

CHAPTER 16

ALCOHOLIC LIQUOR

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ARTICLE I
DEFINITIONS

Sec. 16-1. WORDS AND PHRASES.

Unless the context otherwise requires, the following terms shall be construed according to the definitions set forth below:

ACTING IN THE COURSE OF BUSINESS. Any action taken by a person at a business premises in the Village, or in furtherance of a business purpose in the Village.

ADULT. Any person who has attained his or her twenty first birthday.

ALCOHOL AWARENESS TRAINING. Training, with respect to overserving of drinks, identifying intoxicated customers, proof of age and other safety factors, provided by an accredited agency that is approved by the Commissioner, for the purpose of educating persons who serve, deliver or provide alcoholic beverages.

ALCOHOLIC BEVERAGES OR LIQUOR.

(1) Any spirits, wine, beer, ale or other liquid intended as a beverage and containing more than one-half of one percent (0.5%) of alcohol by volume.

(2) Any beverage containing any scientifically detectable trace of alcohol and 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.

BANQUET FACILITY. A food service facility whose primary business is the hosting of parties, celebrations and events which are attended by specific invitees of a specific host as opposed to "drop in" or reservation dining by the general public.

BAR. A barrier or counter, at and over which alcoholic beverages are opened, poured, prepared or served.

(1) **Customer Bar.** A bar on a licensed premises that is open for actual visiting by, seating for or service to the customer.

(2) **Service Bar.** A bar on a licensed premises that is not open for actual visiting by or seating for the customer, but is used solely as a drink preparation area for servers.

BEER. A beverage obtained by alcoholic fermentation or infusion in a brew or concoction of barley or other grain, malt or hops, in water. This includes beer, light beer, ale, stout, lager beer, porter and other similar brews.

BOTTLE CLUB. A type of service of spirits in which the spirits are purchased by the customer and then kept at a licensed premises for use or consumption by the customer on subsequent visits.

CATERER. A person who, for compensation, provides food and service for a banquet, dinner or other special occasion where the recipients of the food or service are specifically invited to each particular event. (See Subsection 16-6(4) of this Chapter.)

CERTIFICATION. That specific grant of the privilege and authority, pursuant to the exact requirements of this Chapter, to a person for the service of alcoholic beverages in the manner set forth in the text of a designated Classification.

CONTROL OF PREMISES. The legal or beneficial ownership, rental, lease or licensure shall constitute control of property. Control may also exist where none of the aforesaid legal relationships apply, but where an adult occupies or is otherwise in charge of or charged with the supervision of a particular premises.

CORKAGE. The bringing of an alcoholic beverage by a patron, into a place of business for the purpose of consuming the alcoholic beverage on the premises.

DRAMSHOP INSURANCE. That insurance required of a liquor licensee, the purpose of which is to insure the licensee against the statutory liability imposed by the Illinois Liquor Control Act.

DRINK PROMOTION PERIOD. Any period of the business day when an alcoholic beverage is offered to the public or segment of the public at a reduced price.

ENTERTAINMENT. Any playing of prerecorded music or voices or any live act or performance whether or not using sound amplification.

FALSE IDENTIFICATION. Any document used for identification or proof of age that has been altered or that contains false or misleading information or that contains a name that is not the actual name of the person using it.

FIGHTING. Any threatening or touching of another person which provokes or tends to provoke a breach of the peace. This shall include, but not be limited to, any disputatious physical action between or among persons.

FLIGHT OF WINE OR BEER. Smaller individual glasses of a variety of wines or beers made available in one serving.

GENERAL PUBLIC. The whole body politic including the people of the neighborhood, the Village, the State of Illinois, the United States of America, and/or persons at large traveling through the Village, as distinct from the designation of a particular person or group of persons.

HOST LIABILITY INSURANCE. A typical business insurance coverage that protects an owner against claims that his or her business or premises caused damage or injury or caused liability to accrue to a business invitee.

IMPAIRMENT. Any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic beverage. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.

LICENSE OR LIQUOR LICENSE. That specific grant of the privilege and authority, pursuant to the exact requirements of this Chapter, to a person to deliver alcoholic beverages in the manner set forth in the text of a designated Classification. License, as used in this Chapter shall, in applicable circumstances, include any permit or certification pursuant to Section 16-5 of this Chapter.

LICENSE TERM. The time between the issuance or renewal of a license and its expiration date.

LICENSED PREMISES. The building and land at the address for which the license is issued. For purposes of determining parameters of the location where an act is prohibited by this Chapter, licensed premises shall include all off street parking, any public property immediately adjacent to the private address and the entirety of the contiguous property owned by the same entity owning the licensed premises. For purposes of determining the parameters of the location where an act is permitted by this Chapter, licensed premises shall mean only the interior of the

building at the licensed address unless an outdoor or other permit specifically allows for activity on the exterior of the premises.

LICENSEE. That person who has been issued a liquor license, permit or certification by the Commissioner. For purposes of actions required of or prohibited of a licensee, this shall include the holder of a Northfield liquor license and any officer, principal, employee or agent of the license holder.

LOCAL LIQUOR CONTROL COMMISSIONER. The office of the President of the Village, including appropriate legal counsel. This may include such other persons as the president may appoint, either by written policy or practice, to aid in the exercise of the powers and the performance of the duties of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner will be referred to as the "Commissioner" in this Chapter.

LOUNGE. That portion of a licensed restaurant or club that is not part of the main dining area, where a customer bar and other seating is located, and that is kept, used, maintained, advertised and held out to the public as a place where alcoholic beverages may be consumed.

MAINTENANCE OF ORDER STANDARD. That standard by which it shall be determined whether a licensee has maintained order on the licensed premises. It shall generally be stated as the establishment and maintenance of the optimum precautions and actions that are practical for deterring and preventing "fighting" as defined in this Section.

MANAGER. That sole natural person, on the licensed premises, who is charged with the supervision, oversight and management of the entire business operation and physical premises.

MEAL PACKAGE. A special menu package where food and alcoholic beverages are included in a single price.

OPERATION OF A MOTOR VEHICLE. The operation or physical control of a motor vehicle anywhere in the Village of Northfield, whether on private or public property. To be in physical control, the person need not be actually driving the motor vehicle and the vehicle need not be running. If there is only one person inside of a motor vehicle, that person shall be presumed to be in physical control regardless of the person's location within the vehicle. If there is only one person in a front seat or front passenger area of a motor vehicle, that person shall be presumed to be in physical control regardless of the person's location in the front passenger area. If there is more than one person in the vehicle, but none in the front seat area, the person in the vehicle who is the owner of the vehicle or the person to whom permission was given to operate the vehicle, shall be presumed to be in physical control of the vehicle.

ORIGINAL PACKAGE. Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container that is used, corked or capped, sealed and labeled by the manufacturer of alcoholic beverages to contain and to convey any alcoholic beverages. For purposes of the privilege of selling, original package means that the container must not be or have been opened or unsealed.

PARENT. A natural, adoptive or foster parent or a court designated guardian.

PARTY PACKAGE. An offering by a licensee for private party functions or events for specific social or business occasion.

PERMIT. That specific grant of the privilege and authority, pursuant to the exact requirements of this Chapter, to a person to serve alcoholic beverages in the manner set forth in the text of a designated permit classification.

RESTAURANT. Any public place maintained, and held out to the public as a place primarily devoted to being a full service dining establishment at which the service of alcoholic beverages is incidental and complementary to the service of such meals. Limited food service, as typically provided by drive-in restaurants, luncheonettes, diners, coffee shops, fast food operations and similar uses, does not satisfy the requirements of this definition.

SERVICE OF ALCOHOLIC BEVERAGES FOR VALUE. The service of alcoholic beverages for any consideration of any nature. This shall include, without limitation, the inclusion of alcoholic beverages in a single price of admission and/or in the price of a ticket and/or the price of a meal, a cover charge or requirement of a purchase of a raffle ticket, even if for charitable or not for profit purposes.

SERVICE OF ALCOHOLIC BEVERAGES (OR SERVICE). The sale, delivery, giving, service, providing or exchange of an alcoholic beverage from one person to another. Service of alcoholic beverages is meant to include the provision of any alcoholic beverage by whatever means by one person to another. This definition includes being an employee who actually serves alcoholic beverages or who is a cashier at a licensed premises. Service of alcoholic beverages by any Class P licensee shall generally be referred to as "delivery of alcoholic beverages".

