

## Chapter 6

### ALCOHOLIC BEVERAGES\*

#### Article I. In General

- Sec. 6-1. Definitions.
- Sec. 6-2. Premises.
- Sec. 6-3. Consumption on premises.
- Sec. 6-4. Peddling.
- Sec. 6-5. Sanitary regulations.
- Sec. 6-6. Hours of sale.
- Sec. 6-7. Sales to minors and intoxicated persons prohibited; additional regulations relative to minors.
- Sec. 6-8. Rental of hotel/motel rooms for the purpose of illegal activity.
- Sec. 6-9. View from street.
- Sec. 6-10. Conduct forbidden.
- Sec. 6-11. Dram shop insurance.
- Sec. 6-12. Identification check.
- Sec. 6-13. Duty to provide assistance to police department.
- Sec. 6-14. Conduct of patrons.
- Sec. 6-15. Construction of chapter.
- Sec. 6-16. Complaints of chapter violations, issuance of search warrant, etc.
- Sec. 6-17. Location restriction.
- Sec. 6-18. Changes in interest, partnerships, and corporations.
- Sec. 6-19. Nuisance declared.
- Sec. 6-20. Happy hours prohibited.
- Sec. 6-21. Entrance fee entertainment events on licensed premises.
- Sec. 6-22. Penalty.
- Secs. 6-23—6-30. Reserved.
- Sec. 6-31. Enforcement.
- Sec. 6-32. Hearings at state commission.
- Sec. 6-33. Violations; penalty.
- Sec. 6-34. Emergency closing.
- Sec. 6-35. Severability.
- Secs. 6-36—6-50. Reserved.

#### Article II. Licenses

- Sec. 6-51. Required.
- Sec. 6-52. Application.
- Sec. 6-53. Persons not entitled to license.
- Sec. 6-54. License term, pro-rating fees.
- Sec. 6-55. License classification and fees.
- Sec. 6-56. Number of licenses.
- Sec. 6-57. Display of license.
- Sec. 6-58. Disposition of fees.
- Sec. 6-59. Records.
- Sec. 6-60. Transfer of license.
- Sec. 6-61. Change of location.
- Sec. 6-62. Renewal of license.
- Sec. 6-63. Weapons control.
- Sec. 6-64. Violation of tax acts, refusal, revocation, or suspension of license.
- Sec. 6-65. Revocation.
- Sec. 6-66. Parental responsibility.
- Sec. 6-67. Employees.

---

\***Cross references**—Businesses, ch. 22; alcoholic beverages, possession and consumption, § 46-36.



## ARTICLE I. IN GENERAL

### Sec. 6-1. Definitions.

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

*Alcohol.* Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

*Alcoholic beverage.* Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

*Alcoholic liquor.* Alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, or to any liquid or solid containing one-half of one percent, or less, of alcohol by volume.

*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.

*Conveyance.* Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

*Event or gathering.* Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

*Host.* To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

*Illicit drugs.* Any drug, substance or compound prohibited by law, including drugs prescribed by a

physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

*Licensee.* Any person, corporation, or conglomerate holding a license under the provision of this chapter or state statute.

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

*Parent.* Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

*Public place.* Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

*Reasonable steps.* Controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting driver's licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, calling for police assistance in the event people under 21 are in possession of alcohol at the event or gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no underage person is authorized to be present and consume alcohol at the owner's residence.

*Religious ceremony.* The possession, consumption and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

*Residence or premises.* Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

*Resort hotel.* A full-service hotel with at least the following characteristics:

- (a) Three hundred rooms;
- (b) Four thousand gross square feet of spa and fitness facilities;
- (c) One full-service restaurant; and
- (d) An accessory recreational or entertainment amenity such as, but not limited to, a water park, theater, or golf course.

*Resort hotel premises:*

- (a) All areas within the interior of a resort hotel (including but not limited to restaurants, recreational and entertainment amenities, conference and/or banquet centers, rooms and facilities which are ancillary to conference and banquet centers, resort hotel rooms, lounges, spa and/or fitness facilities and retail facilities) and shall authorize the placement of small, locked, refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms. Keys or other approved access for said mini-bars may be provided only to hotel guests who are at least 21 years of age; and
- (b) Outdoor areas of a resort hotel for recreation, dining or conference and/or banquet purposes (including, but not limited to, outdoor pools, outdoor dining areas and outdoor seating areas for banquet or conference facilities).

