

CHAPTER 3

VILLAGE ALCOHOLIC BEVERAGE CODES

ARTICLE I: GENERAL

Sec. 3-0. GENERAL - APPLICABILITY.

The provisions of this chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this chapter.

Sec. 3-1. GENERAL - PURPOSE.

A. The purpose of this chapter is to establish reasonable, comprehensive, and functional alcoholic beverage codes and policies for the Village regarding its retail and special alcoholic beverage licenses.

B. It is intended that these codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

Sec. 3-2. GENERAL - TERMS AND DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply to the terminologies indicated whenever they are used in this chapter, unless the context clearly indicates or requires a different meaning:

ALCOHOL. The term "Alcohol," when used herein, shall mean 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 or wood alcohol.

ALCOHOLIC LIQUOR. The term "Alcoholic Liquor," when used herein, shall mean any spirits, wine, beer, ale, or other liquid containing more than one-half per cent (1/2%) of alcohol by volume, which is fit for beverage purposes.

BEER. The term "Beer," when used herein, shall mean 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. The term "Club," when used herein, shall mean 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 and consumption of alcoholic liquors kept, used and maintained by its

organization to provide a meeting place by either owning said building or leasing of the same suitable and adequate for the reasonable, comfortable use and accommodation of its members and guests and to be staffed with a sufficient number of employees for cooking, preparing and serving food and meals for its members and guests in the Village of Orangeville.

CORPORATION. The term "Corporation," when used herein, shall mean any corporation, domestic or foreign, qualified to do business in the State of Illinois and the Village of Orangeville under the "Business Corporation Act" of Illinois.

HOTEL. The term "Hotel," when used herein, shall mean every building or other structure kept, used, maintained, advertised and held out to the public to be a place where meals can be actually and regularly served and consumed and where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which ten or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to guests; such sleeping accommodations and dining rooms being conducted in the same building or buildings, in connection therewith, and such building or buildings, structure or structures being provided with adequate sanitary dining room and kitchen equipment and capacity in the Village of Orangeville.

KEG BEER. The term "Keg Beer," when used herein, shall mean any beer sold or purchased that is contained in a metal container referred to as a "keg" or "pony."

LICENSEE. The term "Licensee," when used herein, shall mean any person, firm or corporation or partnership or club holding a license under the provisions of this chapter.

MINOR. The term "Minor," when used herein, shall mean any person less than twenty-one (21) years of age.

ORIGINAL PACKAGE. The term "Original Package," when used herein, shall mean 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 to contain and to convey any alcoholic beverage.

PEDDLE. The term "Peddle," when used herein, shall mean to travel about selling, giving out, or engaging in the illicit sale of alcohol.

RESTAURANT. The term "Restaurant," when used herein, shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, and 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 in the Village of Orangeville.

RETAIL SALE. The term "Retail Sale," when used herein, shall mean the sale for use or consumption and not for resale.

SPECIAL EVENT PERMIT. The term "Special Event Permit," when used herein, shall mean a permit that allows a not-for-profit Illinois organization to purchase alcoholic liquors from an Illinois-licensed distributor (unless the organization purchases less than five- hundred-dollars (\$500) of alcoholic liquors for a special event in the Village, in which case the organization may purchase the alcoholic liquors from a licensed retailer), and shall allow the organization to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form, and only at the location in the Village and on the specific date(s) designated for the special event on the license. See Article III, Section 3-52.

SPECIAL USE PERMIT. The term "Special Use Permit," when used herein, shall mean a permit that allows an Illinois-licensed liquor retailer to transfer a portion of his/her alcoholic inventory from his/her licensed retail premises to an unlicensed location for a special event. See Article III, Section 3-51.

Sec. 3-2. GENERAL - VILLAGE LIQUOR CONTROL COMMISSIONER.

The Village President is hereby authorized to be the Village Liquor Control Commissioner and shall be charged with the administration of the Liquor Control Act and of such ordinances and resolutions relating to alcoholic liquor as may be needed. The Village Liquor Control Commissioner may appoint a person or persons to assist him in exercising his powers and performing the duties required of a Village Liquor Control Commissioner.

