

VILLAGE OF BRADFORD
ORDINANCE NO. 15/16-47

AMEND LIQUOR LICENSE TITLE 3, CHAPTER 3 "ALCOHOLIC LIQUOR"

ADOPTED BY THE VILLAGE BOARD
OF THE
VILLAGE OF BRADFORD

Published in pamphlet form by authority of the Village Board in the Village of
Stark County, Illinois, this 11th day of May 2016
[NOTE: When an ordinance is published in pamphlet form, the following certificate should be
filled out by the Municipal Clerk.]

STATE OF ILLINOIS)
County of STARK)
SS)

CERTIFICATE

I, Diana Cobb, Municipal Clerk of the Village of Stark, certify that I am the duly appointed and acting
Municipal Clerk of the Village of Stark, Illinois.

I further certify that on May 9, 2016, the Corporate Authorities of
such municipality passed and approved Ordinance No. 15/16-47, entitled

Amend Liquor License Title 3, Chapter 3 "Alcoholic Liquor"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. #15/16-47, including the Ordinance and a
cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal
building, commencing on May 11th, 2016 and continuing for at least ten days
thereafter. Copies of such Ordinance were also available for public inspection upon request in the
office of the Municipal Clerk.

DATED at Bradford, Illinois, this 11th day of May, 2016

(SEAL)

"This ordinance shall be in full force and effect from and after its passage, approval and publication in
pamphlet form as provided by law."

Municipal Clerk

Diana Cobb

VILLAGE OF BRADFORD,

Stark County, Illinois

AN ORDINANCE TO AMEND VILLAGE CODE TITLE 3 CHAPTER 3

“ALCOHOLIC LIQUOR”
VILLAGE OF BRADFORD

WHEREAS, THE Village Board has determined that the Village Liquor code is outdated and that it should be amended to more closely conform to current State law;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADFORD, STARK COUNTY, ILLINOIS AS FOLLOWS:

SECTION ONE. Village Code TITLE 3 CHAPTER 3 is hereby amended and shall henceforth read as follows:

ALCOHOLIC LIQUOR

Title 3

Chapter 3

State law references: Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.; local control of alcoholic liquor, 235 ILCS 5/4-1 et seq.

Article I. General Provisions

- Sec. 3-3-1. Definitions.
- Sec. 3-3-2. Consumption in public place.
- Sec. 3-3-3. Transportation or possession in motor vehicle.
- Sec. 3-3-4. Consumption in vehicle.
- Sec. 3-3-5. Violations and penalties.
- Secs. 3-3-6 - 3-3-30. Reserved.

Article II. Retail Establishments

Division I. Generally

- Sec. 3-3-31. Local liquor control commissioner.
- Sec. 3-3-32. Carrying unsealed containers from premises.
- Secs. 3-3-33 - 3-3-50. Reserved.

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- Sec. 3-3-51. Required.
- Sec. 3-3-52. Application requirements.
- Sec. 3-3-53. Filing of application.
- Sec. 3-3-54. License classifications; fees established; number of licenses.
- Sec. 3-3-55. Payment of fee.
- Sec. 3-3-56. Issuance to certain persons prohibited.
- Sec. 3-3-57. Location restrictions.
- Sec. 3-3-58. Issuance to businesses frequented by minors.
- Sec. 3-3-59. Restaurants and clubs.
- Sec. 3-3-60. Renewal.
- Sec. 3-3-61. Privileges granted by license.
- Sec. 3-3-62. Proof of License and Insurance Filed with Village.

residences of its members, and similarly files within ten days of the election of any additional member his name and application for a license under the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) two copies of a list of names and members and their guests; provided that such club files with the local liquor control commissioner at the time of its maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such State law references: Similar provisions, 235 ILCS 5/1-3.04.

(c) Beer means a 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. State law references: Similar provisions, 235 ILCS 5/1-3.05.

(b) Alcoholic liquors includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. State law references: Similar provisions, 235 ILCS 5/1-3.01.

alcohol. State law references: Similar provisions, 235 ILCS 5/1-3.01. (a) Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, including synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 3-3-1. Definitions.

ARTICLE I. DEFINITIONS

- Sec. 3-3-131. Prohibited sales and possession.
- Sec. 3-3-132. Violations; exceptions.
- Sec. 3-3-133. Display of warning card.
- Sec. 3-3-134. Exemption for sales pursuant to enforcement actions.
- Sec. 3-3-135. Employment of underage persons.
- Sec. 3-3-136. Permitting underage persons on licensed premises.

Article III. Underage Persons

- Sec. 3-3-91. Cooperation with police; duty to report illegal conduct.
- Sec. 3-3-92. Engaging in or permitting illegal activities.
- Sec. 3-3-93. Employment of illegal immigrants or diseased persons.
- Sec. 3-3-94. Registration of employees.
- Sec. 3-3-95. Hours of sale.
- Sec. 3-3-96. Display of birth defects warning sign.
- Sec. 3-3-97. Solicitation of drinks.
- Sec. 3-3-98. Curb service.
- Sec. 3-3-99. Private apartments or booths.
- Sec. 3-3-100. View of interior of premises.
- Sec. 3-3-101. Restrictions on posting of prices.
- Sec. 3-3-102. Sanitation of premises.
- Sec. 3-3-103. Sale to intoxicated persons.
- Sec. 3-3-104 - 3-3-130. Reserved.

