
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 14-021**

**AN ORDINANCE PROVIDING FOR THE CONTROL
OF ALCOHOLIC LIQUOR WITHIN THE VILLAGE
OF HOMER GLEN, WILL COUNTY, ILLINOIS**

**JAMES P. DALEY, Village President
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Trustees

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OF HOMER GLEN, WILL COUNTY, ILLINOIS**

WHEREAS, the Corporate Authorities of the Village of Homer Glen have determined that it is in its best interest to regulate and control the sale of alcoholic liquor within the Village of Homer Glen;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS IN THE EXERCISE OF HOMER GLEN'S HOME RULE POWERS AS FOLLOWS:

Section 1: Recitals.

The foregoing recital is hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Definitions.

All words and phrases used in this Ordinance, not otherwise defined herein, and which are defined in Liquor Control Act of 1934 ("Act"), 235 ILCS 5/1-1 *et seq.* shall have the meanings accorded to such words and phrases in the Act. Unless the context otherwise requires, the following terms as used in this Ordinance shall be construed according to the definitions given below:

- a. ALCOHOLIC LIQUOR: Any alcohol, spirits, wine, beer, ale or other liquid manufactured, produced or distilled for or fit for beverage purposes that contains any amount of alcohol including beverages commonly known as "near beer", "nonalcoholic beer", or "nonalcoholic wine" whose taste, color, odor and consistency are similar to the alcoholic beverages known as beer and wine and, except for the reduced alcohol content, is marketed as being similar to beer or wine.

- b. BEAUTY SALON AND SPA: A commercial establishment which provides as its principal business, hair salon or barber services, and/or manicure and pedicure services, and which may also provide makeup services, therapeutic massage and/or body and facial treatment.

- c. BEER: A beverage obtained by the alcoholic fermentation of an infusion or concoction of

barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

d. BREWERY PUB:

A person, or other entity, who or which manufactures beer as defined elsewhere herein, only at a designated premises, for the sole purpose of sale and consumption only at and within such premises and who stores such beer at the designated premises for such sale and consumption and who is authorized to sell solely at retail.

e. CLUB:

A corporation, organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a “Club” in Section 1-3.24 of the Act.

f. HOTEL or MOTEL:

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 twenty-five (25) or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity, and where meals are actually served and regularly served; provided, that no hotel or motel licensed alone as such shall sell alcoholic liquor except with meals.

g. MINOR:

Any person who has not attained the age of twenty-one (21) years.

h. NIGHTCLUB:

Every building or other structure kept, used, maintained, advertised and held out to the public as a place permitting any amusements

such as and including but not limited to live musical performances, vaudeville, acting, comedy, dancing or contests.

i. RECREATIONAL FACILITY:

Any public place kept, used, maintained advertised and held out to the public as a golf course, bowling alley, health club, tennis, racquetball or handball club or facility, whether such place is open to the public in general or only available to those who have paid a membership fee and where at least sixty percent (60%) of the facility's total annual revenue is derived from sources other than the sale of alcoholic beverages.

j. RESTAURANT:

Any public place kept, used, maintained, advertised and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers and related equipment located on the licensed premise and which are protected by a fire protection system that conforms with Village ordinances. The sale of packaged foods such as potato chips, pretzels, popcorn, peanuts or other similar snacks or frozen or pre-made foods such as pizzas, hamburgers or sandwiches which can be prepared by heating or warming in an oven shall not be considered food prepared and served on premises, as required herein.

k. RETAIL SALE:

The sale for use or consumption and not for resale.

l. SALE:

Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to any

importing distributor's license, even if both licenses are held by the same person.

- m. SCHOOL: An educational institution, including pre-schools and day care centers, but not including undergraduate or post-graduate colleges and universities, having a formal curriculum consisting of recognized academic subjects.
- n. SHOPPING CENTER: An integrated group of commercial establishments which is planned, developed, and managed as a unit with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic consideration and protection from the elements.
- o. SPIRITS: 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.
- p. STATE COMISSION: The Illinois Liquor Control Commission, as defined Section 3-1 of the Act.
- q. WINE or VINOUS BEVERAGES: 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, as above defined.

Section 3: Local Liquor Control Commissioner.