Sec. 3-3. GENERAL - SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter.

Sec. 3-4 through Sec. 3-12. RESERVED.

ARTICLE II: RETAIL LICENSE

Sec. 3-13. RETAIL - REQUIRED.

A. Any person or corporation desiring to sell or offer for sale alcoholic beverages at retail in the Village shall apply for and acquire from the Village Liquor Control Commissioner a Village retail liquor license.

B. In addition to a Village retail liquor license, a liquor retailer must have a Federal tax stamp, a State retail liquor license, an Illinois business tax number, and a Federal Employer Identification Number.

C. All required licenses are to be framed and hung in a conspicuous place on the licensed premises.

Sec. 3-14. RETAIL - APPLICATION, SUBMISSION.

A. Application forms for Village and State retail licenses can be obtained from either the Village Clerk or the Village Liquor Control Commissioner. The application for a Village liquor retail license shall be submitted back to the Village Liquor Control Commissioner for consideration, while the application for a State retail liquor license shall be submitted by the applicant to the Illinois Liquor Control Commission.

B. Applications for an Illinois liquor retail license may be submitted only on Illinois Form IL 567-0015.

Sec. 3-15. RETAIL - PERSONS NOT ENTITLED TO LICENSE.

No Village liquor retail license shall be issued to:

- A. A person who is not a resident of the Village;
- B. A person who is not a citizen of the United States;
- C. A person who has been convicted of a felony under the laws of the State;
- D. A person whose license under this article has been revoked for cause;
- E. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application;
- F. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;
- G. 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;
- H. 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 shall have forfeited his bond to appear in court to answer charges of any such violation;

- I. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;
- J. Any law enforcing public official, the Village Liquor Control Commissioner, or any member of the Village Board; no such official shall be interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor; except that a license may be granted, in a Village with a population of fifty-thousand (50,000) or less, to any member of a Village Board in relation to premises that are located within the territory subject to the jurisdiction of that official 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 Village ordinances in effect where the premises are located, 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;
- K. A person who is not a beneficial owner of the business to be operated by the licensee;
- L. A person not eligible for a State retail liquor dealer's license;
- M. A person who has been convicted of a gambling offense;
- N. A person who does not have liquor liability insurance; and
- O. Any person or any store or other place of business where the majority of the customers are minors or where the main business is selling of school books, school supplies, food or drink to such minors.

Sec. 3-16. RETAIL - EXAMINATION OF APPLICANT FOR VILLAGE LICENSE.

The Village Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any application for a Village license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Village Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute. The Village Liquor Control Commissioner shall not give his approval to any applicant for a Village or State license from the Illinois Liquor Control Commission if the applicant is in arrearage of any Village fee, debt, or obligation.

Sec. 3-17. RETAIL - INSURANCE; BOND.

Application for license shall be accompanied by proof of "Dram Shop" or "Liquor Liability" insurance from an insurance company approved by the Liquor Commissioner. Coverage shall include that which is considered "normal and customary" for the type of license applied for. Approved and appropriate insurance coverage shall serve as a bond. Proof of insurance shall be submitted with each annual renewal application.

Sec. 3-18. RETAIL - LICENSE FEES.

A. Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Only Class "A" and Class "S" licenses will be available in the village on an annual basis.

1. A Class "A" license shall authorize the retail sale of alcoholic beverages on the premises described in the license for consumption on said premises or otherwise, Monday through Saturday. The initial fee for a Class "A" license shall be five-hundred-dollars (\$500.00). The annual renewal of a Village Class "A" license shall be five-hundred-dollars (\$500.00). To transfer a Class "A" license, the fee shall be five-hundred-dollars (\$500.00). Only individuals may apply and own a Class "A" license; no corporation ownership of a Class "A" license is permitted.

