

## Chapter 9 – Liquor Control

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## 901 Definitions

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below.

**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.** 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, and as is further defined in 235 ILCS 5/1-3.05, commonly known as the Liquor Control Act as amended.

**Beer.** 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.

**Club.** 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 which conforms to the definition of a club, as provided by 235 ILCS 5/1-3.24, commonly known as Liquor Control Act as amended.

**Full Service Kitchen.** A full service kitchen shall mean adequate cooking facilities such as ovens, ranges, stoves and cooking surfaces, to prepare food for the on site consumption of patrons, with adequate facilities to store food to be prepared in the future and to sanitize and clean equipment as necessary. A full service kitchen may offer a mix of items for sale to patrons which includes food prepared on site and food which is purchased from a third party which is in a near ready to eat format and may only need to be heated in order to be served. However, in order to qualify as a full service kitchen, more than 60% of meals served to patrons shall be prepared on site. A full service kitchen shall be licensed by the McHenry County Department of Health and any other agency with licensing jurisdiction. (*Revised Ord. 2015-38*)

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

**Package Store.** Every building or other structure kept, used, maintained, advertised and held up to the public where alcoholic liquors are sold at retail, nor for medicinal purposes and not for consumption on the premises, in the original and unbroken packages only.

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

**Retail Sale.** Sale for use or consumption and not resale in any form.

**Sale.** Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if the same person holds both licenses.

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

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

## 902 Licenses Required

It shall be unlawful for any person to engage in the business or occupation of the retail sale of alcoholic liquor without first having obtained a license therefore in accordance with the terms and provisions of this chapter. No person shall be deemed fully licensed until a license has been actually issued and delivered to the applicant therefore. A separate license shall be required for each location, place or premises where such business or occupation is proposed to be carried on, whether or not under the same roof or on the same premises, or at the same street address.

## 903 Application Requirements

903.1 Application for a liquor license shall be made to the Liquor Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit.

903.2 No license shall be issued hereunder until the applicant shall have been investigated by the Police Department and a report filed with the Liquor Commissioner approving the issuance of such license. As part of the investigation, the Liquor Commissioner shall require fingerprints of each applicant. The cost of processing the fingerprints shall be the responsibility of the village. A copy of the fingerprints shall be held on record by the Chief of Police or his or her designee.

- 903.3 An applicant applying for an annual liquor license shall first deposit the license fee and application fee, if applicable, with the Liquor Commissioner.
- 903.4 For any start-up business the applicant must make application not less than 90 days prior to the issuance date of the license to provide sufficient time for a background check.
- 903.5 In the event there is a change of ownership in a licensed business, or change of managers, or partners in a partnership, or shareholders in a corporation who own more than 5 percent of the stock of a corporation, or members in a limited liability company, the Liquor Commissioner may issue the license prior to receiving the results of the background check. The owner/manager of the existing business is to be retained by the purchaser until such time as the purchaser's background investigation has been received, reviewed and approved by the Liquor Commissioner. However, if the background check reveals information provided in the application is false or if the applicant is prohibited from holding a liquor license, the license will be subject to immediate revocation, the applicant will be subject to a fine and there shall be no refund of any portion of the license fee.
- 903.6 No license or permit shall be issued hereunder unless the applicant files with the application a certificate of insurance, issued by an insurance company that is authorized to do business in the state, certifying that the applicant, and the owner of the premises housing the establishment from where the liquor is sold, has in force and effect liquor liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate and general liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. "Host" insurance shall not satisfy the terms of this section.
- Failure to obtain or maintain liquor liability insurance shall result in revocation or suspension of the liquor license.
- 903.7 No portion of the annual license fee shall be refunded in the event the licensed business ceases to operate during the license year except when a licensee's business is terminated due to eminent domain proceedings. If a licensee's business ceases during the license year due to eminent domain proceedings, the Village shall prorate the license fee and refund the portion relating to the part of the license year after the business ceases.
- 903.8 Any and all licenses issued pursuant to this chapter shall be subject to any and all changes or amendments which may be hereafter made, and any and all rules adopted by the Liquor Commissioner. Any and all licenses shall be subject to any restrictions or conditions deemed desirable by the Liquor Commissioner.

