

CHAPTER 3
LIQUOR CONTROL

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3-3-1: INTERPRETATION:

3-3-1-1: CONSTRUCTION: This Chapter shall be liberally construed to the end that the health, safety and welfare of the people of Lincolnshire may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

3-3-1-2: DEFINITIONS: All words and phrases used in this Chapter, which are defined in the Illinois Liquor Control Act Illinois Compiled Statutes, Chapter 235, entitled "An act relating to alcoholic liquors" enacted January 31, 1934, and in effect July 1, 1934, shall have the same meanings herein as they have in said Act, except for the following words and phrases which shall be defined as follows:

ALCOHOLIC LIQUOR Includes alcohol, spirits, wine, 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. The provisions of this Chapter shall not apply to any liquid or solid containing one-half of one percent (.5%) of alcohol by volume or less, or to liquids or solids containing in excess of one-half of one percent (.5%) of alcohol by volume if dispensed by a licensed pharmacy pursuant to a medical prescription.

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, 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 extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local Liquor Control Commissioner at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member his name and 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.

DINING AREA

The seating area where patrons or customers are to be seated at tables or a counter primarily for service of meals.

HOTEL or MOTEL

Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where meals are actually and regularly served and consumed, where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for sleeping accommodations of such guests, having one or more public dining rooms where meals are served to such guests, where alcoholic liquor may be served and/or stored in separate liquor service or lounge areas which are adjacent to food service areas, where live entertainment may be provided in connection with said service or

meals and/or alcoholic liquor. The sleeping accommodations, dining rooms and liquor service area shall be in the same building or buildings, and such building or buildings, structure or structures shall be provided with adequate and sanitary dining room and kitchen equipment and capacity. (See Section 3-3-8 as to entertainment on licensed premises.)

LEGAL AGE	The minimum age designated by law of a person to whom it is lawful to sell, give or deliver and/or possess particular type of alcoholic liquor.
LICENSEE	Any person, firm, corporation, partnership or club holding a license under the provisions of this Chapter.
LOUNGE AREA	The seating or standing area where patrons or customers are to be served primarily alcoholic liquor.
ORIGINAL PACKAGE	Any 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.
PATRON BAR	The bar area where patrons or customers will be seated on stools or standing immediately adjacent to the bar primarily for the service of alcoholic liquor.
RESTAURANT	Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually 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.
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 both licenses are held by the same person.

**SELL AT RETAIL and
SALE AT RETAIL**

Refer to and mean sales for use or consumption and not for resale in any form. (Ord. 86-868-05)

SERVICE BAR

A fixed facility or area where alcoholic beverages and supplies are stored and displayed solely for the licensee's employees to mix and serve alcoholic beverages to patrons seated or standing in a lounge or dining area. (Ord. 87-946-32)

TO SELL

Includes to keep or expose for sale and to keep with intent to sell.

VILLAGE

As used in this Chapter shall be taken to mean and include all territory within the geographical limits of the Village of Lincolnshire, State of Illinois which is presently incorporated in the Village of Lincolnshire, and that territory which may from time to time be annexed to the Village of Lincolnshire.

WINE

Any alcoholic beverage obtained by the fermentation of the nature contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined. (Ord. 86-868-05)

3-3-2: LICENSE REQUIREMENTS:

3-3-2-1: LICENSE REQUIRED:

- A. It shall be unlawful for any person to sell or offer for sale, at retail, within the limits of the Village, any alcoholic liquors without having first properly obtained a retail liquor dealer's license as provided for in this Chapter. It shall also be unlawful for any person to sell or offer for sale, at retail, within the limits of the Village, any alcoholic liquor who does not have a current, valid license authorized and issued hereunder.

- B. It shall be unlawful for any licensee to sell or offer for sale, at retail, within the limits of the Village, any alcoholic liquor except in the manner authorized by and in compliance with the terms and restrictions of this Chapter and any licenses issued hereunder. (Ord. 74-348-24; amd. Ord. 74-353-29; Ord. 77-499-33)

- C. It shall be unlawful for patrons of licensed restaurants, patron bars or lounges to bring upon any such licensed premises alcoholic beverages to be there served or consumed by said patrons.
- D. It shall be unlawful for any person licensed to sell liquor under any license issued by the Liquor Control Commissioner to sell, give away or otherwise dispose of alcoholic liquor at any place other than the place specifically described in his license whether such place be in the same building or not, provided that nothing herein contained shall be so construed as to prevent any hotel operator, or motel operator licensed under this Chapter from serving alcoholic liquor to registered guests of the hotel or motel in any room or part of the hotel or motel. However, such liquor so served shall be kept in and served from a licensed location, place or room in said hotel or motel.
- E. It shall be unlawful for any licensee under this Chapter to operate a liquor business without having obtained a liquor license issued by the Illinois Liquor Control Commission. (Ord. 86-868-05)

3-3-2-2: APPLICATIONS FOR LICENSE: Applications for such licenses shall be made to the Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, and by the persons entitled to share in the profits thereof, if a partnership, verified by oath or affidavit, and shall contain the following information, statements and documentation:

- A. The name, age, including birth date, and address of the applicant in the case of an individual; the names, ages, including birth dates, and addresses of the persons entitled to share in the profits thereof in the case of a partnership; and in the case of a corporation for profit, a true and correct copy of the charter of the corporation, the date of incorporation, the place of incorporation, and if not in the State of Illinois, then a statement that the corporation is qualified to do business in Illinois and the date when the corporation became so qualified; the names and addresses of the officers and directors of the corporation and all stockholders who own at least five percent (5%) or more of the issued and outstanding stock of the corporation, and their nominees, if applicable; the name and address of the corporation's registered agent in Illinois, and if a foreign corporation, the name and address of the corporation's resident agent in Illinois; the business address of any such partnership or corporation; and the social security number and driver's license number (including name of state issuing same if not Illinois) of all of the above indicated individuals. For the purposes of the following provisions of this Chapter, the term applicant shall be construed to include each and every one of the above named individuals, both in their individual and representative capacities;