SERVICE OF ALCOHOLIC BEVERAGES (REGULATED). This is the type of service of alcoholic beverages that is regulated by this Chapter. Regulated service generally includes the following: Service at any location within the Village: 1) to the public from a business venue; or 2) in the course of business; or 3) service of alcoholic beverages for value at any location. Also referred to as "regulated service". Not included as regulated service is service by:

- (1) A nonretail business owner of an unopened alcoholic beverage as a personal gift, to a specifically designated client or tenant; and
- (2) Giving away of alcoholic beverages at a holiday party for employees of a business or commercial entity when:
 - (a) No member of the public is invited;
 - (b) Not more than two (2) such events are held each year.

SPIRITS. Any beverage which contains alcohol obtained by distillation, mixed with water or other solution and includes brandy, rum, whiskey, gin or other spirituous beverages and such beverages when rectified, blended or otherwise mixed with alcohol or other substances.

UNDERAGE PERSON. Any person who has not attained his or her twenty first birthday.

VICARIOUS LIABILITY. That liability which is implied as a matter of law even though the person may not have directly caused an injury or property damage.

WINE. 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 defined herein. (Ord. 11-1493, 8-16-2011; amd. Ord. 15-1624, 9-15-2015)

ARTICLE II LICENSING FOR REGULATED SERVICE

Sec. 16-2. LICENSE REQUIRED.

It shall be unlawful to engage in regulated service of any alcoholic beverage without first having obtained a Village liquor license. Every person engaged in regulated service of alcoholic beverages in the Village shall obtain the appropriate liquor license authorizing the service of the specific type and character of alcoholic beverages and the specific type of business or activity at which it may be provided. The fee to be paid for such licenses shall be as set forth in Appendix D, Article I of this Code. Except for certain temporary Village permits, there shall be no service of alcoholic beverage by the licensee until the licensee has obtained a liquor license required by the State for the service of alcoholic beverages. All licenses, permits, certifications and/or placards issued pursuant to this Chapter shall be displayed in a prominent place that is visible to patrons. (Ord. 11-1493, 8-16-2011)

Sec. 16-3. APPLICATION FOR A LOCAL LIQUOR LICENSE.

Application for a local liquor license shall be made to the Commissioner. The application shall be upon forms provided by the Village. Only fully completed forms may be considered. Each application shall be accompanied by the nonrefundable application fee and the applicable license fee as set forth in Appendix D, Article I of this Code. (Ord. 11-1493, 8-16-2011)

Before a license may be issued to any applicant, background checks (which shall include the submission of fingerprints to appropriate agencies) shall be performed with respect to the key individuals owning and/or operating the licensed business. The Liquor Commissioner will determine the individuals who are subject to such background checks, and the Commissioner's decision shall be final. The Commissioner may accept fingerprints from another jurisdiction for persons not residing or working within fifty (50) miles of the Village. A reasonable fee may be charged by the Police Department for each person required to be fingerprinted. For purposes of this Section, the Commissioner may require such documentation as he or she deems appropriate to determine who must be fingerprinted, and the Commissioner's decision as to fingerprinting shall be final. An investigation will be performed to enable the Commissioner to ascertain whether the issuance of a license will comply with all regulations of the Village. (Ord. 11-1493, 8-16-2011; amd. Ord. 14-1580, 2-18-2014)

No license may be issued until all information and documentation required in the application has been provided. All of the reports from the various departments and agencies with respect to background checks must be completed and all fees must be paid. The foregoing notwithstanding, the Commissioner may, at the Commissioner's sole discretion, issue the license prior to the completion of a background check under the following circumstances:

- (1) The Police Department believes the background check will be completed within forty five (45) days.
- (2) No information is currently available which would indicate that the applicant would be ineligible for a license.
- (3) The applicant has demonstrated to the satisfaction of the Commissioner that the immediate issuance is necessary to assure the viability of the business.

(4) The Commissioner retains the absolute right to revoke the license, without a hearing, if subsequently discovered information would, in the sole discretion of the Commissioner, have made the licensee originally ineligible for the license.

(5) The licensee executes a release and hold harmless statement that is satisfactory to the Village Attorney and absolutely absolves the Village, its officers and employees of any liability if the Commissioner subsequently revokes the license based on completion of the background check.

By accepting a Village liquor license, the licensee consents to the service of process and the acceptance of any other document by or on any employee or agent of the licensee or the posting of the process or document on any entrance to the licensed premises.

After issuance of any license, the licensee shall provide written notice to the Commissioner of any change in any information set forth in the application within seven (7) days of the change.

If the applicant provides any false or misleading information, omits information for purposes of misleading or fails to properly and correctly identify individuals whose background information is required; such action shall be grounds for denial or revocation of the license. (Ord. 11-1493, 8-16-2011)

Sec. 16-4. RESTRICTIONS ON ISSUANCE OF LICENSES.

A. Ineligibility. No liquor license may be issued to any of the following: 1) a partnership; 2) a sole proprietorship; 3) a corporation that is neither incorporated in Illinois nor qualified and registered under the Illinois Business Corporation Act to transact business in Illinois. This limitation shall not apply to a temporary permit.

B. Limitations. No liquor license may be issued to any entity:

(1) Whose business is conducted by a manager or agent who is not an actual employee of the licensee, unless such manager or agent possesses a management entity certification.

(2) Which does not legally or beneficially own the premises for which a license is sought, or does not have a lease for the full period for which the license is to be issued.

(3) Which is a limited liability company whose managing partner is not identified as a natural person, or has a member which does not have a manager or partner who is an identified natural person or is a corporation which does not identify a president or chief executive officer as a natural person.

(4) Which does not hold a valid Northfield business license for the licensed premises as required by this Code. (Ord. 11-1493, 8-16-2011)

(5) Not eligible for a State retail liquor dealer's license. A copy of each renewed State liquor license must be provided to the Village Manager prior to the expiration of the existing State license. Failure to do so will subject the licensee to an automatic daily fine as set forth in Appendix D, Article III of this Code. (Ord. 11-1493, 8-16-2011; amd. Ord. 15-1606, 1-20-2015)

(6) Which does not designate a manager for the premises.

(7) Which, upon review of the application taken as a whole by the Commissioner, is deemed by prior actions as indicated from the application or background check, to be a substantial risk of not abiding by the regulations of the Village.

C. Commissioner Discretion. Unless the Commissioner issues a written determination to the Village Board that it is in the best interests of the Village that the license be issued despite the circumstances and that such circumstances will not be a detriment to the health, safety and welfare of the Village, no liquor license may be issued where a manager, officer, director, managing partner, member, twenty percent (20%) or greater shareholder or member share owner:

- (1) Has been found guilty of:
 - (a) Any felony at any time; or
 - (b) Any offense, within the past two (2) years involving the sale, use or possession of alcoholic beverages or controlled substances, including those related to traffic offenses; or
 - (c) Any other crime, at any time, if upon due investigation, the Commissioner determines that such individual has not been sufficiently rehabilitated to warrant the public trust; or
 - (d) Any violation, at any time, of any Federal or State law concerning the manufacture of alcoholic beverages; or
 - (e) Any gambling offense as proscribed by Subsections (a)(3) through (a)(10) of Section 5/28-1 of, or as proscribed by Section 5/28-3 of, the Criminal Code of 1961, approved July 28, 1961, as amended, or as proscribed by statute replacing any of these statutory provisions.
- (2) Has previously had a liquor license revoked in this or any other jurisdiction.
- (3) At the time of application for renewal of a liquor license would not have been eligible for a license upon a first application.
- (4) Is an employee or elected official of the Village. (Ord. 11-1493, 8-16-2011)

Sec. 16-5. LICENSE CLASSIFICATIONS.

A. Licenses. Liquor licenses in the Village shall be divided into the following classifications:

- (1) Package licenses (P):

Class P-1 Supermarket package license
Class P-2 Wine and beer only package license

- (2) Food service licenses (F):

Class F-1 Restaurant without lounge license
Class F-2 Restaurant corkage license
Class F-3 Restaurant with lounge license
Class F-4 Restaurant with bar license
Class F-5 Senior center license
Class F-6 Golf course license
Class F-7 Corporate headquarters license

(Ord. 11-1493, 8-16-2011)

(3) Specialty licenses (S):

Class S-1 Gourmet beverage shop license

Class S-2 License with special conditions

Class S-3 Governmental entity license

(Ord. 11-1493, 8-16-2011; amd. Ord. 18-1716, 5-15-2018)

B. Temporary Permit Classifications.

(1) Permits not requiring an existing Northfield liquor license:

Class TP(1) Civic permit

Class TP(2) Government permit

Class TP(3) Non-Northfield caterer's permit

Class TP(4) Promotional permit

(2) Permits requiring an existing Northfield liquor license:

Class TP(5) Northfield caterer's permit (requires Class F license)

Class TP(6) Daily sampling permit (requires Class P or S license)

Class TP(7) Temporary outdoor entertainment permit (requires Class F license)

C. Certifications. Management entity certification. (Ord. 11-1493, 8-16-2011)

Sec. 16-6. LICENSE DESCRIPTIONS AND RESTRICTIONS.