903.9

A liquor license application shall contain the following statements, information and attachments:

- A. The name, address, date of birth, title, telephone number for each individual applicant, sole proprietor, partner, corporate officer or director (whether or not they own any stock), shareholder owning in the aggregate stock equal to or more than 5%, (including officers, directors and shareholders with stock equal to or more than 5% for all corporate shareholders), and/or manager or agent conducting the business. All Not-for-profit organizations and associations must provide the requested information for all corporate officers, directors and manager. *(Revised Ord. 2017-22)*
- B. Citizenship of the applicant(s), respective places of birth, and if a naturalized citizen(s) of the United States, the date and place of said naturalization.
- C. Length of time said applicant has been in business of that character; or in the case of a corporation, the date on which its charter was issued. *(Revised Ord. 2017-22)*
- D. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application. *(Revised Ord. 2017-22)*
- E. A statement that applicant will allow neither gambling nor gambling devices on the premises. However, video gaming and video gaming terminals may be allowed on the premises pursuant to 230 ILCS 40/1, et seq., the regulations of the Illinois Gaming Board and the provisions of the Village Code. *(Revised Ord. 2012-21)*
- F. Whether a previous license issued by any municipality, state or subdivision thereof, or the federal government has been either revoked or suspended and the reasons therefore. *(Revised Ord. 2017-22)*
- G. A statement that applicant has neither been convicted of a felony nor is disqualified to receive a license by reason of any matter or thing contained in this Chapter, the ordinances of this Village or the laws of this State or the United States of America.
- H. A statement that applicant will not violate any laws of the State, the United States or any ordinance of the Village in the conduct of his place of business.
- I. The name and address of the landlord if the premise is leased.
- J. A copy of a fully executed lease of premises whenever the applicant is not the property owner of the premises for which he or she is seeking a license and such lease must have coverage period equal to, or longer than the duration of the applicant's liquor license. Said lease must name the applicant as lessee.
- K. Such additional information that the Liquor Commissioner determines to be useful in evaluating the eligibility of the applicant for a license.

## 904 Restrictions on Licenses

The issuance of a liquor license is a privilege and the Liquor Commissioner may deny an application if the issuance of such license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the area in which the licensed premise is to be located. No such license shall be issued to:

- 904.1 An applicant who is an individual other than a resident of the Village;
- 904.2 An applicant who is not of good character and reputation either in the Village or otherwise;
- 904.3 An applicant, if it is an individual, who is not a citizen of the United States;
- 904.4 An applicant, if it is an individual, who has been convicted of a felony under any Federal or State law, unless the Liquor Commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust. The burden of proof of sufficient rehabilitation shall be on the applicant;
- 904.5 An applicant who has been convicted of being a keeper or is keeping a house of ill fame;
- 904.6 An applicant, if it is an individual, who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- 904.7 An applicant whose license has been revoked for cause either under this chapter or similar liquor control chapters in any state, county or local municipality thereof;
- 904.8 An applicant who, at the time of application for renewal of any license issued hereunder, would be ineligible for such license upon a first application due to a change in circumstances or the receipt of new or additional information or the like;
- 904.9 A copartnership applicant, if any general partner thereof, or any limited partner thereof, owning more than 5 percent of the aggregate limited partnership interest in such copartnership would be ineligible to receive a license hereunder for any reason other than residence in the village;
- 904.10 An applicant corporation or limited liability company, if any officer, manager, member or director thereof, or any stockholder or stockholders owning in an aggregate more than 5 percent of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than citizenship and residence in the Village;

- 904.11 An applicant corporation or limited liability company unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) or the Limited Liability Company Act (805 ILCS 105/1 et seq.) to transact business in Illinois;
- 904.12 An applicant whose place of business is conducted by either a manager or agent unless the manager or agent possesses the same qualifications required of the licensee, except those relating to residency;
- 904.13 An applicant who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or narcotic drugs, subsequent to the passage of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) or has forfeited bond to appear in court to answer charges for any such violation;
- 904.14 An applicant who neither beneficially owns the premises for which a license is sought, nor has a lease thereon for the full period for which the license is to be issued unless the lease for said premises is a multi-year lease due to expire within the license year and which contains provisions for renewal of said lease;
- 904.15 Any law enforcing public official, including the president of the village board of trustees, and any member of the village board of trustees; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted in the village to any member of a village board of trustees in relation to premises that are located within the village if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected;
- 904.16 An applicant other than a beneficial owner of the business to be operated by the licensee;
- 904.17 An applicant who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of 720 ILCS 5/28-1, or as proscribed by 720 ILCS 5/28-3, the Criminal Code of 1961, as amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
- 904.18 An applicant to whom a federal wagering stamp has been issued by the federal government, unless the applicant is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

