

VILLAGE OF NEW LENOX

ORDINANCE NO. 2191

AN ORDINANCE AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES,
OF THE MUNICIPAL CODE OF THE VILLAGE OF NEW LENOX, WILL
COUNTY, ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF NEW LENOX

THIS 22nd DAY OF August, 2011

Published in pamphlet form by the authority of the Board of Trustees of the Village of New Lenox, Will
County, Illinois this 23rd day of August, 2011

ORDINANCE NO. 2191

AN ORDINANCE AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, OF THE MUNICIPAL CODE OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS

WHEREAS, the Mayor and Board of Trustees of the Village of New Lenox, Will County, Illinois has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 235 ILCS 5/1-1 et seq., Liquor Control Act, the Mayor and Board of Trustees of the Village of New Lenox has the power to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor, the amount of the local licensee fees to be paid for the various kinds of licenses to be issued, and to establish such further regulations and restrictions upon the issuance of and operations under local licenses as the public good and convenience may require; and

WHEREAS, the Village Board of Trustees of the Village of New Lenox, Will County, Illinois has previously adopted ordinances which regulate the licensing, sale and service of alcoholic beverages in said Village; and

WHEREAS, it has been deemed to be in the best interest of the citizens of the Village of New Lenox to amend the provisions of Chapter 6, Alcoholic Beverages, of the Municipal Code of the Village of New Lenox, to allow for more concise understanding of the rules and regulations for the sales and service of alcoholic beverages; and

WHEREAS, the Village of New Lenox is a Home Rule Municipality under and by virtue of the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1. The Mayor and Board of Trustees hereby finds that all of the recitals contained in the preamble to this Ordinance are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.

SECTION 2. That Chapter 6, Alcoholic Beverages, be deleted and replaced with Exhibit "A", attached hereto and incorporated herein.

SECTION 3. In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction,

such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4. That all ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance shall be and the same is hereby repealed.

SECTION 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

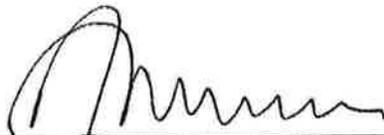
SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 22nd day of August, 2011
with 7 members voting AYE, with -0- members voting NAY, and
with -0- members ABSENT, the Mayor voting aye; and said vote being,
MADSEN aye, DYE aye, BOWDEN aye,
SMITH aye, BUTTERFIELD aye, and TUMINELLO aye.



VILLAGE CLERK

APPROVED this 23rd day of August, 2011.


MAYOR

ATTEST:


VILLAGE CLERK

EXHIBIT "A"

**VILLAGE OF NEW LENOX
LIQUOR CONTROL ORDINANCES**

CHAPTER 6: 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

ARTICLE I.

CONSTRUCTION

Sec. 6-1 CONSTRUCTION.

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

Sec. 6-2 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.

Sec. 6-3 WORDS AND PHRASES DEFINED.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

APPLICANT. The person or persons named in the application for a retail liquor license and shall include all general or limited partners if a general or limited partnership; all officers or directors, and shareholders holding directly or beneficially more than five percent (5%) of the stock in a corporation, if a corporation; each trustee and beneficiary, in the case of a trust, land trust or joint venturer; all managing members and all members holding directly or beneficially more than five percent (5%) of a limited liability company (LLC) or who otherwise has a proprietary interest, interest in profits and losses, or right to control such entity, if an LLC; and each liquor manager.

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.

BOWLING ALLEY. A business conducted in any indoor building, room, space or area with a minimum of 3,000 square feet dedicated to bowling, which is open to or frequented by the public and operated for gain, and which is built, maintained, and operated in accordance with the rules and specifications set forth by the United States Bowling Congress.

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. 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
4. 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.

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

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

HOTEL or MOTEL. 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.

LICENSED PREMISES. The place or location where alcoholic liquor and/or alcoholic beverages are stored, displayed, offered for sale, or given away or where drinks containing alcoholic liquor are mixed and served for consumption, all pursuant to a license issued in accord with this chapter. This place includes contiguous grounds and corridors or other floor area of the inside of a building under the ownership and/or sole control of the licensee and those areas internally connected thereto by a doorway which areas are integrally related to the operation but excludes any outside areas such as sidewalks, parking lots, streets, patios, open porches, roof tops, balconies, stoops, yards, driveways, and similar outside areas and grounds except as approved by the Liquor Control Commissioner.

LICENSEE. The person or persons, general or limited partnership, corporation, trust, land trust, joint venturer, or limited liability company holding a license under the provisions of this chapter.

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.

LIQUOR CONTROL COMMISSIONER. The mayor is hereby authorized to be the local liquor control commissioner and shall be charged with the administration of the Liquor Control Act, 235

ILCS 5/1-1 et seq., and of such ordinances and resolutions relating to alcoholic liquor as may be needed. The mayor may appoint persons to assist in the exercise of the power and performance of the duties provided for such liquor control commissioner.

LOUNGE AREA. The seating or standing area where patrons or customers are to be served primarily alcoholic liquor.

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

PATRON BAR. The bar area where patrons or customers will be seated on stools or standing immediately adjacent to the bar primarily for the service of alcoholic liquor.

PROPERTY. The area under the control of the licensee, including but not limited to the licensed premises and other areas such as sidewalks, parking lots, landscaped areas, streets, patios, open porches, roof tops, balconies, stoops, yards, driveways, and similar outside areas and grounds.

PRIVATE FUNCTION. A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in room or rooms designated and used exclusively for the private party, function or event.

RENTAL HALL. A business organized in such a way that it provides a place available for rental by members of the general public. The licensed premises must be designed to accommodate not less than two hundred (200) persons as determined by the maximum occupancy. Such a business is typified by wedding celebrations, parties, or dances by private clubs or individuals. The lessor/licensee is paid a fee by the lessee for the use of the hall and for providing alcoholic liquor for a private function as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract, which may include a cash bar.

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.

SERVICE BAR. A fixed facility or area where alcoholic beverages and supplies are stored and displayed solely for the licensee's employees to mix and serve alcoholic beverages to patrons seated or standing in a lounge or dining area.

TAVERN. Any public place kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is offered for sale to the public for consumption on the licensed premises or for consumption off the licensed premises when sold to the public in its original package. The service of food or meals is incidental to the service of alcoholic liquor.

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

Sec. 6-4 to 6-14 RESERVED.

ARTICLE II.

LICENSES

Sec. 6-15 LICENSE REQUIRED; REGULATIONS.

1. No person shall sell or permit the sale, use, or consumption of any alcoholic liquor in the Village 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, use, or consume such liquors.
2. Restaurants, lounges, service bars, dining rooms, cabarets, night clubs, dance halls, and places in which entertainment is provided or food served and which are not part of a licensed premises hereunder, are prohibited from allowing patrons to bring upon the licensed premises alcoholic beverages to be served or consumed by the patrons.
3. 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 sell, use, or consume 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, used or consumed.
4. 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 their 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 provision shall apply only to hotels and motels conducted and maintained as such.

Penalty, see Sec. 6-999

Sec. 6-16 APPLICATION FOR LICENSE.

1. Application for a license other than a Special License hereunder shall be made on such form as provided by the Liquor Control Commissioner and shall include such information the Liquor Control Commissioner may require, under oath, signed by all applicants, and shall include but is not limited to the following information and statements:
 - a. The name, age, date of birth, last three residence addresses, and Social Security number of all applicants, including the liquor manager. The liquor manager must be present on the licensed premises at least thirty five (35) hours per week.
 - b. 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 their nominee, the name, address, and Social Security number of each such person shall be set forth in the application.