The restrictions on a particular license, permit or certification classification shall be binding on the licensee and no premises or activity may be operated in violation of the classification restrictions and regulations. No license, permit or certification may be issued unless the applicant's business is specific to one of the following classifications and the fee defined in Appendix D, Article I of this Code is paid: (Ord. 11-1493, 8-16-2011)

(1) Class P Licenses (Package).

(a) Restrictions Applicable To All Class P Licenses.

1. Consumption and/or allowing consumption on the premises where sold is prohibited. (See Subsection (4)(b)2b of this Section for daily sampling events and Class P-1 supermarket package license below.)

2. The licensee is prohibited from selling or offering for sale single containers of refrigerated or chilled alcoholic beverages where the single container has a capacity of less than seven hundred fifty milliliters (750 mL).

3. Except for duly permitted daily sampling and Class P-1 as set forth below, it shall be unlawful for the holder of any Class P license to deliver an alcoholic beverage in any container other than its original sealed and unopened package.

4. Alcoholic beverages may be delivered only between the hours of eight o'clock (8:00) A.M. and twelve o'clock (12:00) midnight.

(b) Specific Class P Licenses.

1. Class P-1 Supermarket Package License. A Class P-1 license shall authorize the sale of all alcoholic beverages in original containers for consumption off the licensed premises and shall authorize the sale of wine, spirits, and beer for consumption on the licensed premises.

Regulations specific to a Class P-1 license:

a. The sale of alcoholic liquor is authorized only at a grocery store of at least thirty five thousand (35,000) square feet of above grade interior floor space.

b. The sale of wine, spirits and beer for consumption on the premises shall be limited to designated locations. The locations, whose site plan shall be subject to approval by the Village, must include a barrier from the general shopping area. The designated areas shall be limited to not more than five percent (5%) of the above grade interior floor space.

c. There shall be seating and tables for customers in the area devoted to on premises consumption. The designated areas shall include an area where food is prepared and regularly served on premises. Such food shall include hot or cold sandwiches, appetizers, tapas, sushi, baked goods or other similar foods.

d. If, in any calendar year, the sale of wine, spirits and beer for on premises consumption exceeds five percent (5%) of the gross sales of the licensee, the Village shall have the absolute right to limit such sales in any way it deems appropriate. No later than January 31 of each year, the licensee shall submit evidence of the percentage of such on premises sales for the prior calendar year.

e. Hours for sales of wine, spirits and beer for on premises consumption and sampling as allowed pursuant to Subsection (1)(b)1i of this Section shall be eleven o'clock (11:00) A.M. to ten o'clock (10:00) P.M.

f. No open wine, spirit or beer may be taken from one location of on premises consumption to another.

g. Unopened wine and beer may be displayed for sale throughout the store, but no more than a total of twenty percent (20%) of retail floor space may be devoted to the display of wine and beer.

h. A single container of beer sold for off premises consumption must contain at least twenty two (22) ounces or 0.651 liters.

i. Individual samples of alcoholic beverages may be provided free of charge as permitted by state law and subject to the rules for a Class TP(6) daily sampling permit; except that such sampling may take place any day, without any additional permit.

j. It is intended that the service of wine, spirits and beer is merely adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.

2. Class P-2 Wine And Beer Only Package License. Class P-2 for the delivery only of wine and beer in its original package. Regulations specific to a Class P-2 license:

a. The licensed premises must contain at least ten thousand (10,000) square feet of interior floor space. (Ord. 14-1578, 1-21-2014)

(2) Class F Licenses (Food Service).

(a) Restrictions Applicable To All Class F Licenses.

1. The premises shall be primarily devoted to the preparation, cooking and serving of meals.

2. The premises must have a kitchen, dining room, staff and equipment as deemed adequate by the Village health authority.

3. Spirits may not be sold, delivered or served by the bottle.

4. See Subsection (4)(b)2a of this Section for offsite catering privileges and Subsection (4)(b)1a of this Section and Section 16-18 of this Chapter for the holding of events for civic organizations.

(b) Specific Class F Licenses.

1. Class F-1 Restaurant Without Lounge License. Class F-1 for service of alcoholic beverages at a restaurant. Regulations specific to a Class F-1 license:

a. Consumption or allowing of consumption of alcoholic beverages at any place other than dining tables is specifically prohibited.

b. Service of alcoholic beverages shall be limited to those patrons dining in the restaurant.

c. Full food service including dinner and/or luncheon menus shall be offered at all times while alcoholic beverages are served.

d. Alcoholic beverages may only be served between the hours of eleven o'clock (11:00) A.M. and one o'clock (1:00) A.M. unless more restrictive hours are established in the special use ordinance governing the premises.

e. Up to twice annually the license holder may obtain a two (2) day concession permit for the sale of beer and wine only at an outdoor community, civic or special event at a location away from the premises, but within Northfield. Such a license may not be issued for a location within two hundred feet (200') of any residential zoning district, except for events held at a park district approved event on park district property. A State of Illinois special permit liquor license shall also be required if the event is open to the general public.

2. Class F-2 Restaurant Corkage License. Class F-2 shall allow patrons to bring beer and wine into a restaurant establishment for the sole purpose of consumption in that establishment. Regulations specific to the Class F-2 license:

a. A corkage fee may or may not be assessed to the participating patrons.

b. Consumption of beer and wine shall be limited to those patrons dining in the restaurant and seated at a table.

c. Alcoholic beverages may only be consumed on the premises between the hours of eleven o'clock (11:00) A.M. and one o'clock (1:00) A.M. unless more restrictive hours are established in the special use ordinance governing the premises.

3. Class F-3 Restaurant With Lounge License. Class F-3, for providing of alcoholic beverages by restaurants maintaining a separate lounge area. Regulations specific to the Class F-3 license:

a. Alcoholic beverages may be served in the lounge portion of the premises to patrons of the restaurant who are either consuming their meal, waiting for meal service or who have completed their meal.

b. The total lounge area shall be no more than forty percent (40%) of the floor area of the premises.

c. Alcoholic beverages served in the restaurant portion of the premises shall be limited to those patrons dining in the restaurant.

d. Full food service including dinner and/or luncheon menus shall be offered at all times while alcoholic beverages are served.

e. Alcoholic beverages shall only be served between the hours of eleven o'clock (11:00) A.M. and one o'clock (1:00) A.M. unless more restrictive hours are established in the special use ordinance governing the premises.

f. Up to twice annually the license holder may obtain a two (2) day concession permit for service of beer and wine only at an outdoor community, civic or special event at a location away from the premises, but within Northfield. Such a license may not be issued for a location within two hundred feet (200') of any residential zoning district, except for events held at a park district approved event on park district property. Any applicable state of Illinois licensure, including a special use permit license shall also be required.

4. Class F-4 Restaurant With Bar License. Class F-4, for providing of alcoholic beverages by restaurants maintaining a separate bar area. Regulations specific to the Class F-4 license:

a. Alcoholic beverages may be served in the bar portion of the premises with or without the service of food.

b. The total bar area may be no more than fifty percent (50%) of the floor area of the premises.

c. Alcoholic beverages served in the restaurant portion of the premises shall be limited to those patrons dining in the restaurant.

d. Alcoholic beverages may only be served between the hours of eleven o'clock (11:00) A.M. and one o'clock (1:00) A.M. unless more restrictive hours are established in the special use ordinance governing the premises.

e. Up to fifteen (15) daily concession permits may be obtained annually for the service of alcoholic beverages at an outdoor community civic or special event at a location away from the premises, but within Northfield. Such a license may not be issued for a location within two hundred feet (200') of any residential zoning district, except for events held at a park district approved event on park district property. Any applicable State of Illinois licensure, including a special use permit license shall also be required.

