

## CHAPTER 110: ALCOHOLIC BEVERAGES

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**Statutory reference:**

- Alcoholic liquors generally, see*
- ILCS Ch. 235, Act 5, § 1-3.24*
- Beer, see ILCS Ch. 235, Act 5, § 1-3.04*
- Hotels, see ILCS Ch. 235, Act 5, § 1-3.24*
- Local Liquor Control Commission, see*
- ILCS Ch. 235, Act 5, § 4-2 - 4-4*
- Retail sales, see ILCS Ch. 235, Act 5, § 1-3.18*

## ***CONSTRUCTION***

### ***§ 110.001 CONSTRUCTION.***

This chapter shall be liberally construed to the end that the health, safety, and welfare of the people of the County 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.

(Res. 86-90, adopted 6-19-86)

### ***§ 110.002 SEVERABILITY.***

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

(Res. 86-90, adopted 6-19-86)

### ***§ 110.003 WORDS AND PHRASES DEFINED.***

All words and phrases used in this chapter, and defined in the Illinois Liquor Control Act, (235 ILCS Act 5, entitled "An Act Relating to Alcoholic Liquors"), enacted January 31, 1934 and in effect July 1, 1934, shall have the same meaning herein as they have in the Act.

***ALCOHOLIC LIQUOR*** or ***ALCOHOLIC BEVERAGE***. Includes the four varieties of liquor defined as alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol, nor to any liquid or solid containing .5% or less of alcohol by volume. Nor shall the provisions of this chapter apply to flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but the provisions of this chapter shall not be construed to exclude alcoholic liquors used in the manufacture, preparation, or compounding of the products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

**BEER.** A beverage obtained by 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 objective other than the sale or consumption of alcoholic liquors, and having the following characteristics:

- (1) Kept, used, and maintained by its members through the payment of annual dues;
- (2) Owning, hiring, or leasing a building or space in a building of an extent and character suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;
- (3) 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.
- (4) The club files with the 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;
- (5) 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
- (6) 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 to the members of the club or to its guests introduced by members beyond the amount of salary fixed and voted upon 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.

**COMMISSIONER.** The County Executive shall be the Local Liquor Control Commissioner, and shall act in and for Will County which is not within the limits of any city, incorporated town, or village.

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

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

**LICENSEE.** The person or persons named in the retail liquor license and shall include all officers, partners, agents, or employees.

**LINGERIE SHOWS.** A public display, show or event at which person or persons wear men's or women's undergarments, swimsuits, or sleepwear, including but not limited to bras, panties, underwear, slips, negligees, teddies, thong undergarments or g-strings whether for sale, raffle, display or gift., Any lingerie show at a licensed liquor facility shall comply with the provisions of Chapter 119 of this Code.

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

**PREMISES.** That area under the control of the licensee and used in the conducting of business for which the license to serve alcoholic beverages is being issued. The areas include but not restricted to are: that area described in the application where alcohol is served, parking lots, beer gardens, and those areas internally connected thereto by a doorway which areas are integrally related to the operation of the licensed establishment.

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

**RETAIL SALE.** The sale for use or consumption and not for resale in any form.

**SALE or TO SELL.** Any transfer or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, whether as principal, proprietor, agent, servant, or employee, and includes, but is not limited to, all of the following acts:

- (1) The selling of alcoholic liquor.
- (2) The giving away of alcoholic liquor.
- (3) The dispensing of alcoholic liquor.

Nothing in this ordinance, however, shall prevent the possession and transportation of alcoholic liquor by the possessor for the personal use of the possessor, his family and guests, so long as otherwise in compliance with 235 ILCS 5/2-1 as amended from time to time.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 94-50, adopted 5-19-94; Am. Res. 00-133, passed 3-16-00)

***Statutory reference:***

*Alcohol liquor defined, see ILCS Ch. 235, Act 5,  
§ 1-3.05*  
*Local Liquor Control Commission, see ILCS Ch.  
235, Act 5, § 4-2 - 4-4*  
*Restaurant defined, see ILCS Ch. 235, Act 5,  
§ 1-3.23*  
*Sale defined, see ILCS Ch. 235, Act 5, § 1-3.22*

**LICENSES**

**§ 110.015 LICENSE REQUIRED; REGULATIONS.**

(A) No person shall sell or permit the sale, use, or consumption of any alcoholic liquors in the County in that territory subject to the control of the Liquor Control Commissioner without first having obtained a license to sell such liquors in each location, place, or premises wherein it is proposed by a prospective licensee to sell such liquors.

(B) Restaurants, dining rooms, cabarets, night clubs, dance halls, and places in which entertainment is provided or food served and which are not part of a premises licensed hereunder,

are prohibited from allowing patrons to bring upon the premises alcoholic beverages to be there served or consumed by the patrons.

(C) Where two or more locations, places, or premises are under the same roof, or are located at one street address, a separate license shall be obtained for each location, place, or premises, unless all rooms in which it is intended to serve alcoholic liquors are directly connected or are adjacent to and accessible to each other without leaving the building. Each licensee shall define with certainty the room or rooms in which liquor is to be sold.

(D) No person licensed to sell liquor under any license issued by the Liquor Control Commissioner shall be permitted to sell, give away, or otherwise dispose of alcoholic liquor at any place other than the place specifically described in his license whether the place is 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, liquor so served shall be kept in and served from a licensed location, place, or room in the hotel or motel. The foregoing provisions shall apply only to hotels and motels conducted and maintained as such.

(Res. 86-90, adopted 6-19-86; Am. Res. 95-38, adopted 2-16-95) Penalty, see § 110.999

**§ 110.016 APPLICATION FOR LICENSE.**

(A) Application for a license other than a class T, G, GC or SE hereunder shall be made to the Liquor Control Commissioner of the County in writing, under oath, signed by the applicant, if an individual, or by the duly authorized agent thereof if a club or corporation, and shall include the following information and statements:

(1) The name, age, date of birth, last three residence addresses, and Social Security number of the applicant. In the case of a partnership, the application must contain the names, ages, and last three residence addresses and Social Security number of each partner.

(2) If a corporate license is sought, the application must contain the name of the corporation, the date of incorporation, the articles of incorporation and the names, addresses, and Social Security

numbers of all officers and directors. If a majority of the stock of the corporation is owned by one person, or his nominee, the name, address, and Social Security number of each such person shall be set forth in the application.

(3) In the case of an individual, the application must contain his place of birth, and if the applicant is a naturalized citizen, then the date and place of naturalization must be shown.

(4) The capital investment which the applicant intends to make in the business of selling liquor at retail upon receipt of a license.

(5) The location, address, and legal description of the premises to be licensed. If the premises are leased, the applicant shall attach a copy of the lease to the license application.

(6) A statement whether applicant has made any other application in the state for a liquor license and what disposition; if any, was made of the application and a statement that the applicant will not violate any of the laws of the state or the United States, and that the applicant will not violate any of the ordinances of the County.

(7) A statement whether or not applicant was ever convicted of a felony or misdemeanor, and if the applicant has a conviction, a statement of the nature of the crime, the date and place of conviction, and the sentence imposed.

(8) The applicant, any general manager, and in the case of a corporation, all officers and persons owning in the aggregate more than five percent (5%) of the stock of the corporate applicant shall be fingerprinted by the Sheriff of the County; all applicants shall obtain a signed affidavit from the Sheriff, clearing all persons who are required to be fingerprinted under this section. For purposes of obtaining fingerprints under this section, a fee to cover the costs incurred in the fingerprinting process shall be collected; the appropriate fee shall then be forwarded with the fingerprints to the Illinois Department of State Police. An application shall not be considered complete until all required affidavits are received.

(9) The applicant, or applicants, shall obtain a letter of approval from both the Health Department and the Building and Zoning Department of the County, and shall file the approval in the office of the Liquor Control Commissioner with any application for a license.

(10) Each applicant must publish a “notice of intent” to obtain a County liquor license. The notice shall be published once in a paper of general circulation, serving the area of the proposed licensed establishment, and approved by the Liquor Control Commissioner. The notice shall be in the form presented by the County. Any application for license shall not be complete until a certificate of publication has been filed with the Liquor Control Commissioner.