- 904.19 A copartnership to which a federal wagering stamp has been issued by the federal government, unless the applicant is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;
- 904.20 A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20 percent of the stock of such corporation has been issued a federal wagering stamp by the federal government, unless the applicant is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act; and
- 904.21 Any premises for which a federal wagering stamp has been issued by the federal government, unless the applicant is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.
- 904.22 Any person who has not paid the appropriate fees required by this Chapter on the date specified. *(Revised Ord. 2015-02)*
- 904.23 A person who is legally indebted to the Village for payment of other fees, charges, bills or taxes which have remained unpaid for more than sixty (60) days. *(Revised Ord. 2015-02)*

If during the term of a license, a licensee's circumstances change or the village determines that a license has been issued and any of the above restrictions are applicable to the licensee, said licensee shall no longer be eligible to hold a license and said license shall be subject to revocation.

## **905 Violation of Federal Law, State Statute or Village Ordinance or Regulation**

- 905.1 No person holding a liquor license issued by the village shall:
- A. Violate or allow or permit a violation of any federal or state statute including, but not limited to, gambling, or any rule or regulation of the Illinois Liquor Commission, or any ordinance or regulation regulating the sale of alcoholic liquor, or violate any rule or regulation of the Commission.
  - B. Make any false statements on the Liquor License Application or do any act which would cause statements on said Liquor License Application to be false if currently made, even though true at the time of the application.
- 905.2 Violations of federal law, state statute or village ordinance or regulation may be proved by:
- A. Evidence that the licensee has been convicted of a violation of a federal law or a law of the State, or has been found guilty of violating any village ordinance regulating the sale of alcoholic liquor; or



B. Proof before the Liquor Commissioner of facts which establish, by a preponderance of the evidence, a violation of any federal law, state statute, village ordinance or resolution or rule of the Illinois Liquor Control Commission.

905.3 A violation as determined by the Liquor Commissioner shall be sufficient cause of the revocation or suspension and/or fine of any license issued by the village, irrespective of whether or not a disposition with a finding of guilt has been obtained in any court.

## 906 Term of License, Prorating Fees

906.1 **Term.** A liquor license is purely a personal privilege, good for not to exceed one year from the date of issuance. The one year period shall be from May 1 of each year to April 30 of each following year, unless sooner revoked or suspended. All licenses, regardless of the date of issuance, shall terminate on April 30 of each year following the date of issuance.

906.2 **Prorating Fees.** The fee to be paid for a license issued under the provisions of this chapter after May 1 shall be reduced in proportion to the number of full calendar months that have expired between May 1 and the date of the issuance of the license. Fractions of a month shall be counted as a whole month.

## 907 Classification of Licenses, Number Issued and Fees

*(Revised Ord. 2017-22)*

Licenses for the retail sale of alcoholic liquor are hereby divided into the following classes:

### 907.1 Class A-1 Licenses:

A. **Description.** Authorizes the retail sale of alcoholic liquor for consumption on the premises as well as the retail sale of alcoholic liquor by package. The license holder may also deliver alcoholic liquor by package subject to the restrictions, requirements and limitations of Section 926. Each premises shall have a full service kitchen in daily operation to prepare food for the on-site consumption of patrons. *(Revised Ord. 2020-10)*

B. **Application Fee.** A non-refundable application fee in the amount of \$1,000 shall be payable upon initial application to cover the costs of licensing and background checks.

C. **Annual Fee.** \$1,500.

D. **Number Allowed.** Four. *(Revised Ord. 2021-02)*

E. **Permitted Hours.** It shall be unlawful for any licensee to sell alcoholic liquor between the hours of 1:00 a.m. and 9:00 a.m. on Sunday, Monday, Tuesday, Wednesday or Thursday and between the hours of 2:00 a.m. and 9:00 a.m. on Saturday and Sunday. A premise may open at 5:00 a.m. to serve food but is not allowed to offer for sale or consumption of any alcoholic liquor until 9:00 a.m. On January 1, July 5 and Thanksgiving Day, it shall also be lawful to sell or offer for sale at retail any alcoholic liquor between the hours of 1:00 a.m. and 2:00 a.m.