- c. In the case of an individual, the application must contain their place of birth, and if the applicant is a naturalized citizen, then the date and place of naturalization must be shown.
- d. The capital investment which the applicant intends to make in the business of selling liquor at retail upon receipt of a license.
- e. 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.
- f. 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 Village.
- g. 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.
- h. All applicants shall be fingerprinted by the New Lenox Police Department. For purposes of obtaining fingerprints under this section, an application fee to cover the costs incurred in the fingerprinting process shall be collected.
- i. The applicant, or applicants, shall obtain a letter of approval from the Will County Health Department, Village of New Lenox Building and Zoning Department, and the New Lenox Fire Department and shall file the approval in the office of the Liquor Control Commissioner with any application for a license.
- j. 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.
- k. All applicants must also sign the affidavit on the bottom of the application regarding perjury.
- l. All applicants 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.
- m. Payment to the Liquor Control Commissioner of the application fee and associated fees.

Statutory reference:

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

2. Application for a Special License shall be made as follows:

- a. Class BG, BG1 and GC: Application shall be made on such form as provided by the Liquor Control Commissioner and shall include such information as required.
- b. Class MB, OA, SE, SM and TE: 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) business days prior to the scheduled event.

Sec. 6-17 INELIGIBLE APPLICANTS.

- 1. No license shall be issued to:
 - a. Persons under the age of twenty-one (21) years.
 - b. A person who is not of good character and reputation in the community in which the person resides.
 - c. A person who has been convicted of a felony under any federal or state law if the Liquor Control Commissioner determines that the person has not been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
 - d. 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.
 - e. A person who has previously had a liquor license revoked for cause, whether in the Village or in any other jurisdiction.
 - f. 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.
 - g. A partnership, unless all of the members of the partnership shall be qualified to obtain a license. A co-partnership, if any general partnership thereof or any limited partnership thereof owning more than five percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this article.
 - h. A corporation, if any officer, liquor 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.
 - i. 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.

- j. A person whose business is conducted by a liquor manager or agent, unless the liquor manager or agent possesses the same qualifications required by the licensee.
- k. 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 their bond to appear in court to answer charges of any such violation.
- l. 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.
- m. Any law enforcing public official, including the Liquor Control Commissioner, any mayor, or member of a Village Board of Trustees, and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the Liquor Control Commissioner.
- n. A person who is not a beneficial owner of the business to be operated by the licensee.
- o. 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, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.).
- p. 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, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.).
- q. A corporation, if any officer, liquor 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, unless the person or entity is eligible to be issued a license under the Raffles Act (230 ILCS 15/0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.).
- r. 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, unless the premises is the location of a license under the Raffles Act (230 ILCS 15/0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (230 ILCS 20/1 et seq.).
- s. A person who is not cleared by the background and fingerprint checks.

- t. A person who is not a citizen of the United States.
2. 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.
3. 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.

Penalty, see Sec. 6-999

Statutory reference:

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

Sec. 6-18 LICENSE APPLICATION PROCESS; NOTICE; EXCEPTION.

1. 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:
 - a. The class of liquor license applied for.
 - b. The past performance of all applicants as a licensee.
 - c. The character and reputation of all applicants-as a licensee.
 - d. The general design and layout of the proposed licensed premises.
 - e. The nature of entertainment, if any, which the applicant intends to provide.
 - f. The compliance of the property with all ordinances of the Village and specifically health, building, zoning, property, maintenance, housing and fire safety ordinances.
 - g. Any monies owed to the Village, state, or 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.
 - h. The zoning, general character of the surrounding neighborhood and the projected impact of the proposed licensed premises upon the surrounding neighborhood and the Village as a whole. A recommendation may be solicited from the New Lenox Land Use Department at the Liquor Control Commissioner's option.
 - i. The law enforcement problems, if any, which would be created by the opening of the proposed licensed premises. A recommendation may be solicited from the New Lenox Police Department at the Liquor Control Commissioner's option.

Sec. 6-19 RESERVED.

Sec. 6-20 RESERVED.

Sec. 6-21 PREREQUISITES FOR ISSUANCE.

1. 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:
 - a. 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 licensed premises in at least the following amounts:
 - i. \$1,000,000 - general liability/personal injury per person.
 - ii. \$1,000,000 - general liability/property damage per person.
 - iii. \$1,000,000 - general liability/loss of means of support per person.
 - b. Payment to the Liquor Control Commissioner of the fingerprinting fee and the license fee for the class of license desired shall be submitted by the following payment schedule:

The entire amount for the year at the time of approval for the license to be awarded.

- c. Each applicant desiring a license under this chapter, except those applying for a Special License, shall execute a penal bond for a term which shall correspond with the term of the liquor license applied for, payable to the village in the penal sum of \$10,000.00, which bond shall be conditioned upon the faithful compliance with and performance of all of the provisions of the laws of the state relating to the sale of alcoholic liquor and with all of the provisions of the ordinances of the village regulating the sale of alcoholic liquor, and which bond shall be subject to the approval of the Liquor Control Commissioner, and upon approval thereof shall be filed with the village clerk. A breach of any of the conditions of the bond shall work a forfeiture of the penalty thereof, which amount shall be recoverable in an action of debt, and the bond shall further be conditioned for the payment of all fines, costs, penalties and forfeitures assessed against the licensee during the continuance of the license under the terms of this article and any and all other ordinances pertaining to the sale of alcoholic liquor now in force or hereafter adopted, on account of any act done in violation thereof during the term for which the license is granted. Any person who has become a surety upon a bond required in this section may release themselves from such liability in the following manner: such surety, at least 11 days before a regular meeting of the village board of trustees, shall give notice in writing, over their signature, to the village clerk, who shall forthwith notify the principal on the bond, who shall thereafter file with the Liquor Control Commissioner a new bond with sureties to be approved by the Liquor Control Commissioner as provided in this section. If no new bond, with sufficient sureties, approved by the

Liquor Control Commissioner, has been filed by the licensee within ten days after notification from the village clerk of the withdrawal of the former surety, the license theretofore granted to the licensee shall be revoked by the Liquor Control Commissioner. No surety shall be released from any liability on a bond arising prior to the giving of a new bond or the revocation of any license.

2. 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.
3. 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.
4. 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, a letter from the New Lenox Fire Department showing compliance with all applicable rules and regulations of the Fire Department, 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.
5. After the applicant has fulfilled the requirements of this chapter, and all Village and County ordinances, state statutes, and federal laws within the prescribed time period, the Liquor Control Commissioner may issue the license.
6. If the requirements of this chapter, and all Village and County ordinances, state statutes, and federal laws are not fulfilled within the time periods set forth therein, the applicant shall reapply as set forth previously.
7. 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 their 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.
8. 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 licensed premises as to the dates the cleaning was done, signed by the person who actually performed the cleaning.

9. Mandatory consultation/orientation for new applicants of a Village Liquor License. Other than a class BG, BG1, GC, or MB, the issuance of the license will be temporary until applicants attend a mandatory consultation/orientation with the Liquor Control Commissioner or designee, along with their listed liquor manager of the licensed premises. If the holder of the license is a corporation, then it is required that the liquor manager of the licensed premises attend.

Statutory reference:

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

Sec. 6-22 LICENSE CLASSIFICATIONS.

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

Standard Licenses

1. Class A (Tavern)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption in an enclosed building. This class shall not permit entertainment on the property.

2. Class A1 (Tavern – Package)

Issued to authorize the sale on the specified licensed 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 licensed premises. This class shall not permit entertainment on the property.

3. Class A2 (Tavern – Entertainment)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption in an enclosed building. This class shall permit entertainment in the licensed premises. All entertainment must be confined solely within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.

4. Class A3 (Tavern – Package – Entertainment)

Issued to authorize the sale on the specified licensed 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 licensed premises. This class shall permit entertainment in the licensed premises. All entertainment must be confined solely within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.