Division 3. Operational Restriction and Requirements

- Sec. 3-3-63. Change of business location.
- Sec. 3-3-64. Suspension or revocation; penalty.
- Sec. 3-3-65. Complaints of violations.
- Sec. 3-3-66. Appeals.
- Sec. 3-3-67. Display.
- Sec. 3-3-68. Record of licenses.
- Sec. 3-3-69 - 3-3-90. Reserved.

address; and provided further that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

State law references: 235 ILCS 5/1-3.24.

(e) Grocery store means any establishment operated by a person within the village in which the principal function is the selling of general supplies for the table or human consumption, food fare, and other articles of household use, at retail to consumers, and where 90% of the gross revenue from the retail sales is derived from the sale of such products.

(f) Licensee means any person, firm or corporation or partnership or club holding a license under the provisions of this chapter.

(g) Mini-mart means any establishment operated by a person within the village which sells products for the general supply of the table or human consumption and other articles of household use, at retail to consumers, and also sells motor fuels. The wholesale cost of inventory to the licensee for general supplies for the table, foodstuffs, food fare and other articles of household use to be sold at retail to consumers, but not to include petroleum products, alcoholic liquor, tobacco products or services such as ATM machines, money orders, notary public services and public lotteries, to be displayed in the retail sales area shall exceed \$1,000.00.

(h) Minor means any person under the age of 21 years.

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

State law references: 235 ILCS 5/1-3.06.

(j) Public place means any street, sidewalk, public way, public park, public school, public school parking area, public parking area, or public or municipal building in the village.

(k) Resident of the village means any person, entity or corporation having his or its place of business in the village.

(l) Restaurant means 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 and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

State law references: 235 ILCS 5/1-3.23.

(m) Retail sales means sale for use or consumption and not for resale.

(n) Retailer means any person who sells or offers for sale alcoholic liquors, spirits, wine or beer.

State law references: 235 ILCS 5/1-3.17.

(o) Sell at retail, sale at retail and retail sale mean sales for use or consumption and not for resale in any form.

State law references: 235 ILCS 5/1-3.18.

(p) Spirits means any beverage which contains alcohol by distillation, mixed with water or other substance in solution, and includes brandy, rum, whisky, gin or other spirits as liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substance.

State law references: 235 ILCS 5/1-3.02.

(q) Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a public place.

(r) Wine means 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.

State law references: 235 ILCS 5/1-3.03.

Sec. 3-3-2. Consumption in public place. It shall be unlawful for any person to drink or consume any alcoholic liquor in any public place in the village. This section does not apply to public places for which alcoholic liquor licenses are issued if the license authorizes consumption of alcoholic liquor on the premises.

Sec. 3-3-3. Transportation or possession in motor vehicle.

(a) Except as provided in subsection (c) of this section, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway except in the original container and with the seal unbroken.

(b) Except as provided in subsection (c) of this section, no passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle upon a highway except in the original container and with the seal unbroken.

(c) This section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used, or in a motor home or mini motor home as defined in 625 ILCS 5/1-145.0 I., however, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this section. For the purposes of this section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid state driver's license of the appropriate classification pursuant to 625 ILCS 5/6-104.

(d) The exemption applicable to chartered buses under subsection (c) of this section does not apply to any chartered bus being used for school purposes.

State law references: Similar provisions, 625 ILCS 5/1-502.

Sec. 3-3-4. Consumption in vehicle.

No person shall drink or consume any alcoholic beverage in any vehicle or any other form of conveyance while upon or in a public place in the village.

Sec. 3-3-5. Violations and penalties.

Violations of any article or subsection of this ordinance shall be punishable by a minimum fine of \$50.00 up to a maximum of \$750.00 per violation. Each day a violation occurs, counts as an individual and additional violation. These fines are in addition to and do not supplant other rights and remedies that are permissible to the village or other licensing agencies under Illinois state law or regulation.

Secs. 3-3-6 - 3-3-30. Reserved.

ARTICLE II.

RETAIL ESTABLISHMENTS

*State law references: Local control over retail sale of alcoholic liquor, 235 ILCS 5/4-1 et seq.

DIVISION I.

GENERALLY

Sec. 3-3-31. Local liquor control commissioner.

The village president is the local liquor control commissioner.

State law references: Village president to be local liquor control commissioner, 235 ILCS 5/4-2.

Sec. 3-3-32. Carrying unsealed containers from premises.

(a) Except as provided, it shall be unlawful for any person to carry any alcoholic liquors in any unsealed or open container from the licensed premises where such alcoholic liquor was purchased.