907.2

**Class A-2 Licenses:**

- A. **Description.** Authorizes the retail sale of alcoholic liquor for consumption on the premises as well as the retail sale of alcoholic liquor by package. The license holder may also deliver alcoholic liquor by package subject to the restrictions, requirements and limitations of Section 926. Each premises shall have a full service kitchen in daily operation to prepare food for the on-site consumption of patrons. *(Revised Ord. 2020-10)*
- B. **Application Fee.** A non-refundable application fee in the amount of \$1,000 shall be payable upon initial application to cover the costs of licensing and background checks.
- C. **Annual Fee.** \$1,500.
- D. **Number Allowed.** Four. *(Revised Ord. 2019-30)*
- E. **Permitted Hours.** It shall be unlawful for any licensee to sell alcoholic liquor between the hours of 1:00 a.m. and 9:00 a.m. seven days a week. A premise may open at 5:00 a.m. to serve food but is not allowed to offer for sale or consumption of any alcoholic liquor until 9:00 a.m. On January 1, July 5, and Thanksgiving Day, it shall also be lawful to sell or offer for sale at retail any alcoholic liquor between the hours of 1:00 a.m. and 2:00 a.m.

907.3

**Class B Licenses:**

- A. **Description.** Authorizes the retail sale of alcoholic liquor but not for consumption on the premises where sold. The license holder may also deliver alcoholic liquor by package subject to the restrictions, requirements and limitations of Section 926. *(Revised Ord. 2020-10)*
- B. **Application Fee.** A non-refundable application fee in the amount of \$1,000 shall be payable upon initial application to cover the costs of licensing and background checks.
- C. **Annual Fee.** \$1,000.
- D. **Number Allowed.** Three. *(Revised Ord. 2017-28)*

- E. **Permitted Hours.** It shall be unlawful for any licensee to sell alcoholic liquor between the hours of 1:00 a.m. and 9:00 a.m. seven days a week. The area in any establishment used for the sale of packaged liquor shall be made totally inaccessible to the public during the hours that the sale of alcoholic liquor is prohibited.

907.4

**Class C-1 Licenses:**

- A. **Description.** Authorizes the retail sale of beer and wine by package and the retail sale of beer and wine only for the consumption or use on the licensed premises, incidental to the sale of food which is prepared daily in an operational full service kitchen for the on-site consumption of patrons, on premises maintaining no barroom, tavern, lounge or other area reserved exclusively for the retail sale of beer and wine on said premises. The license holder may also deliver beer and wine by package subject to the restrictions, requirements and limitations of Section 926. *(Revised Ord. 2020-10)*
- B. **Application Fee.** A non-refundable application fee in the amount of \$1,000 shall be payable upon initial application to cover the costs of licensing and background checks.
- C. **Annual Fee.** \$800.
- D. **Number Allowed.** None.
- E. **Permitted Hours.** It shall be unlawful for any licensee to sell alcoholic liquor between the hours of 1:00 a.m. and 9:00 a.m. on Sunday, Monday, Tuesday, Wednesday or Thursday and between the hours of 2:00 a.m. and 9:00 a.m. on Saturday and Sunday. A premise may open at 5:00 a.m. to serve food but is not allowed to offer for sale or consumption of any alcoholic liquor until 9:00 a.m. On January 1, July 5 and Thanksgiving Day, it shall also be lawful to sell or offer for sale at retail any alcoholic liquor between the hours of 1:00 a.m. and 2:00 a.m.

907.5

**Class C-2 Licenses:**

- A. **Description.** Authorizes the retail sale of beer and wine by package and the retail sale of beer and wine only for the consumption or use on the licensed premises, incidental to the sale of food which is prepared daily in an operational full service kitchen for the on-site consumption of patrons, on premises maintaining no barroom, tavern, lounge or other area reserved exclusively for the retail sale of beer and wine on said premises. The license holder may also deliver beer and wine by package subject to the restrictions, requirements and limitations of Section 926. *(Revised Ord. 2020-10)*
- B. **Application Fee.** A non-refundable application fee in the amount of \$1,000 shall be payable upon initial application to cover the costs of licensing and background checks.

- C. **Annual Fee.** \$800.
- D. **Number Allowed.** Two.
- E. **Permitted Hours.** It shall be unlawful for any licensee to sell alcoholic liquor between the hours of 1:00 a.m. and 9:00 a.m. seven days a week. A premise may open at 5:00 a.m. to serve food but is not allowed to offer for sale or consumption of any alcoholic liquor until 9:00 a.m. On January 1, July 5 and Thanksgiving Day, it shall also be lawful to sell or offer for sale at retail any alcoholic liquor between the hours of 1:00 a.m. and 2:00 a.m.