5. Class B (Package)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor in its original package not for consumption on the licensed premises. It shall be lawful to permit the tasting or sampling of alcoholic liquor on the licensed 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 property.

Any areas used to store alcoholic liquor not on display shall also be divided in such a manner so as to allow the liquor inventory to be secured from the remainder of the storeroom during any hours of operation when alcoholic liquor cannot be sold. No alcoholic beverages may be stored or displayed outside of any licensed premises.

6. Class B1 (Package – Gas Station)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor in its original package not for consumption on the licensed premises. This class shall not permit entertainment, tasting or sampling on the property.

Any areas used to store alcoholic liquor not on display shall also be divided in such a manner so as to allow the liquor inventory to be secured from the remainder of the storeroom during any hours of operation when alcoholic liquor cannot be sold. No alcoholic beverages may be stored or displayed outside of any licensed premises.

7. Class C (Catering)

Issued to 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.

8. Class D (Restaurant – Beer and Wine Only)

Issued to authorize the sale on the specified licensed premises of beer and wine only for consumption in an enclosed building in conjunction with the sale of food only, where alcohol is served at tables, as an integral part of a food service operation. No bar or entertainment shall be permitted on the property.

Restaurant Requirements

A license may be granted or retained if:

- a. the facilities for food preparation and service are primarily those of a restaurant, and
- b. the restaurant derives more than 60 percent of its gross revenue (on an annual basis) from the sale of foods. The determination of whether the 60 percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The burden of meeting the determination shall be on the licensee. In the event the licensee has not possessed such license for a full year, the determination of whether the 60 percent standard has been met shall be deferred until the next license renewal period. The records used to determine whether said 60 percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Liquor Control Commissioner, and

- c. no signs advertising alcoholic beverages or the sale of alcoholic beverages are visible on the outside of the building in which the establishment is located. Alcoholic liquor may be sold in a restaurant holding a class D license only during the period when patrons of the licensee are offered a complete meal. There shall be no live music in an establishment holding a class D license, nor shall a disc jockey play recorded music in such establishment.

9. Class D1 (Restaurant – Full Liquor)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption in an enclosed building, where alcohol is served at tables, as an integral part of a food service operation, or in a service or patron bar area within the specified licensed premises. No entertainment shall be permitted on the property.

Restaurant Requirements

A license may be granted or retained if:

- a. the facilities for food preparation and service are primarily those of a restaurant, and
- b. the restaurant derives more than 60 percent of its gross revenue (on an annual basis) from the sale of foods. The determination of whether the 60 percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The burden of meeting the determination shall be on the licensee. In the event the licensee has not possessed such license for a full year, the determination of whether the 60 percent standard has been met shall be deferred until the next license renewal period. The records used to determine whether said 60 percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Liquor Control Commissioner, and
- c. no signs advertising alcoholic beverages or the sale of alcoholic beverages are visible on the outside of the building in which the establishment is located. Alcoholic liquor may be sold only during the period when patrons are offered a complete meal. There shall be no live music, nor shall a disc jockey play recorded music.

10. Class D2 (Restaurant – Full Liquor – Entertainment)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption in an enclosed building, where alcohol is served at tables, as an integral part of a food service operation, or in a service or patron bar area within the specified licensed premises. This class shall permit entertainment in the licensed premises. All entertainment must be confined solely within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.

Restaurant Requirements

A license may be granted to or retained if:

- a. the facilities for food preparation and service are primarily those of a restaurant, and
- b. the restaurant derives more than 60 percent of its gross revenue (on an annual basis) from the sale of foods. The determination of whether the 60 percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The burden on meeting the determination shall be on the licensee. In the event licensee has not possessed such license for a full year, the determination of whether the 60 percent standard has been met shall be deferred until the next license renewal period. The records used to determine whether said 60 percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Liquor Control Commissioner, and
- c. no signs advertising alcoholic beverages or the sale of alcoholic beverages are visible on the outside of the building in which the establishment is located. Alcoholic liquor may be sold only during the period when patrons are offered a complete meal.

11. Class D3 (Microbrewery – Full Liquor)

Issued to authorize the manufacture of beer only on the specified licensed premises, to make sales of the beer manufactured on the licensed premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the licensed premises, to sell and offer for sale at retail, and the sale of alcoholic liquor at tables as an integral part of a food service operation, or in a service or patron bar area within the specified licensed premises. No entertainment shall be permitted on the property.

Microbrewery Requirements

A license may be granted to or retained if:

- a. the facilities are primarily those of a microbrewery, and
- b. the microbrewery derives more than 60 percent of its gross revenue (on an annual basis) from the sale of foods. The determination of whether the 60 percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The burden on meeting the determination shall be on the licensee. In the event licensee has not possessed such license for a full year, the determination of whether the 60 percent standard has been met shall be deferred until the next license renewal period. The records used to determine whether said 60 percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Liquor Control Commissioner, and

- c. no signs advertising alcoholic beverages or the sale of alcoholic beverages are visible on the outside of the building in which the establishment is located. There shall be no live music, nor shall a disc jockey play recorded music.

12. Class D4 (Winery – Full Liquor)

Issued to authorize the manufacture of wine only on the specified licensed premises, to make sales of the wine manufactured on the licensed premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the wine upon the licensed premises, to sell and offer for sale at retail, and the sale of alcoholic liquor at tables as an integral part of a food service operation, or in a service or patron bar area within the specified licensed premises. No entertainment shall be permitted on the property.

Winery Requirements

A license may be granted to or retained if:

- a. the facilities are primarily those of a winery, and
- b. the winery derives more than 60 percent of its gross revenue (on an annual basis) from the sale of foods. The determination of whether the 60 percent gross revenue standard has been met shall be made at the time of license renewal for the year just ended. The burden on meeting the determination shall be on the licensee. In the event licensee has not possessed such license for a full year, the determination of whether the 60 percent standard has been met shall be deferred until the next license renewal period. The records used to determine whether said 60 percent standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the Liquor Control Commissioner, and
- c. no signs advertising alcoholic beverages or the sale of alcoholic beverages are visible on the outside of the building in which the establishment is located. There shall be no live music, nor shall a disc jockey play recorded music.

13. Class E (Hotel)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption, whether for private events or in a tavern, lounge area, or banquet room. This class shall permit entertainment in the licensed premises. All entertainment must be confined solely within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.

14. Class E1 (Hotel – Package)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption, whether for private events or in a tavern, lounge area, or banquet room, and also authorize the sale of alcohol liquor in its original package not for consumption on

the licensed premises. This class shall permit entertainment in the licensed premises. All entertainment must be confined solely within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises.

15. Class F (Rental Hall)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption and the licensed premises is used exclusively for private functions. Rental hall is defined in Section 6-3. Hors d'oeuvres, meals or other food from the licensee or a licensed food establishment must be served.

16. Class G (Non-for-Profit Clubs – Civic Organizations – Governmental Agencies)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption on the licensed premises only, to civic, charitable, governmental, or other not-for-pecuniary-profit organizations.

17. Class H (Theatre or Cinema)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption, which premises are a cinema or theater entertainment venue, consisting of a permanently affixed single or multi-screen operation in conjunction with the purveying of food for consumption on the premises, and further provided that the sale of food and alcoholic beverages shall be accessory to the operation of the premises as a cinema or theater entertainment venue.

18. Class I (Bowling Alley)

Issued to authorize the sale on the specified licensed premises of alcoholic liquor for consumption during times when the premises is being used for bowling, and the sale of alcoholic liquor is from one bar room only. Bowling alley is defined in Section 6-3.

Sec. 6-23 SPECIAL LICENSES.