*Retail sale.* The sale of a product for use or consumption and not for resale in any form.

*Underage person.* Any individual under 21 years of age.

(Code 1977, § 33.01; Ord. No. 95-65, 8-7-1995; Ord. No. 2007-87, § I, 11-5-2007; Ord. No. 2009-17, § I, 3-16-2009)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 6-2. Premises.**

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access leading from such premises to any other portion of the same building or structure used for dwelling or lodging purposes by the public. This section does not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

(Code 1977, § 33.09; Ord. No. 95-65, 8-7-1995)

**Sec. 6-3. Consumption on premises.**

It shall be unlawful for anyone not having a Class 1, 2, 3, 5, 6, 7, 8, 9, and 10 license, to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the alcoholic liquor to be consumed on the premises where sold.

(Code 1977, § 33.11; Ord. No. 95-65, 8-7-1995)

**Sec. 6-4. Peddling.**

It shall be unlawful to peddle alcoholic liquor in the village.

(Code 1977, § 33.16; Ord. No. 95-65, 8-7-1995)

**Cross reference**—Peddlers and solicitors, ch. 50.

**Sec. 6-5. Sanitary regulations.**

All managers must be trained in sanitary regulations, and be certified. No premises shall be licensed for the sale of alcoholic liquor at retail, nor shall any licensee sell alcoholic liquor at retail, unless the premises conforms to the standards and regulations set forth by the county board of health governing retail liquor establishments.

(Code 1977, § 33.17; Ord. No. 95-65, 8-7-1995)

**Sec. 6-6. Hours of sale.**

(a) It shall be unlawful to sell any alcoholic liquor at retail in the village between the hours of 1:00 a.m. and 6:00 a.m. of any day except Saturdays and Sundays, or between the hours of 2:00 a.m. and 6:00 a.m. on Saturdays, Sundays, and January 1 on any premises for which a license has been issued for the sale of alcoholic liquor.

(b) It shall be unlawful for patrons to remain during the closing hours specified in this section, in the premises where alcoholic liquor is served. (Code 1977, § 33.18; Ord. No. 95-65, 8-7-1995)

**Sec. 6-7. Sales to minors and intoxicated persons prohibited; additional regulations relative to minors.**

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

(b) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(c) If a licensee or any of his officers, associates, members, representatives, agents or employees believe or have reason to believe, the sale or delivery of any alcoholic liquor is prohibited because of the age of their prospective recipient, he shall, before making such sale, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in performance of his official duties.

(d) 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 any identification card by means of false information. No person shall purchase, accept delivery, or have posses-

sion of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under 21 years is prohibited.

(e) The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony is not prohibited by this section.

(f) No person under the age of 21 years for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, shall misrepresent that he is 21 years of age or older.

(g) It shall be unlawful for any person to permit, allow, host or fail to take reasonable steps to prevent an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance where illicit drugs or alcoholic beverages have been consumed by an underage person, if such person either knows or reasonably should know that an underage person has consumed any illicit drugs or alcoholic beverages.

- (1) A person who permits, allows or hosts an event or gathering shall be deemed to have known or should have known that an underage person has consumed illicit drugs or alcoholic beverages if the person has not taken all reasonable steps to prevent the consumption of illicit drugs or alcoholic beverages by underage persons.
- (2) A person who permits, allows or hosts an event or gathering shall be rebuttably presumed to have known or should have known that underage persons have consumed illicit drugs or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage person consumes illicit drugs or an alcoholic beverage.
- (3) This section shall not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or exclusively between an underage person and his or her parent or legal guardian, as permitted by Illinois State Law.
- (4) It is the duty of any person who permits, allows or hosts an event or gathering at

his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance, where underage persons will be present, to take all reasonable steps to prevent the consumption of illicit drugs or alcoholic beverages by any underage person at the event or gathering.