2. Upon payment of a one-hundred-dollar (\$100.00) additional fee, an licensee holding a Class "A" license as defined in this chapter may receive a special Class "S" license allowing the owner to sell alcoholic beverages on Sundays, provided it complies with all other terms, conditions, and restrictions which apply to the respective class of license held by the person, firm, or corporation. A Class "S" license shall only be effective during the period for which the primary class of license is issued.

B. Special Use and Special Event Permit licensing shall be authorized as follows:

1. A Special Use Permit license is required for Village retailers holding a current State liquor retail license who desire to transfer a portion of their alcoholic beverage inventory to an off-premises location for a special event. The fees for a State Special Use Permit license are described in detail on the application form. See Article III, Section 3-51 for additional information.

2. A Special Event Permit license is required for non-retail licensed, not-for-profit organizations that desire to purchase and offer for retail sale alcoholic liquors only for consumption at special events. The fees for a State Special Event Permit license are described in detail on the application form. See Article III, Section 3-52 for additional information.

Sec. 3-19. RETAIL - HOURS OF OPERATION.

A. Any person who holds a Class "A" license may keep his or her dram shop open for the retail sale of alcoholic liquors at any time after 6:00 a.m. to midnight, Monday through Thursday, and 6:00 a.m. to 1:00 a.m. of the following day, Friday through Sunday. All other hours are considered "prohibited hours." Any person who holds a Class "A" license who shall keep his or her dram shop open at any time during the prohibited hours, or who shall sell, give away, or in any manner deal in any intoxicating liquors during prohibited hours or allow the same to be done by his or her agent, employee, or servant, shall be in violation of this section. Notwithstanding any of the time restrictions set forth in this section prohibiting the sale of alcoholic beverages on Sunday, the holder of a Class "A" license who obtains a special Class "S" license may sell alcoholic beverages on Sundays between the hours of 6:00 a.m. and 1:00 a.m. of the following day, provided that the license holder complies with all other terms, conditions, and restrictions which apply to a Class "A" license classification. Notwithstanding the foregoing hours of operation for Class "A" and "S" license holders, on New Year's Eve of each year, the closing time for all classes of license holders shall be 2:00 a.m. on New Year's Day.

B. Special Use License holders are subject to the same hours of operation as "A" above.

C. This Section shall supercede Ordinance 12-4-95 in its entirety.

Sec. 3-20. RETAIL - NUMBER OF LICENSES.

A. The number of annual Class "A" licenses issued in the Village shall not exceed the number of three (3).

B. Said limitations shall apply to the actual number of licenses issued, regardless of the number of locations or owners to which such licenses are granted.

Sec. 3-21. RETAIL - PAYMENT OF ANNUAL LIQUOR LICENSE FEE.

Payment of all license fees covered by this Chapter can be made in semi-annual installments, but shall be paid in full on or before the 30th day of June of each year. Any annual payment made after that date shall be considered late and be assessed a ten-percent (10%) late fee.

Sec. 3-22. RETAIL - ISSUANCE OF LICENSE.

Upon the approval of the Village Liquor Control Commissioner of the application for a license provided by this Article, the Village Liquor Control Commissioner shall issue to the person or entity applying therefor a license signed by the Village Liquor Control Commissioner to sell alcoholic beverages under the provisions of this Article, indicating the classification under which the license is issued, the term for which said license is granted, and an indication that the fee has been paid in full.

Sec. 3-23. RETAIL - DISPOSITION OF FEES.

All fees shall be paid to the Village Clerk and forthwith turned over to the Village Treasurer at the time an application for license required by this article is submitted to the Village Liquor Control Commissioner. In the event that the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate account or in such other fund as shall be designated by the President and Village Board.

Sec. 3-24. RETAIL - LICENSE TERM; PRORATING FEES.

Each license issued pursuant to this chapter shall terminate on June 30th next following the date of issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. There shall be no refund to owners of licenses that are cancelled prior to expiration by virtue of the sale of the business or for any other reason.

Sec. 3-25. RETAIL - RECORD OF LICENSES ISSUED.

The Village Liquor Control Commissioner shall keep or cause to be kept a complete record of all licenses issued by him/her pursuant to this article.

