, along with the name of one adult individual (who is 21 years age or older) responsible for the activity, must be included. The designated adult (who is 21 years of age or older) is required to be on site during the entire event.

#### **§ 112.30 VIDEO GAMING DEVICES.**

Licensees may keep video gaming devices consistent with Illinois law for use in premises covered by a license issued pursuant to this chapter, subject to any generally applicable regulations covering such devices set forth by the village.

#### **§ 112.31 DISORDERLY CONDUCT ON PREMISES.**

No person licensed under this chapter shall permit any disorderly conduct or disturbance of the peace upon the premises.

#### **§ 112.32 RESPONSIBILITY OF LICENSEE.**

- (A) The licensee, and his or her or its agents, officers and employees, shall at all times be personally responsible for the proper operation of the business, including compliance with the provisions of this chapter and the observation of all laws and regulations applicable thereto.
- (B) Licensee shall appoint a contact person who shall be a resident of the village and who shall be available at all times for contact by village officials.
- (C) Licensee shall notify the Village Clerk in writing of the name, address and telephone number of the contact person and in his or her absence, an alternative person.

#### **§ 112.33 MINORS PROHIBITED.**

- (A) It shall be unlawful for any person under the age of 21 to purchase or obtain any liquor in any tavern or other place in the village where alcoholic liquor is sold.
- (B) It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold.

(C) In every tavern or other 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 applicant/licensee and which shall read substantially as follows:

**"WARNING TO MINORS**

(Under 21 Years of Age)

*You are subject to a fine not to exceed five hundred dollars (\$500.00) under the ordinances of the Village of Elwood if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."*

(D) It shall be unlawful for licensee, or his or her agent or employee to suffer or permit any minor to be or remain in any room or compartment adjoining, adjacent or situated in the room or place where the licensed premises is located; provided, that this division (D) shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of commodities other than alcoholic liquor.

(E) In addition to all other fines and penalties, the Commissioner may suspend or revoke the retail liquor dealer's license for any violation of the above division (D).

(F) It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any provisions of this section.

(G) It shall be unlawful to sell, give or deliver alcoholic liquor to any minor, except in the performance of a religious ceremony or service.

(H) This chapter shall not apply to possession by a person under the age of 21 years, making a delivery of an alcoholic beverage pursuant to the order of his or her parent or in pursuit of his or her employment.

**§ 112.34 IDENTIFICATION REQUIREMENT.**

(A) It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or to have alcoholic liquor in his or her possession.

(B) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, he or she shall, before making the sale or delivery, demand presentation of some form of positive written identification, containing proof of age issued by a public officer in the performance of his or her official duties.

(C) No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section.

**§ 112.35 SALES TO CERTAIN PERSONS PROHIBITED.**

It shall be unlawful for any licensee or its officers, agents, or employees, to sell, deliver or give any alcoholic liquor to any intoxicated person, to a person under 21 years of age or to any person known to him or her to be an habitual drunkard, spendthrift, insane, feeble-minded or distracted person.

(Ord. 578, passed 5-3-1999) Penalty, see § 112.99

**§ 112.36 RESERVED.**

**§ 112.37 SALES AT STORES PATRONIZED BY MINORS.**

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for the minors.

### **§ 112.38 SUSPENSION OR REVOCATION OF LICENSE.**

The Local Liquor Control Commissioner may suspend for not more than 30 days or revoke for cause any liquor dealer's license for any violation of any local ordinance or State Law in the manner provided in the Act. In addition to and not in lieu of suspension or revocation, the Commissioner may impose a fine as provided by the Act. Prior to any suspensions, revocations, or fine a public hearing shall be conducted in accordance with the Act.

### **§ 112.39 OBSCENE CONDUCT OR ACTS PROHIBITED.**

(A) It shall be unlawful for any person, while acting as a waiter, waitress, bartender, entertainer or in any other position with licensee to intentionally:

- (1) Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region;
- (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 regions;
- (3) Expose any portion of the female breast at or below the areola thereof; or
- (4) Allow any customer or any other person to perform any of the above.

(B) It shall be unlawful for any licensee to permit or allow any waiter, waitress, bartender, entertainer or any other employee of licensee or any person to commit any of the unlawful acts in this section. A person shall be deemed to be a waiter, waitress, bartender or entertainer if the person acts in that capacity without regard to whether or not the person is paid any compensation by the management of the establishment in which the activity is performed.

(C) 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 interests) as such term is defined by state law.

(D) 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, wet T-shirt contests, mud wrestling or wrestling in Jell-O or wrestling in any substance other than air, and any similar contest or performance.

### **§ 112.40 OFFENSES BY OTHER THAN LICENSEE.**

(A) Liquor on public ways and other public places. No person shall possess alcoholic liquor upon a public way except in an unbroken original package, other than in an area designated as licensed premises by the commissioner as set forth in section 112.29.

(B) No person shall possess alcoholic liquor within a public library or public mass transit facility except in an unbroken original package or when such areas, or portions thereof, are designated as licensed premises by the commissioner as set forth in section 112.29.

(C) Alcoholic beverages on any parking lot, parking garage, business property, or vacant lots. No person shall possess any alcoholic beverage in an open or unsealed container while that person is located on:(1)A parking lot or parking garage accessible to the public;

(2)The exterior portion of any property being used as a business that is accessible to the public or for any other use not permitted in a residential zoning district; or (3) Any vacant lot accessible to the public with or without the owner's permission this prohibition shall not apply to any location that has been specifically licensed by the Village of Elwood Liquor Control Commissioner to permit the sale or consumption of alcoholic beverages The terms "parking lot" and "parking garage" as used in this section shall have the

same meaning as the term "off-street parking lot" as defined in the Village of Elwood Zoning Ordinance, as amended.

(D) Removal of alcoholic liquor from premises. No person shall nor shall a licensee permit a person to remove or attempt to remove alcoholic liquor in an open container or when permitted by applicable license in any packaging other than its original container or packaging from the licensed premises. The licensee shall post a sign at all exits prohibiting open liquor from being removed from the licensed premises. The licensee shall be prohibited from making "to go" or carry-out sales from the licensed premises unless the licensee is properly licensed for sales in closed containers. Notwithstanding the foregoing, opened wine bottles may be removed from the premises as permitted by the Act.

**§ 112.99 PENALTY.**

Any person violating any of the provisions of this chapter shall, in addition to revocation of his or her license as above provided, be fined not less than \$50 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during and on which a violation occurs or continues. Fines for licensees shall be as set forth in the Act.

**§ 112.100 APPEALS.**

Appeals from decisions of the Commissioner shall be as provided by the Act. Appeals shall be based solely upon the official record of proceeding before the Commissioner. All proceedings shall be transcribed by a certified court reporter.