(11a) All applicants must state on their application whether or not they have ever been arrested for any drug offense. If they have, they must fill in the result of the arrest and the charges for the arrest.

(b) All applicants must state whether or not they have been convicted of a felony or misdemeanor.

(c) The applicant must also sign the affidavit on the bottom of the application regarding perjury.

(12) All license holders must tender to the Liquor Control Commissioner their driver licenses or state identification card to be copied and held on file with their license application along with their social security number.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 97-59, passed 3-20-97)

***Statutory reference:***

*Local Liquor Control Commissioner, see ILCS Ch. 235, Act 5, § 4-6*

(B) Application for a class G, GC, T or SE license shall be made as follows:

(1) Class G and GC: Application shall be made on such form as may be required by the Liquor Control Commissioner and shall include such information he may require. (2) Class T, SE: Application shall be made on such form as may be required by the Liquor Control

Commissioner and shall include such information as may be required and shall be filed no less than fourteen (14) days prior to the scheduled event.

**§ 110.017 INELIGIBLE APPLICANTS.**

(A) No license shall be issued to:

(1) Persons under the age of twenty-one (21) years.

(2) A person or partner who has not been a resident of the state for at least one (1) year and of the County for at least ninety (90) days prior to the time of making the application; or, if a corporation which does not employ a resident manager who has been a resident of the state for one (1) year and of the County for at least ninety (90) days. The manager must be present on the premises at least forty (40) hours per week.

(3) A person who is not of good character and reputation in the community in which he resides.

(4) A person who has been convicted of a felony under any federal or state law if the Liquor Control Commissioner determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(5) A person who has been convicted of the following offenses: keeping a place of prostitution, pimping, pandering, gambling, syndicated gambling, keeping a gambling place, or any other crime or misdemeanor opposed to decency and morality or the conspiracy, solicitation, or attempt to commit any of the aforementioned offenses.

(6) A person who has previously had a liquor license revoked for cause, whether in the County or in any other jurisdiction.

(7) A person, who at the time of application for renewal of any license issued hereunder, would not be eligible for the license upon a first application.

(8) A partnership, unless all of the members of the partnership shall be qualified to obtain a license.

(9) A corporation, if any officer, manager, or director thereof or any stockholder or stockholders owning in the aggregate more than five (5%) percent of the stock of the corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10) A corporation, unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in the state.

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

(12) 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 has forfeited his bond to appear in court to answer charges of any such violation.

(13) 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 of which the license is to be issued.

(14) Any law enforcing public official, including the Liquor Control Commissioner, any mayor, alderman, or member of the City Council or Commission, any president of a Village Board of Trustees, or any president or member of a County Board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor.

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

(16) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, except when the stamp has been issued to a person who is licensed by the State of Illinois to operate a riverboat gambling operation or off-track betting parlor.

(17) A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners has been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period, except when the stamp has been issued to any partner of a

co-partnership who is licensed by the State of Illinois to operate a riverboat gambling operation or off-track betting parlor.

(18) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty (20%) percent of the stock of the corporation has been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period, except when the stamp has been issued to a corporation or any officer, manager, director or stockholder thereof who is licensed by the State of Illinois to operate a riverboat gambling operation.

(19) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, except a premise which is the location of a license issued by the State of Illinois to operate a riverboat gambling operation.

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

(B) Any false or untrue statements contained in the application for license or at license hearing or, any violations of the terms and conditions of the application, or, of any of the statutes, ordinances, rules, and regulations hereof, shall be cause for revocation or suspension of the license by the Liquor Control Commissioner as is provided in the Liquor Control Act, 235 ILCS Act 5.

(C) In the event that one of the restrictions becomes known or comes into effect after the issuance of the license, this will constitute grounds for suspension or revocation of the license after a properly convened hearing before the Liquor Control Commissioner.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-156, adopted 7-19-90; Am. Res. 95-38, adopted 2-16-95) Penalty, see § 110.999

***Statutory reference:***

*Authorized reasons for denial of license, see ILCS Ch. 235, Act 5, §§ 4-1, 6-2, 6-11, 6-12, 6-25*

**§ 110.018 LICENSE APPLICATION PROCESS; NOTICE; EXCEPTION.**

(A) Notice. Upon the filing of an application for a new liquor license, the Liquor Control Commissioner shall review the applicant's credentials and requirements to determine if the license shall be granted. The criteria for the license are the following:

- (1) The class of liquor license applied for;
- (2) The past performance of the applicant, or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, and majority stockholder and manager, as a licensee;
- (3) The character and reputation of the applicant; or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, and a majority stockholder and manager, as a licensee;
- (4) The general design and layout of the proposed premises;
- (5) The nature of entertainment, if any, which the applicant intends to provide;
- (6) The compliance of the premises with all ordinances of the County and specifically health, building, zoning, property, maintenance, housing and fire safety ordinances;
- (7) Any monies owed to the County by the applicant which have remained unpaid for a period of more than forty-five (45) days, whether for bills, taxes, license or otherwise;
- (8) The number, class, and type of licensed premises within a one (1) mile radius of the proposed license premises, and within the County as a whole;
- (9) The zoning, general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood and the County as a whole. A recommendation may be solicited from the Will County Land Use Department at the Liquor Control Commissioner's option.
- (10) The law enforcement problems, if any, which would be created by the opening of the premises. A recommendation may be solicited from the Will County Sheriff's Department at the Liquor Control Commissioner's option.

(B) (Res. 86-90, adopted 6-19-86; Am. Ord. 99-115, adopted 3-18-99)

**§ 110.019 [RESERVED].**

**§ 110.020 [RESERVED].**

**§ 110.021 PREREQUISITES FOR ISSUANCE.**

(A) At the time set forth herein for the renewal of a retail liquor license, and in case of a successful new applicant, the current licensee or the applicant shall present the following to the Liquor Control Commissioner:

(1) Evidence of dram shop liability insurance, in the form of a certificate of insurance issued by an insurance company licensed to do business in the state, insuring the applicant, and the owner or lessor of the premises in at least the following amounts:

- (a) \$50,000 - general liability/personal injury per person;
- (b) \$50,000 - general liability/property damage per person;
- (c) \$100,000 - general liability/loss of means of support per person.

(2) Payment to the Liquor Control Commissioner by means of a certified or cashier's check of the license fee for the class of license desired shall be submitted by the following payment schedule:

(a) The entire amount for the year at the time of approval for the license to be awarded; or

(b) The first half of the fee is to be paid on or before December 31 of the previous year for the renewal of the license for the following year. Then the second half of the fee is to be paid on or before July 1 of that year the license has been approved.

(c) If payment of the license fee is not received on any of the above dates which are required by this section, the licensee may be fined no less than \$100, have the license suspended or have the license revoked.

(B) Each licensee dispensing draught beer is required to have coils and other equipment used in drawing draught beer cleaned at least once each week by either chemical or mechanical means approved by the Health Department of the County, and to prohibit the use of such cleaning by steam or hot water alone.

(C) Each licensee is responsible for the person or persons cleaning coils and that the person or persons maintain a written record of the dates on which the coils were cleaned, and the licensee must retain a copy of the record available for inspection.

(D) Each licensee shall secure and file with the Liquor Control Commissioner, a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County, and a certificate of approval from the Building and Zoning Department showing compliance with all applicable rules and regulations of the Building Department and showing that Licensee has sufficient zoning for issuance of the license requested.

(E) After the applicant has fulfilled the requirements of division (A) above, within the prescribed time period, the Liquor Control Commissioner may issue the license.

(F) If the requirements of division (A) are not fulfilled within the time periods set forth therein, the applicant shall reapply as set forth previously.

(G) At any time during the pendency of an application, the Liquor Control Commissioner shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the Liquor Control Commissioner, are material to the determination as to whether the applicant is qualified to receive a license under the provisions of this chapter, or whether the premises sought to be licensed are suitable for such purpose. The Liquor Control Commissioner shall also have the right to require the applicant to answer any charges made in any objection to the issuance of the license. The failure of any applicant to appear at the time and place fixed by the Liquor Control Commissioner for his examination or to produce books and records requested, unless for good cause shown, shall be deemed to be an admission that the applicant is not qualified to receive a license.