- a. Liquor Commissioner: The Village President shall be the Local Liquor Control Commissioner (hereinafter "Commissioner") and shall be charged with the administration of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Commissioner may appoint a person or persons to assist in the exercise of the powers and duties of the Commissioner.

- b. Powers, Duties and Functions: The Commissioner shall have the following powers, functions and duties with respect to local liquor licenses:
- i. To grant and/or suspend for not more than thirty (30) days, or revoke for cause, all local licenses issued to persons or entities for premises within the Commissioner's jurisdiction, and to impose fines as authorized in this Ordinance.
 - ii. To enter or to authorize any law enforcement officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the Act or any Village ordinance, or any rules or regulations adopted by the Commissioner or by the State Commission, have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Commissioner pursuant to this Section shall have the power given to the Commissioner by this subsection.
 - iii. To receive complaints that any of the provisions of the Act or any Village ordinance have been or are being violated, and to act upon such complaint(s), in the manner provided by law.
 - iv. To receive local license fees and pay same to the Treasurer.
 - v. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; to hear testimony ; and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Commissioner under this Section, the Commissioner may authorize his or her agent to act on his or her behalf.
 - vi. To order, upon the issuance of a written order, a licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; except that if such licensee shall also be engaged in the conduct of another business on the licensed premises, such order shall not be applicable to such other business .

Section 4: License Required.

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a liquor license, or in violation of the terms of such license. Applications for such licenses shall be made to the Commissioner.

Section 5: Application for Licenses.

- a. Applications for liquor licenses shall be made to the Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the statements and information and be in the form provided for in the rules and regulations of the Commissioner.
- b. All managers and assistant managers for all licensed liquor businesses must file applications pursuant to this Section as if they were applicants for individual licenses, must meet all pertinent licensing requirements of this Ordinance, and must be approved by the 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, and/or fines.
- c. The Commissioner may, in his or her discretion, require any applicant for a renewal of a liquor license, to be fingerprinted whether said applicant is an individual or a partnership. If the applicant is a corporation, the Commissioner may, in his or her discretion, require the following to be fingerprinted:

The officers, manager or director thereof, or any stockholder or stockholders owning in the aggregate of more than five percent (5%) of the stock of said corporation.
- d. All such fingerprinting shall be done by the Village Clerk, Deputy Village Clerk or a law enforcement agency designated by the Commissioner. Said fingerprints shall be submitted to the appropriate State and/or Federal agencies for processing. The cost of fingerprinting shall be paid by the applicant to the Village.
- e. The Commissioner shall issue a written approval or rejection of an application within sixty (60) days of its receipt by the Commissioner; or shall notify any applicant of the reasons for

further time being necessary to complete the investigation or processing; or shall schedule a hearing on an application for a liquor license as allowed by Section 7-9 of the Act.

Section 6: Restrictions on Liquor Licenses.

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 a liquor license or renewal thereof, and may be the basis for the denial of the license or renewal of any license hereunder. For purposes of this Ordinance, “alcohol-related offense” includes driving while under the influence of intoxicating liquor, and any offenses involving the possession, transfer or consumption of alcohol. No such license shall be issued to:

- a. A person who is not of good character and reputation in the community in which such person resides, or is a habitual user of alcohol, drugs, narcotics, marijuana, or controlled substances.
- b. A person who is not a citizen of the United States or the holder of a United States Permanent Resident Card.
- c. A person who has been convicted of a felony under any Federal or State law.
- d. A person who has been convicted of being the keeper or is keeping a brothel.
- e. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- f. A person whose license under this Ordinance, or any similar regulatory ordinance or statute, has been revoked for cause.
- g. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- h. A partnership, if any general partner thereof, or any limited partner thereof, owning more than five percent (5%) of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder.
- i. A corporation, if any officer, manager, assistant manager, or director thereof, or any stockholder owning more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residency.

- j. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in Illinois.
- l. A person whose place of business is conducted by a manager or assistant manager or agent, unless said manager or assistant manager or agent possesses the same qualifications required by the licensee, and except that such manager or assistant shall not be required to reside within the Village.
- m. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer charges for any such violation.
- n. 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.
- o. Any elected public official, Homer Glen officer or employee or member of any Homer Glen Village Board or commission; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor in the Village.
- p. Any person, firm or corporation not eligible for a State retail liquor dealer's license.
- q. Any applicant who fails to obtain a State liquor license.
- r. A person who is not a beneficial owner of the business to be operated by the licensee.
- s. A person who has been convicted of a gambling offense as prescribed by State statute.
- t. Any premises from which alcoholic liquor is or may be sold at a drive-through facility where the customer or purchaser can purchase or receive delivery or alcoholic liquor without exiting a motor vehicle or without entering such building or structure where alcoholic liquor is sold.