907.6 **Class D Licenses:** *(Revised Ord. 2017-36)*

- A. **Description.** Shall be issued only to a business that is a caterer-retailer and who presently holds a Class A-1, A-2, C-1 or C-2 liquor license issued by the Village of Spring Grove. The Class D license authorizes within the corporate limits of the Village of Spring Grove the off-site sale and delivery of alcoholic beverages by the drink for consumption so long as food service is available at such event. At least 5 days prior to the event, the licensee shall provide notice to the Village of Spring Grove and Village of Spring Grove Police Department of the location of the event and the date and hours during which the event shall occur.
- B. **Application Fee.** None.
- C. **Annual Fee.** \$250.
- D. **Number Allowed.** One.
- E. **Permitted Hours.** In no occasion shall the event extend beyond the hours established for a Class A-2 license holder.

907.7 **Class E Licenses:** *(Revised Ord 2019-17)*

- A. **Description.** Authorizes a business engaged in providing non-food goods or services to the public to allow the consumption of beer and wine by its patrons that: (1) is brought to the premises of the business by the patron and/or (2) is served by the business; as a complement to the patron's purchase of goods or services offered by the business.
- B. **Application Fee.** \$250.
- C. **Annual Fee.** \$300.
- D. **Number Allowed.** None.
- E. **Permitted Hours.** In no case shall the sale or consumption of alcoholic liquor take place outside of the normal business hours of the business nor between the hours of 1:00 a.m. and 9:00 a.m.

F. **Restrictions.** The following restrictions are applicable.

1. The licensee may provide patrons of the business with individual servings of wine or beer at no charge, or may provide glasses and ice for patrons who bring their own beer or wine to the premises.
2. No wine or beer may be served to or consumed by persons on the business premises except as a complement to the patron's contemporaneous purchase or consumption of goods or services made available to the public by the licensee.
3. No alcoholic beverages other than beer or wine are permitted.
4. It shall be unlawful for the licensee, its agents, and employees to permit any patron to leave the premises with an open container of wine or beer regardless of whether the wine or beer is provided by the licensee or brought to the licensed premises by the patron.
5. The licensee must maintain liquor liability insurance coverage as required by Section 903.6.
6. A Class E license shall not be issued to any business which operates primarily as a package liquor store or restaurant.
7. A Class E licensee is prohibited from having video gaming devices.

907.8

**Event Permit:**

A. **Description.** Authorizes the retail sale of beer and wine by any nonprofit organization or fundraising event located within the village, such as a church, order or lodge, veterans' organization, civic organization or other similar organization at any picnic, club or similar function sponsored by such organization or fundraising event.

B. **Fee.** \$100 per day.

C. **Restrictions.** The following restrictions are applicable.

1. No more than two (2) event permits shall be issued to any one such organization or club during a one year period. An event shall be limited to no more than four (4) consecutive days.
2. All sales and consumption pursuant to the event permit shall be conducted only during the hours specified on the permit.
3. Unless specifically provided otherwise, all requirements of this chapter including, but not limited to, a policy of insurance, shall apply to event permits granted under this subsection.
4. If the applicant does not own the premises from which the sale of liquor is made, a statement in writing executed and acknowledged by the owner of the premises shall be provided to the Liquor Commissioner stating that the

applicant has permission to occupy the premises at the dates and time of and for the purposes set forth in the application.

907.9

**Daily Permit:**

- A. **Description.** Authorizes the retail sale of beer and wine by any nonprofit organization or fundraising event located within the village, such as a church, order or lodge, veterans' organization, civic organization or other similar organization at any picnic, fundraising event or similar function sponsored by such organization or fundraising event.
- B. **Fee.** \$5 per hour with a minimum fee of \$10 day.
- C. **Restrictions.** The restrictions applicable to event permits shall also be applicable to daily permits except that no more than five (5) such daily permits shall be issued to any nonprofit organization or fundraising event during a one year period and the permit shall be valid for only one day. The following restrictions are applicable.
  - 1. No more than five (5) event permits shall be issued to any one such organization or club during a one year period.
  - 2. All sales and consumption pursuant to the event permit shall be conducted only during the hours specified on the permit.
  - 3. Unless specifically provided otherwise, all requirements of this chapter including, but not limited to, a policy of insurance, shall apply to event permits granted under this subsection.
  - 4. If the applicant does not own the premises from which the sale of liquor is made, a statement in writing executed and acknowledged by the owner of the premises shall be provided to the Liquor Commissioner stating that the applicant has permission to occupy the premises at the dates and time of and for the purposes set forth in the application.