(H) Premixed alcoholic beverages (homemade concoctions). All premixed alcoholic beverages and their containers must comply with all sanitation requirements as found in the Illinois Liquor Control Commission Rules and Regulations and all local ordinances including that of the Health Department. All premix dispensing containers or systems must be drained, contents

disposed of, and thoroughly cleaned at least once every week. For mechanical systems a record shall be kept on the premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning.

(I) Mandatory consultation/orientation for new applicants of a County Liquor License other than a class SE or T License, the issuance of the license will be temporary until they participate in a mandatory consultation/orientation along with their listed manager of the establishment. If the holder of the license is a corporation, then it is required that the manager of the establishment participate.

***Statutory reference:***

*Local liquor control commission, see ILCS Ch. 235, Act 5, §§ 4-2 - 4-4*

**§ 110.022 LICENSE CLASSIFICATIONS.**

Licenses shall be applied for and issued in one of the following classes:

(A) Class A license shall authorize the sale on the specified premises of alcoholic liquor for consumption in an enclosed building and also authorize the sale of alcoholic liquor in its original package not for consumption on the premises. This class shall not permit entertainment on the premises.

(B) Class A1 license shall authorize the sale on the specified premises in an enclosed building of alcoholic liquor for consumption in the premises and also authorize the sale of alcoholic liquor in its original package not for consumption on the premises. This class shall permit entertainment on the premises.

(C) Class B license shall authorize the sale on the specified premises of alcoholic liquor for consumption in an enclosed building only. This class shall not permit entertainment on the premises.

(D) Class B1 license shall authorize the sale on the specified premises in an enclosed building of alcoholic liquor for consumption in the premises an enclosed building only. This class shall permit entertainment on the premises.

(E) Class C license shall authorize the sale on the specified premises of alcoholic liquor in its original package not for consumption on the premises. It shall be lawful, however, to permit the tasting or sampling of alcoholic liquor on the premises if the tasting or sampling is part of a promotion, is of a temporary nature, or if no direct or indirect charge is made therefore. This class shall not permit entertainment on the premises.

(F) Class C1 license shall authorize the sale on the specified premises of a gas station of alcoholic liquor in its original package not for consumption on the premises. This class shall not permit entertainment, tasting or sampling on the premises.

(G) Class D license shall authorize the sale on the specified premises of beer and wine for consumption on the premises within an enclosed building only. This class shall not permit entertainment on the premises.

(H) Class D1 license shall authorize the holder to serve alcoholic liquors for consumption either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

(I) Class E license shall authorize the sale on the specified premises of a restaurant or hotel for consumption on the premises and within an enclosed building only, where alcohol is served at tables only, as an integral part of a food service operation.

(J) Class F license shall authorize the sale of alcoholic liquor upon the specified premises for consumption on the premises only, to club members and guests who are personally accompanied by a club member.

(K) Under the conditions prescribed herein, and unless the Liquor Control Commissioner otherwise requires in his discretion for the public good, Class For GC licensees shall be allowed to hold special events as described under §110.023 (D) of this article and shall not be limited as to the number or frequency thereof, solely as the following conditions are met:

1. Not less than seventy two (72) hours before the event, licensee shall inform the Liquor Control Commissioner in writing of the event and provide such information as the Liquor Control Commissioner shall require.

2. No event shall take place except between the hours from sunrise to sunset.
3. The event shall be subject to such other conditions, as the Liquor Control Commissioner shall require.
4. Any on-duty Will County Sheriff's Deputy may order the immediate cessation of the event if, in his or her discretion, the is necessary for the public health, safety and welfare, or if in his or her discretion, the event is disruptive to the neighborhood or surrounding area. In determining whether to require a specific special event license, the Liquor Control Commissioner shall consider those elements listed in §110.023 (D).

**§ 110.023 SPECIAL LICENSES.**

(A) Class G license (beer garden) shall authorize the sale of alcoholic liquor in an open air enclosed area connected to the licensed establishment or in a pavilion on a premise that the licensee either owns or rents. No person shall operate a beer garden without a valid license permit as required under this section. This license is required in addition to any A, A1, B, B1, D, E, or F license. A class G license shall be applied for and issued as follows:

(1) A beer garden permit may be issued to a licensee to operate an additional bar on the following locations:

- (a) An open air enclosed area connected to the licensed establishment.
- (b) A pavilion which is located on the grounds that the licensee owns or rents.

(2) Such license permit shall be issued on the same qualifications and terms and conditions required for the original license under which the license is granted.

(3) A separate class G license must be obtained for each additional bar (beer garden).

(4) A beer garden permit may be issued for an annual fee of \$500.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 95-38, adopted 2-16-95; Am. Res. 95-88, adopted 4-20-95; Am. Res. 97-59, passed 3-20-97)

(5) However, no Class G license shall be issued other than a renewal of an existing license if the designated beer garden area is within 200 feet of a residence, other than the residence of the owner, his lessee or employees.

(6) No entertainment shall be allowed in the beer garden area unless a class SE license has been issued allowing the same, and then only under terms of that license.

(7) The Liquor Control Commissioner may impose such additional conditions as he deems necessary to promote the public health, safety and welfare and the quiet enjoyment of any neighborhood residence.

(B) Class GC (Golf Course) shall authorize the sale of alcoholic liquor for consumption outdoors on the premises during daylight hours when the golf course is in use, to the holder of a class A, A1, B, B1, or D, E, F license.

(C) Class T license. A Class T license shall authorize the sale of alcoholic liquor by civic, charitable, governmental, or other not-for-pecuniary-profit organizations on specified premises or within an area specifically designated in the license for no longer than a 48-hour period. A Class T license shall be available to only such organizations whose offices are located within the County, and in no event shall an organization be issued more than three such permits in any calendar year.

(D) Special event license.

(1) A class SE license shall authorize the holder of a County class A, A1, B, B1, D, E, or F license to hold one special event within one 24-hour period. All restrictions of the licensee's original license classification apply with the following exceptions:

- (a) Entertainment is allowed unless specifically disallowed by the Liquor Control Commissioner; and
- (b) The event may be held in an enclosed outside area.

(2) For purposes of a class SE license, an **ENCLOSED OUTDOOR AREA** shall be defined as follows:

- (a) An area adjacent to the license premises;
- (b) An area enclosed by a fence at least four feet high;
- (c) An area with controlled, limited access.

***Statutory reference:***

*Authority to determine license classification, see ILCS Ch. 235, Act 5, § 4-1*

(E) Application and issuance. A class T or class SE license shall be applied for and issued as follows:

(1) Application. Application for a class T or class SE license shall be made to the Liquor Control Commissioner under oath, accompanied by the required fee, and shall contain such information and be in the form as required by Liquor Control Commissioner and shall be made not less than 14 days prior to the scheduled event.

(2) Issuance. The Liquor Control Commissioner shall determine whether it is in the best interests of the County to issue the license and shall make his decision based on those elements listed in §§ 110.18 through 110.20.

(3) Decision. The Liquor Control Commissioner shall notify the applicant within ten (10) days of the hearing on the application of his decision and if the application is denied, the applicant may request a hearing before the Liquor Control Commissioner within three (3) days of the receipt of such notification. The requests shall be made in writing.

(4) Conditions. If a license is issued by the Liquor Control Commissioner, the licensee shall be subject to the terms of his license, including all such conditions which he may deem appropriate, the furnishing of evidence of dram shop insurance as required by § 110.21, all rules of the Liquor Control Commissioner, and the provisions of this chapter applicable to the operation of licensed premises. Upon the issuance of the license, the Liquor Control Commissioner shall set the hours of operation.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90)

(5) Security Conditions: Before issuing the required license, the Liquor Control Commissioner may require the following:

(1) A copy of the Will County Sheriff's Office special event checklist and recommendation for issuing of the required license will be attached to the application. This may include the entering into a contract with the Will County Sheriff's Office to provide security or the

hiring of a professional security company to do the same and may include the use of volunteers from the sponsoring group.

(2) The Sheriff or his designee will review each application and make a decision as to which of the requirements would be recommended before issuance of the license by the Liquor Control Commissioner. Consideration will be given to the number of hours alcohol would be served, the number of attendees expected, and the location of the event in regards to public safety issues.