5. Class F-5 Senior Center License. Class F-5, for the service of alcoholic beverages at a senior center. Regulations specific to the Class F-5 license:

a. Service may take place only on the premises designated in the license.

b. Alcoholic beverages may be served only between the hours of eleven o'clock (11:00) A.M. through one o'clock (1:00) A.M. the following morning unless more restrictive hours are established in the special use ordinance governing the premises.

6. Class F-6 Golf Course License. Class F-6, for the service of alcoholic beverages at golf courses. Regulations specific to a Class F-6 license:

a. Unless otherwise set forth in this Subsection (2)(b)6, the regulations for the Class F-4 license shall apply to the golf course's restaurant facility.

b. Alcoholic beverages may be served only between the hours of eight o'clock (8:00) A.M. and two o'clock (2:00) A.M. the following morning.

c. Alcoholic beverages may be served in a clubhouse restaurant, a clubhouse lounge, from licensee owned carts on the premises, at any other snack or food facility on the course and at events on the golf course grounds.

d. Alcoholic beverages may be sold on the club premises, to club members only, in cases and half cases of wine for consumption off the club premises. Such sales shall be permitted not more than twice in any twelve (12) month period, and shall be limited on each occasion to one day.

7. Class F-7 Corporate Headquarters License. Class F-7, for the service of alcoholic beverages at a corporate headquarters that has food service and food preparation for employees. Regulations specific to the Class F-7 license:

a. This license may be issued to the general manager of the headquarter facility or to a business licensed by the Village to run the corporation's food concession.

b. Alcoholic beverages may not be served with employee lunches or other meals in the company cafeteria.

c. Service shall be permitted only for employees of the corporation or their guests for corporate sponsored or corporate approved special events at the corporate headquarters.

d. Alcoholic beverages may be served only between the hours of eleven o'clock (11:00) A.M. and one o'clock (1:00) A.M. the following morning.

(3) Specialty Licenses.

(a) Class S-1 Gourmet Beverage Shop License. Class S-1, allows for the delivery of beer and wine in its original package. Regulations specific to the Class S-1 license:

1. A gourmet beverage shop license shall be available only in the Village Center zoning district.

2. No "spirits", as defined by this Chapter, may be delivered or served.

3. Glasses or flights of beer or wine may be served on the licensed premises under the following conditions:

a. Hors d'oeuvres or food must be available for consumption with the beer or wine.

b. Each glass or flight of beer or wine may contain no more than five (5) ounces.

c. No more than ten (10) ounces of beer or wine may be served to any individual during any day.

4. Off premises beer or wine tastings may be held upon securing a daily sampling permit and in accord with the regulations for such permit. On premises samplings do not require a

daily sampling permit, but must be conducted in accord with the regulations of Subsection (4)(b)2b of this Section.

5. The licensee may serve beer or wine at a civic event away from the S-1 licensed premises, provided that the organization sponsoring the civic event has obtained a temporary civic permit.

6. The licensee may serve beer or wine at a Northfield business which does not otherwise possess a Northfield liquor license under the following conditions:

- a. Service shall be at a promotional event inside the business premises.
- b. The business must have obtained a temporary promotion permit.
- c. No more than two (2) such events shall be held at any single business in any license term.
- d. The licensee may not conduct more than a total of twenty (20) such events in any license term.
- e. The licensee shall notify the Commissioner, in writing, not less than fourteen (14) days in advance of any such service event.

7. The restrictions governing Class P (package license) shall apply.

(b) Class S-2 License With Special Conditions. Class S-2, the Village Board may, from time to time, create conditional licenses which are based on the license classifications set forth above, but which contain additional conditions and restrictions. These licenses with special conditions, while created by the Village Board, shall remain subject to issuance by the Commissioner. (Ord. 11-1493, 8-16-2011)

(c) Class S-3 Governmental Entity License. A governmental entity annual license may be issued to any taxing body whose taxpayers include residents of the Village of Northfield. A governmental entity license may be issued subject to the following conditions:

1. The Governing Board of the governmental entity shall, by resolution, designate an individual who is a full time employee of the governmental entity as Coordinator of Alcoholic Beverage Sales. A current cellular telephone number and email address of the Coordinator of Alcoholic Beverage Sales shall be filed with the Northfield Police Department and be updated as needed.

2. The Coordinator of Alcoholic Beverage Sales shall maintain a valid alcohol awareness certificate obtained through attendance at a duly certified alcohol awareness course.

3. The Coordinator of Alcoholic Beverage Sales shall give at least thirty (30) days written notice to the Chief of Police of the location of any event at which alcoholic beverages will be served.

4. Signs, approved by the Chief of Police stating that the sale or consumption by underage persons is prohibited and that no alcoholic beverages may be consumed except on the premises of the event, shall be posted at each point of sale.

5. The Governing Board of the governmental entity shall execute an unconditional release and hold harmless agreement, acceptable to the Village Attorney, releasing and holding harmless the Village, its officers, agents and employees from any actions arising out of the issuance of the license by the Village and the holding of the license by the governmental entity. (Ord. 18-1716, 5-15-2018)

(4) Temporary Permits.

(a) Regulations Applicable To All Temporary Permits.

1. The Commissioner may attach such special conditions as are appropriate for a temporary permit.
2. The Commissioner, in his or her sole discretion, may accept host liability coverage in the amounts set forth in Section 16-11 of this Chapter as a substitute for Dramshop insurance.
3. The number of days for temporary permits shall be within the sole discretion of the Commissioner, but in no event may permits be issued for more than three (3) consecutive days.
4. Up to twelve (12) such permit days shall be available to any one organization during a license term (except for temporary outdoor entertainment permits which are limited to two 72-hour events per year).
5. Unless otherwise stated, there shall be a daily permit fee as set forth in Appendix D of this Code.
6. If another party is serving the alcoholic beverages at the event; then that other party must also obtain a Northfield license or permit.
7. All other regulations of this Chapter shall apply to the permit.

(b) Specific Temporary Permits. Temporary permits are divided into the Classifications set forth below:

1. Permits Not Requiring An Existing Northfield Liquor License.

a. Class TP(1) civic permit. A permit for the service of alcoholic beverages by any nonprofit organization or club having a bona fide address within the Village such as a church, fraternal order or lodge, veterans' organization, civic organization, foundation or other similar organization. Regulations specific to the civic permit:

- (i) The service of alcoholic beverages may be done only at a special event sponsored or given by the organization for the sole benefit of the organization and where the attendance is by invitation only.
- (ii) Each day of the event shall require a permit.
- (iii) If the general public is invited to the event, the licensee will be required to obtain a State of Illinois special event retailer's liquor license.
- (iv) See Section 16-18 of this Chapter for civic events held at a Class F or S licensed premises.

b. Class TP(2) government permit. A permit for the Village of Northfield, Winnetka/Northfield Library, or other local government entity board of trustees for service of alcoholic beverages. Service may take place only on a premises owned or leased by the governmental entity.

c. Class TP(3) non-Northfield caterer's permit. A permit for the service of alcoholic beverages, at an otherwise unlicensed premises, by a caterer not possessing a Northfield liquor license. Regulations specific to a non-Northfield caterer's permit:

- (i) The caterer must possess a valid liquor license from another Illinois jurisdiction.
- (ii) The caterer may serve alcoholic beverages only at a sponsored event, or at an event to which specific persons (not the general public) have been previously invited.

(iii) The caterer may serve alcoholic beverages only if the sponsor of the event has also obtained a temporary permit.

d. Class TP(4) promotional permit; retail establishment. A permit allowing a retail establishment to serve alcoholic beverages at a promotional event. Regulations specific to a temporary promotion permit:

(i) Alcohol may only be served on the premises owned or leased by the applicant.

(ii) All alcoholic beverage service and consumption must take place within the area specified in the permit.

(iii) There may be no charge of any kind for the alcoholic beverage.

2. Permits Requiring An Existing Northfield License.

a. Class TP(5) Northfield caterer's permit. A permit for the service of alcoholic beverages, at an otherwise unlicensed premises, by a Northfield Class F licensee. Regulations specific to a Northfield caterer's permit:

(i) The caterer must possess a valid Northfield liquor license.

(ii) The caterer may serve alcoholic beverages only at a sponsored event, or at an event to which specific persons (not the general public) have been previously invited.

