

Chapter 6 ALCOHOLIC BEVERAGES

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Sec. 6-1. Definitions.

All words and phrases used in this chapter and not otherwise defined in this section, which are defined in the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., as amended, shall have the meaning accorded to such words and phrases in such act. 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:

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Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

State Law reference— Similar provisions, 235 ILCS 5/1-3.01.

Alcoholic liquor means 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 produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing 0.5 percent or less of alcohol by volume.

State Law reference— Similar provisions, 235 ILCS 5/1-3.05.

Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water and includes, among other things, beer, ale, stout, lager beer, porter and the like.

State Law reference— Similar provisions, 235 ILCS 5/1-3.04.

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, however, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter, two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member, name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

State Law reference— Similar provisions, 235 ILCS 5/1-3.24.

Convenience store means any retail establishment, serving to the general public, merchandise of any type including, but not limited to, food, gasoline and supplies, which under this chapter is also authorized to sell beer containing not more than four percent alcohol by weight or wine as defined in this section, provided that no alcoholic liquor shall be consumed upon the premises.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building in connection therewith, and such building or structure, being provided with adequate and sanitary kitchen and dining room equipment and capacity.

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State Law reference— Similar provisions, 235 ILCS 5/1-3.25.

Liquor Control Act means the state Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

Local commissioner means the local liquor control commissioner as defined by the Liquor Control Act, 235 ILCS 5/1-1 et seq.

Restaurant means 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.

State Law reference— Similar provisions, 235 ILCS 5/1-3.23.

Retailer means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

State Law reference— Similar provisions, 235 ILCS 5/1-3.17.

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

State Law reference— Similar provisions, 235 ILCS 5/1-3.05.

Sell at retail and *sale at retail* mean sales for use or consumption and not for resale in any form.

State Law reference— Similar provisions, 235 ILCS 5/1-3.18.

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

State Law reference— Similar provisions, 235 ILCS 5/1-3.02.

State commission means the state liquor control commission.

To sell means to keep or expose for sale and to keep with intent to sell.

State Law reference— Similar provisions, 235 ILCS 5/1-3.22.

Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

State Law reference— Similar provisions, 235 ILCS 5/1-3.03.

(Ord. No. 99-3, § 1, 2-10-1999)

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Cross reference— Definitions generally, § 1-2.

Sec. 6-2. Village president declared liquor commissioner; duties.

- (a) The village president shall be the local liquor commissioner of the village. The liquor commissioner is authorized to receive and review applications, examine any applicants for a local liquor license or renewal of the license and issue such license.
- (b) The liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, nonresident dealers, nonbeverage users, brokers, railroads, airplanes and boats:
 - (1) To grant and/or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises jurisdiction;
 - (2) To enter or to authorize any law enforcing officer to enter, at any time upon any premises licensed under this chapter, to determine whether any of the provisions of this section or any rules or regulations adopted by him or by the state liquor control commission have been or are being violated; and at such time, to examine the premises of the licensee in connection therewith;
 - (3) To notify the secretary of state where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this state under a certificate of authority issued under that act has violated this section by selling or offering for sale at retail alcoholic liquors without a retailer's license;
 - (4) To receive complaint from any citizen within his jurisdiction that any of the provisions of this section or any rules or regulations adopted pursuant hereto have been or are being violated, and to act upon such complaints in the manner provided in this chapter;
 - (5) To receive local license fees and pay the same forthwith to the village;
 - (6) To levy fines in accordance with 235 ILCS 5/7-5.

(Ord. No. 99-3, § 36, 2-10-1999)

Sec. 6-3. Liquor commissioner's compensation.

The village board of trustees shall determine the compensation of the liquor commissioner.

(Ord. No. 99-3, § 37, 2-10-1999)

Sec. 6-4. Dram shop insurance required.

Dram shop liability insurance as required in the application process for a license under this chapter shall be kept current at all times. Upon request of the liquor commissioner, the license holder shall provide proof of such insurance.

(Ord. No. 99-3, § 38, 2-10-1999)

Sec. 6-5. Regulations.