(3) In order to maintain public safety when an activity exceeds 500 persons on the site at one time and alcohol is being served for a considerable length of time, the applicant will be required to enter into a contract with the Sheriff to hire deputies if available. This will require the applicant to reimburse the County of Will at the time-and-a-half rate for each officer hired in order to defer the costs. This is in addition to the applicants' own security staff.

**§ 110.024 LICENSE FEES.**

(A) The annual license fees for licenses shall be as follows:

<i>Type of License</i>	<i>License Fee</i>
Class A (Package - Premises) .....	\$2,000
Class A1	
(Package - Premises - Entertainment).....	\$2,500
Class B (Premises) .....	\$2,000
Class B1	
(Premises - Entertainment).....	\$2,500
Class C (Package).....	\$2,000
Class C1 (Gas Station) .....	\$2,000
Class D (Beer and Wine - Premises) .....	\$1,300
Class D1 (Caterer Retailer).....	\$250

<i>Type of License</i>	<i>License Fee</i>
Class E (Restaurant - Hotel).....	\$2,000
Class F (Club)                   - 250 members or less.....	\$750
- 251 - 500 members.....	\$1,000
- Over 500 members .....	\$2,000
Class G (Beer Garden) Supplemental License .....	\$500
Class GC (Golf Course) Supplemental License.....	\$0
Class T (Temporary - 48 hours) per issuance.....	\$50
Class SE (Special Event) per issuance.....	\$50
Transfer of business .....	\$100
Change in location or expansion.....	\$100
Change in license class;	
more than 6 months.....	\$500
Half year change in license class .....	\$300

(B) All licenses issued pursuant to this chapter shall be valid from the date of issuance, or in the case of renewals, from January 1 through the business night of December 31, including the morning hours of January 1, per the closing times as stated in the license. A new or renewed license will be required in order for the licensed establishment to commence operations on January 1 of the new year.

(C) No rebate of any fee shall be made to any licensee.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 95-38, adopted 2-16-95)

***Statutory reference:***

*Authority to determine license fees, see ILCS Ch. 235, Act 5, § 4-1*

**§ 110.025 NUMBER OF LICENSES.**

(A) There shall be issued no more than 150 Class A through Class F licenses in the aggregate of which five shall be available for fraternal and service organizations, and three licenses shall be

available for the Department of Conservation of the state, and the County Forest Preserve District.

The licenses shall be available as follows:

- (1) Class A not to exceed 25.
- (2) Class A1 not to exceed 20.
- (3) Class B not to exceed 15.
- (4) Class B1 not to exceed 15.
- (5) Class C not to exceed 15.
- (6) Class C1 not to exceed 9.
- (7) Class D not to exceed 5.
- (8) Class D1 not to exceed 3.
- (9) Class E not to exceed 5.
- (10) Class F not to exceed 15.
- (11) Class G as needed.
- (12) Class T as needed.
- (13) Class SE as needed.

(B) Be it understood that the designated number of licenses for fraternal and service organization, Department of Conservation, and the County Forest Preserve Districts shall be allotted from the next available license on the waiting list by the Liquor Control Commissioner.

(C) A waiting list shall be maintained for each classification of license. The waiting lists in each classification shall be advanced in the order in which received by the Liquor Control Commissioner. The applicant's position on the waiting list is not transferable to another person or corporation. An applicant whose position is first on the waiting list shall complete the application for license within sixty days from the time the applicant is notified that a license may be issued. Failure to so effect the completion may result in removal from the list.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 95-38, adopted 2-16-95)

**§ 110.026 LICENSE RENEWALS.**

(A) Any licensee may apply for renewal of his license at the expiration thereof, provided however, that he continues to meet the same qualifications as an original applicant, and provided that the premises for which the renewal of license is sought are in compliance with all applicable ordinances of the County. The right to file an application for renewal of a license hereunder shall not be construed to create any vested interest or right in an application. An application for renewal of a license hereunder shall not prevent the Liquor Control Commissioner from decreasing the number of licenses to be issued within his jurisdiction.

(B) Prior to November 30 of the year for which the license has been issued, a licensee shall submit an application for license renewal along with the required fee to the Liquor Control Commissioner.

(C) Renewal applications shall contain the information as may be required by the Liquor Control Commissioner unless a change (other than a change in name of the establishment) has occurred in the information, in which case the applicant shall submit an original application with all information required under § 110.016.

(D) Renewal applications submitted later than November 30 of the year for which a current license is held shall be treated as applications for a new license under § 110.016.

(E) All licensees are to keep updated records of the manager of the establishment that has a liquor license each year at renewal time. The information that must be provided is the manager's name, address, phone numbers, date of birth, drivers license or state identification license and social security number.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 97-59, passed 3-20-97)

**§ 110.027 TERM OF LICENSES.**

(A) All licenses issued pursuant to this chapter shall be valid from the date of issuance, or in the case of renewals, from January 1 through the business night of December 31, including the morning hours of January 1, per the closing times as stated in the license. A new or renewed license

will be required in order for the licensed establishment to commence operations on January 1 of the new year.

(B) Any licensee who ceases to do business for whatever reason, or, who closes his place of business for whatever reason for a period in excess of forty-five (45) days should notify the Liquor Control Commissioner in writing of the same. The licensee may be required by the Liquor Control Commissioner, after receipt of notice of a hearing, to show cause why the license for such establishment should not be terminated.

(C) Any license holder for a golf course shall be exempt from the requirement of notifying the Liquor Control Commissioner that the business will be closed for the winter season and more than a period of time of forty-five (45) days. If the golf course is no longer open for business, then the licensee shall be required to notify the Liquor Control Commissioner in writing as in division (B) of this section.

(Res. 86-90, adopted 6-19-86; Am. Ord. 99-115, adopted 3-18-99)

***§ 110.028 LOCATION RESTRICTIONS.***

(A) 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 aged or indigent persons or for veterans, their wives, or children, or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, or such place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter. Nor shall this restriction apply to the renewal of a license for the sale at retail of alcoholic liquor or premises within one hundred (100) feet of any church where the church has been established within such one hundred (100) feet since the issuance of the original license. In the case of a church the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. The provisions of 235

ILCS §5/6-11, as amended from time to time are hereby incorporated by reference as if fully set forth herein.

(B) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(Res. 86-90, adopted 6-19-86)

**§ 110.029 IMMEDIATE REVOCATION.**

(A) 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/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses. (ILCS Ch. 235, Act 5, § 7-5)

(B) Upon notice from the State Liquor Commissioner to the Liquor Control Commissioner and/or the Will County State's Attorney's Office, the Liquor Control Commissioner will issue an ex parte order and shall schedule a hearing on the matter not later than three (3) working days from the date of the order, excluding holidays, Saturdays and Sundays, if the Illinois state liquor license is revoked for cause, the Liquor Control Commissioner shall order a County Sheriff's Deputy to go onto the premises and remove the County liquor license.

(Res. 97-59, passed 3-20-97)

***CHANGES IN LICENSE INTEREST OR PREMISES***

**§ 110.040 CHANGE OR EXPANSION OF PREMISES; PERMIT.**

(A) A permit shall be required for the change of any licensed premises to a new location or for expansion of the premises as set forth in the original application.

(B) An application to change the location of the licensed premises or for the expansion of the premises as set forth in the original application shall be made to the Liquor Control Commissioner under oath by the licensee and shall contain at least the following information:

- (1) The name of the licensee.
- (2) The class of license.
- (3) The present licensed premises.
- (4) The proposed licensed premises.
- (5) The reason for the proposed change.

(C) The Liquor Control Commissioner shall determine whether it is in the best interest of the County to permit the proposed change in location or for the expansion of the originally applied for premises, and shall make his decision based on those elements listed in §§ 110.018 through 110.020; however, no change in the location shall be permitted unless the licensee shall have been in the location from which he is seeking to have the license transferred as a license for at least two years prior to the date of the proposed transfer.

(D) The Liquor Control Commissioner shall notify the licensee of his decision within ten (10) days of the application, and if the application is denied, the licensee may request a hearing before the Liquor Control Commissioner within three (3) days of the date of the receipt of such notification. The request shall be in writing.