(iii) A Northfield caterer may obtain an annual caterer's permit. (Ord. 11-1493, 8-16-2011)

b. Class TP(6) daily sampling permit. A permit allowing the holder of any Class P or S license to serve alcoholic beverages, without charge, in small and limited amounts, for sampling purposes only and in conjunction with sales promotional efforts occurring on the licensed premises. Regulations specific to a daily sampling permit:

(i) The sampling shall be attended and supervised by a full time adult employee and may occur only in a designated area on the licensed premises;

(ii) The actual amount of wine or spirits in any single sample may not exceed one ounce and the actual amount of beer in any single sample may not exceed three (3) ounces;

(iii) The sample shall be served in a single use container which shall be disposed of following the sampling;

(iv) There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the licensed premises; and

(v) Quantities may not exceed a total of ten (10) ounces per customer per day (3 ounces in the case of spirits). (Ord. 14-1578, 1-21-2014)

c. Class TP(7) temporary outdoor entertainment permit. A permit allowing outdoor live music for a Class F licensee. Regulations specific to a temporary outdoor entertainment permit:

(i) Each licensee shall be limited to two (2) events per year, not to exceed seventy two (72) hours in duration.

(ii) The application for such event must be filed not less than thirty (30) days prior to the event.

(iii) Live music may be played only between the hours of eleven o'clock (11:00) A.M. and eleven o'clock (11:00) P.M.

(iv) The Commissioner may attach such other conditions to the permit as may be advisable to protect the peace and quiet of the surrounding area.

(v) The Commissioner, the Village Manager or a designee of either, shall have the absolute right for cause, and without the necessity of a hearing, to order the immediate cessation of such live music.

3. Ad Hoc Temporary Permits. Notwithstanding the fact that an applicant for a temporary permit does not meet the precise criteria for one of the specific temporary permit classifications set forth above, the Commissioner shall have the authority to issue an ad hoc temporary permit subject to conditions similar to those applicable to the specific classifications, where the Commissioner determines that such permit is in the best interests of the public.

(5) Management Entity Certification. A management entity certification allows for the certification of an entity that is retained to manage a licensed premises. It is recognized that a licensee may, from time to time, desire to hire or retain, as an independent contractor, a management entity to manage, generally operate and be responsible for the licensed premises. Regulations specific to a management entity certification:

(a) No licensee shall permit a management entity to perform such a function unless the management entity has been certified to do so by the Commissioner. In order to be certified by the Commissioner, a management entity must execute a liquor license application. A management entity must qualify for a management entity certification in the same manner and meet the same standards as a licensee.

(b) The application shall be accompanied by a nonrefundable application fee as set forth in Appendix D of this Code, and no management entity may be qualified unless a certification fee as set forth in Appendix D of this Code has been paid.

(c) The management entity shall be subject to the jurisdiction of the Commissioner in the same manner as a licensee. If there is a violation on the premises, the management entity and the licensee shall be jointly and severally responsible for all consequences of such a violation.

(d) An underlying Village liquor license must previously have been obtained for the premises. (Ord. 11-1493, 8-16-2011)

Sec. 16-7. NUMBER OF LICENSES AVAILABLE.

The Village Board shall determine, by ordinance, the number of licenses that are available in each classification. (This limitation shall not apply to temporary permits and certifications, which documents shall be solely within the discretion of the Commissioner.) Neither the Commissioner nor any other person or entity may issue liquor licenses in a number that is in excess of the number authorized by the Village Board. The Village Board may increase or decrease the number of licenses available in any or all classifications within the Village. If the number of licenses in any or all classifications is decreased, the licenses shall be eliminated on the basis of seniority, so that the premises holding a license the least amount of time shall be eliminated first. However, the Commissioner may, with an accompanying written statement, eliminate licenses on the basis of quality of operation of the premises, considering such matters as charges before the Commissioner, the State Liquor Commission or other law enforcement issues and/or on the basis of articulable benefit or lack of benefit to the Village.

Upon the forfeiture, voiding or revocation of a license for any reason, the number of available licenses in that classification shall automatically and immediately be reduced by one. When a licensee, for a period of thirty (30) days ceases to sell alcoholic liquors or engage in any other activity required for that Class of liquor license, including, but not limited to, the submittal of

the annual renewal and fee as required by this Chapter, that license shall automatically terminate and the number of licenses available shall immediately and automatically be reduced by one. (Ord. 11-1493, 8-16-2011)

Sec. 16-8. LICENSE TERM.

Each new license shall commence on the date specified on the license. Each renewal license shall commence on January 1 and shall terminate on the December 31 following the date of issuance. (This limitation shall not be applicable to permits.) (Ord. 11-1493, 8-16-2011)

Sec. 16-9. RENEWAL OF LICENSE.

Any licensee may apply to renew a license. This renewal privilege shall not be construed as a vested right, but shall be completely subject to the Commissioner's right of review of the licensee's background and history of operation in the State of Illinois. (Ord. 11-1493, 8-16-2011)

Sec. 16-10. NATURE OF LICENSE; TRANSFER PROHIBITED.

A license shall be a privilege that may be claimed only by the person set forth on the license. The license shall not constitute property, nor shall it be subject to attachment, garnishment or execution. The license shall not be alienable, voluntarily or involuntarily, or subject to lien or other encumbrance. The license is not transferable either for consideration or not for consideration. Although regulations in Subsections (1) through (6) of this Section shall be generally applicable, the Commissioner shall have the sole discretion to determine whether the transfer of a business has occurred such that the transferee must secure a new license.

(1) As to a closely held corporation an illegal transfer will be deemed to have been attempted and the license shall become null and void if there has been a change in ownership of more than twenty percent (20%) of the stock.

(2) As to a public corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if there has been a buyout, a takeover or any other transaction involving the sale or transfer of more than twenty percent (20%) of the stock or assets of the corporation.

(3) As to a limited liability company, an illegal transfer will be deemed to have been attempted and the license shall become null and void if there has been a change in the managing partner or change in ownership of more than twenty percent (20%) of the member shares or replacement of any person of whom the Commissioner had previously required fingerprinting.

(4) If a licensee is ordered into receivership or files for bankruptcy, the receiver or trustee may continue the operation of the business under the existing license pursuant to a written order of the appropriate court until the expiration of the license or until the passage of six (6) months from the date of appointment of a receiver or trustee whichever comes first.

(5) Upon the alienation, sale, transfer, assignment or donation of the business for which the license is issued to any person other than the licensee, the liquor license shall automatically become void.

(6) Any licensed establishment that has discontinued the sale or service of alcoholic beverages or that has not been open for business at least four (4) days per week for a period of thirty (30) days or more shall automatically forfeit its license. This forfeiture shall not apply in instances where the licensee has previously notified the Village Manager, in writing, of intent to close the premises for a portion of a license term for remodeling or other similar purpose. (Ord. 11-1493, 8-16-2011)

ARTICLE III REGULATION OF LICENSES

Sec. 16-11. INSURANCE.

- A. Every licensee or permittee shall be required to provide Dramshop insurance in an amount not less than the maximum dollar amount set forth in 235 Illinois Compiled Statutes 5/6-21 and general liability insurance in an amount not less than one million dollars (\$1,000,000.00).
- B. If the person who owns the building or premises where alcoholic beverages are served and/or consumed is not the licensee or permittee, then that person shall be required to carry host liability insurance coverage or its equivalent in an amount of one million dollars (\$1,000,000.00). (Ord. 11-1493, 8-16-2011)

Sec. 16-12. LOCATION OF SERVICE.

- A. Location Specified On License Or Permit. No liquor shall be served, offered, kept, displayed, advertised for sale or delivered to any person except at the exact location described in the liquor license or permit. The location may be changed only upon written permission issued by the Commissioner. Approval of a change of location shall be within the sole discretion of the Commissioner.
- B. Specific Location Prohibition. No Class P, F or S liquor license may be issued for any premises that are within one hundred feet (100') of any place of worship or any school attended by underage persons.
- C. Off-site Catering Privileges. No off site catering shall be permitted except pursuant to an offsite catering permit as set forth in Section 16-5 of this Chapter. (Ord. 11-1493, 8-16-2011)

Sec. 16-13. CLOSING HOURS.