Sec. 3-26. RETAIL - ALCOHOLIC BEVERAGE DISPENSING - LOCATION.

A. All liquor licenses of any kind, issued by the Village of Orangeville, shall state the geographical location where the person or entity who is issued said license is authorized to sell or distribute the alcoholic beverages. Said person or entity granted authority by the Village to sell alcoholic beverages is prohibited from selling alcoholic beverages in any location other than that designated on the liquor license.

B. The location may be changed only upon the written permission of the Village Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is proper for the retail sale of alcoholic liquor under the laws of the State of Illinois and other ordinances of this Village.

Sec. 3-27. RETAIL - PERSONAL NATURE OF LICENSE; TRANSFERABILITY.

A. A license issued pursuant to this article shall be purely a personal privilege, good for one (1) year after issuance thereof unless sooner revoked, 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. Said license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate, provided that the executors or the administrators of the estate of any deceased licensee and the trustee of any insolvency or

bankruptcy licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the appropriate court and may exercise the privileges of the deceased or insolvent licensee after the death of such decedent or during the pendency of the bankruptcy until the expiration of the license, but not longer than six (6) months after the death or the filing of insolvency of said licensee. For the purpose of bankruptcy, the insolvency referred to herein refers to a filing under Chapter 7 of the United States Bankruptcy Code. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

(B) It shall be unlawful for any owner of a firm, partnership, or for more than five-percent (5%) of the stock of a corporation to whom a liquor license has been issued, to sell, transfer, assign, gift or otherwise dispose of any interest whatsoever in said firm, partnership, or of said five-percent (5%) of the stock of a corporation without first applying for a new license. A violation of this paragraph shall result in the automatic revocation of the license issued hereunder.

Sec. 3-28. RETAIL - RENEWAL OF LICENSE.

Any person or entity licensed under the provisions of this article may renew his/her license at the expiration thereof if he/she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes. The renewal provided for in this section shall not be construed as a vested right which shall in any case prevent the Village from decreasing the number of licenses to be issued within its jurisdiction or to deny renewal of said license.

Sec. 3-29. RETAIL - ENTRY POWERS.

The Village Liquor Control Commissioner hereby is given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act or any rules or regulations adopted by him or by the State Liquor Commission have been or are being violated, and at such time to examine the premises of said license in connection herewith.

Sec. 3-30. RETAIL - PEDDLING.

It shall be unlawful to peddle alcoholic liquor in the Village.

Sec. 3-31. RETAIL - SANITARY CONDITIONS.

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

Sec. 3-32. RETAIL - EMPLOYEES.

It shall be unlawful for any person, firm or corporation to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious diseases; and it shall be unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in work in or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor.

Sec. 3-33. RETAIL - LOCATION RESTRICTIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged, or indigent person or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to clubs, or restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business not exempted shall have been established for such purpose prior to the taking effect of this chapter; nor to the renewal of a license for the sale of alcoholic liquor on premises within one-hundred (100) feet of any church where such church has been established within such one-hundred (100) feet since the issuance of the original license.

Sec. 3-34. RETAIL - STORES SELLING SCHOOL SUPPLIES, LUNCHESES, AND THE LIKE.

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

Sec. 3-35. RETAIL - ACCESS FROM LICENSED PREMISES TO DWELLING QUARTERS.

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

Sec. 3-36. RETAIL - VIEW FROM STREET.

In premises in which the sale of alcoholic liquor for consumption on the premises is licensed other than in restaurants, hotels, or clubs, or any bowling alley other than one situated on the first or ground floor, 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. All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible. In case the view into such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided. In order to enforce the provisions of this section, the Village Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

Sec. 3-37. RETAIL - SALE TO MINORS.

A. It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years. It shall be unlawful for any minor to purchase or obtain any alcoholic liquor in any tavern, or other place in the Village where alcoholic liquor is sold.