- B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;
- C. The character of business of the applicant; and in case of a corporation, the objects for which it was formed; and the name or style under which the business is to be conducted on the premises for which the license is sought;
- D. The length of time that said applicant has been in business of that character;
- E. The location and description of the premises or place of business which is to be operated under such license, including the number of bars to be operated thereon; whether the applicant owns such premises for which the license is sought, and if not, the name, address, age, including birth date, social security number and driver's license number of the owner of said premises and owner's agent, if any; the starting date and termination date of any lease of the premises by the applicant, and a statement of whether the applicant has any option rights to the premises; and applicant shall furnish with said application a true copy of his deed or contract for deed if owner or contract purchaser, or a copy of his lease if he is a tenant;
- F. A statement whether applicant has made similar application for a similar license on premises other than described in this application, regardless of whether located in the Village, and the disposition of such application;
- G. A statement that applicant and any manager or other agent of the applicant who shall be in general control of the business on the premises have never been convicted of a felony and are not disqualified to receive a license by reason of any matter or thing contained in this Chapter or other ordinances of this Village or laws of this State;
- H. Whether a previous license by any state or subdivision thereof, or by the Federal government, has been revoked, and the reasons therefor;
- I. A statement that the applicant will not violate any provision of this Chapter or other ordinances of the Village or any of the laws of the State of Illinois in the conduct of his place of business;
- J. That if legal ownership of any premises of which an application for a license is made under the provisions of this Chapter is held in a land trust, a disclosure of all beneficiaries of said trust and owners of said property under said trust shall be disclosed to the Liquor Control Commissioner in the manner required under this Code;

- K. If the applicant is a club, a statement that it meets all the requirements of a club under Chapter 235 of the Illinois Compiled Statutes, as from time to time amended;
- L. A statement whether any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for the license requested, or advanced money or anything else of value, or any credit, or is a person directly or indirectly interested in the ownership, conduct or operation of the proposed place of business;
- M. A statement whether the business for which a license is sought will be conducted by a manager or agent, and if so, the name, address, age, including birth date, of such manager or agent, including his social security number and driver's license number (including name of state issuing same if not Illinois), and a statement whether such manager has made other application for a similar license for any premises other than the one for which a license is being sought, and the disposition of such application, and a statement whether such manager or agent has ever in the past had a previous license issued by any state or subdivision thereof, or by the Federal government, revoked, and the reasons therefor;
- N. Any applicant hereunder, whether individually or as a duly authorized agent of a club or corporation, by making application hereunder authorizes the Village and its agents to conduct whatever investigation that may be deemed necessary to confirm the facts required in the application, or otherwise to confirm that the applicant is lawfully permitted to obtain a license under the provisions of this Chapter, other ordinances of the Village, and applicable State law, and to investigate any other matters relevant to the issuance of the license being requested. The application is to contain a statement to the effect that the applicant agrees to such an investigation;
- O. Applicant shall also submit with his application a certificate from the Department of Community Development of the Village that the premises for which the license is sought is in conformity with all applicable building and zoning codes, ordinances and regulations of the Village;¹ (Ord. 74-348-24; amd. Ord. 74-353-29; Ord. 77-499-331)
- P. Applicant shall also submit with his Village liquor license application a copy of the application for his Illinois liquor license as it will be submitted to the Illinois Liquor Control Commission. Within thirty (30) days after the issuance of the Village local liquor license, licensee shall provide to the Liquor Control Commissioner a copy of the State of Illinois license as issued to the licensee. (Ord. 88-1007-39)

¹See Title 5 and 6 of this Village Code.

- Q. Applicant shall also submit with his application a certificate from the Health Department of the County of Lake, State of Illinois that the premises for which the license is sought is in conformity with all applicable rules and regulations of the Health Department of the County of Lake, State of Illinois.

- R. Before any action is taken upon any initial application as provided in this Chapter, the applicant shall pay to the Village the sum of two hundred fifty dollars (\$250.00), no part of which shall be refundable, to cover the Village's costs in reviewing and investigating such applicant. Provided, however, that in the event the application is approved by the Board of Trustees and the applicant applies for the license and pays the initial license fee within the time provided, said two hundred fifty dollars (\$250.00) shall be credited toward said license fee.

- S. The applicant for a liquor license under the provisions of this Chapter must apply for the appropriate class license and pay the initial license fee for such license within fourteen (14) days from the adoption of the ordinance creating the appropriate license and authorizing its issuance to the applicant. In the event any applicant fails to apply for a license and pay the initial license fee within said fourteen (14) day period, such license shall be revoked and the number of authorized licenses of the particular class involved is automatically reduced by one.

- T. No person shall be allowed to file an application for the issuance of a new liquor license more than once during any twelve (12) month period. (Ord. 86-868-05)

In addition to the above and foregoing information, such applications shall contain such other and further information as the Liquor Control Commissioner of the Village, or the corporate authorities of the Village may require from time to time. (Ord. 74-348-24; amd. Ord. 74-353-29; Ord. 77-499-33)

3-3-2-3: EFFECT OF APPLICATION INFORMATION MISREPRESENTATIONS:

Any misrepresentation, omission or false statement on an application for a liquor license, or in regard to any information requested during the application process, shall constitute grounds for the denial of a liquor license or rejection of the application. If such misrepresentation, omission or false statement, as mentioned above, is discovered after a liquor license has been granted, said misrepresentation, omission or false statement shall constitute grounds for the revocation of said liquor license. (1984 Code)

3-3-2-4 DRAM SHOP INSURANCE REQUIREMENTS: No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the Liquor

Control Commission (including a copy of the policy or policies) that such applicant is covered by a policy of dram shop insurance written by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant against liability for any injury or death or loss of support which such applicant may incur under the provisions of Chapter 235, § 5/6-21, of the Illinois Compiled Statutes, as from time to time amended, in the amount of fifty-five thousand dollars (\$55,000.00) for bodily injury and death; fifty-five thousand dollars (\$55,000.00) for property damage liability and sixty-five thousand dollars (\$65,000.00) for loss of means of support and loss of society. Said limits for insurance coverage are subject to change whenever the maximum liability provisions in the aforementioned Chapter 235 of the Illinois Compiled Statutes are changed, it being required that insurance coverage be maintained in the same amount as the maximum liability stated in said Chapter 235. (Ord. Amend. 98-1549-11 eff. 4/13/98)

3-3-2-5 CLASSIFICATION OF LICENSES: Retail liquor licenses shall be divided into the following classes:

CLASS A (Not-for-profit clubs and organizations)

Issued only to such civic, benevolent, fraternal, patriotic, social, recreational or other organizations that qualify as a not-for-profit corporation under the General Corporations Not-for-Profit Act of the State of Illinois,¹ and shall permit the sale of alcoholic liquor by the drink only and for consumption on the premises only; (Ord. 86-868-05)

CLASS B (Restaurant - full liquor - no dancing)

Issued to authorize the sale of alcoholic liquor in conjunction with the sale of food only.

Restaurant Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s).

¹S.H.A. ch. 32 §§163a.1 et seq.

The total seating in the lounge area(s) must be less than thirty three percent (33%) of the seating in the dining area(s).

The total square footage of the lounge area(s) (not including the total square footage of the patron bar[s]/service (bar[s])) must be less than thirty three percent (33%) of the total square footage of the patron bar(s)/lounge area(s) and dining area(s) combined.