(Res. 86-90, adopted 6-19-86)

***§ 110.041 CHANGE OF LICENSE CLASS.***

(A) Except as provided in §§ 110.018 through 110.020, in order to change the class of license, either during the year or upon renewal, the licensee shall submit an application under oath to the Liquor Control Commissioner along with the required fee, containing substantially the same information as is required in § 110.016.

(B) Except as provided in §§ 110.018 through 110.020, the Liquor Control Commissioner shall follow the same procedure as set forth in § 110.16, for the issuance of a new license and shall not issue a license in a new class unless the issuance is in the best interests of the County.

(C) In order to change a Class A, A1, B, or B1 license to a more restrictive class of license, either during the license year or upon renewal, the licensee shall submit an application under oath to the Liquor Control Commissioner along with the required fee, containing substantially the same information as is required by § 110.016.

(1) License changes which are permitted by this section are as follows:

- (a) Class A1 to Class A, B, B1, or D;
- (b) Class A to Class B or D;
- (c) Class B1 to Class B or D;
- (d) Class B to Class D.

(2) The Liquor Control Commissioner shall determine whether it is in the best interests of the County to permit a change of license class and shall make his decision based on those elements listed in § 110.019.

(3) The Liquor Control Commissioner shall notify the licensee within ten (10) days of the application of his decision, and if the application is denied, the licensee may request a hearing before the Liquor Control Commissioner within three days of the date of the receipt of the notification. The request shall be in writing.

(4) If the Liquor Control Commissioner grants the requested license change during the license year and before July 1, then the second installment shall be paid on the basis of the new license class.

(Res. 86-90, adopted 6-19-86)

**§ 110.042 TRANSFER OF LICENSE.**

(A) Generally. A license shall be purely a personal privilege and the license shall not constitute property, nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable, voluntarily or involuntarily.

(B) Sale of business. Notwithstanding division (A) of this section, an application for the transfer of a license may be made to the Liquor Control Commissioner in the case of a bona fide sale or transfer for valuable consideration of the business. It shall be made as follows:

(1) The application shall be made under oath by the licensee and proposed purchaser and accompanied by the required fee. The application shall contain such information of the proposed purchaser as is required of an applicant for a new license.

(2) The Liquor Control Commissioner shall determine whether it is in the best interests of the County to permit the transfer of license and shall make his decision based on those elements listed in §§ 110.018 through 110.020.

(3) The Liquor Control Commissioner shall notify the licensee within ten (10) days of the application of his decision and if the application is denied, the licensee may request a hearing before the Liquor Control Commissioner within three (3) days of the date of the receipt of the notification. The request shall be in writing.

(Res. 86-90, adopted 6-19-86)

**§ 110.043 DEATH OF LICENSEE; TERMINATION OF PARTNERSHIP OR CORPORATION.**

The death of the licensee or the termination of the partnership or corporation shall cause the license to cease, except that the executor or administrator of the estate of the deceased licensee may be substituted as licensee upon application made in accordance with § 110.41, if the person is authorized by a court of competent jurisdiction to continue the operation of the business.

(Res. 86-90, adopted 6-19-86)

**§ 110.044 CHANGES IN INTEREST; PARTNERSHIPS AND CORPORATIONS.**

Changes in personnel of any licensee are subject to the following requirements:

(A) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (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 such persons shall meet all the standards of this chapter and must otherwise qualify to hold a license.

(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, the license shall terminate effective on the date of the change.

(C) When a license has been issued to a corporation and a change takes place in the officers, directors, or shareholders of more than five (5%) of the stock, or managers resulting in the holding of office or such shares by one who is not eligible for a license, the license shall terminate effective on the date of the change.

(D) If there are any changes in ownership of the establishment licensed under this chapter, and the licensee does not contact the Liquor Control Commissioner within ten (10) days of the change, then the licensee shall be fined in an amount of \$500.

(Res. 86-90, adopted 6-19-86; Am. Res. 97-59, passed 3-20-97)

**HOURS AND POSTING OF LICENSE**

**§ 110.055 HOURS OF OPERATION.**

(A) It shall be unlawful to remain open for business or to admit the public to any licensed premises, or to sell or offer for sale at retail or offer to give away on any licensed premises any alcoholic liquor in the County, except during the following hours:

- (1) Sundays, 10:00 a.m. until 1:00 a.m.
- (2) Mondays through Thursdays, 6:00 a.m. until 1:00 a.m. the following day.
- (3) Fridays and Saturdays, 6:00 a.m. until 2:00 a.m. the following day.

(4) Christmas Eve, closing time shall be 12:00 midnight, and on New Year's Eve, closing time shall be 3:00 a.m. on January 1.

(5) All establishments may remain open until 2:00 a.m. the day before a national holiday.

(B) Upon application by any license holder and payment of a fee of \$250.00 per year, the Liquor Control Commissioner, may, in his discretion, issue an additional "H" permit to any licensee. The "H" permit shall allow the licensee to remain open one (1) hour later than any of the above stated closing times. The Liquor Control Commissioner may take into account, the record of the establishment with regard to prior violations, closing hours in nearby municipalities, and any other, issues related to the public health, safety and welfare. The Liquor Control Commissioner may, in his discretion, after hearing, revoke any class "H" permit if he deems it in the public's best interest.

(C) Notwithstanding division (A) of this section, it shall be lawful for the holders of a Class T license to remain open for business only as permitted by the terms of that license and lease pursuant thereto.

(D) Restaurants or hotels whose premises are licensed under this chapter shall be permitted to remain open other than the hours established by division (A) of this section; however, no licensee or his agent or employee shall sell any alcoholic liquor except during the hours permitted in division (A) of this section, all alcoholic liquor served within fifteen (15) minutes prior to the hour of closing permitted in division (A) of this section, must be cleared away no later than fifteen (15) minutes after such alcoholic liquor was served, and in restaurants, no alcoholic liquors shall be consumed on the premises later than fifteen (15) minutes after the hour of closing permitted in division (A) of this section.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

***Statutory reference:***

*Authority to regulate sale of liquor, see ILCS Ch. 235, Act 5, § 4-1*

**§ 110.056 POSTING OF LICENSE.**

Every person licensed in accordance with the provisions of this chapter shall immediately post the license so issued in a conspicuous place on the licensed premises and shall keep the license so posted during all of the time the license is in force.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.057 PERSONS ON PREMISES AFTER HOURS.**

No licensee shall permit another, except a peace officer who is in the performance of his duties or an employee of the licensee who is actually on duty, to enter or remain upon the licensed premises between the hour of closing and the hour of opening as established by § 110.055.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**MINORS**

**§ 110.070 SALE TO MINORS PROHIBITED.**

(A) No person shall sell, deliver, or attempt to sell or deliver any alcoholic liquor to a person under twenty-one (21) years of age, except in the performance of a religious ceremony.

(B) No licensee under this chapter, nor any officer, associate, member, representative, agent, or employee of any licensee shall sell, give, or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person, or to any person known by him to be a habitual drunkard, or an insane, mentally ill, or mentally deficient person.

(C) Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of any alcoholic liquor, nor have such alcoholic liquor in his possession.

(Res. 86-90, adopted 6-19-86; Am. Ord. 99-115, adopted 3-18-99) Penalty, see § 110.999

**§ 110.071 ENTRY ON PREMISES.**

(A) No licensee shall permit or allow a person under twenty-one (21) years of age to enter or remain upon a licensed premises except that such persons may enter into and remain in a restaurant as defined in § 110.001, or in the company of a parent or guardian.

(B) No licensee shall employ any person under the age of twenty-one (21) years, to sell, handle, draw, pour, or mix any alcoholic liquor, beer, wine, or to tend bar, on the licensed premises.  
(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.072 WARNING SIGN.**

Every licensee under this chapter shall display in a prominent place in each and every area in which alcoholic beverages are served or sold a printed card which shall read as follows:

**WARNING TO MINORS:**

You are subject to a fine of up to \$750.00 and criminal prosecution, under the laws of the State of Illinois and the ordinances of the County of Will, if you purchase, attempt to purchase or obtain by any means or have in your possession alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining liquor.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.073 PROOF OF AGE.**

(A) If a licensee under this chapter or any officers, associates, members, representatives, agents, or employees of the licensee believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age.