B. It shall be unlawful for any minor to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

C. In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Clerk and which shall read substantially as follows:

“WARNING TO MINORS

You are subject to a fine of up to \$500.00 under the ordinances of the Village of Orangeville if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

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

E. In addition to all other fines and penalties, the Village Liquor Control Commissioner may revoke or suspend the retail liquor dealer's license for any violation of this section.

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

G. The consumption of alcoholic liquor by any person under twenty-one (21) years of age is forbidden. Whoever violates any provisions of this section shall be guilty of a Class C misdemeanor.

H. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this section.

I. It shall be unlawful to have any minor to attend any bar, to draw, pour or mix any alcoholic liquor in any licensed retail premises, except that a descendant of the owner may attend the bar provided he or she is eighteen (18) years of age or older.

Sec. 3-38. RETAIL - PURCHASE OR ACCEPTANCES OF GIFT OF LIQUOR OF MINOR; RULES AND REGULATIONS.

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

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

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

Sec. 3-39. RETAIL - EMPLOYMENT OF MINORS.

It shall be unlawful to employ any person under the age of twenty-one (21) years in any place in the Village to mix, handle or dispense alcoholic beverages. Employees must be twenty-one (21) years of age or older to act as a Clerk to be authorized to sell alcoholic beverages at checkout counters for the sale of packaged goods or for goods to be consumed on the premises. Employees other than defined above may be eighteen (18)

years of age in any place in the Village which serves alcoholic beverages. (Bartenders and retail checkout clerks must be twenty-one (21) years old or older to handle alcoholic beverages. Waitresses or other persons serving alcoholic beverages must be eighteen (18) years old or older. Busboys or other staff employed by the licensee other than bartenders, retail checkout clerks, or waitresses may be less than eighteen (18) years old.)

Sec. 3-40. RETAIL - TOBACCO.

In an establishment licensed for the retail sale of alcoholic beverages that sells tobacco products, two signs must be posted which read: "Surgeon General's Warning: Smoking by pregnant women may result in fetal injury, premature birth, and low birth weight. Sale of tobacco in any form to minors under the age of eighteen (18) is against Illinois law." and "Sale of tobacco accessories and smoking herbs to persons under eighteen (18) years of age or the misrepresentation of age to procure such a sale is prohibited by law. Sale of tobacco in any of its forms to minors under the age of eighteen (18) is against Illinois law."

Sec. 3-41. RETAIL - HAPPY HOUR LAW.

It shall be unlawful to promote the over-consumption of alcoholic beverages. This prohibition shall include: two-for-one (2-for-1) drinks; unlimited drinks for a fixed price; reduced price drinks during specific time periods; increased volume of drinks without a proportionate price increase; increased volume of alcohol in a drink; and games which involve the drinking of alcohol or have alcoholic drink prizes.

Sec. 3-42 through Sec. 3-50. RESERVED.

ARTICLE III: SPECIAL LICENSES

Sec. 3-51. SPECIAL - SPECIAL USE.

A. Any licensed Village liquor dealers who desire to provide alcoholic beverages for consumption at a non-licensed retail site within the Village, shall have a "Special Use Permit." A Village and State Special Use Permit liquor license must be obtained for each location and cannot exceed fifteen (15) days in duration in any twelve (12) month period. An applicant for a Village and State Special Use Permit liquor license must already hold a Village and State of Illinois retail liquor license. Village liquor licensing authority approval is required for this license, as is dram shop insurance to the maximum limit.

B. Application to State by the applicant for this license shall be accomplished on State Form IL 567-0050. Fees as indicated on the form must be submitted at the time of application. The Special Use Permit retail license application can be obtained from the Village Clerk or the Village Liquor Control Commissioner. The State application form shall serve as the application form for the Village license.

C. All requests for Special Use Permit approval shall be received by the Village Clerk or Village Liquor Control Commissioner a minimum of two (2) Board meetings in advance of the date of the event. A separate fifty-dollar (\$50.00) Village processing fee shall be submitted with the application.