Hotel/Motel Restaurant Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be less than ten percent (10%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than ten percent (10%) of the total seating in the dining area(s).

The total square footage of the lounge area(s), not including the square footage of the patron bar(s)/service bar(s), must be less than thirty three percent (33%) of the total square footage of the patron bar(s)/lounge area(s) combined.

CLASS C (Restaurant - full liquor - dancing by patrons only)

Issued to authorize the sale of alcoholic liquor in conjunction with the sale of food only. Dancing by patrons only shall also be allowed.

Restaurant Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s).

The total seating in the lounge area(s) must be less than thirty three percent (33%) of the seating in the dining area(s). The total square footage of the lounge area(s) (not including the total square footage of the patron bar(s)/ service bar[s]) must be less than thirty three percent (33%) of the total square footage of the patron bar(s)/ service bar(s) lounge area(s) and dining area(s) combined.

Hotel/Motel Restaurant Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be less than ten percent (10%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than ten percent (10%) of the total seating in the dining area(s).

The total square footage of the lounge area(s), not including the square footage of the patron bar(s)/service bar(s), must be less than thirty three percent (33%) of the total square footage of the patron bar(s)/service (bar(s) lounge area(s) combined. (Ord. 87-946-32)

CLASS D (Restaurant - beer and wine only - no dancing)

Issued to authorize the sale of beer and wine only in conjunction with the sale of food only. No bar shall be permitted.

CLASS E (Hotel-motel)

Issued to authorize the sale of alcoholic liquor at temporary bars for parties and special functions and for "room service." Note: A hotel or motel as defined herein may also be issued any class license provided for herein as is applicable to the particular hotel or motel in question.

CLASS F (Package liquor store only)

Issued for a period of one year and permits the sale of alcoholic liquor only in the original package and only for consumption off the premises.

CLASS G (One day license)

Issued for twenty four (24) hours, and shall only permit the sale of alcoholic liquor by the drink and for consumption on the premises. (Ord. 86-868-05)

All applications for a one day Class G liquor license must be submitted at least fifteen (15) days prior to the date of issuance of such license. No person, firm, corporation, partnership, club or association shall be entitled to the issuance of more than three (3) one day Class G liquor licenses within a period of twelve (12) months. No more than six (6) one day Class & liquor licenses shall be issued within a period of twelve (12)

months for the same location or premises. (Ord. 88-1016-48)

CLASS H (Bar or lounge - hotel/motel only)

Issued to authorize the sale of alcoholic liquor at a bar or lounge located in a hotel or motel only.

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, may not exceed twenty percent (20%) of the total square footage of the patron bar(s)/service bar(s) and lounge area(s) combined.

The seating at the patron bar (bar stools) may not exceed thirty three percent (33%) of the total seating in the lounge area(s). (Ord. 87-946-32)

CLASS I (Golf courses and private clubs for profit)

Issued to authorize the sale of alcoholic liquor at golf courses at the club house or from carts on the course and at private clubs to members and guests of the members only.

CLASS J (Package beer and wine only)

Issued to authorize the retail sale of beer and wine only, in their original packages only, not for consumption on the premises where sold, but where the beer and wine only is intended for delivery to or to be taken away by the consumer.

CLASS K (Catering)

Issued to authorize the retail sale of alcoholic liquor in conjunction with the catering of food for parties, weddings and special events only. (Ord. 86-868-05)

CLASS L (Limited Hotel/Motel Licenses)

A. Issued to authorize the sale, consumption, or delivery of alcoholic beverages to patrons, of a hotel or motel defined as and consisting of: guests, overnight guests, invitees of those guests and invitees of the hotel or motel, so long as those patrons are using the dining, banquet or conference facilities of the hotel or motel in conjunction with the offering, service or sale of food. Dancing by the aforesaid

patrons only shall also be permitted for banquets, conferences and special events also

in conjunction with the offering, service or sale of food.

- B. Any licensee holding and operating under a Class L license shall not operate a bar, lounge, restaurant, or other food or drink establishment that is open to the general public within the premises of the hotel or motel.
- C. As part of an application for a Class L license, the applicant shall provide a site plan or diagram depicting the area or areas in which alcoholic beverages will be sold or otherwise delivered by the hotel or motel agents or employees. If room service is to be offered by the hotel or motel and that service may include the delivery of alcoholic beverages, then the applicant shall provide a statement of the manner in which such service shall be provided. If the application is approved and a Class L liquor license is issued, then the licensee shall be limited, with the exception of room service, to the sale, consumption or delivery of alcoholic beverages in the area(s) depicted in the site plan which shall constitute part of the application.
- D. If the licensee is going to make available "In-room mini bars" for use by the hotel's or motel's guests within individual rooms, then the licensee shall be required to keep such mini bars locked, to be opened by means of a key and the licensee may make the key available only to the registered guests who are of lawful drinking age. (Ord. 89-1069-36)

CLASS M (Limited Hotel/Motel In-Room Mini Bars License)

- A. Issued only to a full service hotel or motel with no less than two hundred fifty (250) rooms to authorize the sale of alcoholic beverages from "In-room mini bars" for use by the hotel's or motel's guests within individual rooms.
- B. The licensee shall be required to keep such mini bars locked, only to be opened by means of a key to be issued by the licensee. The licensee may make the key available only to registered guests who are of lawful drinking age. The licensee shall not issue such a key for any room which is to be occupied exclusively by persons under the lawful drinking age.
- C. The licensee shall, at all times, have attached to the front of each mini bar or unit the relevant sections of the State Liquor Control Act of 1934 (§ 5/6-16 and 5/6-20 of Chapter 235 of the Illinois Compiled Statutes) which sets forth the legal age at which persons may purchase, consume or possess alcoholic liquors. (Ord. 89-1107-74)

CLASS N (Brew Pub - full liquor - dancing by patrons only)

Issued to authorize the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail.

Issued to authorize the sale of alcoholic liquor in conjunction with the sale of food only. Dancing by patrons only shall also be allowed.

Brew Pub Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s).