1. Class BG (Beer Garden)

Issued to authorize the holder of an A, A1, A2, A3, D, D1, D2, D3, D4, E, E1, or F license to sell alcoholic liquor in an open air enclosed area connected to the licensed premises or in a pavilion on the property that the licensee either owns or rents. This license is required in addition to any other license as required by this chapter. A class BG license shall be applied for and issued as follows:

- a. This license shall only be issued upon the application and receipt of a valid special use permit which shall set forth the conditions of the service of such alcohol, as well as the hours to be observed in the sale of alcoholic liquor for such licensed premises.
- b. A beer garden permit may be issued to a licensee to operate an additional bar on the following locations:

- i. An open air enclosed area connected to the licensed premises.
 - ii. A pavilion which is located on the grounds that the licensee owns or rents.
- c. 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.
 - d. The licensed outdoor area floor space shall be no greater than two thousand (2,000) square feet and shall not be expanded beyond the area approved in the underlying license.
 - e. Floors shall be of a hard surface; i.e., concrete, asphalt or brick material.
 - f. While emergency exits are required, any part of the licensed outdoor area not abutted by a building shall be enclosed, with an enclosed area that inhibits unrestricted access from a public way.
 - g. Noise emitting from the licensed outdoor area shall not unreasonably disturb the area in which it is located.
 - h. The licensed outdoor area shall be particularly described and approved as to location and construction and adjacent to and operated as part of the premises licensed to sell such alcoholic beverages for consumption on the adjoining premises.
 - i. A separate class BG license must be obtained for each additional bar (beer garden).
 - j. However, no class BG 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, their lessee or employees, unless authorized by the Village Board of Trustees.
 - k. No entertainment shall be allowed in the beer garden area nor shall a disc jockey play recorded music unless a class SE license has been issued allowing the same, and then only under terms of that license.
 - l. The Liquor Control Commissioner may impose such additional conditions as deemed necessary to promote the public health, safety and welfare and the quiet enjoyment of any neighborhood residence.

2. Class BG1 (Beer Garden – Entertainment)

Issued to authorize the holder of an A, A1, A2, A3, D, D1, D2, D3, D4, E, E1, or F license to sell alcoholic liquor in an open air enclosed area connected to the licensed premises or in a pavilion on the property that the licensee either owns or rents. This license is required in addition to any other license as required by this chapter. A class BG1 license shall be applied for and issued as follows:

- a. This license shall only be issued upon the application and receipt of a valid special use permit which shall set forth the conditions of the service of such alcohol, as well as the hours to be observed in the sale of alcoholic liquor for such licensed premises.
- b. A beer garden permit may be issued to a licensee to operate an additional bar on the following locations:
 - i. An open air enclosed area connected to the licensed premises.
 - ii. A pavilion which is located on the grounds that the licensee owns or rents.
- c. 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.
- d. The licensed outdoor area floor space shall be no greater than two thousand (2,000) square feet and shall not be expanded beyond the area approved in the underlying license.
- e. Floors shall be of a hard surface; i.e., concrete, asphalt or brick material.
- f. While emergency exits are required, any part of the licensed outdoor area not abutted by a building shall be enclosed, with an enclosed area that inhibits unrestricted access from a public way.
- g. Noise emitting from the licensed outdoor area shall not unreasonably disturb the area in which it is located.
- h. The licensed outdoor area shall be particularly described and approved as to location and construction and adjacent to and operated as part of the premises licensed to sell such alcoholic beverages for consumption on the adjoining premises.
- i. A separate class BG1 license must be obtained for each additional bar (beer garden).
- j. However, no class BG1 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, their lessee or employees, unless authorized by the Village Board of Trustees.
- k. Entertainment shall be allowed in the beer garden.
- l. The Liquor Control Commissioner may impose such additional conditions as deemed necessary to promote the public health, safety and welfare and the quiet enjoyment of any neighborhood residence.

3. Class GC (Golf Course)

Issued to authorize the holder of a class A, A1, A2, A3, D, D1, D2, F, or G license to sell

on the specified licensed premises alcoholic liquor for consumption outdoors during daylight hours when the golf course is in use.

Under the conditions prescribed herein, and unless the Liquor Control Commissioner otherwise requires in the Liquor Control Commissioner's discretion for the public good, Class GC licensees shall be allowed to hold special events as described under Sec. 6-23 (6) of this article and shall not be limited as to the number or frequency thereof, solely as the following conditions are met:

- a. No event shall take place except between the hours from sunrise to sunset, except as otherwise expressly permitted by the Liquor Control Commissioner.
- b. The event shall be subject to such other conditions, as the Liquor Control Commissioner shall require.

4. Class MB (Mini-Bar)

Issued to authorize the holder of a class E or E1 license to sell prepackaged individual servings of alcoholic beverages for consumption in a guest room or individual servings of alcoholic beverages only for consumption in a designated hospitality area of a hotel, which hospitality area has been approved by the Liquor Control Commissioner, and which alcoholic beverages shall be dispensed only from a mini-bar or served by a hotel employee from a cooler or service bar located in such hotel guest room or hospitality area.

5. Class OA (Outdoor Amusement)

Issued to authorize the retail sale of beer and wine only at the location designated in the license and at concession stands. This license shall be available only to concessionaires at properly zoned outdoor amusement areas. This license shall permit entertainment, but shall be restricted as follows:

- a. There shall be no tailgating or possession of any kind of alcoholic liquor in the parking lots or any location other than as expressly approved herein. "Tailgating" shall mean persons driving to the licensed premises and commencing to consume food and/or beverages brought with them.
- b. There shall be no dispensing of alcohol in glass containers of any kind whatsoever. All drink containers must be either plastic or paper and must be made of either recyclable and/or biodegradable products.
- c. The maximum size drink to be dispensed for beer shall be twenty four (24) ounces, for wine shall be eight (8) ounces.
- d. All the concession stands, including portable stands, shall be subject to review and approval by the building inspector and the village police department, and no liquor license shall be issued without such approval. Also, such concession stands shall be subject to continuing inspection and if such structures are not in compliance with all village codes, the liquor license shall be suspended by appropriate proceedings until such time as such structures are brought into conformance.

If the licensee is the current holder of a class A, A1, A2, A3, D, D1, D2, D3, D4, E, E1, F, G or SM license, the fee for the licensee shall be \$50.00. Otherwise, the fee shall be \$500.00.

6. Class SE (Special Event)

Issued to authorize the holder of a class A, A1, A2, A3, D, D1, D2, D3, D4, E, E1, F, or G license to hold one special event, for a maximum of a 96-hour period, issued in 24-hour increments. All restrictions of the licensee's original license classification apply with the following exceptions:

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

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

- i. An area adjacent to the license premises;
- ii. An area enclosed by a fence or other barrier at least four feet high; and
- iii. An area with controlled, limited access.

7. Class SM (Seasonal Market)

Issued to authorize the sale at a Seasonal Market as defined herein of wine in its original package not for consumption on the license premise. It shall be lawful to permit the sampling or tasting of wine on the licensed premise. The samples shall be 1 ounce or less, and in no circumstances shall any payment be required for any samples.

For purposes of this subsection, a "Seasonal Market" is a gathering of not less than ten local vendors selling their homemade or homegrown products at a specific predetermined location on prescheduled dates. The market shall be sponsored by an established organization that shall be responsible for organization of the market, which shall include securing the location where the market meets and scheduling and holding the market at least once a week for no less than eight consecutive weeks.

8. Class TE (Civic – Charitable – Governmental – Non-for Profit)

Issued to authorize the sale of alcoholic liquor by civic, charitable, governmental, or other not-for-pecuniary-profit organizations on the specified licensed premises or within an area specifically designated by the Liquor Control Commissioner, for consumption, for no longer than a 24-hour period. A Class TE license shall be available to only such organizations whose offices are located within the Village.