- (6) The location and description of the premises or place of business which is to be operated under the
- (5) The amount of goods, wares, and merchandise on hand at the time the application is made.
- the date on which its charter was issued.
- (4) The length of time the applicant has been in business of that character or, in the case of a corporation, was formed.
- (3) The character of the business of the applicant, and, in the case of a corporation, the objects for which it of his naturalization.
- (2) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place person.
- majority in interest of the stock of such corporation is owned by one person or his nominee, the name and address of such incorporation, the object for which it was organized, the names and addresses of the officers and directors, and, if a or association, the persons entitled to share in the profits thereof, and, in the case of a corporation for profit, the date of (1) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership local liquor control commissioner and shall contain the following information statements:
- thereof if a corporation, association or partnership, and verified by affidavit, and shall be submitted and filed with the commissioner or to the party designated by him, signed by the applicant, if an individual, or by a duly authorized agent (a) All applications for the license required by this division shall be made in writing to the local liquor control Sec. 3-3-52. Application requirements.

terms and conditions of such license.

(c) It shall be unlawful for any such person to sell or offer for sale any alcoholic liquor in violation of the **proof of compliance with this provision.**

having obtained Dram Shop insurance coverage. **The local liquor control commissioner shall require documentary**

(b) It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell or offer for sale at retail in the village any alcoholic liquor without first **liquor control commissioner shall require documentary proof of compliance with this provision.**

(a) It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell or offer for sale at retail in the village any alcoholic liquor without first having obtained a license to do so issued by the local liquor control commissioner and by the State of Illinois. **The Local**

Sec. 3-3-51. Required.

LICENSE

DIVISION 2.

State law references: State licenses, 235 ILCS 5/5-1 et seq.

ARTICLE II.

Secs. 3-3-33 - 3-3-50. Reserved.

- sidewalks, yards, driveways, parking lots and similar outside areas.
- alcoholic liquor, but specifically excluding any outside areas such as patios, open porches, rooftop, balconies, stoops, license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of (c) For the purpose of this section, the term "premises" is defined as that area within a building for which a containers of alcohol cannot be removed from the premises.
- prominent location near an exit to any facility where liquor is sold, a sign providing that under penalty of law, unsealed intends to carry the alcoholic liquor from the premises in an open or unsealed container. All licensees shall post in a permit any patron to violate this section or continue to sell alcoholic liquors to such person knowing that such person (b) No licensee, or person as proprietor, agent, servant or employee of such licensee, shall knowingly

license.

(7) A statement of whether the applicant has made similar application for a license on premises other than described in this application, and the disposition of such application.

(8) 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 other ordinances of the village.

(9) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked, and the reasons therefor.

(10) A statement of the length of time the applicant has resided in the village prior to the submission of the application.

(11) A copy of any lease required by this article. If such lease contains an option for renewal, such option will be deemed to have been exercised unless the lessor notifies the local liquor control commissioner writing to the contrary.

(12) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinance of the village in the conduct of his place of business.

(b) All applicants for any liquor license, at the time of filing their application, shall receive without cost one copy of this chapter.

Sec. 3-3-53. Filing of application.

No application for a license under this division shall be considered, acted upon or granted until and unless the application required by this division has been filed in the office of the local liquor control commissioner.

Sec. 3-3-54. License classifications; fees established; number of licenses.

Licenses to sell alcoholic liquor at retail are hereby divided into classes as follows:

(A) CLASS A LICENSE. A Class A license shall authorize the retail sale of alcoholic liquor for consumption on and off the premises Monday through Thursday, between the hours of 6:00 a.m., and 1:00 a.m., and Friday and Saturday, between the hours of 6:00 a.m., and 1:00 a.m., for an annual fee of \$450.00.

(B) CLASS B LICENSE. A Class B license shall authorize the retail sale of alcoholic liquor on and off the premises of a restaurant Monday through Thursday, between the hours of 6:00 a.m., and 1:00 a.m., and Friday and Saturday, between the hours of 6:00 a.m., and 1:00 a.m., for an annual fee of \$350.00.

(C) CLASS C LICENSE. A Class C license shall authorize a club as defined in this Chapter to sell and serve alcoholic liquor to its members and their guests only for consumption on the premises Monday through Thursday, between the hours of 6:00 a.m., and 1:00 a.m., and Friday and Saturday, between the hours of 6:00 a.m., and 1:00 a.m., for an annual fee of \$450.00.

(D) CLASS D LICENSE. A Class D license shall authorize the retail sale of alcoholic liquor off premises only Monday through Thursday, between the hours of 6:00 a.m., and 1:00 a.m., and Friday and Saturday, between the hours of 6:00 a.m., and 1:00 a.m., and Sunday between the hours of 6:00 a.m., and 1:00 a.m., for an annual fee of \$900.00.

(E) CLASS E LICENSE. A Class E license shall authorize the retail sale of alcoholic liquor on and off premises Monday through Thursday, between the hours of 6:00 a.m., and 1:00 a.m., and Friday and Saturday, between the hours of 6:00 a.m., and 1:00 a.m., and Sunday between the hours of 6:00 a.m., and 1:00 a.m., for an annual fee of \$850.00. In addition, such license shall authorize the retail sale of alcoholic liquor on New Year's Eve until 1:00 a.m., New Year's Day. A Class E license, after payment of the fee, also includes special events sponsored by the Village allowing liquor to be carried off premises in an open container at times when the roads have been closed for the event, however, proof of insurance naming the Village as additional insurers must be provided.