(B) Proof of age shall be determined by the presentation of a valid driver's license with a picture of the individual, or a valid identification card with a picture of the individual issued by the Secretary of State. In addition, two other forms of identification documents containing the individual's current address and date of birth must be produced at the same time. Failure to produce these identifications will constitute notice to the licensee that the individual is not of legal age to purchase or consume alcoholic beverages. In the course of examining the identification documents, if the licensee finds that the documents are forged, changed, or altered in any way, the licensee is under an affirmation duty to confiscate the documents in question and immediately notify the local

police authorities. The licensee then must notify the Liquor Control Commissioner in writing on the next business day.

(C) No person under the age of twenty-one (21) years shall misrepresent his age for the purpose of purchasing or obtaining an alcoholic beverage in any place where such beverages are served or sold.

(D) No person shall transfer, alter, or deface an identification card, use the identification card of another, carry or use false or forged identification cards, or obtain an identification card by means of false information.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.074 ACCOUNTABILITY FOR CONSUMPTION, DISPENSING, AND/OR POSSESSION OF ALCOHOL.**

(A) Any person under the age of twenty-one (21) who has been found consuming, dispensing and/or being in the possession of alcoholic liquor is in violation of this chapter.

(B) If found to be in violation of this chapter for the consuming, dispensing, and/or possession of alcoholic liquor by a person under the age of twenty-one (21), this person shall be fined a maximum of \$200 for each violation.

(Res. 97-59, passed 3-20-97; Am. Ord. 99-115, adopted 3-18-99)

**§ 110.075 BEER/BEVERAGE/SNACK CARTS ON A GOLF COURSE.**

At all golf courses, the person driving the beer/beverage/snack cart on the course and delivering, giving or selling any alcohol, must be twenty-one (21) years of age or older. At all times the driver of the cart must be able to identify themselves and show proof of the date of birth.

(Ord. 99-115, adopted 3-18-99)

**CONDUCT ON PREMISES**

**§ 110.085 INTOXICATED PERSONS.**

(A) No licensee shall permit or allow an intoxicated person to enter into or allow to remain upon the premises.

(B) No licensee shall sell alcoholic liquor to any intoxicated or incompetent persons.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.086 DISORDERLY PERSONS.**

No licensee shall permit or allow any person to enter into or remain upon the premises who is engaged in conduct which, under the circumstances, creates or which would tend to create a breach of the peace.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.087 DANCING.**

No licensee shall permit or allow dancing upon the premises except in an area specifically designated for dancing only or upon a stage.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.088 DISCRIMINATION.**

No licensee shall discriminate in service because of race, sex, religion, national origin, or physical handicap.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.089 VIOLATIONS OF COUNTY, STATE, OR FEDERAL LAWS.**

(A) No licensee shall permit or allow the violation of County ordinance, state statute, or federal law upon the licensed premises by any person.

(B) No licensee shall violate any County ordinance, state statute, or federal law upon the premises.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.090 NUDITY.**

The following conduct on premises licensed to sell alcoholic liquor is prohibited:

(A) Any person who performs any of the following acts in a public place commits public indecency:

(1) An act of sexual penetration or sexual conduct as defined in ILCS Ch. 720, Act 5, §1-9.

(2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person or another.

(3) **PUBLIC PLACE** for the purpose of this section means any place where the conduct may reasonably be expected to be viewed by others.

(B) The act or simulated caressing or fondling of genitals, buttocks, or breast.

(C) The actual or simulated display or exposure of genitals, pubic hair, buttocks, anus, or all of the female breast.

(D) The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, pubic hair, buttocks, anus or all of the female breast.

(E) The displaying of films, pictures, or any other visual display depicting acts set forth in divisions (A) and (B) of this section.

(F) Any lingerie show at a license liquor facility shall comply with the provisions of Chapter 119 of this Code.

(Res. 86-90, adopted 6-19-86; Am. Res. 94-50, adopted 5-19-94; Am. Res. 00-133, passed 3-16-00) Penalty, see § 110.999

***Statutory reference:***

*Public indecency, see ILCS Ch. 38, § 11-9*

**§ 110.091 SOLICITING DRINKS.**

No person shall engage in the solicitation of drinks from customers other than to take orders for drinks and to mix and deliver drinks as requested by the customers.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.092 CONSUMPTION OF ALCOHOLIC BEVERAGES.**

All alcoholic liquors must be consumed within the establishment. Consumption of alcoholic beverages is not allowed on a public way, outside the establishment, or in or around a parking lot connected to or controlled by the licensee. The licensee shall take action to stop the consumption of

alcoholic beverages in those areas. A licensee holding a Class “G” (beer garden) license connected to the licensed establishment may allow patrons to drink in an open air enclosed area. A licensee holding a class GC (Golf Course) license may allow patrons to consume alcoholic beverages on the golf course during daylight hours while the golf course is in use.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.093 LICENSEE TO AID IN ENFORCEMENT.**

It shall be unlawful for any licensee to allow persons in a drunken condition to remain upon or loiter in or around any licensed premises, or to harbor, conceal, aid, or assist any person who has any criminal offense against the laws of the state; or to refuse to aid or assist the law enforcing officers of the County in the apprehension of persons accused of or suspected of crime.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.094 LINGERIE SHOWS PROHIBITED.**

(A) No licensee shall permit, contract for or allow any person or persons to enter or remain on the licensed premises to engage in conduct commonly called a “lingerie show” as defined in §110.003 which violates the provisions of §110.090.

(B) Any lingerie show at a licensed liquor facility shall comply with the provisions of Chapter 119 of this Code.

(Res. 94-50, adopted 5-19-94; Am. Res. 00-133, passed 3-16-00)

**§110.095 STANDARDS OF OPERATION.**

Licensees shall be held accountable in the operation of their establishment, for the safety of their patrons, employees and the general public and shall be evaluated whether they have:

(1) Provided sufficient security personnel and established procedures and policies that reduce the incidence of disorderly and/or violent behavior in their establishment and in the parking lot of their establishment;

(2) Checked identification of persons entering establishment to determine that patrons are of lawful age;

- (3) Provided sufficient lighting for security purposes;
- (4) Consulted with the Sheriff's office when special events are held to determine appropriate security and planning;
- (5) Participated in training, approved by the beverage industry and police departments, in the effective ways to safely operate liquor establishments such as those offered by the Joliet Police Department's Safety Training to Encourage Profitable Services ("STEPS") Program, Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program or any other equivalent program;
- (6) Reported disturbances in their establishment to the Sheriff's Department when such disturbances resulted in physical contact that would likely result in injury (arguing and mild shoving need not be reported if the Sheriff's Deputies are not needed for assistance and the dispute is handled peacefully by licensee's personnel);
- (7) Cooperated with Sheriff's Deputies in suppressing disorderly conduct and violence and assisted the deputies in obtaining the names and addresses of the perpetrators or witnesses and cooperating in the prosecution of offenders;
- (8) Discontinued service of alcoholic beverages to persons who manifest signs that they are becoming intoxicated;
- (9) Obeyed the closing time regulations;
- (10) Violated the nudity section of this Code (113.090);
- (11) Permitted the sale, exchange or use of illegal drugs or chemical substances in their establishment or its parking lot.

***§110.098 PHYSICAL VIOLENCE INVOLVING WEAPONS.***

The Liquor Control Commissioner may suspend or revoke any licenses issued by him if he determines, after hearing, that there was any physical attack or fight involving a weapon on the premises, or if there was any unlawful discharge of a firearm on the premises. In addition, the Liquor Control Commissioner may impose penalties as set forth in §110.999.

## ***PHYSICAL CONDITION OF PREMISES***

### ***§ 110.110 SANITATION.***

The licensee shall maintain the premises in clean and sanitary condition and shall comply with all other ordinances regulating the condition of premises used for the storage and sale of food for human consumption.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

### ***§ 110.111 LIGHTING; VIEW.***

All licensees shall keep the premises continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

### ***§ 110.112 OUTSIDE VIEWING.***

All new licensees are required to have a clear glass, unobstructed window in their place of business, affording a view of the interior of the establishment from the outside. The window shall be a minimum size of 36" x 48" installed at eye level and window shall be in place before the issuance of the license. This section applies to establishments at ground level. Establishments that are not located at ground level are required to install an 18" x 18" clear glass window in the ground level entrance door.