907.10

**Temporary Permit:**

- A. **Description.** Authorizes the temporary retail sale of beer and wine by the holder of a Class A-1, A-2, C-1 or C-2 license on specified dates at locations in the Village, other than the licensed premises, following the issuance of a temporary permit by the Liquor Commissioner.
- B. **Fee.** \$50 per day.
- C. **Restrictions.** The following restrictions are applicable.
  - 1. No more than ten (10) temporary permits shall be issued to any one licensee during a one year period. A temporary permit shall be limited to no more than three (3) consecutive days.

2. All sales and consumption pursuant to the temporary permit shall be conducted only during the hours specified on the permit but in no case shall the hours of sales and consumption exceed 11:00 a.m. to 10:00 p.m.
3. Unless specifically provided otherwise in this subsection, all requirements of this chapter including, but not limited to, a policy of insurance, shall apply to temporary permits granted under this subsection.
4. If the applicant does not own the premises from which the sale of beer and wine are made, a statement in writing executed and acknowledged by the owner of the premises shall be provided to the Liquor Commissioner at the time of application stating that the applicant has permission to sell beer and wine at the premises on the dates and times of and for the purposes set forth in the application. *(Revised Ord. 2016-34)*

907.11 **Termination by Dormancy.** A license shall be rendered dormant and shall abate when the licensed premises have been closed or when no alcoholic liquor has been sold or served on the premises for thirty (30) days, and no request for transfer to a new location or request for an extension of time, has been received by the Local Liquor Control Commissioner. Upon a determination of abatement by the Commissioner, and his written notice of such determination to the licensee, the number of licenses in the class of the license that has been rendered dormant shall be reduced by one, in accordance with Section 907. *(Revised Ord. 2019-16)*

907.12 **Reduction in Number of Licenses.** Whenever a license previously issued under this Chapter is revoked, surrendered, or terminated by dormancy as provided in this Chapter, the maximum number of licenses as set forth in Section 907, in the class of the license that is revoked, surrendered, or terminated by dormancy shall be automatically and immediately reduced by one. *(Revised Ord. 2019-16)*

## 908 Records

The Liquor Commissioner shall keep, at the Office of the Clerk, a current and complete record of all licenses issued and shall furnish the Chief of Police with a copy thereof. Upon either the issuance of a new license, or the suspension or revocation of any license, the Liquor Commissioner shall file written notice of such action with the Clerk and a copy to the Chief of Police.

## 909 Renewal, Sale and Transfer *(Revised Ord. 2010-11)*

909.1 **Renewal.** Any licensee may apply to renew his license at the expiration thereof provided such applicant or applicants are then qualified to receive a license and the premises for which such renewal is sought is suitable for such purposes; and provided further that this provision does not create a vested right in the liquor license. The village board may decrease the number of licenses to be issued within the village in its sole discretion.

909.2 **Sale.** On the sale of any business licensed under this chapter, the Liquor Commissioner may, upon surrender of the original license, issue a new license to the purchaser thereof for the unexpired period of the original; provided, however, that such purchaser shall first comply with all of the laws of this State and this chapter.

909.3 **Transfer.** All licenses issued hereunder shall be a purely personal privilege, good for not to exceed one year after their issuance, unless sooner revoked as provided in this chapter, and shall not constitute personal property of the holders thereof, nor shall they be subject to attachment, garnishment, or execution, nor shall they be alienable or transferable, voluntarily or involuntarily, or subject to being pledged, mortgaged or otherwise encumbered or hypothecated.

## 910 Location Restrictions

No license shall be issued under the terms and conditions of this chapter for the sale at retail of any alcoholic liquor within a distance of 100 feet of any church, school, or hospital. No person shall hereafter engage in the business of retailer of any alcoholic liquor within a distance of 100 feet from any undertaking establishment or mortuary. This restriction shall not extend to the renewal of a license when a church, school or hospital has been established within 100 feet of the license holder since the issuance of the original license.

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 for some common object other than the sale or consumption of alcoholic liquor.

## 911 Building Regulations

No license for the sale of alcoholic liquors, where such alcoholic liquors are to be consumed on the premises, shall be granted unless said place of business is located on the place of business's first floor or second floor. No license for the sale of alcoholic liquors shall be granted for sale in any residence or dwelling unit.