(F) CLASS F LICENSE. A Class F license shall authorize the retail sale of alcoholic liquor on and off premises of a restaurant which has 51 % or more of its sales in food Monday through Thursday, between the hours of 6:00 a.m., and 1:00 a.m., and Friday and Saturday, between the hours of 6:00 a.m., and 1:00 a.m., and Sunday between the hours of 6:00 a.m., and 1:00 a.m., for an annual fee of \$850.00. In addition, such license shall authorize the retail sale of hours of 10:00 am to Midnight, for an annual fee of \$850.00.

alcoholic liquor on and off premises on New Year's Eve until 1:00 a.m., New Year's Day. Retail sale of alcoholic liquor off the premises is prohibited before noon on Sundays. Solely for purposes of a Class F License, "premises" shall include that part of the premises which is outdoors but enclosed by a wall or walls, fence, or railing not less than 4 feet high, and which is part of an open-air, cafe-style restaurant.

(G) CLASS G LICENSE. The Class G License shall constitute a special limited license and shall be designated a "liquor permit." A Class G permit shall authorize the retail sale of alcoholic liquor on the specified premises listed in the application, and the application shall be filed not less than two weeks prior to the date or dates requested for the limited license. The fee for a Class G liquor permit shall be \$30.00, which shall be deposited with the application.

1. A Class G permit shall entitle the holder to dispense alcoholic liquor for not more than the specified day or days and hours stated in the permit. The holder of a Class G permit shall be required to submit proof to the proper village authorities that the holder of the permit also possesses the appropriate state license prior to the use of the permit issued under this article.

2. A Class G liquor permit shall be available to profit and not-for-profit or charitable institutions as defined by the state statutes and/or defined by the Internal Revenue Code. The fee for a charitable or not-for-profit institution for a license under this section shall be \$0-0. A fee for a holder of a Class G License issued under this section for an organization which is not characterized as charitable or not-for-profit shall be \$30.00.

3. Sufficient evidence of dram shop liability insurance and acceptable indemnification to the village must be provided to the local liquor control commissioner with the applicant permit.

4. The type of permit or license granted under this subsection, known and referred to as a Class G License, shall be a permissive license, and shall entitle the holder to the privilege of selling alcoholic beverages pursuant to all code requirements the same as any other liquor license; however the holder of this permit, upon acceptance of the permit, specifically waives any and all claims or rights that he may obtain in being granted this special permit, and specifically authorizes the president of the village or his delegate, to revoke or terminate the permit at any time for good cause.

5. The local liquor control commissioner may require such additional requirements, and may promulgate such rules and regulations as they deem advisable, and specific authorization is hereby given to the liquor commissioner to carry out the intent of this subsection and to require the applicant and the permit holder to satisfy all such regulations as they deem advisable to protect the public interest.

Sec. 3-3-55. Payment of fee.

(a) All license fees required by this division shall be attached to the application for a license. If the license applied for is denied, the fee shall be returned to the applicant.

(b) The annual license fee shall be paid at the time of the issuance of the license. The payment for the annual license fee, as provided in this section, shall be made in **cash, money order, corporate check, or cashier's check**, and no other method of payment shall be acceptable. The fee for the first year a license is issued shall be prorated per day for that portion of the year for which the license is issued.

(c) All such fees shall be paid to the village clerk at the time application is made and shall be forthwith turned over to the treasurer. In the event the license applied for 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 president and village board for proper action (Ord. 388A, 1967).

Sec. 3-3-56. Issuance to certain persons prohibited.

(a) Except as otherwise provided in subsection (b) of this section, no alcoholic liquor license of any kind shall be issued to:

(1) A person who is not a resident of the village.

(2) A person who is not of good character and reputation in the village.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any federal or state law, unless the local liquor

control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the local liquor control commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued under this division would not be eligible for such license upon a first application.

(9) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this division for any reason other than residence within the village.

(10) 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 such corporation, would not be eligible to receive a license under this division for any reason other than citizenship and residence within the village.

(11) A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) to transact business.

(12) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee.

(13) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to January 31, 1934, or has forfeited his bond to appear in court to answer charges for any such violation.

(14) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(15) Any law enforcing public official, including members of the local liquor control commission, the village president, or members of the village council, and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor.

(16) A person who is not a beneficial owner of the business to be operated by the licensee.

(17) A person who has been convicted of a gambling offense as proscribed by 720 ILCS 5/28-1(a)(1)-(a)(11), or as proscribed by 720 ILCS 5/28-1.1, 5/28-3, or as proscribed by a statute replaced by any of such statutory provisions.

(18) A person to whom a federal wagering stamp has been issued by the federal government, unless the person is eligible to be issued a license under the Raffles Act (230 ILCS 15/0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.).

(b) A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The local liquor control commissioner shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

State law references: Similar provisions, 235 ILCS 5/6-2.