Statutory reference:

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

9. Application and issuance. A class OA, SE, SM or TE license shall be applied for and issued as follows:
- a. Application. Application for a class OA, SE, SM or TE 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.
 - b. Issuance. The Liquor Control Commissioner shall determine whether it is in the best interests of the Village to issue the license and shall make the decision based on those elements listed in Sec. 6-18.
 - c. Decision. The Liquor Control Commissioner shall notify the applicant within ten (10) business days of the hearing on the application of the decision and if the application is denied, the applicant may request a hearing before the Liquor Control Commissioner within three (3) business days of the receipt of such notification. The requests shall be made in writing.
 - d. Conditions. If a license is issued by the Liquor Control Commissioner, the licensee shall be subject to the terms of their license, including all such conditions which are deemed appropriate, the furnishing of evidence of dram shop insurance as required by Sec 6-21, 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, but in no event later than specified in Sec. 6-55.
 - e. Security Conditions. Before issuing the required license, the Liquor Control Commissioner may require the following:
 - i. A review of the special event by the New Lenox Police Department and recommendation for issuing of the required license will be attached to the application. This may include the entering into a contract with the New Lenox Police Department 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.
 - ii. The Chief of Police or 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.
 - iii. In order to maintain public safety and alcohol is being served, the Liquor Control Commissioner may require security if deemed necessary.

Sec. 6-24 LICENSE FEES AND NUMBER OF LICENSES.

1. The annual license fees for licenses shall be as follows:

<i>Standard Licenses</i>	<i>License Fee</i>
Class A (Tavern)	\$2,000
Class A1 (Tavern – Package)	\$2,500
Class A2 (Tavern – Entertainment)	\$2,500
Class A3 (Tavern – Package – Entertainment)	\$3,000
Class B (Package)	\$2,000
Class B1 (Package – Gas Station)	\$1,500
Class C (Catering)	\$1,000
Class D (Restaurant – Beer and Wine Only)	\$1,000
Class D1 (Restaurant – Full Liquor)	\$1,500
Class D2 (Restaurant – Full Liquor – Entertainment)	\$2,000
Class D3 (Microbrewery)	\$2,000
Class D4 (Winery)	\$2,000
Class E (Hotel)	\$2,500
Class E1 (Hotel – Package)	\$3,000
Class F (Rental Hall)	\$2,500
Class G (Club, Civic, Governmental)	\$750
Class H (Theatre or Cinema)	\$2,000
Class I (Bowling Alley)	\$2,000

<i>Special Licenses</i>	<i>License Fee</i>
Class BG (Beer Garden) Supplemental License	\$500
Class BG1 (Beer Garden – Entertainment) Supplemental License	\$1,000
Class GC (Golf Course) Supplemental License	\$0
Class MB (Mini-Bar) Supplemental License	\$500
Class OA (Outdoor Amusement)	\$500
Class SE (Special Event, for each 24 hour increment, max. 96 hours)	\$100
Class SM (Seasonal Market)	\$200
Class TE (Temporary – 24 hours) per issuance	\$100
Change in location or expansion	\$100
Change in license class; more than 6 months	\$500
Half year change in license class	\$300

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, or as indicated on the license. A new or renewed license will be required in order for the licensed premises to commence operations on January 1 of the new year.

2. The annual license fee for a civic, charitable, governmental, or other not-for-pecuniary-profit organizations for any combination of licenses on the specified property shall not exceed \$1,500, excluding SE (special event) licenses.
3. No rebate of any fee shall be made to any licensee.
4. The number of licenses shall be as set forth in the office of the Liquor Control Commissioner.

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

Sec. 6-25 SALE OF ALCOHOLIC BEVERAGES ALLOWED ON CERTAIN VILLAGE PROPERTY.

No section of this ordinance shall prohibit the sale, delivery or consumption of alcoholic beverages within the New Lenox Commons property located on Veterans Parkway, as well as at the village hall located at 1 Veterans Parkway in the village, except that any vendor selling alcoholic liquor within the confines of these properties must first obtain a class OA, SE, SM or TE liquor license, as well as the approval of the Liquor Control Commissioner to sell such beverages at the specified location.

Sec. 6-26 LICENSE RENEWALS.

1. Any licensee may apply for renewal of their license at the expiration thereof, provided however, that the licensee continues to meet the same qualifications as an original applicant, and provided that the licensed premises for which the renewal of license is sought are in compliance with all applicable ordinances of the Village. 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 the jurisdiction. In order to change the class of license upon renewal, the licensee shall comply with the requirements as set forth in Sec. 6-41.
2. Prior to October 31 of the year for which the license has been issued, a licensee shall submit an application for license renewal along with the associated fees fee to the Liquor Control Commissioner. The license fee shall be paid prior to the time of issuance of the license.
3. 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 licensed premises) has occurred in the information, in which case the applicant shall submit an original application with all required information.
4. Renewal applications submitted later than October 31 of the year for which a current license is held shall be treated as applications for a new license under Sec. 6-16.
5. All licensees are to keep updated records of the liquor manager of the licensed premises at all times. The information that must be provided is the liquor manager's name, address, phone numbers, date of birth, drivers license or state identification license and social security number.
6. In the event the Liquor Control Commissioner believes or has reason to believe the licensee does not meet the requirements of the underlying license at renewal, the Liquor Control Commissioner shall have the right to compel the licensee to produce relevant information, including but not limited to any examinations 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 licensee is qualified to a renewal. The burden of meeting the requirements of the underlying license shall be on the licensee. If the licensee cannot meet the requirements of the underlying license, the license shall not be renewed.

Sec. 6-27 TERM OF LICENSES.

1. 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, or as indicated on the license. A new or renewed license will be required in order for the licensed premises to commence operations on January 1 of the New Year.
2. For all licenses issued an in effect prior to July 1 of each year, the full fee shall be paid. For all licenses issued subsequent to June 30 of each year, the fee thereof shall be 50 percent of the annual fee as established in this article. All license fees shall be paid prior to the time of issuance of the license.
3. Any licensee who ceases to do business for whatever reason, or, who closes their place of business for whatever reason for a period in excess of forty-five (45) consecutive days shall 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 licensed premises should not be terminated.
4. 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) consecutive 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 subsection (3).

Sec. 6-28 LOCATION RESTRICTIONS.

1. 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.
2. 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.

Sec. 6-29 IMMEDIATE REVOCATION.

1. 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, the Liquor Control Commissioner 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 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.. (ILCS Ch. 235, Act 5, § 7-5)
2. Upon notice from the State Liquor Commissioner to the Liquor Control Commissioner, the Liquor Control Commissioner will issue an ex parte order and shall schedule a hearing on the matter not later than seven (7) business 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 New Lenox Police Officer to go onto the licensed premises and remove the Village liquor license.

Sec. 6-30 to 6-39 RESERVED.

ARTICLE III.

CHANGES IN LICENSE INTEREST OR PREMISES

Sec. 6-40 CHANGE OR EXPANSION OF PREMISES; PERMIT.

1. A permit shall be required for the change of any licensed premises to a new location or for expansion of the licensed premises as set forth in the original application.
2. An application to change the location of the licensed premises or for the expansion of the licensed 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:
 - a. The name of the licensee.
 - b. The class of license.
 - c. The present licensed premises.
 - d. The proposed licensed premises.
 - e. The reason for the proposed change.
3. The Liquor Control Commissioner shall determine whether it is in the best interest of the Village to permit the proposed change in location or for the expansion of the originally applied for premises, and shall make the decision based on those elements listed in Article II; however, no change in the location shall be permitted unless the licensee shall have been in the location from which the licensee is seeking to have the license transferred as a license for at least two years prior to the date of the proposed transfer.
4. The Liquor Control Commissioner shall notify the licensee of the decision within ten (10) business days of the application, and if the application is denied, the licensee may request a hearing before the Liquor Control Commissioner within seven (7) business days of the date of the receipt of such notification. The request shall be in writing.