## 912 Change of Location

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. The location may be changed only upon the written approval of the Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of the village.



### **913 Change of Entrance**

No change shall be made to the building entrances after the license has been issued, without the written approval of the Liquor Commissioner.

### **914 Drinking in Public Places**

Persons shall neither openly drink nor furnish to others any alcoholic liquor to be drunk upon any street, sidewalk or public place within the village except when a permit has been issued pursuant to this ordinance.

### **915 Displaying License, Replacement License**

Every licensee shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises. In the event the current license is not displayed pursuant to this Section, the village shall presume that the license has been lost and the licensee shall purchase and display a replacement license pursuant to this Section. The replacement license fee shall be \$50.

### **916 Sanitary Conditions**

All premises used for retail sale of alcoholic liquor, or for storage of such liquor for sale, shall be kept in full compliance with the local, county and state laws and ordinances regulating the condition of premises used for the storage or sale of food or alcoholic liquor for human consumption.

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 handling, preparation or distribution of such liquor.

### **917 Employee Server Restrictions**

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

It shall be unlawful for any person to consume, partake of or be under the influence of either any alcoholic liquor or drug while either tending any bar, drawing, pouring, mixing any alcoholic liquor for consumption on or off the licensed premises or selling or delivering any alcoholic liquor in its original unopened container for consumption on or off the licensed premises.

## 918 Peddling

It shall be unlawful either to peddle alcoholic liquor or to sell the same door to door in the village.

## 919 Purchase or Acceptance of Gifts of Liquor by Persons Under the Age of 21; Warning Placard, Exceptions, Penalty

919.1 **Purchase or Acceptance.** It shall be unlawful for any person under the age of 21 to purchase, obtain, accept delivery of, accept a gift of, consume, or have in his or her possession alcoholic liquor except as otherwise provided herein.

919.2 **Warning Placard.** In every place in the Village where alcoholic liquor is sold or offered for sale, there shall be displayed at all times, in a prominent place, a printed sign two feet in length and two feet in width and shall read substantially as follows:

### *Warning to Under Aged Persons*

*You are subject to a fine up to \$500.00 under the Spring Grove Village Code, if you purchase or obtain alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.*

919.3 It shall be unlawful for any holder of a retail liquor license, or his or her agent or employee, to permit any under aged person to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this Section shall not apply to any under aged person who is accompanied by his or her parent or guardian, or any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor.

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

919.5 **Penalty.** For a violation under Subsection A, the person shall be fined up to \$500. Whoever violates any other provision of this Section shall be fined not less than \$500 nor more than \$2,500.

## 920 Sale, Gift, Delivery to Persons Under 21 Years of Age

- 920.1 **Sale by Licensee.** It shall be unlawful for either a licensee or any officer, associate, member, representative, agent or employee of such licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years except as otherwise provided herein.
- 920.2 **Sale by Other Persons.** 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 the age of 21 years, except as otherwise provided herein.
- 920.3 **Proof of Identity and Age.** Any licensee, associate, member, representative, agent or employee of said licensee, may refuse to sell, serve, give or deliver alcoholic beverages to any person who is unable to produce adequate written evidence of both identity and of the fact that the person 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.
- 920.4 **Penalty.** Whoever violates any provision of this section shall be fined not less than \$1,000 nor more than \$2,500. In addition to all other fines and penalties, the Liquor Commissioner may either suspend or revoke the local liquor license for any violation of this section.

## 921 Sale or Use of False Evidence of Age and Identity

- 921.1 It shall be unlawful for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photo static evidence of either the age or identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of either age or identification of any other person.
- 921.2 It shall be unlawful for any person under the age of 21 to present or offer to any licensee, associate, member, representative, agent or employee of said licensee, any written, printed or photo static evidence of either age or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure an alcoholic beverage.
- 921.3 It shall be unlawful for any person to possess any false or fraudulent written, printed or photo static evidence of either age or identity.

921.4           **Penalty.** Whoever violates any provision of this Section shall be fined not less than \$100 nor more than \$1,000.

## 922   **Sales to Intoxicated Persons and Habitual Drunkards**

No licensee, associate, member, representative or agent or employee of the licensee, shall sell, give or deliver alcoholic liquor either to any intoxicated person or to any person known by him or her to be a habitual drunkard.