It shall be unlawful to engage in the service of any alcoholic beverages beyond the hours permitted for the specific license or permit obtained. All unfinished drinks shall be cleared from the premises within ten (10) minutes after the closing time set forth for the license. It shall be a violation of this Section if after the passage of such ten (10) minutes there are alcoholic beverages in any container other than an unopened or corked or otherwise properly reclosed original container that has been returned to the appropriate place of display or storage. A premises with any Class F license may be kept open during hours when service is prohibited, but no alcoholic beverages may be delivered, consumed or remain on tables or a bar during such hours. Nothing contained in this Section shall be deemed to authorize any licensed premises to remain open for business or to admit the public to the premises at or during any

hour when that premises is required to be closed by virtue of any other Village regulation or restriction. (Ord. 11-1493, 8-16-2011)

Sec. 16-14. ENTERTAINMENT.

No entertainment shall be permitted on any licensed premises if that entertainment is audible at any point beyond the boundaries of the licensed premises. "Licensed premises", in this instance, shall not apply to a civic permit or a temporary outdoor entertainment permit so long as the permittee complies with all other conditions of the permit and all other regulations of the Village. (Ord. 11-1493, 8-16-2011)

Sec. 16-15. PROHIBITED CONDUCT.

No licensee may engage in, advertise or promote in any way, whether within or outside of the licensed premises, any of the practices prohibited under this Section. The following conduct is prohibited:

(1) Sale, Delivery, Service Or Giving Of Alcoholic Beverages. The sale, delivery, service or giving of any alcoholic beverages to any of the following:

- (a) A person under twenty one (21) years of age.
- (b) A person previously involved in a fight in the establishment.

(2) Entertainment Of A Sexual Nature.

(a) The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals.

(c) The actual or simulated display of the breasts, pubic hair, anus, vulva or genitals.

(d) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(e) The displaying of films or pictures depicting acts, which if performed live, are prohibited by this Section.

(3) Other Prohibited Acts.

(a) Every liquor licensee is prohibited from engaging in the following acts: (Ord. 11-1493, 8-16-2011)

1. Providing a meal package or party package, except pursuant to the following rules:

a. Meal Package.

(i) Food service must be included.

(ii) Meal package privileges are available only to holders of an F license.

(iii) All other Liquor Code regulations shall apply including, but not limited to, over service of alcoholic beverages.

b. Party Package.

(i) A party package:

- Must be arranged by invitation or ticket sales;
- Must be open to a defined number of guests and not open to the general public;

- Must include food service;
- May not last for more than three (3) hours;
- Guests have identifiers such as wristbands, lanyards or tee shirts;
- Non-fixed price ticket holders must dine in a portion of the establishment that is discrete from the portion where the event is held;
- Is available only to holders of an F license; and
- Requires application of all other liquor Code regulations including, but not limited to, over service of alcoholic beverages.

2. Conducting or allowing drink promotion periods or happy hours; except pursuant to the following rules:

- a. Licensee must give notice of any drink promotion period: 1) by signs on its premises or 2) on its website; at least seven (7) days prior to the drink promotion period.
- b. Drink promotion periods are prohibited between ten o'clock (10:00) P.M. and closing time.
- c. The aggregate of all drink promotion periods for a licensed premises may not exceed fifteen (15) hours in any seven (7) day period.
- d. A single drink promotion period may not exceed four (4) hours.
- e. All other regulations with respect to the delivery of alcoholic beverages shall apply. (Ord. 15-1624, 9-15-2015)

3. Increasing the volume of spirits content in a drink on a given day without increasing proportionately the price otherwise charged for such a drink during the calendar week.

4. Encouraging or permitting any game or contest which involves drinking or the awarding of drinks as prizes.

5. Delivery of alcoholic beverages to any intoxicated person or to any person in such a quantity or number as to result in the person becoming intoxicated.

(b) The prohibitions contained in this Section shall not prevent a liquor licensee from:

- 1. Offering free food or approved entertainment.
- 2. Including a single drink as part of a meal package.
- 3. Offering free wine tasting as allowed by a daily sampling permit.
- 4. Offering of wine, by the open bottle (exception applies to Class F licenses only).

(4) Bars And Lounges. It shall be unlawful for any holder of a liquor license to allow any person under the age of twenty one (21) years to:

(a) Be seated at a bar; or

(b) Remain in or be seated in the lounge. This Section shall not apply to seating at tables in the lounge when the establishment's full food menu is available in that lounge and the minor is accompanied by a parent.

(5) Bottle Clubs. Bottle clubs, as defined in this Chapter, are prohibited. (Ord. 11-1493, 8-16-2011)

Sec. 16-16. FIGHTING PROHIBITED; LICENSEE'S CONDUCT.

A. Fighting at a licensed premises is prohibited. For the purpose of this Section, "fighting" shall mean any threatening or touching of another person which provokes or tends to provoke a breach of the peace. If self-defense is offered as a defense to a charge of fighting, that defense must be established by the presentation of clear and convincing evidence. Any person violating this Section shall be fined in an amount as set forth in Appendix D of this Code.

B. A summary of Subsection A of this Section shall be prominently displayed in all premises holding a liquor license. The notice shall further state and it shall be a requirement of this Chapter that any licensee, employee or agent of a licensee observing a fight shall immediately notify the Village Police Department. Such a sign shall be available from the Village Manager's office.

C. Each licensee shall maintain a peaceful and orderly business premises. This shall be accomplished by establishing and maintaining the optimum precautions and actions that are practical to deter and prevent fighting. This is referred to as the "maintenance of order standard". The duty to prevent fighting shall be applicable both to precautionary and training matters and to the steps taken once a fight breaks out or is in imminent danger of breaking out. In determining whether a violation of this Section has occurred, the Commissioner may consider the following matters, among others:

- (1) Prior incidents of reported or unreported fighting.
- (2) Whether any fight participant was intoxicated and the extent to which the intoxication occurred on the premises.
- (3) Whether any participant was served by the licensee after the participant's intoxication should have been evident to the licensee.
- (4) Whether any participant was intoxicated and whether the licensee had an opportunity to effect that person's removal from the premises.
- (5) The degree of expediency the licensee observed in calling the police when it should have been evident that a fight was imminent.
- (6) The actions of the licensee in reacting to the fight.
- (7) The extent and type of training given to the licensee's employees in such matters as recognizing intoxication, overserving and prevention of altercations.
- (8) Whether minors were involved in the fighting.
- (9) The sufficiency or number of persons on duty and employed by the licensee at the time of the fight.

Considering all of the circumstances, the Commissioner shall make a determination of whether the licensee violated the "maintenance of order standard". If it is determined that a violation occurred, the Commissioner may impose any penalty up to and including license revocation and a fine as set forth in Appendix D of this Code.

D. The following procedure shall be observed by a licensee with respect to the outbreak or threatened outbreak of a fight:

- (1) The licensee shall notify the Village Police Department immediately when the licensee knows or in the exercise of ordinary judgment should know that such outbreak or threatened outbreak is occurring or imminent.

(2) In addition, within forty eight (48) hours of the occurrence, the licensee shall file with the Local Liquor Control Commissioner a report on a form provided by the Village containing the following information:

- (a) The number of persons involved in the fight;
- (b) The approximate amount of alcohol consumed at the premises by each person involved in the fight;
- (c) What action, if any, was taken by the licensee to prevent the fight;
- (d) What action, if any, was taken by the licensee subsequent to the start of the fight;
- (e) The licensee's opinion as to why the fight occurred.

E. Failure by the licensee to give immediate notification to the police department of a fight on a licensed premises or failure to file a report as required in Subsection D of this Section with the Commissioner shall subject the licensee to a mandatory fine as set forth in Appendix D of this Code, and a possible suspension or revocation of the liquor license. For purposes of this Section the word "immediate" shall mean at the very moment that one party threatens another, actually commences fighting with another or a breach of the peace is imminent. (Ord. 11-1493, 8-16-2011)

Sec. 16-16.1. DRUG USAGE.

A. The following procedure shall be observed by a licensee with respect to the observation of any use, possession or transfer of a controlled substance ("drug transaction") as set forth in the Illinois Controlled Substances Act:

(1) The licensee shall notify the Village Police Department immediately when the licensee knows or in the exercise of ordinary judgment should know that a drug transaction is occurring or imminent.

(2) In addition, within forty eight (48) hours of the occurrence, the licensee shall file with the Local Liquor Control Commissioner a report on a form provided by the Village containing the following information:

- (a) The number of persons involved in the drug transaction;
- (b) What action, if any, was taken by the licensee to prevent the drug transaction;
- (c) What action, if any, was taken by the licensee subsequent to the observation of the drug transaction.