All licensees and distributors of alcoholic liquor in the village are subject to such regulations as the local liquor control commissioner may impose.

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(Ord. No. 99-3, § 39, 2-10-1999)

Sec. 6-6. Limitations on entertainment and obscenity.

- (a) Entertainment, including personal appearances of amateur or professional entertainers, and/or the showing of commercially produced motion pictures, shall be prohibited on all premises dealing in alcoholic beverages.
- (b) No licensee, his agent or employee shall allow or permit any person to perform acts of or acts which simulate:
 - (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - (2) Touching, caressing or fondling of the breast, buttocks, anus or genitals;
 - (3) Displaying of the pubic hair, anus, vulva or genitals;
 - (4) Displaying of the breast so as to expose the nipple of the female breast;
 - (5) The displaying of films or pictures depicting acts, and/or a live performance of which is prohibited by subsection (b)(1), (b)(2), (b)(3) or (b)(4) of this section.
- (c) No licensee, his agent or employee shall allow or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(Ord. No. 99-3, § 40, 2-10-1999)

Sec. 6-7. Solicitation of drinks.

No person shall frequent or loiter in any tavern, cabaret or nightclub of any kind for the purpose of soliciting other persons to purchase drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

(Ord. No. 99-3, § 2, 2-10-1999)

Sec. 6-8. Consumption in public places; exception.

- (a) It shall be unlawful for any person to consume any beer, wine, whiskey or other intoxicating liquor upon the public streets, sidewalks, alleys, swimming pools, public parking lots or private parking lots whose owners have entered into a contract with the village granting the village the right to regulate traffic thereon, parks, except as provided in this section, or other public areas.
- (b) Upon prior written consent of the liquor commissioner, it shall be lawful for family groups, social groups or lodge groups to consume beer only in the park areas of the village.

(Ord. No. 99-3, § 4, 2-10-1999)

Cross reference— Streets, sidewalks and other public places, ch. 50.

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Sec. 6-9. Penalty for violation of chapter.

Any person violating any provision of this chapter for which no penalty is otherwise provided shall be subject to punishment as provided in section 1-10 of this Code. Each day any violation of any provision or ordinance shall continue shall constitute a separate offense.

(Ord. No. 99-3, § 41, 2-10-1999)

Secs. 6-10—6-40. Reserved.

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Sec. 6-41. Required.

It shall be unlawful to sell or offer for sale at retail in the village any alcoholic liquors without being issued one of the classes of licenses as set out in this article, or in violation of the terms of such license.

(Ord. No. 99-3, § 5, 2-10-1999)

Sec. 6-42. Applications; contents.

- (a) Applications for such licenses shall be made to the local commissioner, or the village clerk operating in the commissioner's behalf, in writing, signed by the applicant if an individual, by the persons entitled to share profits if a partnership or by a duly authorized agent thereof if a club, corporation, or limited

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liability company, verified by oath or affidavit, and further contain the information and statements required by 235 ILCS 5/7-1.

- (b) Every application submitted under this article shall be accompanied by 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. The certificate shall insure the applicant, as well as the premises, for not less than the maximum liability amount as provided by law; and, in any event, such insurance shall not be for less than \$300,000.00 per occurrence and \$100,000.00 per person.
- (c) All managers and assistant managers for all types of licensed businesses must file applications pursuant to this section as if they were applicants for individual licenses, must meet all pertinent licensing requirements of this article and must be approved by the local commissioner. The application, approval and qualification requirements for managers and assistant managers shall be conditions attached to the license of the business employing them, and any violations of those requirements can result in license penalties for the employing business, including suspension, revocation or fines.
- (d) The local commissioner may, in the exercise of his discretion, require any applicant for a new village liquor license, or any applicant for a renewal of a village liquor license, to be fingerprinted, whether the applicant is an individual or a partnership. Should the applicant be a corporation or limited liability company, the local commissioner may, within his discretion, require the following to be fingerprinted:
 - (1) The officers, manager or director of the corporation or limited liability company; or
 - (2) Any stockholder owning in the aggregate more than five percent of the capital stock of the corporation or any member owning in the aggregate more than five percent of the limited liability company.