D. The Village Liquor Control Commissioner shall examine, investigate, hear testimony, take proofs, and provide the Village approval necessary for all Village applications submitted to the Illinois Liquor Control Commission for Special Use Permit license applications. The Village Liquor Control Commissioner shall not give his approval to any applicant for a State or Village license if the applicant is in arrearage of any Village fee, debt, or obligation.

E. A Village Special Use Permit retail liquor license shall be issued by the Village Liquor Control Commissioner to the applicant when the approved State application is returned. Approved applications shall be returned in sufficient time so as to allow the applicant to meet the State's fourteen (14) working-day receipt requirement.

Sec. 3-52. SPECIAL - SPECIAL EVENT.

A. Any not-for-profit organization in the Village desiring to provide alcoholic beverages for consumption at a special event within the Village shall have a "Special Event Permit." An "event" can be defined as a single theme. A Village and State Special Event retailer's license must be obtained for each single theme per location with a maximum duration of fifteen (15) days. All not-for-profit organizations are required to secure a license for each fifteen (15) day increment and each special event in any twelve (12) month period. Organizations eligible for this license include educational, fraternal, political, civic, religious, and not-for-profit. Dram shop insurance to the maximum limit is required for this license.

B. Application to State by the applicant for this license must be accomplished on State Form IL 567-0028. Fees as indicated on the State form must be submitted at time of application. The Special Event Retailer's License application can be obtained from either the Village Clerk or the Village Liquor Control Commissioner. The State application form shall serve as the application form for the Village license.

C. All requests for a Special Event Permit shall be received by the Village Clerk or Village Liquor Control Commissioner in writing a minimum of two (2) Board meetings in advance of the date of the event. A separate one-hundred-dollar (\$100.00) processing fee for the Village license shall be submitted with the application.

D. The Village Liquor Control Commissioner shall examine, investigate, hear testimony, take proofs and provide the Village approval necessary for all Village applications submitted to the Illinois Liquor Control Commission for Special Event Permit license applications. The Village Liquor Control Commissioner shall not give his approval to any applicant for a State or Village license if the applicant is in arrearage of any Village fee, debt, or obligation.

E. A Village Special Event Permit Retailer's liquor license shall be issued by the Village Liquor Control Commissioner to the applicant when the approved State application is returned. Approved applications shall be returned in sufficient time so as to allow the applicant to meet the State's fourteen (14) working-day receipt requirement.

F. This Section shall supercede Ordinance 12-7-92 in its entirety.

Sec. 3-53 through Sec. 3-55. RESERVED.

ARTICLE IV: BEER KEG CONTROL

Sec. 3-56. BEER KEGS - REGISTRATION/RETURN PROCEDURES.

A. All retail sales of beer in kegs in the Village of Orangeville intended for off-site consumption shall comply with the registration, documentation, and labeling requirements of this code.

B. Purchasers shall provide a current government-issued photo identification with the purchaser's name, address, and individual identification number to the seller, who shall then record and document said information in a log. Said log shall also contain the individual keg identification assigned to the keg by the seller, and include the date of sale and indicate that the photo identification that was produced was matched to the purchaser. The log shall also contain some identifier of each person, owner/employee who sold to each purchaser. This information shall be kept by the seller for a minimum period of six months for the date of sale.

C. Sellers shall assign, record, and attach to each retail keg sold for off-site consumption an individual keg registration label/sticker, at or before the time of sale to the purchaser, and the label/sticker shall also include a prominent warning thereon that it is illegal to alter, damage, or remove the label/sticker from the keg.

D. Sellers of keg alcohol shall obtain the identification label/sticker from the Stephenson County Clerk's Office, who shall record to whom the label/sticker is issued. The issuance of the County's beer keg label/stickers shall be restricted to Stephenson County licensed alcohol retailers only. The County Clerk will keep and maintain a copy and record of such issuance.

E. Sellers shall be required to collect a deposit in an amount set by the retailer for each keg sold. Purchasers shall be required to return kegs only to the retailer from which it was purchased with the individual keg registration label/sticker attached, intact, and legible on or before sixty (60) days from the date of purchase, or the deposit shall be forfeited.