The total seating in the lounge area(s) must be less than fifty percent (50%) of the seating in the dining area(s). The total square footage of the lounge area(s) (not including the total square footage of the patron bar(s)/ service bar[s]) must be less than thirty three percent (33%) of the total square footage of the patron bar(s)/ service bar(s) lounge area(s) and dining area(s) combined.(Amd Ord. 96-1423-07, eff. 2/12/96)

All new liquor licenses issued and all liquor licenses renewed after the effective date of this amendment shall be in compliance with the above classes and shall accurately reflect the nature of the licensee's actual business. (Ord. 86-868-05)

The number of licenses authorized herein for Classes A, B, C, D, E, F, H, I, J, K, L,M, and N shall remain at the number set forth in this Chapter; provided, however, that any license in said classes which is revoked or not issued shall automatically reduce the number of authorized licenses of the particular class by the total number of revoked or non-issued licenses in the particular class. In addition, the local Liquor Control Commissioner shall notify in writing the Village Clerk and Board of Trustees of any revocation or non-issuance of any authorized license within ten (10) days of such occurrence. (Ord. 86-868-05; amd. Ord. 89-1069-36; Ord. 89-1107-74)

3-3-2-6: LICENSE FEES AND NUMBER: The number of liquor licenses authorized to be issued in the Village shall be limited to the number below. No new or additional liquor licenses may be issued in the Village unless and until the Mayor and Board of Trustees adopts an

ordinance increasing the number of one or more of the following classes. Fees for each license may be found in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (Ord. 88-1026-58)(Ord. Amd. 98-1550-12, eff. 4/13/98)

(See following page for continuation of Section 3-3-2-6)

Class	Initial and Renewal Description	Number of Liquor Licenses Authorized to be Issued in the Village of Lincolnshire
A	Each separate bar maintained on said premises over 1; provided, however, if the licensee's activities are of a seasonal nature (that is, there is a large or otherwise distinct fluctuation of activity at an identifiable point in time or during an identifiable period of time, which distinct fluctuation is pursuant to established practice or required by physical conditions such as weather), then the fee to be paid shall be reduced in proportion to the full calendar months of the non-seasonal period of the licensee when such license is not being used; further provided, however, if the licensee desires to sell or offer for sale alcoholic liquors at a time or times other than during its normal season, then an additional fee per day shall be paid for such times when alcoholic liquor is so sold.	1
B	Each separate patron bar maintained on said premises over 1.	10
C	Each separate patron bar maintained on said premises over 1	2
D		3
E		3
F		1
G		unlimited
H	Each separate patron bar maintained on said premises over 1.	3
I	Each separate patron bar maintained on said premises over 1.	3
J		4

Class	Initial and Renewal Description	Number of Liquor Licenses Authorized to be Issued in the Village of Lincolnshire
K		1(Ord. 00-1733-41)
L		1
M		0
N		1

(Ord. 86-880-17; Ord. 87-962-48; Ord. 89-1054-21; Ord. 89-1069-36; Ord. 89-1081-48; Ord. 89-1086-53; Ord. 89-1107-74; Ord. 89-1113-80)(amd. Ord. 94-1348-32, eff. 8/8/94)(amd. Ord. 96-1423-07, eff. 2/12/96)(amd. Ord. 96-1424-08, eff. 2/12/96)(amd. Ord. 96-1425-09, eff. 2/12/96)(amd. Ord. 96-1429-13, eff. 3/11/96)(amd. Ord. 96-1458-42 eff. 9/9/96)(Amd. Ord. 98-1550-12 eff. 4/13/98)(Amd. Ord. 98-1604-66, eff. 10/12/98)(Amd. Ord. 00-1709-17, eff. 5/8/00)(Amd. Ord. 00-1742-50, eff. 12/11/00)(Amd. Ord. 01-1767-25, eff. 6/11/01)(Amd. Ord. 01-1784-42, eff. 10/8/01)(Amd. Ord. 01-1790-48, eff. 12/10/01)(Amd. Ord. 02-1792-02, eff. 2/11/02)(Amd. Ord. 02-1814-24, eff. 8/12/02)(Amd. Ord. 03-1836-13, eff. 4/14/03)(Amd. Ord. 03-1837-14, eff. 4/14/03)(Amd. Ord. 03-1845-22, eff. 5/12/03)(Amd. Ord. 03-1854-31, eff. 7/14/03)(Amd. Ord. 04-1915-31, eff. 8/23/04)(Amd. Ord. 05-1946-10, eff. 2/14/05)(Amd. Ord. 05-1949-13, eff. 2/14/05)(Amd. Ord. 05-1950-14, eff. 2/28/05)(Amd. Ord. 05-1951-15, eff. 2/28/05)(Amd. Ord. 05-1952-16, eff. 2/28/05), (Amd. Ord. 05-1961-25, eff. 3/28/05), (Amd. Ord. 05-1963-27, eff. 4/11/05), (Amd. Ord. 05-1966-30, eff. 4/25/05)(Amd. Ord. 05-1968-33, eff. 5/23/05)(Amd. Ord. 05-1975-39, eff. 6/13/05)(Amd. Ord. 05-1991-55, eff. 9/12/05)(Amd. Ord. 05-2005-69, eff. 11/14/05)(Amd. Ord. 05-2006-70, eff. 11/28/05)(Amd. Ord. 06-2016-07, 06-2018-09, 06-2019-10, eff. 2/27/06)(Amd. Ord. 06-2033-25, eff. 5/8/06), Amd. Ord. 06-2045-37, eff. 7/10/06)(Amd. Ord. 06-2962-54, eff. 11/13/06)(Amd. Ord. 06-2965-57, eff. 11/27/06)(Amd. Ord. 07-2975-03, eff. 02/20/07)(Amd. Ord. 07-3003-31, eff. 9/24/07)(Amd. Ord. 08-3027-10, eff. 2/25/08)(Amd. Ord. 08-3055-38 & 08-3056-39, eff. 8/25/08)(Amd. Ord. 10-3129-06, eff. 03/08/10)

Each such license shall terminate on April 30 next following its issuance, and renewals thereof shall be paid on or before May 1 of each ensuing year.

The fee to be paid shall be reduced by half for the cost of the initial license only for licenses issued during the period November 1 to April 30. The fee for any additional licenses issued to the same premises shall be the entire amount as listed in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Nothing herein shall be construed to permit the payment of only a single license fee (including additional amounts for separate bars) and the granting of a single license for any building or buildings under a single ownership where the real parties seeking the permission to sell alcoholic liquors are separate tenants of such building or buildings. (Ord. 86-880-17)(Amd. Ord. 98-1550-12, eff. 4/13/98)

3-3-2-7: ISSUANCE OF LICENSE: All applications for licenses shall be kept on file in the office of the Liquor Control Commissioner, and fees for all licenses shall be paid to the Village Clerk who shall certify to the Liquor Control Commissioner the names and addresses of all licensees paying fees to him together with the class of license for which payment is made and thereupon said Liquor Control Commissioner shall issue the license provided for in this Chapter to all applicants who have complied with all the requirements of this Chapter.