All such fingerprinting shall be obtained by the police department. Fingerprints shall be submitted to the appropriate state and federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant.

- (e) The local commissioner shall issue a written acceptance or rejection of an application within 60 days of its receipt by the commissioner or clerk in his behalf; or shall notify an applicant of the reasons for further time being necessary to complete the investigation or processing, or shall schedule a hearing on such application as allowed by 235 ILCS 5/7-9.

(Ord. No. 99-3, § 6, 2-10-1999; Ord. No. 2011-02, § 1, 3-9-2011)

State Law reference— Similar provisions, 235 ILCS 5/7-1.

Sec. 6-43. Persons ineligible.

- (a) The fact that an applicant has been convicted of or has been placed on supervision for a drug or alcohol-related offense or suspension of a liquor license in any other jurisdiction shall be considered in the review of an application for any license or renewal thereof, and may be the basis for the denial of the license or renewal of any license under this article. For the purposes of this article, the term "alcohol-related offense" includes driving while under the influence of intoxicating liquor, and any offenses involving the possession, transfer or consumption of alcohol.
- (b) Except as otherwise provided in subsection (c) of this section, no liquor license shall be issued to:
 - (1) An individual person who is not of good character and reputation in the community in which such person resides.
 - (2) An individual person who is not a legal resident of the United States.
 - (3) An individual person who has been convicted of a felony under federal or state law, unless the liquor control commissioner determines that such person has been sufficiently rehabilitated to

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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.

- (4) An individual person who has been convicted of being the keeper or is keeping a house of ill fame.
- (5) An individual person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (6) An individual person whose license under this article or under the liquor control act has been revoked for cause.
- (7) An individual person who, at the time of application for renewal of any license issued under this article, would not be eligible for such license upon a first application.
- (8) An individual person who is not a resident of the village.
- (9) A copartnership, if any general partnership thereof or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license under this article for any reason other than residence.
- (10) A corporation, if any officer, manager, assistant manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license under this article for any reason other than citizenship and residence.
- (11) A corporation, unless it is incorporated in this state, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in this state.
- (12) A limited liability company, if any manager or any member owning in the aggregate more than five percent of the membership units of such limited liability company would not be eligible to receive a license under this article for any reason other than citizenship and residence.
- (13) A limited liability company, unless it is organized and registered in Illinois, or unless it is a foreign limited liability company which is qualified to transact business in Illinois.
- (14) A person whose place of business is conducted by a manager or assistant manager or agent, unless such manager or assistant manager or agent possesses the same qualifications required by the licensee, and is a resident or becomes a resident of the village within one year of issuance of a village liquor license.
- (15) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited a bond to appear in court to answer charges for any such violation.
- (16) A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is issued.
- (17) Any law enforcing public official, including members of the local liquor control commission, the president of the village board of trustees, any member of the 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 that are not located within the territory of the village, if the issuance of such license is approved by the state liquor control commission and except that a license may be granted in the village to any member of the village board of trustees in relation to premises that are located within the village if:
 - a. The sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
 - b. The issuance of the license is approved by the state commission;
 - c. The issuance of the license is in accordance with all applicable ordinances of the village; and

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d. The official granted a license does not vote on alcoholic liquor issues pending before the board.

(18) Any person not eligible for a state retail liquor dealer's license.

(19) Any applicant who fails to obtain a state liquor license.

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

(21) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1(a)(3)—(a)(11) and 720 ILCS 5/28-3, or as prescribed by a statute replacing any of such statutory provisions.

(22) Federal gaming device or wagering stamps.

a. 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.

b. A copartnership 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 have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

c. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

d. 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.

(c) A criminal conviction of a corporation is not grounds for the denial, suspension or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor; the offense that led to the conviction did not result in any financial gain to the corporation; and the corporation has terminated its relationship with each director, officer, employee or controlling shareholder whose actions directly contributed to the conviction of the corporation. The commission shall determine if all provisions of this subsection (c) have been met before any action on the corporation's license is initiated.