- (5) A person who hosts an event or gathering does not have to be present at the event or gathering to be liable under this ordinance.
- (6) A person who hosts an event or gathering shall not be in violation of this section if that person has requested assistance from the police department or other law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this section or terminates the event or gathering because the host has been unable to prevent underage persons from consuming illicit drugs or alcoholic beverages despite having taken all reasonable steps to do so, provided such action is taken before any other person makes a complaint about the event or gathering.

(h) In any place in the village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card that shall read substantially as follows:

**WARNING TO PERSONS UNDER 21 YOU ARE SUBJECT TO A FINE OF UP TO \$750.00 UNDER THE ORDINANCES OF THE VILLAGE OF GURNEE IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.**

(i) No person under the age of 21 years shall be employed, permitted, or suffered to tend bar, or draw, pour, mix, or sell in the original container, any alcoholic liquor as an employee of a liquor licensee. This section does not apply to possession by a person under the age of 21 years making a delivery of alcoholic liquor in pursuance of his employment.

(j) No person under the age of 18 years shall be employed, permitted, or suffered to serve alcoholic beverages as an employee of a liquor licensee. Persons at least 18 years of age, and not yet 21 years of age, may be employed by a liquor licensee to serve alcoholic beverages in restaurants, or that portion of the premises which is primarily used for the purpose of serving food, so long as an adult 21 years of age or over, is on the premises acting in a supervisory position. Persons not yet 21 years of age shall not be permitted to serve alcoholic beverages to persons in an area of the premises not primarily devoted to the serving of food.

(k) It shall be unlawful for any licensee to sell or serve any alcoholic beverage for consumption in a restaurant, bar, or cocktail lounge on the licensed premises, unless the managers of liquor sales have completed a state certified alcohol awareness program, such as the BASSETT program. All managers must be certified within 60 days of employment. The BASSETT program is available locally.

(l) In any place in the village where alcoholic liquor is sold there shall be displayed at all times, in a prominent place, a printed card which shall read substantially as follows: Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.

**State law reference**—Similar provisions, 235 ILCS 5/6-24a.

(m) Any person violating subsections A, B, D, F, H, 1, J, K, L, and M of this section shall be fined not less than \$150.00 nor more than as provided in section 1-11 for each offense. Each day any violation continues constitutes a separate offense.

(n) In addition to all other fines and penalties, the local liquor control commissioner may revoke any license issued hereunder for any violation of this section.

(o) It shall be unlawful for the licensee, or any parent or guardian to permit any child under the age of 21 years of which he is the licensee, or parent or guardian, to violate any provision of this section.

(p) No person under the age of 21 years shall be allowed to sit at the bar in any area where alcoholic liquor is served.

(Code 1977, § 33.19; Ord. No. 95-65, 8-7-1995; Ord. No. 2009-17, § I, 3-16-2009)

**Sec. 6-8. Rental of hotel/motel rooms for the purpose of illegal activity.**

It shall be unlawful for any adult to rent any motel or hotel room for the purpose of minors engaging in any illegal activity, to include the possession or consumption of alcoholic liquor by a minor.

(Code 1977, § 33.20; Ord. No. 95-65, 8-7-1995)

**Sec. 6-9. View from street.**

No premises upon which the sale of alcoholic liquor for consumption on the premises is licensed, other than a restaurant, hotel or club, shall be permitted to have in the windows, upon the doors or inside such premises any obstruction which shall prevent a clear view into the interior of such premises from the street, road or sidewalk, and no booth, screen partition, or other obstruction or 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 interior of the premises shall be clearly visible. In case the view into any such licensed premises required by this section shall be willfully obscured or willfully permitted to be obscured or in any manner obstructed by the licensee, then such license shall be subject to revocation of his license in the manner provided in this chapter. In order to enforce the provisions of this section, the village president shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as required in this section. (Code 1977, § 33.21; Ord. No. 95-65, 8-7-1995)

**Sec. 6-10. Conduct forbidden.**

The following kinds of conduct on the premises licensed to sell alcoholic liquor in the village are prohibited:

- (1) The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- (2) The actual or simulated exhibition, touching, caressing or fondling of the breast, buttocks, pubic hair, anus, vagina, or genitals;
- (3) The actual or simulated displaying of the breast, buttocks, pubic hair, anus, vagina or genitals;
- (4) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breast, buttocks, genitals, vagina, or anus;
- (5) The displaying of films or pictures depicting acts, or a live performance of acts which are prohibited by the regulations quoted in this section.
- (6) The solicitation of any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for such person or other person therein; whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or other person therein. Nothing in this section contained shall prohibit any adult manager, bartender, or server who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, bartender, or server. Nothing in this section shall prohibit wine tasting promotions.
- (7) It shall be unlawful to permit any illegal gambling on the premises licensed to sell alcoholic liquor.
- (8) It shall be unlawful for any licensee, its manager, or other person in charge of the premises licensed to allow, permit, or main-

tain the licensed premises in such a way that controlled substances of any kind, including but not limited to cocaine, marijuana, heroin, or other illegal drugs or chemicals are present on the premises at any time.

- (9) It shall be unlawful for any licensee, its manager, or other persons in charge of the premises licensed, to provide any entertainment intended primarily for persons under the age of 21, during any time when alcoholic liquor is sold on the premises. Prior to conducting such entertainment, the licensee shall secure approval for conducting such entertainment from the liquor commissioner. The licensee shall submit a floor plan of the premises or portion thereof to be so used and a schedule of such entertainment. The liquor commissioner may grant such approval if he finds that satisfactory precautions have or will be taken by the licensee to ensure no alcoholic liquor will be sold, served or given to minors.

(Code 1977, § 33.22; Ord. No. 95-65, 8-7-1995; Ord. No. 99-25, § 1, 2-15-1999)

**Sec. 6-11. Dram shop insurance.**

Any person owning, renting, leasing as lessor or as lessee, or permitting the occupation of any building or premises with knowledge that alcoholic liquors are to be sold therein, or who leases the building or premises for other purposes and who knowingly permits therein the sale of any alcoholic liquors, shall be required to carry dram shop insurance for such facility in maximum insurance coverage limits as set forth in 235 ILCS 5/6-21, as amended from time to time, so as to save harmless the premises in the interest of any person.

(Code 1977, § 2; Ord. No. 95-65, 8-7-1995)

**Sec. 6-12. Identification check.**

It shall be the duty of every licensee, bartender, waiter, waitress or any other employee serving

alcoholic liquor to determine whether or not a person is prohibited by reason of age by any law or ordinance for:

- (1) Possession or purchasing or otherwise obtaining, receiving or consuming alcoholic liquor; or
- (2) Sitting at a bar in any licensed premises or loitering therein.

The age may be ascertained from the drivers license, state identification card, military identification card, or other photo identification card issued by federal, state or local government agency. (Code 1977, § 33.24; Ord. No. 95-65, 8-7-1995)

**Sec. 6-13. Duty to provide assistance to police department.**

It shall be the duty of every person and premises licensed under this chapter, when called upon by the chief of police or by any other member of the police department, to assist him in the execution of his police duties in the premises or public ways adjacent thereto.

(Code 1977, § 33.25; Ord. No. 95-65, 8-7-1995)

**Sec. 6-14. Conduct of patrons.**

It shall be the duty of every person in a premises licensed under this chapter to refrain from loud and boisterous noises and from the use of language which is obscene as defined under 720 ILCS 5/11-20(b). Anyone who violates this duty shall not be permitted to remain in the premises and shall promptly leave when requested. Anyone who violates the provisions of this section shall be deemed guilty of disorderly conduct.

(Code 1977, § 33.26; Ord. No. 95-65, 8-7-1995)

**Sec. 6-15. Construction of chapter.**

Nothing in this chapter shall be construed or applied to necessarily require or excuse noncompliance with any provision of the laws of the state or to the laws of the United States. This chapter and the penalties proscribed for a violation of this chapter, shall not supersede, but supplement all statutes of the state or of the United States in which similar conduct may be prohibited or regulated.