Provided, however, no license shall be issued to any person ineligible to receive the same under the laws of the State of Illinois or the provisions of this Chapter, as from time to time amended. (Ord. 74-348-24)

3-3-2-8: DISPLAY OF LICENSE: Every licensee shall cause his Village liquor license and State of Illinois liquor license to be displayed in a prominent place in the licensed premises where it may be viewed by the general public. In the event that the licensee shall hold more than one liquor license issued to his business, the State license shall be displayed adjacent to the primary liquor license issued to each Village licensed liquor establishment. (Ord. 88-1007-39)

3-3-2-9: BOOKS AND RECORDS MAINTAINED: It shall be the duty of all licensees (except Class "C" licensees) hereunder to keep books and records of the licensed business at the licensed premises at all times for the purpose of investigation and control.

A. For such licensees who are maintaining records on the cash basis, the following books and records shall be kept at the licensed premises at all times:

1. A record of cash receipts from all sources. This record must be kept in accordance with the rules and procedural requirements of the Illinois Department of Revenue.
2. A record of all cash disbursements for payment of merchandise purchases. This record must be documented by paid invoices or receipts.
3. A record of all cash disbursements for operating expenses (including rent, salaries, light, power and heat, payroll and other taxes) and all other expenses. This record shall show to whom payment was made and for what purpose.
4. Monthly or quarterly statements must be available for inspection disclosing cash receipts, cash disbursements for merchandise purchases and cash disbursements for operating expenses, and all other expenses, which will reflect the licensee's gross profit, net profit or loss, and the person or persons sharing directly or indirectly in the said net profit or loss. Where physical inventories are not taken quarterly, it will be permissible to determine gross profit on the basis of deducting purchases from sales.

5. A record must also be maintained of cash on hand and cash in the bank. Bank statement and canceled checks must also be on file.
- B. For such licensees who maintain records on an accrual basis, their method of record keeping must be one conforming to the rules and regulations of the Illinois Department of Revenue. The records of such licensees shall be documented in the same manner as those of licensees on a cash basis, and, in addition, they shall maintain records supporting entries made for accruals of income and expenses. (Ord. 74-348-24)

3-3-2-10: TRANSFER OF LICENSE:

- A. A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this Section provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Except as provided in subsection B hereof, such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under order of the appropriate court, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.
- B. A license may, upon the licensee's death, descend only to the licensee's spouse or children and in the event such licensee is not survived by a spouse or child then to the licensee's mother or father, provided, however, any such survivor must possess the same qualifications required by the deceased licensee. The passage of a license pursuant to the terms of this subsection shall not require the payment of any fees.
- C. Nothing contained in subsection B hereof shall create any vested or property right in any liquor license in any person whatsoever, nor shall it limit or restrict the right of the Village to at any time amend or repeal subsection B hereof.
- D. When the licensee is a corporation, the license shall terminate whenever fifty percent (50%) or more of the ownership interest therein changes from that shown on the original license application. In such event, the corporation, through its officers, must make application for the issuance of a new license as provided herein. Provided, however, that the provisions of this subsection D shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned fifty percent (50%) or more of

the ownership interest of such corporation at the time the original license application was filed with the Village.

- E. When the licensee is a partnership or corporation, no change in ownership from that shown on the original application involving the withdrawal of any partner or shareholder owning in the aggregate more than five percent (5%) of the stock of such corporation shall be made without reporting such change in ownership in writing to the local Liquor Control Commissioner within ten (10) days of any such change in ownership. Any such change in ownership made without complying with the terms hereof shall constitute grounds for suspension of the liquor license issued to such partnership or corporation. (Ord. 86-868-05)

3-3-2-11: RENEWAL PRIVILEGES: Any licensee may renew his license at the expiration thereof provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Board of Trustees from increasing or decreasing the number of licenses to be issued within the Village.

3-3-2-12: LICENSING OF PREMISES FOR WHICH LICENSE IS REVOKED: When any license hereunder shall have been revoked for any cause at the discretion of the Liquor Control Commissioner, no license shall be granted to any person for the period of one year thereafter for the conduct of the sale of alcoholic liquor in the premises described in such revoked license. (Ord. 74-348-24)

3-3-2-13: CHANGE OF LOCATION, UPGRADING OF LICENSE, SALE OF BUSINESS: A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Provided, however, that a licensee, where no change in ownership is involved, may apply for a change of location and, if approved by the Board of Trustees, no additional fees will be required.

In addition, a licensee, where no change in ownership is involved, may apply for an upgrade of his liquor license and, if approved by the Board of Trustees, shall pay to the Village the difference between the fee for the new license and the fee for the initial license. If the change in the liquor license classification results in a lower fee, the licensee shall not be entitled to a refund of the difference.

In addition, when a licensee is selling or has sold the premises for which the license was issued, and the buyer applies for a liquor license of the Village, if the Mayor and Board of Trustees find that said application conforms to the requirements of local and State law, they may authorize the reissuance of the current license to such buyer, upon the buyer's payment to the Village of two thousand five

hundred dollars (\$2,500.00).

3-3-2-14: INELIGIBLE APPLICANTS: No license shall be issued to:

- A. Any person who is not of good character and reputation in the community in which he resides, or does business.
- B. A person who is not a citizen of the United States;(Ord. 00-1705-13, eff. 4/10/00)
- C. Any applicant who is not a resident of the County of Lake, except that in cases of a corporate nonresident licensee, the premises must be managed by a resident of Lake County.
- D. A person who has been convicted of a felony under any Federal or State law, unless the Commissioner determines that such person has been sufficiently rehabilitated to warrant public trust after considering matters set forth in such persons's application and the Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- E. An applicant who has been convicted of being the keeper of, or who is keeping a house of ill fame.
- F. An applicant who has been convicted of pandering or other crimes or misdemeanors opposed to decency and morality.
- G. An applicant whose license issued under the Illinois Liquor Control Act has been revoked for cause.
- H. An applicant who, at the time of application for renewal of any license issued or revoked, would not be eligible for license upon first application.
- I. A partnership, unless all of the members of such partnership shall be qualified for a license.
- J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate of more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the County.

- K. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- L. 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.
- M. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited his bond to appear in court to answer charges for any such violation.
- N. 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.
- O. Any law enforcing public officials, including members of local liquor control commissions, the Mayor, or members of the Village Board of Trustees, nor any official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- P. A person who is not a beneficial owner of the business to be operated by the licensee.
- Q. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of 720 ILCS 5/28-1 of, or as proscribed by 720 ILCS 5/28-1.1 or 720 ILCS 5/28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.(Ord. 00-1705-13)
- R. A person or entity to whom a Federal wagering stamp has been issued by the Federal government, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0.01 et seq.) of the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.)(Ord. 00-1705-13, eff. 4/10/00)
- S. Any person not eligible for a State retail liquor license.
- T. Any person who owns or is an employee of a manufacturer or distributor of alcoholic liquors.
- U. Any person who has had a liquor license revoked for the premises for which the license is sought within one year of the date of application.