(Ord. No. 99-3, § 7, 2-10-1999; Ord. No. 2011-02, § 1, 3-9-2011)

State Law reference— Restrictions on state licenses, 235 ILCS 5/6-2.

Sec. 6-44. Classifications.

The liquor licenses issued by the village under this article shall be divided into the classes set forth in this section:

(1) *Class A license (restaurant license)*. Class A licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises. Without exception, the gross receipts for such premises must reflect 25 percent food-related sales.

(2) *Class B license (package goods sales license)*.

a. Class B licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. Consumption for vendor-sponsored sampling shall be authorized, but limited to one ounce servings.

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- b. If a Class B licensee is engaged in the retail sale of merchandise other than intoxicating liquors, such licensee shall enclose the area of the premises used for storing or displaying intoxicating liquors in such a manner that the enclosed area may be locked when necessary.
- (3) *Class C license (club license)*. Class C licenses shall authorize the retail sale on the premises specified, to members and guests only, of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor in clubs as defined in this chapter only.
- (4) *Class D license (event license)*. Class D licenses shall be issued to applicants for the purpose of selling beer, wine, or alcopops as defined by 235 ILCS 5/6-35 only at retail for consumption on the premises for such number of days during the year that may be authorized by the liquor commissioner of the village in connection with picnics, homecomings, community festivals, fundraising events, and other similar celebrations. Applicants for class D licenses shall be limited to persons holding a Class A, B or C license, or bona fide, not-for-profit corporations organized under the laws of the state, government entities, or to unincorporated religious, veterans or social organizations organized for charitable purposes.
- (5) *Class E license (convenience store license)*. Class E licenses shall authorize the retail sale on the premises specified as a convenience food store of beer or wine. Ancillary to the operation of video gaming terminals within the premises, a Class E licensee may serve beer or wine on the premises, provided that no more than 25 percent of the square footage of the establishment is dedicated toward such service and the area is physically separated through screening or other appropriate measures from the balance of the premises.

(Ord. No. 99-3, § 8, 2-10-1999; Ord. No. 2011-02, § 1, 3-9-2011; Ord. No. 2014-03, § 1, 4-9-2014)

Sec. 6-45. Restrictions on number issued.

The number of licenses issued for sale of alcoholic liquors by the village shall be limited as set forth in this section:

- (1) There shall not be issued more than two class A restaurant licenses in the village.
- (2) There shall not be issued more than one class B package goods sales license in the village.
- (3) There shall not be issued more than one class C club license in the village.
- (4) There shall not be issued more than two class E convenience store licenses in the village.

(Ord. No. 99-3, § 9, 2-10-1999)

Sec. 6-46. Fee amounts.

Every person engaged in the retail sale of alcoholic liquor in the village shall pay an initial license fee of \$2,500.00; and then, thereafter, an annual license fee as set forth in this section:

- (1) For a class A license, the fee shall be \$1,000.00, payable in advance.
- (2) For a class B license, the fee shall be \$1,000.00, payable in advance.
- (3) For a class C license, the fee shall be \$1,000.00, payable in advance.
- (4) For a class D license, the fee shall be \$250.00 per day, payable in advance, with no initial license fee required.
- (5) For a class E license, the fee shall be \$1,000.00, payable in advance.

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(Ord. No. 99-3, § 10, 2-10-1999)

Sec. 6-47. Proration of fee.

The annual license fee to be paid pursuant to this article shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

(Ord. No. 99-3, § 11, 2-10-1999)

Sec. 6-48. Term.

Each license issued pursuant to this article shall terminate on May 31 next following the date of issuance.

(Ord. No. 99-3, § 12, 2-10-1999)

Sec. 6-49. Fee disposition; return upon denial.

- (a) All fees for licenses required by this article shall be paid to the liquor commissioner at the time application is made and shall be forthwith turned over to the village clerk. Two hundred fifty dollars of the fee shall be considered a nonrefundable application fee.
- (b) If the license applied for is denied, except for the nonrefundable \$250.00, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the village board of trustees by proper action.

(Ord. No. 99-3, § 13, 2-10-1999)

Sec. 6-50. List; notice of issuance; revocation.