B. Failure by the licensee to give immediate notification to the Police Department of the observation of a drug transaction on a licensed premises or failure to file a report as required in Subsection A of this Section with the Commissioner shall subject the licensee to a mandatory fine as set forth in Appendix D of this Code, and a possible suspension or revocation of the liquor license. For purposes of this Section the word "immediate" shall mean at the very moment that the observation occurs. (Ord. 11-1493, 8-16-2011)

Sec. 16-17. CONDUCT OF EMPLOYEES AND AGENTS; SUPERVISOR ON PREMISES.

A. Any act or failure to act of an employee or agent of either the licensee or a management company with respect to the licensed business shall be deemed to be the act of the licensee.

Any duty set forth in this Chapter as a duty of the licensee shall also be the duty of any agent or employee of the licensee.

B. No employee or other server of an alcoholic beverage may consume or be permitted to consume any alcoholic beverages on the licensed premises while on duty or while performing any duties of employment.

C. No person, including any employee, manager, owner or agent of the licensee may consume alcoholic beverages on the licensed premises before or after the permitted hours of operation. (Ord. 11-1493, 8-16-2011)

D. No person under twenty one (21) years of age may work as a bartender, deliver alcohol from behind a bar, serve alcoholic beverages or handle alcohol in any manner. The foregoing shall apply in all instances, except that in the case of a Class F licensee, an employee who is at least eighteen (18) years of age may bring an alcoholic beverage from the location at which it was dispensed to the table at which the customer is seated. (Ord. 15-1634, 10-20-2015)

E. If the "manager", as defined by this Chapter, is not physically present on the premises, there shall be one person who is designated, in writing, as the supervisor for the premises for any period of time that the "manager" is not present. No person may be designated as a supervisor unless the licensee has provided, in writing, the name, address and cellphone number of such person to the Village Manager prior to such designation. Failure to observe this regulation shall subject the licensee to an automatic daily fine as set forth in Appendix D, Article III of this Code. (Ord. 11-1493, 8-16-2011; amd. Ord. 15-1606, 1-20-2015)

F. The current alcohol awareness certificate for each person that delivers, serves or pours alcoholic beverages and all managers and supervisors of a licensed premises shall be on the premises at all times and available for inspection by any Village official. The licensee and the employee shall be liable for a violation of this regulation. This regulation shall not apply to civic, Village or promotional permits. (Ord. 15-1606, 1-20-2015)

Sec. 16-18. CIVIC ORGANIZATIONS.

The following shall apply to civic organizations and regulated service:

(1) A civic organization may hold a fundraising event at any Class F or S premises without obtaining a civic permit under the following conditions:

- (a) The Commissioner is notified, in writing, at least seven (7) days in advance of the event.
- (b) All food and alcoholic beverage service is conducted by the Class F or S licensee's staff and at licensee's menu prices, as in the normal course of business for that license.

(2) If the Class F or S licensee intends to provide food or alcoholic beverage service other than from its regular menu at regular menu prices or if the cost of the service of alcoholic beverages is part of a donation or ticket price, then the civic organization must obtain a civic permit pursuant to Subsection 16-6(4)(b)1a of this Chapter.

(3) As to either Subsection (1) or (2) of this Section, the civic organization, but not the liquor licensee, may advertise for the event in any manner permitted by law, and in either case, proceeds of the event may be shared with the civic organization. (Ord. 11-1493, 8-16-2011)

Sec. 16-19. COMPLIANCE WITH OTHER REGULATIONS OF THIS CODE.

All licensed premises shall be maintained in full compliance with all other regulations of the Village, including, but not limited to, those relating to the storage or sale of food, sanitary conditions, building and safety conditions. (Ord. 11-1493, 8-16-2011)

Sec. 16-20. SEALING AND REMOVAL OF OPEN WINE BOTTLES.

Notwithstanding any other provision of this Chapter, any Class F or S-1 licensee may permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption so long as there is compliance with the following conditions: 1) the patron has purchased a meal (Class F) or hors d'oeuvres (Class S-1) and consumed a portion of the bottle of wine on the licensed premises; and 2) the partially consumed bottle of wine that is to be removed from the premises pursuant to this Section is securely sealed by the licensee prior to removal from the premises; and 3) the bottle is placed in a transparent one-time use tamper-proof bag; and 4) the licensee has provided a dated and time stamped receipt for the specific bottle of wine to the patron. It shall be the absolute duty of the licensee to assure that the type of "tamper-proof" bag that is used is such that any removal or attempted removal of the bottle from the bag will be obvious to any law enforcement officer.

The wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed an unsealed container for the purposes of Section 11-502 of the Illinois Vehicle Code. (Ord. 11-1493, 8-16-2011)

ARTICLE IV

UNDERAGE PERSONS REGULATIONS

Sec. 16-21. CONSUMPTION, PURCHASE, ACCEPTANCE OR POSSESSION PROHIBITED.

It shall be unlawful for any underage person to consume, purchase, accept a gift of or have alcoholic beverages in his or her possession or in his or her bloodstream. The prohibitions set forth in this Section shall not apply in the circumstances described in Subsection 16-27C of this Article. (Ord. 11-1493, 8-16-2011)

Sec. 16-22. ALCOHOLIC BEVERAGES IN OR ON A MOTOR VEHICLE PROHIBITED.

Unless the underage person is accompanied by a parent, it shall be unlawful for any underage person to operate a motor vehicle when any alcoholic beverage, whether sealed or unsealed, is in or on any portion or compartment of the motor vehicle. This is an absolute liability offense. It shall not be a defense to this Section that the operator did not know that the alcoholic beverage was in or on the vehicle. It shall not be a defense that the alcoholic beverage belonged to or was in the possession of another person. It shall be the obligation of the operator to assure, by any means necessary, that no alcoholic beverage is in or on the motor vehicle. (Ord. 11-1493, 8-16-2011)

Sec. 16-23. OPERATION OF A MOTOR VEHICLE IN A STATE OF IMPAIRMENT.

It shall be unlawful for any underage person to operate a motor vehicle on a street or highway of the Village while in a state of impairment due to the consumption of an alcoholic beverage or

with any alcohol whatsoever in his or her system. For purposes of this Section only, "operation of a motor vehicle" shall have the definition ascribed to it in the Illinois Vehicle Code rather than the definition set forth in Section 16-1 of this Chapter. (Ord. 11-1493, 8-16-2011)

Sec. 16-24. VIOLATION.

When any underage person operates any motor vehicle in violation of Section 16-22 or 16-23 of this Article, the following shall apply:

- (1) The motor vehicle shall be subject to immediate impoundment by the Police Department.
- (2) The following factors shall not be considerations in determining whether or not to impound the motor vehicle:
 - (a) Whether the alcoholic beverage is in an opened or an unopened container.
 - (b) Whether the operator is the owner of the alcoholic beverage in the vehicle.
 - (c) Whether the operator had knowledge of the existence of the alcoholic beverage within the motor vehicle.
- (3) Upon impoundment, the motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle. If the underage operator is the owner or lessee of the vehicle, then the vehicle may be released only to a parent or spouse of the underage owner. If the underage person has no parent or spouse living in the immediate area, the vehicle may be released to the underage operator only after the passage of twenty four (24) hours.
- (4) The motor vehicle may not be released to any person who was a passenger in the motor vehicle at the time the alcoholic beverage or impairment was found unless at least twenty four (24) hours have passed from the time of the finding.
- (5) The vehicle shall not be released until the person seeking the release has paid to the Police Department, an administrative fee as set forth in Appendix D, Article I of this Code plus any towing or storage costs.
- (6) The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop.
- (7) Any law enforcement officer, the Police Department and the Village and any of its officers or agents shall be absolutely immune from any liability or exposure to liability of any kind or nature for the enforcement or implementation of this Section. (Ord. 11-1493, 8-16-2011)

Sec. 16-25. USE OF FALSE IDENTIFICATION.

No person shall transfer, alter or deface any identification card; use any identification card of another; carry or use a false or forged identification card; obtain an identification card by means of false information; or otherwise misrepresent age for the purpose of purchasing or obtaining alcoholic beverages. (Ord. 11-1493, 8-16-2011)

Sec. 16-26. FALSE IDENTIFICATION NOT A DEFENSE.

It shall not be a defense to any action brought criminally, civilly or administratively against any liquor licensee or any other person charged with the service of any alcoholic beverage to an

underage person that the underage person used false identification or false proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed or the apportionment of damages. (Ord. 11-1493, 8-16-2011)

Sec. 16-27. FACILITATING THE USE OF ALCOHOLIC BEVERAGES.