Section 7: Record of Licenses.

The Village Clerk shall keep a complete record of all liquor licenses issued.

Section 8: Liquor License; Insurance Requirements.

No liquor license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant against liability which such applicant may incur under the provisions of Section 6-21 of the Act. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought.

Section 9: Term of License; Renewals.

Each license issued hereunder shall terminate on April 30 following the issuance thereof. Any licensee may renew such license at the expiration thereof, provided that the Licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall prevent the Corporate Authorities of the Village from decreasing or limiting the number of classes of licenses to be issued within the Village.

Section 10: Transfer of License.

A liquor license shall be a purely personal privilege, effective for a period not to exceed one (1) year after issuance unless sooner revoked as provided in this Ordinance, 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 or in the case of a corporation, limited liability company or partnership, its dissolution shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate may continue the business of the sale 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 (6) months after the death, bankruptcy or insolvency of such licensee.

Section 11: Liquor Licenses, Classification and Fees.

There shall be the following classes of liquor licenses with an annual license fee as indicated:

- a. Class A. – Restaurant with Service Bar:
 - i. A Restaurant license authorizes the retail sale, for consumption on the licensed premises, of alcoholic liquor by the drink or vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.

- ii. Service of alcoholic liquor shall be only during the times that full meals are being served and a full menu is in effect.
 - iii. The license shall only be available for premises defined as a Restaurant herein containing a minimum area of 1,500 square feet.
 - iv. All such liquor service shall be from a service bar only; said bar not to be available for customer use.
 - v. Restaurant licenses shall be issued only to restaurants that have dining facilities as stated.
 - vi. The annual fee for a Class A license shall be \$2,000.00.
- b. Class B – Restaurant and Bar:
- i. A Restaurant and bar license authorizes the retail sale, for consumption on the licensed premises, of alcoholic liquor by the drink for consumption on the premises, and beer and vinous beverages by the bottle or carafe, or beer or margaritas by the pitcher of a capacity not to exceed sixty (60) ounces.
 - ii. Service of alcoholic liquor shall be only during the time that food is being served and a full menu is in effect.
 - iii. The license shall only be available for premises defined as a Restaurant herein containing a minimum area of 1,500 square feet.
 - iv. The annual fee for a Class B license shall be \$2,000.00.
- c. Class C – RESERVED:
- d. Class D – Package Store:
- i. Authorizes the retail sale, on the premises specified of alcoholic liquor in its original package, not for consumption on the premises.
 - ii. If the sale of alcoholic liquor is conducted on premises which are utilized primarily for other retail sales activity, the sale of liquor shall be confined to an area which is separated from the other retail portions of the premises by a suitable enclosure or partition, the design and construction of same to be approved by the Commissioner or the Commissioner’s designee.

Notwithstanding the foregoing, the requirement set forth in the preceding sentence of this Section 11.d.ii shall not apply to any Class D licensee that is actually primarily engaged in the retail sale of grocery products as a full service grocery store, and holds itself out to the public as so engaged, whether or not the licensee operates such grocery store in connection with a pharmacy or in connection with the operation of any other lawful business or the provision of any otherwise lawful good or service.

iii. The annual fee for a Class D license shall be \$2,000.00.

e. Class E – Temporary License:

i. Authorizes the retail sale of alcoholic liquor, on the premises specified, for consumption on or adjacent to the licensed premises at a picnic, carnival, or similar function. Such temporary licenses are to be granted to local organizations, groups or entities promoting a common object rather than the sale of alcoholic liquor .

ii. Such license shall be authorized on a day-to-day basis, but for not more than seven (7) consecutive days or for intermittent use on not more than seven (7) total days in a consecutive thirty (30) day period.

iii. There shall be no fixed or absolute limits on the number of such licenses that may be issued to any applicant in a given year or on the number of such license that may be in force or effect at any given time, but the issuance of such licenses shall in all circumstances be subject to the reasonable discretion and control of the Local Liquor Control Commissioner.