(Res. 86-90, adopted 6-19-86; Am. Ord. 99-115, adopted 3-18-99) Penalty, see § 110.999

### ***§ 110.113 GAS STATIONS.***

Gas stations licensed to sell alcoholic beverages shall have a totally enclosed separate area partitioned off from the remaining area, open to the public. The area within which the alcoholic beverages are sold shall be open only to the general public over twenty-one (21) years of age. The entrance leading into the area selling alcoholic beverages shall have a lockable door, which shall be secured during the times when alcoholic beverages are not allowed to be sold. If the walls enclosing the liquor sale area are solid, a clear glass window measuring a minimum 36" x 48" must be installed at eye level. A light must be on within the enclosed area at all times to facilitate viewing.

(Res. 86-90, adopted 6-19-86; Am. Ord. 99-115, adopted 3-18-99) Penalty, see § 110.999

**§ 110.114 TELEPHONES.**

All licensees establishments are required to have a working telephone behind the bar accessible to the employees. In cases of emergencies or disturbances, the licensee must allow the public access to the telephone free of charge to summon emergency services.

(Res. 86-90, adopted 6-19-86) Penalty, see § 110.999

**§ 110.115 REPORTING OFFENSES.**

All licensees are required to immediately report to the Sheriff's Department any and all disturbances that occur on the premises. This includes all areas, adjacent room, buildings, and parking lots over which the licensee has control. It is the responsibility of the licensee to immediately report to the Sheriff's Department any disturbances occurring on the premises, or in any public area which disturbance originated in the establishment. Failure to report disturbances will entail either a fine, suspension or revocation of license.

(Res. 86-90, adopted 6-19-86; Am. Res. 97-59, passed 3-20-97) Penalty, see § 110.999

**§ 110.116 ACCOUNTABILITY OF LICENSEE FOR OFFENSE.**

The licensee may be prosecuted for any offense defined by this chapter if:

(A) An agent, independent contractor, or employee of the licensee performs conduct which itself constitutes an element of the offense while acting within the scope of his employment or on behalf of the licensee; or

(B) An agent, independent contractor, or employee of the licensee, allows conduct to continue at the liquor establishment, which itself constitutes an element of the offense, while acting within the scope of his employment or on behalf of the licensee; or

(C) The licensee performs or continues to allow conduct, which itself constitutes an element of the offense, while acting within the scope of the business; or

(D) The commission of the offense is authorized, requested, commanded or not prevented by the licensee.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Ord. 99-115, adopted 3-18-99) Penalty, see § 110.999

**§ 110.117 ACCOUNTABILITY OF EMPLOYEE FOR OFFENSE.**

The employee may be prosecuted for any offense defined in this section if:

(A) The employee is acting as an agent of the licensee and performs conduct which itself constitutes an element of the offense in violation of any County ordinance, state statute, or federal law while acting within the scope of employment or on behalf of the licensee.

(B) The employee is acting as an agent of the licensee and allows conduct on the liquor establishment's premises, which itself constitutes an element of the offense in violation of any county ordinance, state statute, or federal law, while acting within the scope of employment or on behalf of the licensee.

(C) If the employee is found in violation of any County ordinance, state statute, or federal law while acting within the scope of employment on behalf of the licensee, then the employee shall be fined no less than \$100 for each violation.

(Res. 97-59, passed 3-20-97; Am. Ord. 99-115, adopted 3-18-99)

**§ 110.118 PHYSICAL CONDITION OF PREMISES.**

(A) Licensee must post a sign stating the name of the establishment with letters not less than 4" in height, on the outside of the building, and visible from the street, by illumination or otherwise, and visible during any time when the licensee is open for business.

(B) Permanent Outside Signs. One outside sign, per brand, in place and in use at any time, costing not more than \$893, exclusive of erection, installation, repair and maintenance costs, and permit fees. Permanent outside signs shall bear only the manufacturer's name, brand name, trade name, slogans, markings, trademark, or other symbols commonly associated with and generally used in identifying the product.

(C) Temporary Outside Signs.

(1) Only one per brand.

(2) Examples are banners, flags, pennants, streamers, and other items of a temporary and nonpermanent nature.

(3) Must include the manufacturer's name, brand name, trade name, slogans, markings, trademark or other symbol associated with and used in identifying the product.

(4) May also include, for example, the product, price, packaging, date or dates of promotion, and an announcement of a retail licensee's specific-sponsored event, if the temporary outside sign is intended to promote a product, and provided that the announcement of the retail licensee's event and the product promotion are held simultaneously.

(5) May not include names, slogans, markings or logos that relate to the retailer.

(6) Distributors may bear the cost of creating or printing a sign for a retail licensee's specific-sponsored event; or for a retail licensee containing, for example, community goodwill expressions, regional sporting event announcements, seasonal messages, provided that the primary purpose of the sign is to highlight, promote, or advertise the product.

(7) Signs provided by the manufacturer to the distributor or importing distributor may also include, for example (subject to the limitations of this section), preprinted community goodwill expressions, sporting event announcements, seasonal messages, and manufacturer promotional announcements. A distributor or importing distributor shall not bear the cost of such manufacturer preprinted signs.

(D) Permanent Inside Signs.

(1) Whether visible from the outside or inside of the premises, include, for example, neons, illuminated signs, clocks, table lamps, mirrors, tap handles, decals, window painting, window trim, and spirits or wine lists or menus.

(2) All signs in place and in use at any one time shall cost in the aggregate not more than \$2,000 per manufacturer.

(3) Must include manufacturer's name, brand name, trade name, slogans, trademark, markings, or other symbol commonly associated with and generally used in identifying the product.

(4) May not include names, slogans, markings or logos that related to retailers.

(5) May be displayed in an adjacent courtyard or patio commonly referred to as a "beer garden" that is a part of the retailer's licensed premises.

(D) Temporary Inside Signs and Inside Advertising Materials.

(1) Shall include, for example, lighted chalk boards, acrylic table tent beverage or hors d'oeuvre list holders, banners, flags, pennants, streamers, and inside advertising materials such as posters, placards, bowling sheets, inserts for acrylic table tent beverage or hors d'oeuvre list holders, table tents, sports schedules, or similar printed or illustrated material.

(2) Items, for example, such as coasters, trays, napkins and cups may not be provided to retailers.

(3) Items shall not cost more than \$325 in the aggregate per manufacturer in place and in use at any one time.

(4) Nothing permits a distributor from paying the cost of printing or creating any temporary inside banner or inserts for acrylic tent beverage or hors d'oeuvre list holders for a retail license, provided that the primary purposes for the banner or inserts is to highlight, promote, or advertise the product.

(5) All temporary inside signs and inside advertising materials may be displayed in an adjacent courtyard or patio commonly referred to as a "beer garden" that is a part of the retailer's licensed premises.

(Res. 97-59, passed 3-20-97)

**§ 110.119 DOORS TO BE UNLOCKED.**

During the hours that the licensee is permitted to conduct business, all doors for the entrances shall not be locked.

(Ord. 99-115, adopted 3-18-99)

**LOCAL LIQUOR CONTROL COMMISSIONER**

**§ 110.130 COUNTY EXECUTIVE TO BE LOCAL LIQUOR CONTROL COMMISSIONER.**

The County Executive shall be the Liquor Control Commissioner and he shall have all of the authority vested in the Local Liquor Control Commissioner by state law, this chapter, or other ordinances of the County.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90)

**§ 110.131 COMPENSATION.**

There shall be paid to the Liquor Control Commissioner an annual salary in such amount as may from time to time be fixed by the County Board in its annual appropriation ordinance.

(Res. 86-90, adopted 6-19-86)

**§ 110.132 DEPUTIES; NUMBER; APPOINTMENT; COMPENSATION.**

(A) The County Executive, as Liquor Control Commissioner, may appoint two (2) Deputy Liquor Commissioners to assist him in his duties.

(B) The compensation of each Deputy Liquor Control Commissioner shall be in the amount as provided by the County Board in the annual appropriation ordinance.

(Res. 86-90, adopted 6-19-86)

**§ 110.133 DEPUTY TO BE SWORN.**

The Deputy Liquor Control Commissioners, before entering upon the duties of their office, shall be sworn upon their oath to faithfully discharge their duties of Deputy Liquor Control Commissioners.