Sec. 3-3-57. Location restrictions.

(a) 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 of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, or military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or restaurants, food shops or other places where sale of alcoholic liquors is not the principal

A license issued under this division shall permit the sale of alcoholic liquor only on the premises described in the application and license, and only under the conditions and restrictions imposed in this chapter on the particular class of license described therein. Such license shall not be subject to attachment, garnishment or execution, nor shall it be alienable or transferable voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided that the executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased, insolvent or bankrupt licensee after the death of

Sec. 3-3-61. Privileges granted by license.

All applications for the renewal of a license issued under this division shall be made in writing to the local liquor control commissioner. In addition to the application for renewal, the licensee shall submit an affidavit stating that the information and statements contained in the original application have not changed. Upon such affidavit being filed, the license may be renewed without the filing of a full application.

Sec. 3-3-60. Renewal.

No person shall receive a license to sell alcoholic liquor upon any premises as a restaurant or as a club unless it has the qualifications respectively described in the definitions of restaurant and club in section 6-1. State law references: Similar provisions, 235 ILCS 5/6-25.

Sec. 3-3-59. Restaurants and clubs.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors. State law references: Similar provisions, 235 ILCS 5/6-12.

Sec. 3-3-58. Issuance to businesses frequented by minors.

(d) Except in the case of clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for any use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests. (Ord. 388A, 1967)

State law references: Similar provisions, 235 ILCS 5/6-11.

(c) 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.

(3) The restaurant is located 50 or more feet from a school.

(2) The immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership; and

(1) The primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant;

(b) Nothing in this section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if:

used for worship services or educational programs and not to property boundaries.

(b) Nothing in this section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if:

any church or school where the church or school has been established within such 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 business carried on, or to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of

such decedent, or such insolvency or bankruptcy, until the expiration of the license, but not longer than six months after the death, bankruptcy or insolvency of such licensee. Upon the death of a licensee, if the executor or administrator does not continue the business under such license, there shall be a refund made of that portion of the license fee paid for any period in which the executor or administrator may not operate. Any licensee shall have the right to a renewal of such license, provided that he is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose, but nothing in this section shall be deemed to restrict the right of the local liquor control commissioner to revoke any such license.

State law references: 235 ILCS 5/6-1.

Sec. 3-3-62. Proof of License and Insurance Filed with Village. At all times where a premises is engaged in the business of the sale of alcoholic beverages under any license type, the licensee shall maintain with the Village a current and valid insurance certificate and copy of their State Liquor License on file with the Office of the Village Clerk. Failure to supplement with current insurance certificates and State Licenses could result in fines and other effects of violating this ordinance such as temporary closure until licenses and insurance are proven.

Sec. 3-3-63. Change of business location; Last-call and presence of patrons. (1) The location described in the license and application required by this division may be changed only upon a written permit to make such change issued by the local liquor control commissioner, and only if the proposed new location is a proper one for the resale of alcoholic liquor under the laws of the state, the provisions of this chapter and other ordinances of the village. (2) Last-call shall be made not less than fifteen (15) minutes before closing time. It shall be unlawful for any patron to remain within the licensed premises for longer than fifteen (15) minutes after closing time and it shall be the duty and responsibility of each licensee, and the agents and employees of each licensee, to enforce this regulation by requiring all patrons to leave the premises within the time specified after closing time.

Sec. 3-3-64. Suspension or revocation; penalty. (a) The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) or of any valid ordinance or any applicable rule or regulation established by the local liquor control commissioner or the state liquor control commission which is not inconsistent with law. In addition to the suspension, the local liquor control commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000.00 for each violation. Each day on which a violation continues shall constitute a separate violation. Not more than \$10,000.00 in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the village treasury. However, no such licensee shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public, and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. (b) If the local liquor control commissioner has reason to believe that any continued operation of particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business on the licensed premises such order shall not be applicable to such other business. (c) The local liquor control commissioner shall, within five days after such hearing, if he determines after such hearing that the licensee should be revoked or suspended or that the licensee should be fined, state the reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the licensee has been revoked, and shall serve a copy of such order within the five days upon the licensee. The licensee, after the receipt

of such order of suspension or revocation, shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the state liquor control commission for a decision sustaining, reversing or modifying the order of the local liquor control commissioner. If the state commission affirms the local commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the local commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts.

State law references: Similar provisions, 235 ILCS 5/7-5.

Sec. 3-3-65. Complaints of violations.

Any five residents of the village shall have the right to file a complaint with the local liquor control commissioner stating that any retailer licensee subject to the jurisdiction of the local liquor control commissioner has been or is violating the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) or the rules or regulations issued pursuant thereto. Such complaint shall be in writing in the form prescribed by the local liquor control commissioner and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the local liquor control commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

State law references: Similar provisions, 235 ILCS 5/17-7.

Sec. 3-3-66. Appeals.

(a) Except as provided in this section, any order or action of the local liquor control commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending, or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may, within 20 days after notice of such order or action, be appealed by any resident of the village or any person interested, to the state liquor control commission.