Sec. 6-41 CHANGE OF LICENSE CLASS.

1. Except as provided in Sec. 6-18, 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 Sec. 6-16.
2. Except as provided in Sec. 6-18, the Liquor Control Commissioner shall follow the same procedure as set forth in Sec. 6-16 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 Village.
3. In order to change a 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 Sec. 6-16.

- a. License changes which are permitted by this section are as follows:
 - i. Class A1, A2, or A3 to Class A.
 - ii. Class A3 to Class A1 or A2.
- b. The Liquor Control Commissioner shall determine whether it is in the best interests of the Village to permit a change of license class and shall make the decision based on those elements as set forth in this chapter. In addition, the Liquor Control Commissioner shall have the right to compel the licensee 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 licensee is qualified to receive a license change. The burden of a change of license shall be on the licensee.
- c. The Liquor Control Commissioner shall notify the licensee within ten (10) business days of the application of the decision, and if the application is denied, the licensee may request a hearing before the Liquor Control Commissioner within seven (7) business days of the date of the receipt of the notification. The request shall be in writing.
- d. 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.

Sec. 6-42 TRANSFER OF LICENSE.

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.

Sec. 6-43 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 this chapter if the person is authorized by a court of competent jurisdiction to continue the operation of the business.

Sec. 6-44 CHANGES IN INTEREST; PARTNERSHIPS AND CORPORATIONS.

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

1. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5%) of the stock or ownership interest, or liquor managers of the licensed premises under this chapter, shall be reported in writing to the Liquor Control Commissioner within ten (10) business days of the change. All such persons shall meet all the standards of this chapter and must otherwise qualify to hold a license.
2. 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.

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

Sec. 6-45 to 6-54 RESERVED.

ARTICLE IV.

HOURS AND POSTING OF LICENSE

Sec. 6-55 HOURS OF OPERATION.

1. 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 Village, except during the following hours:
 - a. Sundays, 9:00 a.m. until 1:00 a.m.
 - b. Mondays through Thursdays, 6:00 a.m. until 1:00 a.m. the following day.
 - c. Fridays and Saturdays, 6:00 a.m. until 2:00 a.m. the following day.
 - d. The Wednesday prior to Thanksgiving, closing time shall be 2:00 a.m. on Thanksgiving; on Christmas Eve, closing time shall be 12:00 midnight; and on New Year's Eve, closing time shall be 2:00 a.m. on January 1.
2. Notwithstanding subsection (1), it shall be lawful for the holders of a Class TE license to remain open for business only as permitted by the terms of that license and lease pursuant thereto.
3. Restaurants or hotels whose premises are licensed under this chapter shall be permitted to remain open other than the hours established by subsection (1); however, no licensee or their agent or employee shall sell any alcoholic liquor except during the hours permitted in subsection (1), all alcoholic liquor served within fifteen (15) minutes prior to the hour of closing permitted in subsection (1), 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 licensed premises later than fifteen (15) minutes after the hour of closing permitted in subsection (1).

Penalty, see Sec. 6-999

Statutory reference:

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

Sec. 6-56 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.

Penalty, see Sec. 6-999

Sec. 6-57 PERSONS ON PREMISES AFTER HOURS.

No licensee shall permit another, except a peace officer who is in the performance of their 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 Sec. 6-55.

Penalty, see Sec. 6-999

Sec. 6-58 to 6-69 RESERVED.

ARTICLE V.

MINORS

Sec. 6-70 SALE TO MINORS PROHIBITED.

1. 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.
2. 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 to be a habitual drunkard, or an insane, mentally ill, or mentally deficient person.
3. 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 their possession.
4. In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with this section shall be sentenced as provided in section 1-15 of this Code for each offense.

Sec. 6-71 ENTRY ON PREMISES.

1. No licensee shall permit or allow a person less than twenty-one (21) years of age to enter or remain in the lounge area or patron bar area as defined in Sec. 6-3, of a licensed premises without being accompanied by a parent or guardian.
2. No licensee shall permit or allow a person less than twenty-one (21) years of age to enter or remain in a tavern as defined in Sec. 6-3, of a licensed premises without being accompanied by a parent or guardian.
3. No licensee shall employ any person less than twenty-one (21) years of age, to sell, serve, draw, pour, or mix any alcoholic liquor, beer, wine, or to tend bar, on the licensed premises.

Penalty, see Sec. 6-999

Sec. 6-72 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 Village of New Lenox, 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.

Penalty, see Sec. 6-999

Sec. 6-73 PROOF OF AGE.

1. 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, the licensee shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age.
2. 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 and proof of age issued by a public officer in the performance of their official duties. Failure to produce identification 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 document, if the licensee finds that the document is forged, changed, or altered in any way, the licensee is under an affirmation duty to confiscate the document 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.
3. No person under the age of twenty-one (21) years shall misrepresent their age for the purpose of purchasing or obtaining an alcoholic beverage in any place where such beverages are served or sold.
4. 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.

Penalty, see Sec. 6-999

Sec. 6-74 ACCOUNTABILITY FOR CONSUMPTION, DISPENSING, AND/OR POSSESSION OF ALCOHOL.

1. 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.
2. If found to be in violation of this section 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 in accordance with Section 6-999.

Sec. 6-75 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 their date of birth.

Sec. 6-76 to 6-84 RESERVED.

ARTICLE VI.

CONDUCT ON PREMISES

Sec. 6-85 INTOXICATED PERSONS.

1. No licensee shall permit or allow an intoxicated person to enter into or allow to remain upon the licensed premises or property.
2. No licensee shall sell alcoholic liquor to any intoxicated or incompetent persons.

Penalty, see Sec. 6-999

Sec. 6-86 DISORDERLY PERSONS.

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

Penalty, see Sec. 6-999

Sec. 6-87 DANCING.

No licensee shall permit or allow dancing upon the licensed premises except in an area specifically designated for dancing only or upon a stage. Dancing by patrons only shall be allowed.

Penalty, see Sec. 6-999

Sec. 6-88 DISCRIMINATION.

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

Penalty, see Sec. 6-999

Sec. 6-89 VIOLATIONS OF LOCAL, COUNTY, STATE, OR FEDERAL LAWS.

1. No licensee shall permit or allow the violation of Village ordinance, County ordinance, state statute, or federal law upon the licensed premises or property by any person.
2. No licensee shall violate any Village ordinance, County ordinance, state statute, or federal law upon the licensed premises or property.

Penalty, see Sec. 6-999

Sec. 6-90 NUDITY.

The following conduct at a licensed premises is prohibited:

1. Any person who performs any of the following acts in a public place commits public indecency:

- a. An act of sexual penetration or sexual conduct as defined in ILCS Ch. 720, Act 5, §1-9.
- b. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person or another.
- c. The act or simulated caressing or fondling of genitals, buttocks, or breast.
- d. The actual or simulated display or exposure of genitals, pubic hair, buttocks, anus, or of the female breast.
- e. 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.
- f. The displaying of films, pictures, or any other visual display depicting acts set forth in this subsection.

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

Penalty, see Sec. 6-999

Statutory reference:

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

Sec. 6-91 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.

Penalty, see Sec. 6-999

Sec. 6-92 CONSUMPTION OF ALCOHOLIC BEVERAGES.

All alcoholic liquors must be consumed within the licensed premises or at the location designated in the license. Consumption of alcoholic beverages is not allowed on a public way, outside the enclosed structure, or in or around a parking lot connected to or controlled by the licensee unless specified in the license. The licensee shall take action to stop the consumption of alcoholic beverages in prohibited areas. A licensee holding a Class BG or BG1 license connected to the licensed premises 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. A licensee holding a class OA (Outdoor Amusement) license may allow patrons to consume alcoholic beverages within the zoned outdoor amusement area.