**§ 110.134 POWERS OF SHERIFF'S DEPUTIES.**

(A) Arrest Authority. The Liquor Control Commissioner and Deputy Liquor Control Commissioners shall be peace officers for the purposes of enforcing the provisions of this chapter. All Sheriff's deputies shall have the power to enforce the provisions of this chapter.

(B) Closing liquor facilities. The County Sheriff's deputies shall close a liquor facility for conduct that is unmanageable, disorderly, or uncontrollable for purposes of public safety. The

County Sheriff or his deputies shall seize the County license from the premises and instruct the licensee that the license can be retrieved the next business day at the County Sheriff's Department. The facility shall then be closed for the rest of the business day and be allowed to operate the following business day upon retrieval of the County license.

(Res. 86-90, adopted 6-19-86; Am. Res. 97-59, passed 3-20-97)

***§110.135 RECORD OF LICENSES; COPIES; NOTICE OF ISSUANCE OR REVOCATION.***

The Liquor Control Commissioner shall keep or cause to be kept a complete record of all licenses issued by him pursuant to this chapter; he shall furnish the County Clerk, Treasurer, County Sheriff, and State's Attorney with a copy thereof except for class T or SE licenses. Copies of class SE and T licenses shall be provided to the County Sheriff; and upon the issuance of any new license or the revocation or suspension of any old license, the Liquor Control Commissioner shall give written notice of such action to each of these officers within 48 hours of the action.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90)

***§ 110.136 POWERS AND DUTIES OF THE LIQUOR CONTROL COMMISSIONER.***

The Liquor Control Commissioner shall have the following powers, functions, and duties with respect to licenses for the sale of alcoholic liquors:

(A) To grant, or suspend for not more than thirty (30) days, or to revoke for cause, all local licenses issued to persons, partnerships, corporations, or clubs subject to his jurisdiction.

(B) To enter or to authorize any law enforcement, peace officer, Deputy Liquor Control Commissioner, or inspector to enter any time upon premises licensed hereunder, to determine whether any of the provisions of this chapter or any rules or regulations adopted by it or by the State Liquor Control Commissioner have been violated, and at that time to examine the premises of the licensee in connection therewith.

(C) To receive complaints from any citizen within its jurisdiction that any of the provisions of the State Liquor Control Act, as set out in 235 ILCS Act 5, or this chapter, or any rules or

regulations adopted pursuant hereto, have been or are being violated, and to act upon the complaints.

(D) To receive all local license fees and to pay the same forthwith to the County Treasurer.

(E) To receive all fines levied at a hearing held before the liquor commission and to pay the same forthwith to the County Treasurer. The County Treasurer shall deposit all money to the General Fund.

(F) The Liquor Control Commissioner shall have the right to examine or cause to be examined under oath, any applicant for a liquor license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any applicant or licensee; to swear in witnesses, hear testimony, and take proof for his information in the performance of his duties, and for these purposes to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any information desired by the Liquor Control Commissioner under this section, he may authorize his agent or agents to act on his behalf.

(G) The Liquor Control Commissioner may revoke or suspend any license issued by him/her if he/she determines that the licensee has violated any of the provisions of this Act or any valid ordinance or resolution enacted by the particular County Board or any applicable rule of regulation established by the Liquor Control Commissioner which is consistent with law.

(H) In the conduct of any hearing to examine under oath any licensee and to cause to be examined the books and records of the licensee; to hear testimony and take proof, and to administer and cause to be administered oaths.

(I) To require that all licensed premises be maintained and operated in a sanitary condition, in compliance with all applicable rules and regulations of the Health Department of the County, and in compliance with all zoning regulations of the County; to require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the County and the state; to assure the public safety, welfare, and best interests of people of the County;

to determine the environmental and economic impact of the area surrounding the licensed premises; and to enforce this chapter against any public nuisance.

(J) To recommend to the County Board 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.

(K) To investigate changes in this chapter and recommend changes to the County Board.

(L) To adopt any rules and regulations consistent with the provisions of this chapter as may be necessary.

(M) (1) To suspend or revoke licensee's license issued under this chapter for violation of any portion of this chapter. In lieu of suspension or evocation, the Liquor Control Commissioner may instead levy a fine on the licensee for such violations. Any person who violates any of the provisions of this chapter for which no penalty is otherwise provided shall be punished by fines as follows:

- (1) \$1000 for first violation within twelve (12) month period;
- (2) \$1500 for second violation within twelve (12) month period;
- (3) \$2000 for third violation within twelve (12) month period.

Each day a violation continues shall constitute a separate violation.

Not more than \$15,000 in fines maybe imposed against any licensee during this period of this license. (ILCS Ch. 235, Act 5, § 7-5)

(N) All fines imposed by the Liquor Control Commissioner must be paid by cash, money order, or certified check made payable to the County Treasurer.

(O) All fines imposed by the Liquor Control Commissioner must be paid within ten days. Failure to pay such fine within the ten-day period will constitute a separate offense.

(P) All fines imposed by the Liquor Control Commissioner may be paid to the Liquor Control Commissioner on the day of hearing. All fines imposed by the Liquor Control Commissioner not paid on the day of hearing shall be paid to the Treasurer.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90; Am. Res. 94-50, adopted 5-19-94; Am. Res. 97-59, passed 3-20-97)

***Statutory reference:***

*Local Liquor Control Commissioner, see ILCS Ch. 235, Act 5, § 7-5*

**§ 110.137 POWER AND DUTIES OF STATE'S ATTORNEY.**

(A) The State's Attorney of the County shall act as attorney for the Liquor Control Commissioner, and shall present evidence in any hearing before the Liquor Control Commissioner for violations of the provisions of this chapter, or on any appeal thereof.

(B) The State's Attorney shall have the authority to prosecute any violations of the County Liquor Control Ordinance in the Circuit Court of the County.

(Res. 86-90, adopted 6-19-86)

***HEARING PROCEDURES***

**§ 110.150 TYPE OF NOTICE REQUIRED.**

Whenever this chapter requires a hearing before the Liquor Control Commissioner acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing; The notice shall state:

(A) The time, place, and nature of the charge;

(B) The date when the appearance of the licensee is required before the Liquor Control Commissioner;

(C) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(D) A reference to the particular sections of the ordinance involved; and

(E) A statement informing the licensee of his ability to respond by presenting evidence and argument.

(Res. 86-90, adopted 6-19-86)

**§ 110.151 HEARINGS.**

(A) A hearing required under this chapter shall be held in accordance with the following rules:

(1) A hearing shall be set by the Liquor Control Commissioner at the initial appearance date or any continuance thereof and shall be held at a reasonable time, date, and place,

(2) No cause shall be heard earlier than three days after receipt by a licensee of the notice required under this chapter.

(3) A licensee may present evidence and argument.

(4) The Liquor Control Commissioner may limit, but not prohibit, the presentation of evidence and argument.

(5) A certified court reporter, or certified shorthand reporter, shall be present at each hearing and shall record the testimony and evidence presented.

(B) The Liquor Control Commissioner may, in his discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

(Res. 86-90, adopted 6-19-86; Am. Res. 90-104, adopted 5-17-90)

**§ 110.152 APPEAL ON THE RECORD.**

Any appeal taken from a decision of the Liquor Control Commissioner shall be reviewed on the record of the hearing and not, de novo, at which the decision was rendered as taken by and prepared by a certified court reporter or certified shorthand reporter.

(Res. 86-90, adopted 6-19-86)

(A) The State's Attorney shall establish the violation by clear and convincing evidence.

(B) Appeal shall lie with the Illinois Liquor Control Commission.

**§ 110.999 PENALTY.**

(A) Any person who violates any of the provisions of this chapter for which no penalty is otherwise provided shall be punished by fines as follows:

(1) \$1000 for first violation within twelve (12) month period;

(2) \$1500 for second violation within twelve (12) month period;

(3) \$2000 for third violation within twelve (12) month period.

Each day a violation continues shall constitute a separate violation.

Not more than \$15,000 in fines maybe imposed against any licensee during this period of this license. (Res. 86-90, adopted 6-19-86)