(b) In any case where a licensee appeals to the state commission from an order or action of the local liquor control commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the state commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. In any case in which a licensee appeals to the state commission a suspension or revocation by a local liquor control commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding 12-month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the local liquor control commissioner's action has been issued by the state commission and shall cease all activity otherwise authorized by the license.

(c) The state commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past 12-month period. The appeal shall be limited to a review of the official record of the proceedings of the local liquor control commissioner. A certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local liquor control commissioner within five days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript. The state commission shall review the propriety of the order or action of the local liquor control commissioner and shall consider the following questions:

(1) Whether the local liquor control commissioner has proceeded in the manner provided by law.

(2) Whether the order is supported by the findings.

(3) Whether the findings are supported by substantial evidence in the light of the whole record.

(d) The only evidence which may be considered in the review shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner. No new or additional evidence shall be admitted or considered. The state commission shall render a decision affirming, reversing or modifying the order or

Sec. 3-3-92. Engaging in or permitting illegal activities. No licensee under this article, or any officer, associate, member, representative, agent or employee of such licensee, shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the village or statute of the state or of the United States of America.

(2) The local liquor control commissioner hereby is given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Dram Shop Act, 235 Illinois Compiled Statutes 5/1-1 et seq., or any rules or regulations adopted by him or by the state liquor commission have been or are being violated, and at such time to examine the premises of said licensee in connection therewith. (Ord. 388A, 1967)

(1) Each licensee under this article and each of his agents and/or employees shall promptly report to the police department of the village any incident occurring on or about the licensed property and in his knowledge or view relating to the commission of any crime, including but not limited to any violation of this chapter, and including but not limited to any fighting, batteries, or assaults, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any person in or about the licensed premises and any events taking place in and about the licensed premises.

Sec. 3-3-91. Cooperation with police; duty to report illegal conduct.

DIVISION 3. OPERATIONAL RESTRICTIONS AND REQUIREMENTS

ARTICLE II

Secs. 3-3-69 - 3-3-90. Reserved.

The local liquor control commissioner shall keep or cause to be kept a complete record of all licenses required by this division issued by him, and all licenses issued shall be given a number, beginning with number 1. The village clerk shall furnish the local liquor control commissioner, the village treasurer and the chief of police each with a copy thereof. Upon the issuance of any license or revocation of any license, the local liquor control commissioner shall give written notice of such action to each of these officers within 48 hours of such action.

Sec. 3-3-68. Record of licenses.

Every licensee shall cause his license issued under this division to be framed and kept in plain view in a conspicuous place on the licensed premises.

State law references: Similar provisions, 235 ILCS 5/6-24.

Sec. 3-3-67. Display.

(c) If, after review as provided in this section, the state commission shall decide that the license has been improperly issued, denied, revoked, suspended or refused to be revoked or a hearing to revoke or suspend has been improperly refused or that the licensee has been improperly fined or not fined, it shall enter an order in conformity with such findings, which order shall be in writing. A certified copy of the order shall be transmitted to the local liquor control commissioner and it shall be the duty of the local liquor control commissioner to take such action as may be necessary to conform with the order. If the appeal is from an order of the local liquor control commissioner denying a renewal application, the licensee shall have on deposit with the local liquor control commissioner an amount sufficient to cover the license fee for the renewal period and any bond that may be required.

State law references: Similar provisions, 235 ILCS 5/17-9.

Sec. 3-3-98. Curb service. No curb service for the sale of alcoholic liquors shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquor, for consumption upon the premises, either upon the public street or private property contiguous to such premises so licensed.

Sec. 3-3-97. Solicitation of drinks. No licensee under this article shall permit any employee or entertainer on the premises to solicit any patron or customer thereof to purchase alcoholic or nonalcoholic beverages for himself or any other person on or in such licensed premises; provided, however, that nothing contained in this section shall prohibit any person who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment. It shall be unlawful to peddle alcoholic liquor in the village.

Sec. 3-3-96. Display of birth defects warning sign. Every holder of retail license under this article, whether the licensee sells or offers for sale alcoholic liquors for use or consumption on or off the retail licensed premises, shall cause a sign with the message "Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects" to be framed and hung in plain view. These signs shall be no larger than 8 1/2 inches by 11 inches. State law references: Similar provisions, 235 ILCS 5/6-24a.

Sec. 3-3-95. Hours of sale. Hours of sale restricted. It shall be unlawful for any person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell or offer for sale any alcoholic liquor in the village between the hours of midnight and 6:00 a.m., on Friday and Saturday, between the hours of midnight and 1:00 p.m., and 11:00 p.m., and midnight on Sunday, and between the hours of 11:00 p.m., and 6:00 a.m., on any other day. (b) Closing hours generally. It shall be unlawful to keep open for business or to permit the public to patronize any premises where alcoholic liquors are sold during the hours within which the sale of such alcoholic liquors is prohibited; provided, however, that in the case of restaurants, grocery stores and mini-marts, such establishments may be kept open during such hours, but no alcoholic liquor may be sold during such hours. State law references: Restrictions on hours of sale authorized, 235 ILCS 5/6-14.