iv. The fee for such license shall be \$100.00, regardless of the number of days for which such license is sought.

f. Class F – Beer and Wine Retail Sale:

i. Authorizes the retail sale of beer and wine only for consumption on the premises where sold by the glass, bottle, carafe or beer by the pitcher of a capacity not to exceed sixty (60) ounces.

ii. The annual fee for a Class F license shall be \$1,500.00.00

g. Class G – Beer and Wine Package Sale:

- i. Authorizes the retail sale of beer and wine only in sealed packages, but not for consumption on the premises where sold.
 - ii. If the sale of alcoholic liquor is conducted on premises which are utilized primarily for other retail sales activity, the sale of liquor shall be confined to an area which is separated from the other retail portions of the premises by a suitable enclosure or partition, the design and construction of same to be approved by the Commissioner or the Commissioner's designee.
 - iii. The annual fee for a Class G license shall be \$1,500.00.
- h. Class H – Clubs:
- i. Authorizes the retail sale of alcoholic liquor only on the premises where sold to be issued to a regularly organized club, as heretofore defined, such sales to be made only to members of the club or their guests.
 - ii. The annual fee for a club license is \$750.00.
- i. Class I – Catering License:
- i. A catering license authorizes the sale of alcoholic liquor in connection with the operation of a catering business within the Village, which sale shall be made at the registered office of the licensee, which shall be the licensed premises, and nowhere else.
 - ii. Alcoholic liquor shall only be sold and served by the licensee in connection with the catering of foods.
 - iii. In addition to the other requirements of this Ordinance, a Class I license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business with headquarters within the Village.
 - iv. The annual fee for a Class I license shall be \$1,000.00.
- j. Class J – Special Event License:
- i. Authorizes the retail sale of alcoholic liquor, on the licensed premises. Such special event licenses are to be granted to local not-for-profit community organizations chartered as such, or governmental entities, which are dedicated to the realization of local goals which are a direct benefit to all the citizens of the Village. No license shall be required for any event conducted by

or under auspicious of the Village. Such sales are limited to the public in general at a picnic, carnival or similar function.

- ii. Such license authorizes the retail sale and/or consumption of alcoholic liquor only, on government-owned property, such as streets, roads or parks. The boundaries of the license premises and the duration of the license shall be established by the Commissioner. The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities as may be required by the Commissioner to protect the public health, safety, welfare and morals of the residents of the Village, and shall restore the premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage in accordance with this Ordinance. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this Ordinance and its license.
- iii. The retail sale and consumption of alcoholic liquor authorized by a license issued pursuant to this subsection shall be limited to the premises specified in the license, which premises shall be entirely enclosed in a tent, in a fenced area, or entirely enclosed by a double fence with at least four feet (4') separating each fence row, demarcating the licensed premises.
- iv. No applicant shall be allowed to apply for or receive more than two (2) Class J licenses during the course of any one (1) year period.
- v. The fee for such license shall be \$50.00 per day, plus payment to the Village for the actual cost incurred by the Village in providing additional police personnel necessitated by improper conduct or control by the licensee on the specified premises. Each licensee who is to be held responsible for additional charges shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the Commissioner, and shall thereafter promptly pay any such additional charge determined by the Commissioner to be due the Village.

- k. Class K – Recreational Facility:
 - i. A recreational facility license authorizes the retail sale, on the licensed premises, of alcoholic liquor by the drink or vinous beverages by the bottle or carafe, or beer by the pitcher of a capacity not to exceed sixty (60) ounces.
 - ii. Service of alcoholic liquor shall be only during the time that the athletic or sports portions of the facility are open and available for use.
 - iii. Alcoholic liquor may only be served when food is being served from a Restaurant located on the licensed premises.
 - iv. The annual fee for a Class K License shall be \$2,000.00.
- l. Special Promotional Permits:
 - i. Promotional activities by local merchants or under sponsorship of a local not-for-profit organization for the sale of merchandise other than undergarments, sleepwear, lingerie or swimming attire, displayed by live models, shall be permitted within Class A, B, I, J or K licensed premises.
 - ii. The fee for such permit shall be \$50.00 per event.
- m. Class L – RESERVED:
- n. Class M – RESERVED:
- o. Class N – Brewery Pub:
 - i. Permits the manufacture of beer as defined elsewhere herein, only at a designated premises, for the sole purpose of the retail sale, consumption and storage of such beer only at and within such premises.
 - ii. The license shall only be available as a supplemental license for premises holding a Class A or Class B license.
 - iii. The annual fee for a Class N License shall be \$3,000.00.
- p. Class O – Beauty Salon and Spa License:
 - i. Authorizes the retail sale of wine, sparkling wine, champagne and beer only for consumption on the specified premises to customers who have

purchased a service of a beauty salon and spa.