- V. Any person who has not paid the appropriate fees required by this Chapter on the dates specified.
- W. A person who is legally indebted to the State, County or Village for payment of other fees, charges, bills or taxes which have remained unpaid for more than sixty (60) days.

3-3-3: RESTRICTIONS AND CONDITIONS OF LICENSE:

3-3-3-1: HOURS OF SALE: Except as hereinafter provided, no alcoholic liquor shall be sold, given away or offered for sale or consumed on the licensed premises:

- A. No person shall sell or offer for sale alcoholic liquor in the original package for consumption off the premises between the hours of ten thirty o'clock (10:30) P.M. and nine o'clock (9:00) A.M. on each day of the week, except Sunday when hours shall be ten thirty o'clock (10:30) P.M. and twelve o'clock (12:00) noon.
- B. No person shall sell or offer for sale alcoholic liquor for consumption on the premises between the hours of two o'clock (2:00) A.M. and nine o'clock (9:00) A.M. on each day of the week.
- C. No person shall keep open for business or admit the public to any premises on which alcoholic liquor is sold at retail during the hours within which the sale of such alcoholic liquor is prohibited; provided, however, that restaurant, club, hotel and motel establishments may be kept open during such hours but no alcoholic liquor may be sold to or consumed by the public or the membership during such hours.

3-3-3-2: LOCATION RESTRICTIONS:

- A. General: No license shall be issued for the sale at retail of any alcoholic liquor on any premises in violation of the zoning or building ordinances of this Village, nor shall any license be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, provided that such prohibition shall not apply to renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest

part of any building used for worship services or educational programs and not to property boundaries. (Ord. 86-868-05)

- B. Automobile Service Stations: No alcoholic liquor shall be sold, given away or offered for sale or consumed on the premises of any property or business which also sells, gives away or offers for sale gasoline, oil or other automotive and truck products. (Ord. 80-610-17)
- C. Change of Location: Licenses shall permit the sale of alcoholic liquor only in the premises described in the license therefor. Said license shall not be transferable to any other location in the Village unless a proper request in writing is submitted by the licensee and written permission is first obtained from the Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the sale of alcoholic liquor under the laws of the State and the codes and ordinances of the Village, as may from time to time be amended.

3-3-3-3: CHANGE IN PERSONNEL:

- A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Liquor Control Commissioner.
- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
- C. When a license has been issued to a corporation and a change takes place in officers, directors, shareholders of more than five percent (5%) of the stock or managers resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
- D. When a license has been issued to an individual, who becomes or is no longer eligible for a license, said license shall terminate.

3-3-3-4: CESSATION OF BUSINESS: Any licensee who ceases to do business or closes his place of business for a period of more than thirty (30) successive days shall be subject to having his license declared forfeited and lapsed by order of the Liquor Control Commissioner. If any licensee desires to close the business or place of business for more than thirty (30) successive days, he shall so notify the Liquor Control Commissioner in writing, including the reasons therefor and requesting an extension, and the Liquor Control Commissioner may grant such an extension on a showing of good cause. (Ord. 74-348-24)

3-3-3-5: CLEAR VIEW OF INSIDE OF PREMISES: A clear view of the inside of the licensed premises shall be provided as follows:

- A. In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels, motels or clubs, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, nor 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, nor 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, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk.
- B. All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours so that all parts of the interior of the premises shall be clearly visible.
- C. In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee or by him wilfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided.
- D. In order to enforce the provisions of this Section, the Liquor Control Commissioner all have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

3-3-3-6: WARNING TO MINORS: To every place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Clerk and which shall read substantially as follows:

WARNING TO MINORS

You are subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in

17-1 if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor. (Ord. 86-868-05) (Ord. 10-3131-08, eff. 3/22/10)

3-3-3-7: SCHEDULE OF PRICES OF ALCOHOLIC DRINKS: All liquor licensees shall maintain a schedule of the prices that they charge for all alcoholic drinks to be served and consumed on the licensed premises. This schedule shall be current and made available upon demand by any duly authorized representative of the Village or by any patron. (Ord. 89-1105-72)

3-3-4: ADMINISTRATION:

3-3-4-1: LIQUOR CONTROL COMMISSIONER: The Mayor of the Village shall be the Liquor Control Commissioner and shall be charged with the administration of the appropriate provisions of this Chapter and other ordinances of the Village relating to alcoholic liquors.

3-3-4-2: POWERS OF LIQUOR CONTROL COMMISSIONER: The Mayor, as local Liquor Control Commissioner, shall be charged with the administration within the Village of the appropriate provisions of this Chapter, of such ordinances and resolutions relating to alcoholic liquor as may be enacted by the Village Board from time to time, and of such other legislation, including applicable administrative regulations and State or Federal laws which may become applicable within the Village with respect to the sale of alcoholic liquor.

The Mayor may appoint one or more persons residing in the Village to assist him in the exercise of his powers and the performance of his duties as Liquor Control Commissioner. The Liquor Control Commissioner shall also have the following powers, functions and duties with respect to licenses granted hereunder:

- A. To grant and/or suspend for not more than thirty (30) days, or revoke for cause, all licenses issued under this Chapter in the manner and under the procedures provided hereinafter. (Ord. 74-348-24)

In lieu of suspension or revocation, the Liquor Control Commissioner may instead levy a fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1 on the licensee for such violations. The proceeds from such fines shall be paid into the general corporate fund of the Municipal Treasury. (Ord. 86-868-05) (Ord. Amd. 10-3131-08, eff. 3/22/10)

- B. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this Chapter in order to determine whether any of the provisions of State or Federal laws or of this Chapter or other ordinances or codes of the Village or any rules or regulations adopted by him or the State Commission have been or are being violated and at such time to examine said premises of said licensee in connection therewith.
- C. To receive complaints from any citizen within the Village that any of the provisions of State or Federal laws or of this Chapter or other codes or ordinances of the Village or any rules or regulations adopted in connection with the control of the sale of alcoholic liquors have been or are being violated and to act upon such complaints in the manner provided below.
- D. If the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon 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 (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.
- E. To deny any application for the issuance or renewal of a license to an applicant he has determined to be ineligible therefore. (Ord. 74-348-24)
- F. To require that all licensed premises be maintained and operated in a sanitary condition, and in compliance with all applicable rules or regulations of the Health Department of the County of Lake, State of Illinois, and in compliance with all building and zoning regulations of the Village.
- G. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County of Lake, State of Illinois, and a certificate of approval from the Community Development Department of the Village, showing compliance with all applicable rules and regulations of the Community Development Department of the Village.
- H. To serve notice of hearing upon any licensee to consider suspension or revocation of a license under circumstances which involve repeated reports of law enforcement officers of violations of the law upon the premises (real estate) adjacent to, and surrounding the structure in which alcoholic liquors are served pursuant to a license issued in compliance with this Chapter and where said violations are in relation to the use of offensive language, loud music, affrays, assaults, or other breaches of the peace amounting to a nuisance.