Sec. 3-3-94. Registration of employees. (a) No licensee under this article shall permit any person to act as his agent, clerk, barkeeper, servant or employee in connection with the sale of any alcoholic liquor unless such person is registered. It shall be the duty of the licensee, and of a corporation's officers or manager, to register such persons. (b) The licensee shall register such persons by furnishing the chief of police of the village, at his office, in writing, within 14 days of the employment of such person, the following information: the person's name, address, date of birth, driver's license number and social security number.

Sec. 3-3-93. Employment of illegal immigrants or diseased persons. It shall be unlawful for any person licensed under the provisions of this article to employ in any premises used for the retail sale of alcoholic liquor any person who is not a citizen of the United States unless he is an immigrant properly registered with the authorities of the United States, or who is afflicted with or who is a carrier of any contagious, infectious or venereal disease. It shall be unlawful for any person who is afflicted with or who is 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.

Sec. 3-3-99. Private apartments or booths. No person operating or conducting a tavern shall serve or permit to be served any alcoholic liquors, beer, wine or -spirited liquors of any kind in any private apartment, the interior of which is shut off from the general public view by doors, curtains, screenings, partitions or other devices of any kind, and no such private apartment or booth may be maintained as a part of or adjacent to any tavern.

State law references: Access from licensed premises to dwelling quarters, 235 ILCS 5/6-13.

Sec. 3-3-100. View of interior of premises.

(a) In the premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than a restaurant or hotel, no screen, blind, curtain, partition, article, sign, decoration or other thing shall be permitted in the windows or upon the doors of such licensed premises, or inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction, or any arrangement of lights or lighting, shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk. Such premises shall be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during the business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into such licensed premises required by the provisions of this section shall be willfully obscured by the licensee or by him willfully suffered to be obscured, or in any other manner obstructed, then his license shall be subject to revocation.

(b) In order to enforce the provisions of this section, the local liquor control commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of view as required in this section.

Sec. 3-3-101. Restrictions on posting of prices.

Prices of alcoholic liquor shall not be posted or displayed in, upon or adjacent to windows or on the exterior of or on any property adjacent to the premises of places of business licensed under this article.

Sec. 3-3-102. Sanitation of premises.

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

Sec. 3-3-103. Sale to intoxicated persons.

No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any intoxicated person.

State law references: Similar provisions, 235 ILCS 5/6-16.

Secs. 3-3-104 - 3-3-130. Reserved.

ARTICLE III. UNDERAGE PERSONS

Sec. 3-3-131. Prohibited sales and possession.

(a) Prohibited sales.

(1) No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, except as provided in section 6-134.

(2) No express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this state shall knowingly give or knowingly deliver to a residential address any shipping container

clearly labeled as containing alcoholic liquor and labeled as requiring the signature of an adult of at least 21 years of age to any person in this state under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this state shall obtain a signature acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age.

(3) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(b) Penalty for unlawful sale. Any person who violates the provisions of subsection (a) of this section shall be punished by a fine of not less than \$500.00. If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this state, is prosecuted under this section for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to section 6-132, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the state liquor control commission, or the local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

(c) Right to require evidence of age; furnishing false evidence of age. For the purpose of preventing the violation of this section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this state, may refuse to sell, deliver, or serve alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he is over the age of 21 years. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this village, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent state driver's license or state identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic liquor, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the secretary of state on a form provided by the secretary of state. However, no agent or employee of the licensee shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. This subsection, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

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

any community service shall be performed for an alcohol abuse prevention program.

(e) Possession or consumption.

(1) It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell,

give, or deliver such alcoholic liquor to another person under 21 years of age.

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

(3) It shall be unlawful for any person to knowingly permit a gathering at a residence which he or she occupies of one or more additional persons when any one or more of such persons is under 21 years of age and the person occupying the residence knows that any such person under the age of 21 years of age is in possession of or is consuming any alcoholic liquor.

(4) It shall be unlawful for any person to knowingly enter or remain in: (i) any house, building, yard or other premises, other than premises licensed to sell alcoholic liquor; or (ii) any vehicle as defined in 625 ILCS 5/1-217, under circumstances where the person knows or reasonably should know that alcoholic liquor is being illegally possessed or consumed by persons under the age of 21 years on such premises or in such vehicle.

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

(a) is altered or defaced in any manner;

(b) is false or forged;

(c) is the identification card of another;

(d) was obtained by means of false information;

to induce another to sell, give or deliver alcoholic liquor to the bearer. For the purposes of this section, an identification card is defined as any document issued by a public officer in the performance of his official duties which on its face purports to identify the name and age of the bearer.

(6) No person under 21 years of age shall enter or remain upon any premises licensed for the sale of alcoholic liquor except in the company of his or her parent or legal guardian; provided, however, that this section shall not apply to restaurants, package liquor stores, or to that portion of bowling alleys, dance halls, rental halls, assembly halls or stadiums other than those used exclusively or primarily for the sale and consumption of alcoholic liquors. Notwithstanding the foregoing prohibition, the holder of a liquor license may apply to the liquor commissioner for a special permit which would allow persons under 21 years of age to enter and remain upon the premises for which the liquor license was granted, as in the case of a "teen night" where liquor will be neither sold nor displayed.