- ii. The retail sale of wine, sparkling wine, champagne and beer shall be limited to no more than two (2) servings per customer during any one (1) calendar day.
- iii. Permitted hours of service are seven (7) days a week, 10:00 a.m. to 9:00 p.m.
- iv. The annual fee for a Class O license shall be \$300.00.

Section 12: Initial Liquor License Applications, Fees.

The initial license fee for new liquor licenses issued between May 1 and October 31 of any year shall be in an amount equal to the annual fee plus a one thousand dollar (\$1,000.00) nonrefundable fee to defray costs of investigating the applicant pursuant to the provisions of this Ordinance, payable in one installment. The initial license fee for a new liquor license issued between November 1 and April 30 for any year shall be in an amount equal to one-half (1/2) of the annual fee plus a one thousand dollar (\$1,000.00) nonrefundable fee to defray costs of investigating the applicant pursuant to the provisions of this Ordinance, payable in one installment. The following shall not be subject to an initial liquor license fee:

- 1. An applicant who is a father, mother, brother, sister, husband, wife, son or daughter of a liquor licensee or a deceased licensee, provided that said license of the licensee has first been cancelled and so cancelled not more than fifteen (15) days prior to the filing of a new application.

Any sale, transfer, or assignment of more than fifty percent (50%) of the shares of a corporation or more than fifty percent (50%) of an interest in a partnership or other business entity shall terminate the liquor license for the purpose of payment of a fee for a first and initial liquor license. Any bankruptcy, insolvency of a liquor licensee, any sale, transfer or assignment of any partner or partnership or partnership interest in a license held by a partnership shall terminate said license for the purposes of payment of a fee for a first and initial liquor license.

Applicants for a Class E or Class J license shall only be required to pay the license fees set forth in Section 11 and shall not be required to pay the one thousand dollar (\$1,000.00) investigation fee otherwise required by this Section 12.

Section 13: Number of Liquor Licenses Issued.

All liquor licenses issued hereunder shall be designated by the classification letter herein provided. There shall be such number of liquor licenses as may be from time to time determined by the corporate authorities. There may be in force at any time no more than:

- a. three (3) Class A licenses.
- b. thirteen (13) Class B licenses.

- d. four (4) Class D licenses.
- e. zero (0) Class E licenses.
- f. one (1) Class F licenses.
- g. eight (8) Class G licenses.
- h. one (1) Class H licenses.
- i. one (1) Class I licenses.
- j. zero (0) Class J licenses.
- k. zero (0) Class K licenses.
- l. zero (0) Class N licenses.
- m. zero (0) Class O licenses.

Section 14: Incomplete or Inaccurate Applications.

- a. Applications for liquor licenses which are incomplete, inaccurate or fail to contain the statements or information required by this Ordinance shall be rejected by the Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiencies in said application within sixty (60) days of its receipt by the Commissioner. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application in accordance with this Ordinance.
- b. Administrative or legal expenses incurred in reviewing incomplete or inaccurate liquor license applications, advising the applicant of such deficiencies and rejecting such applications shall be paid by the applicant. An invoice shall be submitted to the applicant specifying the additional administrative or legal expenses incurred in processing the applicant's incomplete liquor license application, which shall be paid by the applicant together with the annual license fee prior to the issuance of the license.

Section 15: Disposition of Fees and Fines.

All license, permit and application fees shall be paid to the Village at the time application is made and all fines and penalties shall be paid to the Village within two (2) business days of the entry of the fine and penalty, unless otherwise ordered by the Commissioner. In the event a license application is denied, the fees shall be returned to the applicant. The initial \$1,000.00 application fee is non-refundable. If the license is granted the annual license fee shall be deposited as set forth above, and no portion thereof shall be refunded.