A. Service Of Alcoholic Beverage To An Underage Person. It shall be unlawful for any person, regardless of relationship, age or circumstances, to deliver any alcoholic beverage to any underage person, except as set forth in Subsection C of this Section.

B. Use Of Premises For Consumption Of An Alcoholic Beverage. It shall be unlawful for any person to knowingly permit or to knowingly or negligently fail to immediately prevent or stop, on premises under his or her control, the consumption of an alcoholic beverage by an underage person. This Section shall apply to residential, public and commercial premises and to the private and regulated service of an alcoholic beverage. For purposes of this Section, if a person over twenty one (21) years of age is in a residence where underage drinking is occurring, negligence in either permitting or failing to prevent the consumption shall be presumed and the burden of proving that such person was not negligent shall fall on such person.

C. Exceptions. Subsections A and B of this Section shall not apply in the following circumstances:

(1) The performance of a bona fide religious service.

(2) The service of an alcoholic beverage within the home to an underage person, by and under the direct supervision of that underage person's parent. However, the following rules shall be applied to this Subsection:

(a) In any prosecution of an underage person for the commission of any state or local offense, the prosecutor, upon reasonable grounds, may request a ruling and the court shall rule as to whether the consumption of an alcoholic beverage, as permitted by the parent, was a contributing factor to the commission of the offense. If it is so determined in the affirmative, then the penalty set forth in Section 16-29 of this Chapter shall apply. For purposes of this Subsection, the consumption of alcohol may be determined to be a contributing factor if it had the effect of substantially causing an impairment to the person as "impairment" is defined in this Chapter. It need not be shown that, but for the consumption of alcohol, the offense would not have been committed.

(b) The parent shall remain vicariously liable as set forth in Subsection D of this Section.

D. Vicarious Liability Of A Parent Or Other Person Facilitating The Use Of Alcoholic Beverages. The following persons shall be liable to any individual who has been injured by an alcohol impaired underage person when the impairment is a contributing cause of the injury:

(1) Any person who delivered or permitted the service of an alcoholic beverage to the underage person. For purposes of this Subsection D(1), the person making or permitting the initial service to an underage person remains liable to anyone injured by the same or different underage person regardless of how many times the alcoholic beverage changed hands.

(2) Any person in control of a premises who knowingly or negligently fails to maintain supervision to such an extent that an alcoholic beverage is consumed on the premises by an underage person as set forth in Subsection B of this Section.

(3) Any person who knowingly or negligently allows the operation of a motor vehicle under his or her control by an underage person, when the person knew or in the exercise of ordinary judgment should have known that the underage person was either impaired or had consumed any amount of alcohol within two (2) hours prior to when the driving occurred.

The vicarious liability established by this Section shall not be subject to the limitations on damages as set forth in 235 Illinois Compiled Statutes 5/6-21. (Ord. 11-1493, 8-16-2011)

ARTICLE V

LOCAL LIQUOR CONTROL COMMISSIONER

Sec. 16-28. POWERS AND DUTIES OF COMMISSIONER.

A. The Commissioner shall have all of the powers, functions and duties delegated to that office by this Chapter and other ordinances of the Village. This shall include, but in no way shall be limited to, the power to require any licensee, at any time, to produce any and all records, that directly or indirectly relate to the operation of the licensee's premises.

B. In addition to any other powers set forth in this Chapter, the Commissioner may immediately suspend, pending the exercise of the right to a hearing, the privilege of service of alcoholic beverages of any licensee who does not display a currently valid State or local liquor license or who in the judgment of the Commissioner is operating the business in such a manner as to endanger the health or safety of patrons of the premises or of the community. Any arrest for the sale or possession of a controlled substance pursuant to the Illinois Controlled Substances Act on a licensed premises shall be deemed an endangerment to the health and safety of the community and shall subject the licensee to immediate suspension pursuant to this Subsection.

C. The Commissioner may fine the licensee and/or suspend and/or revoke the liquor license of any licensee that the Commissioner determines has violated any Village regulation or other law of any kind or nature if the violation is related to the operation of the licensed premises. In addition, the Commissioner may fine any individual that the Commissioner determines has violated any provision of this Chapter even if that individual is not a licensee. The procedure for declaring and enforcing such fine, suspension or revocation shall be as follows:

(1) The Village Manager, the chief of police or the Village Attorney may file a written charge of a violation, supported by affidavit, with the Commissioner.

(2) Upon review of the charge and upon such further investigation as the Commissioner may deem appropriate, the Commissioner shall issue an order either sustaining or not sustaining the charge.

(3) If the Commissioner sustains the charge or any portion of it, the Commissioner may, by written order, suspend or revoke the liquor license and/or may fine the licensee. The fine may be in addition to a revocation or suspension. If the Commissioner decides to suspend the license, the term of the suspension shall be within the discretion of the Commissioner. If the

Commissioner elects to fine the licensee, the amount of the fine shall be as set forth in Appendix D of this Code.

(4) The order shall be served on the licensee. The order shall inform the licensee that the licensee has a right to a hearing for the purpose of presenting evidence to dispute the order. Such a hearing will be held only upon the filing of a written request with the Village Manager within ten (10) days of the date of the order. The matter shall be set for a hearing to take place not less than seven (7) nor more than twenty one (21) days after the receipt of the request for hearing. No continuance shall be granted except in the case of emergency. The requirement of filing for a hearing within ten (10) days is absolute and no person or entity shall have jurisdiction to accept a filing or other request for such a hearing once the ten (10) days have elapsed.

(5) The affidavit attached to the charges shall constitute prima facie evidence of the violation or violations. It will be the burden of the licensee to go forward with any evidence to be presented.

(6) If, after the conclusion of the hearing, the Commissioner finds the licensee to be guilty of any charges, the licensee will be responsible for all costs incurred for the hearing, including, but not limited to, court reporter fees, witness fees and attorney fees. This shall be in addition to any other penalties assessed against the licensee.

(7) All proceedings before the Commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by the certified court reporter.

(8) In the event of any appeal from an order or action of the Commissioner, the appeal to the State Liquor Commission shall be limited to a review of the official record of the proceedings before the Commissioner. The only evidence which shall be considered in the review by the state commission shall be the evidence found in the certified official record of the proceedings of the Commissioner.

At such time as the Commissioner receives notice of an appeal, the Commissioner shall file with the State Liquor Commission the certified official record of the proceedings. The State Commission shall review the propriety of the order or action of the Commissioner on the certified official record as provided by law.

D. Upon a finding of endangerment to the health, safety or welfare of citizens or property, the Commissioner may fine, suspend or revoke any license pursuant to this Section, even if such endangerment is caused by persons other than the licensee or the licensee's agents or employees.

Such endangerment may include, but not be limited to, excessive noise by patrons while visiting the licensed premises, consumption of alcoholic beverages in areas immediately adjacent to the licensed premises, littering or destruction of neighboring property by patrons, traffic violations by patrons of the licensed premises, use of any illegal or controlled substance on or adjacent to the licensed premises, the necessity of police or other Village services at the licensed premises or the necessity of police services caused by patrons after being served alcoholic beverages at the licensed premises.

No action may be taken against a licensee by the Commissioner in circumstances described by this Subsection unless it is shown that the Commissioner or the Village, by any of its various departments, has given the licensee written notice of the endangerment activities on at least

two (2) occasions, and, in the opinion of the Commissioner, after a reasonable time period, such endangerment has not been sufficiently cured or remedied.

The power of the Commissioner to act in those situations is a recognition of the principle that the holding of a liquor license is a special privilege and not a right and that such a privilege, irrespective of the good intentions of the licensee, remains absolutely subordinate to the welfare of the community. (Ord. 11-1493, 8-16-2011)

ARTICLE VI PENALTIES

Sec. 16-29. GENERAL PENALTY.

A. Fine. Unless another penalty is set forth below, every person found guilty of a violation of any of the provisions of this Chapter shall be subject to a fine as set forth in Appendix D of this Code, for the first offense and for each subsequent offense. Any fines set forth in this Chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated as set forth in Appendix D of this Code. If the offense is related to alcohol or substance abuse and the offender is under twenty one (21) years of age, the court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four (4) hours of counseling. Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding.

B. Specific Penalties. Certain specific penalties shall be set forth in Appendix D of this Code under the Sections or Subsections that correspond with the text.

C. Separate Offense; Alternatives. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ord. 11-1493, 8-16-2011)