(f) Parental responsibility for violations on private residences. It is unlawful for any parent or guardian to permit his residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this section if he knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection shall be punished by a fine of not less than \$500.00. Nothing in this subsection shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service. (g) Gatherings at private residences. (1) Any person shall be guilty of an offense where he knowingly permits a gathering at a residence which he occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(a) The person occupying the residence knows that any such person under the age of 21 years is in possession of or is consuming any alcoholic liquor;

(b) The possession or consumption of the alcohol by the person under the age of 21 years is not otherwise permitted by law; and

(c) The person occupying the residence knows that the person under the age of 21 years of age

leaves the residence in an intoxicated condition.

(2) For the purposes of this subsection, where the residence has an owner and a tenant or lessee, there is a

rebuttable presumption that the residence is occupied only by the tenant or lessee.

(h) Renting room for purpose of unlawful consumption. Any person who rents a hotel or motel room from the

proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of an offense. It shall be unlawful for any minor to attend any bar, to draw, pour or mix any alcoholic liquor in any licensed retail premises. (Ord. 388A, 1967)

State law references: Similar provisions, 235 ILCS 5/6-16.

Sec. 3-3-132. Violations; exceptions.

(1) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. If a licensee or his agent or employee believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties. 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. The consumption of alcoholic liquor by any person under 21 years of age is forbidden. The possession and dispensing, or consumption, by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited.

(2) It shall be unlawful for any person to possess or have within their control any type of alcoholic beverage on any property owned or maintained by the village of Bradford other than in its original package or container with its original seal, if any, unbroken, within the corporate limits, without having obtained prior written approval by two-thirds (2/3) majority vote of the trustees of the village at a regular or special meeting of the village and written approval of the president of the village of Bradford.

State law references: Similar provisions, 235 ILCS 5/6-20.

Sec. 3-3-133. Display of warning card.

Every place in the village where alcoholic liquor is sold for beverage purposes shall display in a prominent place a printed card which shall read as follows: WARNING TO MINORS -- You are subject to a fine up to \$500.00, under the ordinances of the Village of Bradford, if you purchase alcoholic liquor for yourself, or misrepresent your age for purpose of purchasing or obtaining alcoholic liquor.

Sec. 3-3-134. Exemption for sales pursuant to enforcement actions.

A licensee or an officer, member, representative, agent, or employee of a licensee may sell, give, or deliver alcoholic liquor to a person under the age of 21 years or authorize the sale, gift, or delivery of alcoholic liquor to a person under the age of 21 years pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a person employed by the licensee or on any licensed premises if the licensee or officer, associate, member, representative, agent, or employee of the licensee provides written notice, at least 14 days before the "sting operation" or enforcement action. Notice provided under this section shall be valid for a "sting operation" or enforcement action conducted within 60 days of the provision of that notice.

State law references: Similar provisions, 235 ILCS 5/6-16.1.

Sec. 3-3-135. Employment of underage persons.

The holder of a liquor license may employ individuals under the age of 21 years, subject to the employment restrictions herein contained. Any such employee may be on the premises for which the liquor license has been issued while such employee may be on the premises for which the liquor license has been issued while such employee is acting in the

course of his or her employment. An employee 18 years or older may sell packaged liquor, beer, or wine, and may serve mixed drinks, beer or wine in the course of his or her employment, provided, however, that no such employee under 21 years of age may conduct such activity unless an employee 21 years or older is in the licensed retail premises and is supervising the employment activities of any such employee under the age of 21 years; provided further, that no such employee under the age of 21 years may attend bar, draw or mix any alcoholic liquor or beverage in any licensed retail premises and provided further that no employee under the age of 18 years may sell packaged liquor, beer or wine service mixed drinks, beer, wine or alcohol in any form whatsoever.

Sec. 3-3-136. Permitting underage persons on licensed premises.

(a) Prohibited; exceptions. It shall be unlawful for any holder of a retail alcoholic liquor dealer's license or his agent or employee to suffer or permit any minor to be or remain in any room or compartment adjoining, adjacent to or situated in the room or place where such licensed premises is located; provided that this subsection shall not apply to any minor accompanied by his parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquors.

(b) Defense. In those instances where a person under the age of 21 years is prohibited from entering and remaining on the premises, proof that the defendant- licensee, or his employee or agent, demanded, was shown, and reasonably relied upon adequate written evidence for purposes of entering and remaining on the licensed premises is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the defendant- licensee, or his agent or employee, accepted the written evidence knowing it to be false or fraudulent. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. If a false or fraudulent state driver's license or state identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of obtaining entry and remaining on licensed premises, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the secretary of state on a form provided by the secretary of state.

State law references: Authority to prohibit underage persons on premises and exemptions from such offenses, 235 ILCS 5/6-16.2.