Section 16: Conditions of Liquor License.

- a. Hours of Operation:
 - i. 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, 10:00 A.M. until 1:00 A.M. the following day.
 - 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. On New Year's Eve closing time shall be 2:00 A.M. on January 1.
 - e. All establishments may remain open until 2:00 A.M. the day before a national holiday.
 - f. The Commissioner may extend the hours of operation of any licensee for one (1) additional hour.
- ii. Service of alcoholic liquor must conclude 30 minutes prior to the establishment's closing hour. An announcement regarding the conclusion of the sale of alcoholic beverages of the establishment must be made 30 minutes prior to the establishment's closing hour.
- iii. In the case of restaurants, hotels, recreational facilities, and licensees selling packaged liquors, where the sale of alcoholic liquor is conducted on premises which are utilized primarily for other retail sales activities, such establishments may be kept open for business after the closing hours set forth herein, but no alcoholic liquor may be sold, offered for sale, or given away after the specified closing hours, and no person other than the licensee and employees of the licensee in the pursuit of their employment shall be permitted to remain in or upon that portion of the premises used for the dispensation of alcoholic liquors.
- c. Refilling Original Liquor Packages: No person licensed under this Ordinance shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages, excepting vinous beverages and pitchers of beer as permitted elsewhere herein.
- i. No retail liquor licensee or employee or agent of such licensee shall:
 - a. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that person except selling or delivering wine by the bottle or carafe;

- b. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 - c. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
 - d. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 - e. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under this Section.
- ii. Nothing in this Section shall be construed to prohibit a liquor licensee from:
- a. Offering free food or entertainment at any time;
 - b. Including drinks of alcoholic liquor as part of a meal package;
 - c. Including drinks of alcoholic liquor as part of a hotel package;
 - d. Negotiating drinks of alcoholic liquor as part of a contract between a Class A, B, C, I or J liquor license holder and another group for the holding of any function, meeting, convention or trade show on the premises of the licensee;
 - e. Providing room service to persons renting rooms at a hotel;
 - f. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
 - g. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

- e. **Displaying Liquor Licenses:** Every liquor licensee shall cause the license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.
- f. **Political Campaign Contributions Prohibited:**
 - i. It is unlawful for any licensee or an individual owning directly or beneficially more than five percent (5%) of the corporation stock of any licensee, where more than five percent (5%) of the licensee's gross income is derived from the sale of alcoholic liquor, to become liable for, pay or make any contribution exceeding one hundred fifty dollars (\$150.00) directly or indirectly toward the nomination, campaign fund or expenses of any candidate for an elected office of the Village of Homer Glen. "Gross income" shall mean income or receipts before any deductions. "Contribution" shall mean monetary contributions having monetary value or any in-kind contributions having monetary value.
 - ii. Any person violating this Section shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense and shall subject the suspension or revocation of that person's liquor license.

Section 17: RESERVED.

Section 18: Location, Building and Premises Restrictions.

- a. **Location Restrictions.**
 - i. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged or for indigent persons or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business or use so exempted shall have been established for such purposes prior to the establishment of any such church, school, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school, where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used

for worship services or educational programs and not to property boundaries.

- ii. 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 sale or consumption of alcoholic liquor.
- iii. A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permission of the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provision and regulations of this Ordinance.

b. View from Street.

In the premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, recreational facility or club) no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interiors of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee, or be permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this Section, the Commissioner shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as required.

c. Sanitary Conditions.

All premises used for the retail sale of alcoholic liquor, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

d. Premises Restrictions.

- i. No licensed premises shall be operated or occupied in violation of any building, fire, health or safety code, rule

regulation, occupancy or capacity limitation established or adopted by the Village , or the State.

- ii. Maximum capacity or occupancy restriction shall be established for each premises by the fire protection district having jurisdiction or such ordinances and codes as may be applicable to the Village, and shall be posted in no less than two (2) prominent locations in the premises.

Section 19: Personnel Restrictions, Liquor Licenses.

a. Change in Personnel:

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

b. Employees.

No employee, agent or manager, while on duty within the premises, shall use or consume any illegal drugs or alcoholic liquor, or be under the influence of illegal drugs or alcoholic liquor.

c. Manager on Duty.