- (a) The liquor commissioner shall keep or cause to be kept a complete record of all such licenses issued by him, and he shall furnish the clerk, treasurer and chief of police each with a copy thereof.
- (b) Upon the issuance of any new licenses, or the revocation of any old license, the liquor commissioner shall give written notice of such action to each of the officers designated in this section within 48 hours of such action.

(Ord. No. 99-3, § 14, 2-10-1999)

Sec. 6-51. Transfer.

- (a) *Personal privilege; death, bankruptcy, or insolvency.* A license issued pursuant to this chapter shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as provided in this article, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of estate or interstate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale

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or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

- (b) *Sale of corporate or limited liability company interest.* When the licensee is a corporation or limited liability company, the license shall terminate whenever fifty percent or more of the ownership interest therein changes from that shown on the original license application. In such event, the corporation or limited liability company, through its officers, members or manager as the case may be, must make application for the issuance of a new license as provided herein; provided, however, that the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned fifty percent or more of the ownership interest of such corporation or limited liability company at the time the original application was filed with the city.

(Ord. No. 99-3, § 15, 2-10-1999; Ord. No. 2011-02, § 1, 3-9-2011)

State Law reference— Similar provisions, 235 ILCS 5/6-1.

Sec. 6-52. Renewal.

Any licensee under this chapter may renew his license at its expiration, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose. However, the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the liquor commissioner or village board of trustees from decreasing the number of licenses to be issued within their jurisdiction.

(Ord. No. 99-3, § 16, 2-10-1999)

Sec. 6-53. Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permission to make such change issued by the liquor commissioner of the village. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of the village.

(Ord. No. 99-3, § 17, 2-10-1999)

Sec. 6-54. Revocation.

The liquor commissioner may revoke any retail liquor dealer's license for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor.

(Ord. No. 99-3, § 18, 2-10-1999)

Secs. 6-55—6-90. Reserved.

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Sec. 6-91. Consumption of alcohol by minor.

It shall be unlawful for any person under the age of 21 years to consume any alcoholic liquor, unless permitted by state or federal law.

(Ord. No. 99-3, § 19, 2-10-1999)

Sec. 6-92. Misrepresentation by minor of age.

- (a) It shall be unlawful for any person under the age of 21 years, for the purpose of buying, accepting or receiving alcoholic liquors, to represent that such person is 21 years of age or over.
- (b) Any person who falsely represents that he is 21 years of age for the purpose of buying, accepting or receiving alcoholic liquors shall be deemed guilty of a misdemeanor.

(Ord. No. 99-3, § 20, 2-10-1999)

Sec. 6-93. Purchase and possession by minors.

It shall be unlawful for any person under the age of 21 years to purchase or obtain any alcoholic liquor in any tavern or other place in the village where alcoholic liquors are sold.

(Ord. No. 99-3, § 21, 2-10-1999)

Sec. 6-94. Possession by person under 21 years of age.

It shall be unlawful for any person who has not attained the age of 21 years to be in possession or control of any alcoholic liquors.

(Ord. No. 99-3, § 22, 2-10-1999)

Sec. 6-95. Property rights for liquor.

There shall be no property rights of any kind whatsoever in any alcoholic liquor in the possession or control of the person who has not attained the age of 21 years, and any such alcoholic liquors found in the

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possession and control of such person shall be seized and shall be ordered disposed of by the police of the village upon the order of the proper judicial authority.

(Ord. No. 99-3, § 24, 2-10-1999)

Sec. 6-96. Parents or guardians permitting violations.

It shall be unlawful for any person or guardian to permit any child under the age of 21 years of which he may be a parent or guardian to violate any provision of sections 6-7 and 6-8 or 6-92—6-95.

(Ord. No. 99-3, § 25, 2-10-1999)

Secs. 6-97—6-130. Reserved.

ARTICLE IV. OPERATION OF LICENSED PREMISES

[Sec. 6-131. Hours of sale.](#)

[Sec. 6-132. Admission of public during off hours.](#)

[Sec. 6-133. Consumption on the premises.](#)

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[Sec. 6-137. Identification.](#)

[Sec. 6-138. Proof of compliance by licensee.](#)

[Sec. 6-139. Drunkenness; gambling.](#)

Sec. 6-131. Hours of sale.