F. Sellers shall record the date on which the keg is returned, who returned the keg, and indicate whether the keg's identification label/sticker was present or absent by notation on the log.

G. Sellers shall remove or otherwise invalidate the individual keg identification label/sticker from the kegs when they are returned. Invalidated labels/stickers are to be destroyed.

H. Sellers shall produce keg registration logs/records to law enforcement officials upon request.

Sec. 3-57. BEER KEGS - POSSESSION REQUIREMENTS/RESTRICTIONS.

No person shall possess a keg container of alcoholic beverage which was purchased within Stephenson County from a person or entity subject to the provisions of this Code, or purchased within the territorial limits of any jurisdiction, including, but not limited to, the Village of Orangeville, Illinois, for consumption, after the effective date of the ordinance without an intact and legible individual keg identification label/sticker attached as required herein, or as required by any other jurisdiction requiring such label/sticker or similar identifying label or sticker, except for retail sellers of keg alcohol and liquor license holders, or if the keg was purchased at a location where such a label/sticker was not required, without proof of purchase for the keg, including the name and address of the seller.

Sec. 3-58. BEER KEGS - STICKER/LABEL PROHIBITIONS.

A. No person shall alter, damage, destroy, or remove the individual keg label/sticker which is described and required by this code or any code of the Village of Orangeville or any ordinance of any governmental entity after it has been attached to a keg, except for the retail sellers of keg alcohol.

B. No licensee under the provisions of this Code shall, either individually or through his or her agents or employees, permit any person to purchase a keg without compliance with the requirements of this Code

Sec. 3-59. BEER KEGS - LICENSE REVOCATION.

Any license issued to any person under this Code may be revoked or suspended, as provided for in this chapter, if such person or persons is convicted of or pleads guilty to a violation of any provisions of this chapter.

Sec. 3-60 through 3-63. RESERVED.

ARTICLE V: ENFORCEMENT

Sec. 3-64. ENFORCEMENT - PROCESS.

A. The Village Liquor Control Commissioner shall enforce the provisions of this article and shall send a notice by return receipt requested mail to any licensee specifying the nature of any violations by the licensee under this article. Such notice shall specify the date, time

and location of a hearing to be held on any such violation. The hearing shall be held within fourteen (14) days from the mailing of such notice.

B. The Village Liquor Control Commissioner or any person designated by him/her shall serve as the hearing officer. The hearing officer shall determine whether or not a violation of State law or of this article has occurred, and if so, shall determine what penalty shall be invoked. The hearing officer shall notify the licensee of any penalty invoked, in writing, by return receipt requested mail, within seven (7) days after the hearing has been completed.

Sec. 3-65 through 3-98. RESERVED.

ARTICLE VI: PENALTIES

Sec. 3-99. PENALTY - BY ARTICLE AS INDICATED.

All penalties addressed by this Article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

A. The Village Liquor Control Commissioner may conduct a hearing for the purpose of revoking or suspending any license issued by him under this Chapter for any violation of any provision of this Chapter or for any violation of State liquor laws.

B. In the event that a violation of any of the provisions of this Chapter or State liquor laws is found to have occurred, then, and in that event, the Village Liquor Commissioner may assess appropriate costs for administrative expenses, and/or fees incurred by the Village for the conduct such hearings.

C. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Chapter or any statute herein, Liquor Control Commissioner, in lieu of suspension or revocation, may instead levy a fine on the licensee for violations of any of the articles of this Chapter or the State liquor laws in addition to the costs set forth in paragraph B above of not less than ten-dollars (\$10.00) and not more than seven-hundred, fifty-dollars (\$750.00) for each violation. Each day in which the violation continues, consecutive or not, shall constitute a separate violation for the purpose of the determination of the fine and costs. Regardless of the number of days of violation, any single fine shall not exceed three-thousand-dollars (\$3,000.00). Additionally, fines under this Chapter imposed by the Liquor Control Commissioner against a licensee during the period of the licensee's license shall not exceed a total of ten-thousand-dollars (\$10,000.00).