At all times when the liquor license is in effect a licensee shall have on duty a manager, assistant manager or owner who is listed as managerial staff in the liquor license application of the licensee.

d. Training Requirements.

Every owner, manager, assistant manager and bartender of a licensee who dispenses, sells, delivers or serves alcoholic liquor, shall provide evidence of successful completion of a Beverage Alcoholic Sellers and Servers Education Training Program at a facility approved or recommended by the State Commission or otherwise approved or recommended under applicable Illinois law. Persons holding Class E or Class J licenses, together with their employees and agents, shall be exempt from this requirement, provided, however, all licensees shall provide a written statement signed by the licensee and each such bartender, agent and employee that they have read and understand this Ordinance.

Section 20. Prohibited Acts and Conditions.

- a. Peddling: No licensee shall peddle alcoholic liquor in the Village.
- b. Intoxicated Persons: No licensee shall permit or allow an intoxicated person to enter into or allow to remain upon the premises. No licensee shall sell alcoholic liquor to any intoxicated or incompetent persons.
- c. Disorderly Persons: No licensee shall permit or allow any person to enter into or remain upon the premises who is engaged in conduct which, under the circumstances, creates or which would tend to create a breach of the peace.
- d. Dancing: No licensee shall permit or allow dancing upon the premises except in an area specifically designated for dancing only or upon a stage.
- e. Discrimination: No licensee shall discriminate in service because of race, sex, religion, natural origin or physical handicap.
- f. Violations of County, State or Federal Laws: No licensee shall permit or allow the violation of any ordinance, statute or law upon the licensed premises by any person.
- g. Nudity: The following conduct on premises licensed to sell alcoholic liquor is prohibited.
 - i. Public Indecency: 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 720 ILCS 5/12-12; or
 - (b) A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of that person or another person.

- (c) “Public place” for purposes of this section means any place where the conduct may reasonably be expected to be viewed by others.
- ii. The act or simulated caressing or fondling of genitals, buttocks or breast.
- iii. The actual or simulated display or exposure of genitals, pubic hair, buttocks, anus or breasts.
- iv. 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, breasts or anus.
- v. The displaying of films, pictures or any other visual display depicting acts set forth in subparagraph (i) above.
- i. 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.
- j. No licensee shall permit, contract for or allow any person to enter or remain on the licensed premises to engage in conduct commonly called “a "Lingerie Show" as hereinafter defined. “A "Lingerie Show" is defined as a public display, show or event at which any person or persons wears 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.

Section 21: Minors.

- a. Sales to Minors and Intoxicated Persons.
 - i. No licensee or officer, associate, member, representative, agent or employee of a liquor licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years except in the performance of a religious ceremony or service. It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor.
 - ii. In every place 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 which shall read substantially as follows:

WARNING TO PERSONS UNDER
THE AGE OF 21 YEARS

You are subject to a fine up to \$500.00 under the laws of the State of Illinois and the ordinances of the Village of Homer Glen, if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

Village of Homer Glen
Liquor Control Commissioner

- iii. It shall be unlawful for any licensee, or his or her agent or employee, to permit any person under the age of twenty-one (21) years to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this subsection shall not apply to any person under the age of twenty-one (21) years who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor. In addition to all other fines and penalties, the Commissioner may suspend or revoke the licensee's license for any violation of this subsection.
 - iv. It shall be unlawful for any parent or guardian to knowingly permit any person under the age of twenty-one (21) of which he or she is the parent or guardian to violate any provisions of this Section.
 - v. It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21).
 - vi. It shall be unlawful for any person under the age of twenty-one (21) to tend bar.
 - vii. It shall be unlawful for any person under the age of twenty-one (21) to draw, pour or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for any person under the age of twenty-one (21) years to dispense, sell or deliver any alcoholic liquor in the original package, bottle or case for consumption off the premises of any licensed establishment. Except for the prohibitions provided for in this Section, it shall lawful for any person eighteen (18) years of age or older to work in a licensed premises and to serve alcoholic liquor.
- b. Purchase or Acceptance of A Gift by A Minor; Identification Cards.