No licensee, officer, member, representative or agent or employee of the licensee, shall harbor or permit any intoxicated persons to either loiter on the licensed premises or permit any conduct which shall tend to disturb the peace or quiet of either the neighborhood or the premises.

## 923   **Inspections and Enforcement**

The Liquor Commissioner or any law enforcing officer of the village may enter at any time upon any licensed premises hereunder to determine whether any of the provisions of this chapter or statutes of the State have been or are being violated and at such time may examine the premises of the licensee in connection therewith. It shall be the duty of every license holder hereunder to permit such inspections to be made when required.

The Liquor Commissioner may receive complaints from any citizen within the jurisdiction of the village that any of the provisions of this chapter or any rules or regulations adopted by the President and Village Board or by the State or the Illinois Compiled Statutes have been or are being violated, and may act upon such complaints in the manner provided.

The Liquor Commissioner shall have authority to make and establish rules and regulations of procedure concerning notice of hearings and all such other matters as may from time to time be necessary.

## 924   **Disorderly House**

Every license holder hereunder shall at all times keep a good and orderly house and it shall be unlawful for any license holder to keep a noisy, disorderly, and ill-governed house in any place where such license holder is doing business, agent, and customer of every license holder hereunder shall comply with all of the terms and provisions of the *Spring Grove Code* including, but not limited to the provisions contained in *Chapter 10, Articles 4, 5, and 8* relating to the following: *Gambling, Minors and Other Offenses*.

## 925   **Revocation of License**

The Liquor Commissioner may suspend or revoke any local retail liquor license if it is determined that the licensee has violated any provisions of this chapter or of any valid ordinance or resolution enacted by the Village Board or any applicable rule or regulation established by the Liquor

Commissioner or the State Liquor Control Commission which is not inconsistent with law, either in addition to said revocation or suspension or in lieu of suspension or revocation, the Commissioner may levy a fine on the licensee for such violation. The fine imposed shall not exceed \$1,000 for the first offense, \$1,500 for the second offense and \$2,500 for the third and subsequent offense. The suspension shall be for not less than 10 consecutive days. All proceedings for the revocation or suspension of licensee shall be before the Liquor Commissioner.

No such license shall be revoked or suspended except after a hearing by the Liquor Commissioner with reasonable notice to the licensee served by certified mail or in the manner of personal service specified by the Civil Practice Act of the State of Illinois, such notice to be served at least 3 days prior to the hearing at the last known place of business of the licensee, and after an opportunity to appear and defend at such hearing. Such notice shall specify an opportunity to appear and defend at such hearing. Such notice shall specify the time and place of the hearing and the nature of the charges. The findings of the Liquor Commissioner shall be predicted upon competent evidence, except that the strict application of the rules of evidence shall not apply. The Liquor Commissioner may appoint a Hearing Officer to act in the place and stead of the Liquor Commissioner for purposes of conducting the hearing and taking the testimony. The Village Attorney shall prosecute all proceedings for the revocation or suspension of the license. In the event of an appeal of the decision of the local Liquor Commissioner, any review by the State Liquor Control Commission shall be limited to review by the official record from the local proceedings only.

## 926 Alcohol Delivery

*(Revised Ord. 2020-10)*

Alcoholic liquor delivered to any address located within the Village of Spring Grove which does not hold a valid liquor license is subject to the following restrictions, requirements and limitations:

- A. Alcoholic liquor must be delivered by an individual who is at least twenty one (21) years of age or older.
- B. Deliveries must not be before nine o'clock (9:00) A.M. nor after eleven o'clock (11:00) P.M. on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays nor before eleven o'clock (11:00) A.M. nor after eleven o'clock (11:00) P.M. on Sundays.
- C. Payments may not be accepted nor orders placed at the delivery location.
- D. The express company, common carrier, contract carrier or employee or agent of a liquor license holder that carries or transports alcoholic liquor into or within the Village shall not deliver or leave such deliveries without requiring a signature of an individual twenty one (21) years of age or older.
- E. Adequate evidence of proof that the recipient is twenty one (21) years of age or older by a valid driver's license or other government issued identification shall be produced to the person delivering the alcoholic liquor for each delivery.
- F. A record shall be kept by the express company, common carrier, contract carrier or employee or agent of a liquor license holder who delivers alcoholic liquor into or within the Village

indicating the purchaser's name, the recipient's name if different, address, time, date and place of delivery and the individual deliverer's identity.

- G. Any violation of this section shall result in a fine of not less than seven hundred fifty dollars (\$750.00) per occurrence.