Penalty, see Sec. 6-999

Sec. 6-93 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 property, 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 Village in the apprehension of persons accused of or suspected of crime.

Penalty, see Sec. 6-999

Sec. 6-94 LINGERIE SHOWS PROHIBITED.

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 Sec. 6-3 which violates the provisions of Sec 6-90.

Sec. 6-95 STANDARDS OF OPERATION.

Licensees shall be held accountable in the operation of their licensed premises, 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 licensed premises and the property.
2. Checked identification of persons entering the licensed premises to determine that patrons are of lawful age.
3. Provided sufficient lighting for security purposes.
4. Consulted with the New Lenox Police Department when special events are held to determine appropriate security and planning.
5. Immediately report disturbances on the property to the New Lenox Police Department when such disturbances could result in physical contact that would likely result in injury (verbal arguments and mild shoving need not be reported if the Police Officers are not needed for assistance and the dispute is handled peacefully by licensee's personnel).
6. Cooperated with New Lenox Police Department in suppressing disorderly conduct and violence and assisted the officers in obtaining the names and addresses of the perpetrators or witnesses and cooperating in the prosecution of offenders.
7. Discontinued service of alcoholic beverages to persons who manifest signs that they are becoming intoxicated.
8. Obeyed the closing time regulations.
9. Violated the nudity section of this Code (6-90).
10. Permitted the sale, exchange or use of illegal drugs or chemical substances on the licensed premises or the property.

Sec. 6-96 RESERVED.

Sec. 6-97 RESERVED.

Sec. 6-98 PHYSICAL VIOLENCE INVOLVING WEAPONS.

The Liquor Control Commissioner may suspend or revoke any licenses issued if the Liquor Control Commissioner determines that there was any physical attack or fight involving a weapon on the licensed premises or the property, or if there was any unlawful discharge of a firearm on the licensed premises or the property. In addition, the Liquor Control Commissioner may impose penalties as set forth in Sec. 6-999.

Sec. 6-99 ENTERTAINMENT ON PREMISES.

Any entertainment event in the licensed premises, excluding a private function, shall notify the Liquor Control Commissioner for approval, not less than (14) business days before the event, in writing of the event and provide such information as the Liquor Control Commissioner shall require.

Sec. 6-100 GAMBLING.

It shall be unlawful to keep, have, use or permit to be used in any premises in the Village used for the retail sale of alcoholic liquor any slot machine, poker machine or other instrument or device upon which money is staked or hazarded or into which money is paid or played upon chance, or upon the result of the action of which money or other valuable thing is staked, bet, hazarded, won or lost. (Illinois Compiled Statutes, Chapter 720, § 5/28 et seq.)

Sec. 6-101 REPORTING OFFENSES.

All licensees shall immediately report disturbances on their licensed premises or property to the New Lenox Police Department when such disturbances, under the circumstances, creates or which would tend to create a breach of the peace, are in violation of Village ordinance, County ordinance, state statute, or federal law, or involves a weapon (verbal arguments and mild shoving need not be reported if the Police Officers are not needed for assistance and the dispute is handled peacefully by licensee's personnel). This includes all areas, adjacent room, buildings, parking lots, and property. Failure to report disturbances will entail a fine, suspension or revocation of license.

Penalty, see Sec. 6-999

Sec. 6-102 ACCOUNTABILITY OF LICENSEE FOR OFFENSE.

The licensee may be prosecuted for any offense if:

1. 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 their employment or on behalf of the licensee; or
2. An agent, independent contractor, or employee of the licensee, allows conduct to continue at the licensed premises or property, which itself constitutes an element of the offense, while acting within the scope of their employment or on behalf of the licensee;

or

3. 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
4. The commission of the offense is authorized, requested, commanded or not prevented by the licensee.

Penalty, see Sec. 6-999

Sec. 6-103 ACCOUNTABILITY OF EMPLOYEE FOR OFFENSE.

The employee may be prosecuted for any offense if:

1. 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 Village ordinance, County ordinance, state statute, or federal law while acting within the scope of employment or on behalf of the licensee.
2. The employee is acting as an agent of the licensee and allows conduct on the licensed premises or property which itself constitutes an element of the offense in violation of any Village ordinance, County ordinance, state statute, or federal law, while acting within the scope of employment or on behalf of the licensee.
3. If the employee is found in violation of any Village ordinance, 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 not less than \$250 and not more than as set forth in Sec. 1-9 for each violation.

Sec. 6-104 to 6-109 RESERVED.

ARTICLE VII.

PHYSICAL CONDITION OF PREMISES

Sec. 6-110 SANITATION.

The licensee shall maintain the grounds and exterior of the licensed premises and property, including litter, debris or refuse blowing or being deposited upon adjoining properties and shall comply with all other ordinances regulating the condition of licensed premises and property; maintain the interior premises in clean and sanitary condition and shall comply with all other ordinances regulating the condition of the licensed premises and property used for the storage and sale of food for human consumption.

Penalty, see Sec. 6-999

Sec. 6-111 LIGHTING; VIEW.

Exterior lighting shall be installed as necessary to adequately illuminate the sidewalk, parking areas or other public way surrounding the business. This lighting will insure the safety of patrons and discourage loitering in around the business. All licensees shall keep the interior of the licensed premises continuously lighted during business hours by natural light or artificial white light so that all parts of the licensed premises shall be clearly visible.

Penalty, see Sec. 6-999

Sec. 6-112 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 on the licensed premises 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 licensed premises at ground level. Licensed premises that are not located at ground level are required to install an 18" x 18" clear glass window in the ground level entrance door.

Penalty, see Sec. 6-999

Sec. 6-113 RESERVED.

Sec. 6-114 TELEPHONES.

All licensed premises 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.

Penalty, see Sec. 6-999

Sec. 6-115 PHYSICAL CONDITION OF PREMISES.

1. Licensee must post a sign stating the name of the licensed premises 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 and otherwise comply with Chapter 106, Article VIII. of the Village code.

2. Permanent Outside Signs. Licensee must comply with Chapter 106, Article VIII. of the Village code prior to any signs being displayed.
3. Temporary Outside Signs. Licensee must comply with Chapter 106, Article VIII. of the Village code prior to any signs being displayed.

Sec. 6-116 DOORS TO BE UNLOCKED.

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

Sec. 6-117 to 6-119 RESERVED.

ARTICLE VIII.

TRAINING REQUIREMENTS

Sec. 6-120 TRAINING REQUIREMENTS FOR BEVERAGE REQUIREMENT ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING PROGRAM (BASSET).