- I. The Liquor Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or, any licensee upon whom a notice of revocation or suspension has been served, and, to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Control Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and, in connection with such examination may issue subpoenas which shall be effective in any part of the State. In conducting such examinations, the Liquor Control Commissioner may authorize his agent to act on his behalf.
- J. The Liquor Control Commissioner of the Village shall recommend to the Board of Trustees such further regulations and restrictions regarding the issuance of, and operations under local licenses, not inconsistent with law, as the public good and convenience may require. (Ord. 86-868-05)

3-3-4-3: INSPECTIONS: It shall be the duty of the Liquor Control Commissioner or his authorized agent(s), and he is hereby authorized and empowered from time to time, to inspect and examine the premises wherein retail liquor business is carried on, for the purpose of ascertaining whether or not all codes, ordinances and regulations of the Village or other governmental bodies having jurisdiction thereof, relative to the carrying on of such business are being complied with at such premises. Such inspection shall be made at least once each and every month during the time said licensee is engaged in such business. It shall be the duty of every such person licensed under the provisions of this Chapter to permit such inspection to be made and to exhibit the premises to such persons making such inspection and a failure to so permit shall be sufficient cause to revoke or suspend the license for any such person.

3-3-4-4: SUSPENSION AND REVOCATION PROCEDURES: The Liquor Control Commissioner shall have the right to proceed by citation and notice of hearing to require any licensee under this Chapter to appear at a time and place specified in said notice to show cause why the license issued under this Chapter to said licensee by the Liquor Control Commissioner should not be suspended or revoked for violations of the provisions of this Chapter, rules or regulations adopted pursuant thereto or other applicable law.

- A. All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to be violated and the facts in detail upon which such allegation is based and shall be signed by the Liquor Control Commissioner.
- B. The licensee against whom complaint has been filed shall be entitled to be served with a copy of the complaint or citation and shall be given notice of the time and place set for the hearing

of said complaint. (Ord. 74-348-24)

- C. Said citation and notice of hearing shall be served on the licensee named therein pursuant to and in accordance with the provisions of Illinois Compiled Statutes, Chapter 235, § 5/4. (Ord. 86-868-05)
- D. Said licensee named in said citation and notice of hearing shall appear at the time and place designated in said citation and notice of hearing and at such hearing shall have all protections and rights allowed under law from time to time.

Different or additional procedures from those provided by this Section may be established from time to time governing citations and hearings provided for herein upon being instituted by the Liquor Control Commissioner, or the corporate authorities of the Village, and approved by the corporate authorities of the Village. (Ord. 74-348-24)

3-3-5: HEALTH AND SANITARY REQUIREMENTS: It shall be the duty of every person licensed to carry on a business under the provisions of this Chapter to at all times keep the premises, where such business is carried on, clean and in proper sanitary conditions in full compliance with all applicable rules or regulations of the Health Department of the County of Lake, State of Illinois, and in full compliance with the Lincolnshire Village Code and the ordinances regulating the condition of premises used for the storage or sale of food for human consumption, and it shall be unlawful to do otherwise. (Ord. 86-868-05)

3-3-5-1: CLEANING OF DRAUGHT BEER EQUIPMENT: In addition to the above, it shall be the duty of each licensee dispensing draught beer to have coils and other equipment used in drawing draught beer cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the required cleaning was done. This record must be signed by the person who actually performed the work of cleaning. (Ord. 74-348-24)

3-3-6: EMPLOYEE REQUIREMENTS:

3-3-6-1: (Ord. Amd. 99-1629-13, eff. 3/8/99)

3-3-6-2: EMPLOYMENT OF MINORS: : It shall be unlawful for any licensee, manager or agent to employ any persons under seventeen (17) years of age in the licensed premises where alcoholic beverages are drawn, poured, mixed, served or consumed; provided, however, the employment of minors between the age of fourteen (14) and seventeen (17) to perform bus-boy, wait staff and kitchen duties, not otherwise prohibited, when in connection with the service of meals at any private club, fraternal organization or veteran's organization shall be permitted.

It shall be unlawful to employ any persons under the age of twenty one (21) years for the purpose of drawing, pouring or mixing any alcoholic liquor. However, a person less than twenty one (21) years of age, but at least eighteen (18) years of age, may be employed as a waiter or waitress and may serve or deliver alcoholic liquor when in the presence of or under the direct supervision and control of the owner or manager/agent who is of at least twenty one (21) years of age. A Class F or Class J license holder must employ a person twenty one (21) years of age or older for the purpose of selling package liquor. (Amd. Ord. 05-2005-69)

3-3-7: PROHIBITED ACTS, CONDITIONS:

3-3-7-1: SALES TO UNFIT PERSONS: No licensee, officer, associate, member, representative, agent, manager or employee shall sell, give or deliver alcoholic liquor to any person not entitled to receive or consume such alcoholic liquor under State law or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift or insane, mentally ill, mentally deficient or in need of mental treatment. (Ord. 87-960-46) (amd. Ord. 95-1392-22, eff. 6/12/95)

3-3-7-2: MINORS:

A. (Ord. 80-610-17; amd. Ord. 86-868-05) (amd. Ord. 95-1392-22, eff. 6/12/95)

B. (Ord. 80-610-17) (amd. Ord. 95-1392-22, eff. 6/12/95)

C. **Obtaining Alcoholic Liquor for Unfit Persons:** It shall be unlawful for any person, including any licensee under this Chapter, or any officer, associate, member, representative, agent or employee of such licensee, after lawfully or unlawfully obtaining alcoholic liquor or beer or wine by purchase or otherwise, to sell, give or deliver such alcoholic liquor, beer or wine to another person who is known to him to be an habitual drunkard, spendthrift or insane, mentally ill, mentally deficient or in need of mental treatment. (Ord. 86-868-05) (amd. Ord 95-1392-22, eff. 6/12/95)

- D. (Ord. 74-348-24) (Amd. Ord. 95-1392-22, eff. 6/12/95)
- E. (Ord. 86-868-05) (Amd. Ord. 95-1392-22, eff. 6/12/95)
- F. (Amd. Ord. 95-1392-22, eff. 6/12/95)
- G. (Ord. 87-960-46) (Amd. Ord. 95-1392-22, eff. 6/12/95)

3-3-7-3: MISREPRESENTATION OF ALCOHOLIC BEVERAGES OR CONTAINERS: It shall be unlawful for any person to sell or offer for sale, dispense, pour or mix, or have in his possession on such licensed premises:

- A. Any original package of alcoholic liquor which contains any kind or quality of alcoholic liquor other than that which has been sealed and labeled by the manufacturer of such alcoholic liquor.
- B. Any original package of alcoholic liquor to which there has been added any water or other substance.
- C. Any bottles, casks, or other containers containing alcoholic liquor which contain any deleterious, contaminated, filthy, putrid substance or insects.
- D. Any alcoholic liquor which is represented, by label or otherwise, to be of a given brand name when same is not of such brand.
- E. Any alcoholic liquor which is represented to be of certain ingredients when it does not in fact contain all such ingredients in the quantities represented.
- F. All glasses or other receptacles used for the selling, dispensing, pouring or mixing of alcoholic drinks for consumption on the premises shall be of at least one ounce in capacity, and the same must indicate clearly by a line or otherwise the point at which such one ounce is reached or determined. (Ord. 74-348-24)

3-3-7-4: PROHIBITED ENTERTAINMENT: It shall be unlawful to permit the following conduct on licensed premises:

- A. Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual act.

- B. The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.
- C. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
- D. Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva, or anus.

3-3-7-5: GENERAL PROHIBITIONS: It shall be unlawful:

- A. For any person to sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in the Illinois Compiled Statutes, Chapter 235 (Liquor Control Act), and the provisions of this Chapter. (Ord. 86-868-05)
- B. For a licensee, his agent or employees, to allow, permit or suffer to remain on his premises any person who shall solicit for themselves or for others for prostitution, or solicit any patron to purchase alcoholic beverages. (Ord. 87-960-46)
- C. For any person to drink any alcoholic liquor in any public street, public parkway, public driveway or public parking lot in the Village.
- D. For any licensee or his agents or employees to permit card games or gambling on any premises licensed to sell alcoholic liquor. Illinois Compiled Statutes, Chapter 720, § 5/28 et. seq.) (Ord. 86-868-05)
- E. For any licensee, officer, associate, member, representative, agent, manager or employee to operate the licensed premises other than in compliance with all applicable statutes and ordinances.
- F. For any licensee, officer, associate, member, representative, agent, manager or employee to operate the licensed premises so as to allow assaults, fights and disorderly conduct to occur on or about the licensed premises. (Ord. 87-960-46)

3-3-7-6: ACTS OF AGENT OR EMPLOYEE: Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter by any officer, director, manager, or other agent or employee of any licensee, if said act is committed or omission is made with the authorization, knowledge or approval of the licensee shall be deemed and held to be an act of such employer or licensee and said employer or licensee shall be punishable in the same

manner as if said act or omission had been done or omitted by him personally. (Ord. 74-348-24)

3-3-7-7: HAPPY HOURS PROHIBITED:

- A. It shall be unlawful for any licensee, officer, associate, member, representative, agent, manager or employee to:
1. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
 2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 3. Sell, offer to sell or serve any drinks of alcoholic liquor to any person on any one date at a reduced price other than charged other purchasers of drinks on that day, where such reduced price is a promotion to encourage consumption of alcoholic liquor; except that a licensee is allowed to increase prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled only if the liquor license permits entertainment;
 4. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
 5. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises;
 6. Offer or serve any free drink of alcoholic liquor to any person;
 7. Sell or offer to sell to any person or group of persons any drink or drinks of alcoholic liquor at a price less than the price regularly charged for such drink or drinks during the same calendar week, except at private functions not open to the public; or
 8. Advertise or promote, in any way, whether on or off the licensed premises, any practices prohibited in the seven (7) subsections listed above.

- B. Nothing in subsection A above shall be construed to prohibit a licensee from:
1. Offering free food or entertainment (provided the liquor license permits entertainment) at any time;
 2. Including drinks of alcoholic liquor as part of a meal package;
 3. Including drinks of alcoholic liquor as part of hotel package;
 4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
 5. Providing room service to persons renting rooms at a hotel;
 6. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time;
 7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled, (provided the liquor license permits entertainment); or
 8. Offering wine tastings.
- C. A violation of any of the restrictions set forth in this Section 3-3-7-7 shall be grounds for suspension or revocation of the licensee's liquor license. (Ord. 89-1105-72)

3-3-8: ENTERTAINMENT ON LICENSED PREMISES: Any person licensed under this Chapter shall have the privilege for a period of one year which coincides with the license year, upon the payment of an additional fee as prescribed in the Comprehensive Fee Schedule as set forth in Chapter 15 of Title 1 of this Code, of providing upon the licensed premises entertainment; provided, however, that the person licensed shall file for approval with the Liquor Control Commissioner a listing of the types of entertainment acts which are anticipated to perform during the license year on the licensed premises. Each licensed establishment, regardless of the number of liquor licenses held, need only provide one list for the establishment. In the event that all entertainment acts are not known at the beginning of the license year, the listing of the types of entertainment acts shall be updated by the person licensed, during the license year, as new acts become known, by the filing of supplemental listings with the Liquor Control Commissioner for

approval.

In the event the Liquor Control Commissioner refuses to approve all or any portion of a submitted list of types of entertainment, the aggrieved liquor licensee may, within fourteen (14) days following notification of any such refusal, take an appeal to the Board of Trustees. The Board of Trustees shall hear the appeal and may sustain the action of the Liquor Control Commissioner in whole or in part or may reverse said action in whole or in part.

The privilege granted by this Section shall terminate on April 30 next following its granting, and renewals thereof shall be paid for on or before May 1 of each ensuing year. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the license year, and shall be paid at the time the license is granted.

The privilege granted by this Section shall also terminate upon the termination, for any cause, of the Village retail liquor dealer's license associated with the premises upon which the entertainment acts are taking place. (Ord. 86-888-05)(Amd. Ord. 98-1550-12, eff. 4/13/98)

3-3-9: APPLICABILITY OF OTHER ORDINANCES AND LAWS: Nothing in this Chapter shall excuse or relieve the owner, proprietor, or person in charge of any place within the Village where alcoholic liquor is sold from the restrictions and requirements of any other chapters of this Code or other ordinances of the Village or of the statutes of the State or of the United States government. (Ord. 74-348-24)

3-3-10: PENALTY: Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1. In addition thereto, the Lincolnshire Liquor Control Commissioner may suspend for not more than thirty (30) days or revoke any license issued by him if he determines that the licensee has violated any of the provisions of this Chapter, or any provisions of the Illinois Liquor Control Act Illinois Compiled Statutes, Chapter 235), and when a person has had a license revoked for any cause, no license shall be granted to that person, for the period of one year thereafter for the conduct of business of selling alcoholic liquors in the premises described in such revoked license. (Ord. 86-868-05) (Ord. Amd. 10-3131-08, eff. 3/22/10)