- (a) It shall be unlawful to sell or offer for sale at retail or for consumption on the premises any alcoholic liquor in the village between the hours of 1:00 a.m. and 8:00 a.m. of any weekday or on Sunday between the hours of 1:00 a.m. and 12:00 noon. However, it shall be in the discretion of the village president, acting in his capacity as liquor commissioner, to extend the hours for legal sales of alcoholic beverages provided for in this section for periods of time not to exceed two consecutive weeks without further action of the village board of trustees. However, the liquor commissioner shall be allowed to extend the hours for legal sales of alcoholic beverages for only 30 such days per year.
- (b) If the holder of a liquor license shall request that such an extension be granted, he shall complete such application for such extension as may be required by the liquor commissioner at least 48 hours prior to the commencement of the requested period of extension of hours of sale. The liquor commissioner shall thereupon approve if he finds that the applicant is in compliance with all other laws and ordinances and that the public safety and welfare will not be endangered by extending the permitted hours of sale. If the liquor commissioner approved the application, then, in that event, all holders of liquor licenses in the village may maintain the extended hours as set forth in the application.

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- (c) Upon the liquor commissioner's approval or disapproval of such application, a copy of the application, bearing the liquor commissioner's endorsement as to approval or disapproval, shall thereupon be transmitted immediately to the chief of police by the village clerk. The village clerk shall maintain records of such applications for extensions and of the liquor commissioner's disposition of each application.

(Ord. No. 99-3, § 26, 2-10-1999)

Sec. 6-132. Admission of public during off hours.

It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited by this chapter. In the case of restaurants, hotels and convenience stores, such establishments may be kept open during such hours, but no alcoholic liquor shall be sold or consumed by the public during such hours.

(Ord. No. 99-3, § 27, 2-10-1999)

Sec. 6-133. Consumption on the premises.

It shall be unlawful for anyone not having a license providing for consumption on the premises where sold, to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

(Ord. No. 99-3, § 28, 2-10-1999)

Sec. 6-134. Supplying to certain persons.

- (a) It shall be unlawful to sell, give or deliver alcoholic liquors to any person under the age of 21 years.
- (b) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person.
- (c) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(Ord. No. 99-3, § 29, 2-10-1999)

Sec. 6-135. Warning to minors to be posted.

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

"WARNING TO PERSONS UNDER
21 YEARS OF AGE

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

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(Ord. No. 99-3, § 30, 2-10-1999)

Sec. 6-136. Prohibited acts by minors; exceptions.

- (a) It shall be unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises. It shall be unlawful for any holder of a liquor dealer's license or his agent or employee to suffer or permit any person under the age of 18 years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located. The provisions of this subsection shall not apply to any person who is under the age of 18 years who is accompanied by his parents or guardians or to any licensed premises which derives its principal business from the sale or services of commodities other than alcoholic liquor.
- (b) In addition to all other fines and penalties, the liquor commissioner may revoke any retailer's liquor license for any violation of this section.

(Ord. No. 99-3, § 31, 2-10-1999)

Sec. 6-137. Identification.

- (a) For the purpose of preventing the violation of sections 6-134—6-136, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he is over the age of 21 years.
- (b) Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or subdivision or agent thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (c) Any person who sells, gives or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any person, is guilty of a misdemeanor.
- (d) Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing or attempting to procure the service of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a misdemeanor.

(Ord. No. 99-3, § 32, 2-10-1999)

Sec. 6-138. Proof of compliance by licensee.

Proof that the defendant-licensee, or employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

(Ord. No. 99-3, § 33, 2-10-1999)

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Sec. 6-139. Drunkenness; gambling.

No retail liquor dealer shall by himself, servant or clerk allow drunkenness or permit any person to drink to excess, or suffer or permit any species of gambling in his premises or in any part thereof or in any place adjacent thereto under his control.

(Ord. No. 99-3, § 35, 2-10-1999)