1. For the purpose of this section, the term "BASSET program" shall mean and refer to a state certified beverage alcohol sellers and servers education training program.
2. Training program. Training is required as specified below:
 - a. All new liquor managers and all new employees of the holder of a standard liquor license (class A, A1, A2, A3, C, D, D1, D2, D3, D4, E, E1, F, G, H, or I license) for the sale of alcoholic beverages who mix or serve alcoholic beverages to the public and who are employed by that licensee commencing on or after June 1, 2002, shall be required to complete a BASSET program within 90 days of their employment date. All liquor managers and employees by the licensee prior to June 1, 2002, shall complete a BASSET program prior to the next application for their annual license renewal.
 - b. Verification of completion of a BASSET program will be on file with the village police department BASSET coordinator and maintained in the liquor manager's office of the licensee. All liquor managers and employees must contact the village police department to advise of their name, licensed premises and hiring date prior to selling or serving any alcoholic liquor within the village. Responsibility for registration of all liquor managers and employees rests with the licensee.
 - c. BASSET completion cards are to be carried and exhibited on demand. Every student who has successfully completed the BASSET training program shall have the BASSET completion card in their immediate possession at all times when serving alcoholic liquor within the village. For the purpose of indicating compliance with this requirement, all liquor managers and employees shall display the BASSET course completion card upon demand of a village police officer or other agent authorized by the Liquor Control Commissioner.
 - d. The Liquor Control Commissioner of the village may, at the Liquor Control Commissioner's discretion, extend the time for completion of the training, for renewal of licenses only, for an additional 90-day period. Such extensions shall be given on a case-by-case basis for good cause shown. Requests for such extension will be in writing and presented to the Liquor Control Commissioner for a minimum of 30 days prior to implementation deadline.
 - e. Employees of a licensed premises that are of a "temporary status" (Christmas, summer help, etc.) whose employment does not extend past 90 days from the date of employment are not required to complete the training program, but must for the duration of their employment, work under the immediate supervision of a person who has completed the BASSET program. Proof of employment hiring date to be exhibited upon demand of a Village police officer or other agent authorized by the Liquor Control Commissioner. "Temporary status" sellers and servers must also contact the Village police department to advise of name, licensed premises and hiring date prior to selling or serving any alcoholic liquor

within the Village. Responsibility for registration of all "temporary status" employees rests with the licensee.

3. Service sale and management without required training is prohibited. It shall be unlawful to permit any person in a class A, A1, A2, A3, C, D, D1, D2, D3, D4, E, E1, F, G, H or I licensed premises to serve or sell alcoholic beverages unless that person has completed a BASSET training program as required by this section, or to employ a liquor manager in a class A, A1, A2, A3, C, D, D1, D2, D3, D4, E, E1, F, G, H or I licensed premises unless that person has completed a BASSET training program as required in subsection (2)(a) of this section.
4. Repeating course. In addition to other penalties imposed in this chapter, a person violating any regulation of this chapter may be required to again complete the BASSET training program as required in this section.
5. Violation. Failure of a licensee to:
 - a. Require its liquor manager and all employees who mix or serve alcoholic beverages to the public to complete a BASSET program as required in subsection (2)(a) of this chapter.
 - b. Maintain records of such completion.
 - c. Submit evidence of such completion, when required, when requested or required to do so.
 - d. Such failure shall be cause for any one or more of the following:
 - i. Denial of an application for a license or renewal of a license.
 - ii. Imposition of a fine not less than \$500.00 or more than as set forth in Sec. 1-9 and each day a violation continues shall be considered a separate violation.
 - iii. Suspension or revocation of a license or non-renewal of a license.

Sec. 6-121 to 6-129 RESERVED.

ARTICLE IX.

LOCAL LIQUOR CONTROL COMMISSIONER

Sec. 6-130 MAYOR TO BE LOCAL LIQUOR CONTROL COMMISSIONER.

The mayor is hereby authorized to be the Liquor Control Commissioner and shall be charged with the administration of the Liquor Control Act, 235 ILCS 5/1-1 et seq., and of such ordinances and resolutions relating to alcoholic liquor as may be needed.

Sec. 6-131 RESERVED.

Sec. 6-132 APPOINTMENT OF DEPUTY LIQUOR CONTROL COMMISSIONER.

The mayor may appoint persons to assist in the exercise of the power and performance of the duties provided for such Liquor Control Commissioner.

Sec. 6-133 RESERVED.

Sec. 6-134 POWERS OF NEW LENOX POLICE OFFICERS.

Closing liquor facilities. The New Lenox Police officers shall close a licensed premises for conduct that is unmanageable, disorderly, or uncontrollable for purposes of public safety. The Chief of Police or Village of New Lenox officers shall seize the Village license from the licensed premises and instruct the licensee that the license can be retrieved the next business day from the Liquor Control Commissioner. The licensed premises shall then be closed for the rest of the business day and may be allowed to operate the following business day subject to Sec. 6-29.

Sec. 6-135 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 pursuant to this chapter; the Liquor Control Commissioner shall furnish the Village Clerk and Police Department with a copy thereof except for class SE or TE licenses. Copies of class SE and TE licenses shall be provided to the Police Department; 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.

Sec. 6-136 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:

1. 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 jurisdiction.
2. To enter or to authorize any law enforcement, peace officer, Deputy Liquor Control Commissioner, or inspector to enter any time upon the licensed premises and property, 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 licensed premises and property in connection therewith.

3. 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.
4. To receive all local license fees and to pay the same forthwith to the Village Finance Department.
5. To receive all fines levied at a hearing held before the liquor commission and to pay the same forthwith to the Finance Department. The Village Finance Department shall deposit all money to the General Fund.
6. 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 their information in the performance of their 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, the Liquor Control Commissioner may authorize their agent or agents to act on their behalf.
7. The Liquor Control Commissioner may revoke or suspend any license issued if it is determined that the licensee has violated any of the provisions of this Chapter or any valid ordinance or resolution enacted by the Village Board or any applicable rule of regulation established by the Liquor Control Commissioner which is consistent with law.
8. 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.
9. 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 Village; to require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the Village, County and the state; to assure the public safety, welfare, and best interests of people of the Village; to determine the environmental and economic impact of the area surrounding the licensed premises; and to enforce this chapter against any public nuisance.
10. To recommend to the Village 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.
11. To investigate changes in this chapter and recommend changes to the Village Board.
12. To adopt any rules and regulations consistent with the provisions of this chapter as may be necessary.

13. To suspend or revoke licensee's license issued under this chapter for violation of any portion of this chapter. In lieu of suspension or revocation, the Liquor Control Commissioner may instead levy a fine on the licensee for such violations.
 - a. Each day a violation continues shall constitute a separate violation.
 - b. 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)
14. All fines imposed by the Liquor Control Commissioner must be paid to the Village of New Lenox.
15. 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.
16. 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 Finance Department.

Statutory reference:

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

Sec. 6-137 to 6-149 RESERVED.

ARTICLE X.

HEARING PROCEDURES

Sec. 6-150 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:

1. The time, place, and nature of the charge.
2. The date when the appearance of the licensee is required before the Liquor Control Commissioner.
3. A statement of the legal authority and jurisdiction under which the hearing is to be held.
4. A reference to the particular sections of the ordinance involved.
5. A statement informing the licensee of their ability to respond by presenting evidence and argument.

Sec. 6-151 HEARINGS.

1. A hearing required under this chapter shall be held in accordance with the following rules:
 - a. 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.
 - b. No cause shall be heard earlier than three business days after receipt by a licensee of the notice required under this chapter.
 - c. A licensee may present evidence and argument.
 - d. The Liquor Control Commissioner may limit, but not prohibit, the presentation of evidence and argument.
 - e. An audio recording device shall be present at each hearing and shall record the testimony and evidence presented. In lieu of an audio recording a certified court reporter, or certified shorthand reporter, shall be present at each hearing and shall record the testimony and evidence presented.
2. The Liquor Control Commissioner may, in the Liquor Control Commissioner's discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.
3. After a hearing, the Liquor Control Commissioner may revoke or suspend any license issued if it is determined that the licensee has violated any of the provisions of this chapter or any valid ordinance or resolution enacted by the Village Board or any applicable rule or regulations established by the Liquor Control Commissioner or the State commission which is not inconsistent with law. In addition to the suspension, the

Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this chapter may be imposed against any licensee during the period of his license.

Sec. 6-152 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.

1. The Village Attorney shall establish the violation by clear and convincing evidence.
2. Appeal shall lie with the Illinois Liquor Control Commission.

Sec. 6-999 PENALTY.

In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this article for which no penalty is otherwise provided shall be sentenced as provided in section 1-9 of this Code for each offense.