- i. Purchase or Possession Of Alcoholic Liquor By Minors:
 - (a) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.
 - (b) It shall be unlawful for any minor to be or remain in any room, apartment, house, place or vehicle which is not licensed for the sale of alcoholic liquor under this Ordinance, and wherein alcoholic liquor is being consumed by a minor, except as otherwise provided in this Ordinance; provided however, a minor shall not be in violation of this subsection where the room, apartment or house is that person's actual place of domicile, unless that person permits the use of the room, apartment or house when such person knows or in the exercise of ordinary care should know of a substantial probability that such place is or will be used by minors for the consumption or possession of alcoholic liquor.

- ii. Identification cards:
 - (a) If a liquor licensee or such licensee's agents or employees believe, have reason to believe or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent or employee shall, before making such sale or delivery, demand presentation of some form of positive identification (containing proof of age) issued by a public officer in the performance of his or her official duties. Reasonable care in compliance with the provisions of this subsection shall be competent evidence and may be considered in prosecution, revocation or suspension for the violation of any section of this Ordinance relating to revocation or suspension for the violation of any other provision of this Ordinance.
 - (b) No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

- iii. Consumption: The consumption of alcoholic liquor by any person under the age of twenty-one (21) years is forbidden, provided, however, the possession and dispensing, or consumption by a person under the age of twenty-one (21) of alcoholic liquor in the performance of a religious service or ceremony under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home is not prohibited.

Section 22: Violation, Suspension and Revocation of Licenses.

- a. Suspension and Revocation.

The Commissioner may, in addition to imposing a fine, and the revoke or suspend any license issued by the Commissioner if the Commissioner determines that the licensee has violated any of the provisions of the Act, this Ordinance or of any other ordinance or resolution of the Village, or any applicable rule or regulation established by the Commissioner or the State Commission with respect to liquor licenses. The Commissioner shall, within fifteen (15) days after the hearing, if the Commissioner determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension, and shall serve a copy of such order within the fifteen (15) days upon the licensee. Review of decisions of the Commissioner by the State Commission shall be as provided for by the Act and a record review.

- b. Assessment of Costs of Hearings.

Any licensee determined by the Commissioner to have violated any provision of the Act or any ordinance or resolution of the Village, or any rule or regulation established by the Commissioner, or the State Commission, shall pay to the Village the costs of the hearing before the Commissioner on such violation. The Commissioner shall determine the costs incurred by the Village for the hearing, including: court reporter fees, the cost of transcripts or records, attorney's fees, the cost of preparing and mailing notices and orders, other miscellaneous expenses incurred by the Village. The licensee shall pay the costs to the Village within thirty (30) days of notification of the costs by the Commissioner. Failure to pay the costs within thirty (30) days of notification is a violation of this Section, and may be cause for license revocation or suspension. In the event of an appeal to the State Commission, and in cases where appeal is taken under the Administrative Review Act, payment is due forty (40) days after entry of an order finally affirming the determination of the Commissioner.

c. Forfeiture of Fees.

Whenever any license hereunder has been revoked as provided for in this Ordinance, the licensee shall incur a forfeiture of all monies that have been paid for the license.

d. Use of Premises After Revocation.

When a license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.

e. Monetary Penalty.

Unless otherwise provided in this Ordinance, any person violating any provision of this Ordinance relating to liquor shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first violation within a twelve (12) month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve (12) month period, and two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation.

Section 23: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 24: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 25: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED this 25th day of March, 2014, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
De Vivo	X			
Kagianias	X			
Sabo	X			
Sweas	X			
Yukich	X			
(President Daley)				
TOTAL	6	0	0	-

APPROVED by the President on March 25, 2014.

James P. Daley
President

ATTEST:

Gale Skrobuton
Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

CERTIFICATION

I, Gale Skrobuton, do hereby certify that I am the duly qualified and elected Clerk of the Village of Homer Glen, Will County, Illinois, and that as such Clerk I do have charge of and custody of the books and records of the Village of Homer Glen, Will County, Illinois.

I do hereby further certify that the foregoing is a full, true and correct copy of Ordinance No. 14-021, “AN ORDINANCE PROVIDING FOR THE CONTROL OF ALCOHOLIC LIQUOR WITHIN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS,” adopted and approved by the President and Board of Trustees of the Village of Homer Glen, Illinois on March 25, 2014.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Corporate Seal of the Village of Homer Glen, Will County, Illinois this 28th day of March, 2014.

Gale Skrobuton
Village Clerk
Village of Homer Glen
Will County, Illinois