(Code 1977, § 33.27(G); Ord. No. 95-65, 8-7-1995)

**Sec. 6-16. Complaints of chapter violations, issuance of search warrant, etc.**

Whenever a complaint is made in writing, verified by affidavit, to any judge of any court having cognizance of criminal offenses, that the complainant has just and reasonable grounds to believe and does believe that alcoholic liquor is possessed, kept for sale, used or kept with the intent of using such alcoholic liquor in violation of this chapter, or that any mash, still or other property designed for the making, production or creation of alcoholic liquor is possessed on premises which are not licensed therefor, the judge may issue a search warrant, which complaint in

relief and method of procedure in relation thereto shall be that provided in the Liquor Control Act of 1934, 235 ILCS 5/10-8 through 5/10-10. The offender, if found guilty, shall be subjected to the penalties of such act and to punishment as provided in the Liquor Control Act. No search warrant shall be necessary for the inspection of any premises licensed under this chapter, and the property seized on any such warrant shall not be taken from the officer seizing such property on any writ of replevin or other like process.

(Code 1977, § 33.28; Ord. No. 95-65, 8-7-1995)

**Sec. 6-17. Location restriction.**

No license required by this chapter shall be issued if the location is determined to be detrimental to the general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood of the village as a whole would be considered detrimental.

(Code 1977, § 33.29; Ord. No. 95-65, 8-7-1995)

**Sec. 6-18. Changes in interest, partnerships, and corporations.**

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

- (1) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the local liquor control commissioner within ten days of the change. All such persons shall meet all the standards of this chapter and must otherwise qualify to hold a license.
- (2) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, such license shall terminate, effective on the date of such change.
- (3) When a license has been issued to a corporation and a change takes place in the officers, directors, or share holders of more than five percent of the stock, or

managers resulting in the holding of office of such shares by one who is not eligible for a license, the license shall terminate, effective on the date of such change.

(Code 1977, § 33.30; Ord. No. 95-65, 8-7-1995)

**Sec. 6-19. Nuisance declared.**

Any premises, licensed or unlicensed, used to conduct the sale of alcoholic liquor in violation of the chapter, is hereby declared a public nuisance per se.

(Code 1977, § 33.31; Ord. No. 95-65, 8-7-1995)

**Sec. 6-20. Happy hours prohibited.**

(a) Happy hour promotions are hereby prohibited. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multiuse establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multiuse establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

(b) No retail licensee or employee or agent of such licensee shall:

- (1) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
- (2) 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;
- (3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized;

(4) 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;

(5) 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 any such game or contest on the licensed premises;

(6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited in this chapter.

(c) Nothing in the subsection (b) of this section shall be construed to prohibit a licensee from:

- (1) Offering free food or entertainment at any time;
- (2) Including drinks of alcoholic liquor as part of a meal package;
- (3) Including drinks of alcoholic liquor as part of a hotel package;
- (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multiuse establishment and another group for the holding of any function, meeting, convention or trade show;
- (5) Providing room service to persons renting rooms at hotels;
- (6) Selling pitchers, carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two or more persons at one time;
- (7) 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.

(d) A violation of this section shall be grounds for suspension or revocation of the retailer's license as provided for by sections 6-22 and 6-65 of this chapter and by 235 ILCS 5/1-1 et seq.

(Code 1977, § 33.39; Ord. No. 95-65, § 1, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-21. Entrance fee entertainment events on licensed premises.**

(a) *Entrance fee entertainment event defined.* For purposes of this chapter, an entrance fee entertainment event shall include all live entertainment, music and/or dance event for which an entrance fee is charged.

(b) *Approval of entrance fee entertainment events required.* Any person licensed under this chapter shall have the privilege for a period of one year which coincides with the license year to provide upon the licensed premises entrance fee entertainment events, provided, however, that the person licensed shall file for approval with the local liquor control commissioner a listing of the entrance fee entertainment events which are anticipated to take place during the license year on the licensed premises. In the event that all entrance fee entertainment events are not known at the beginning of the license year, the listing of the entrance fee entertainment events shall be updated by the person licensed, during the license year, as new entrance fee entertainment events become known, by the filing of supplemental listings with the local liquor control commissioner for approval. In the event the local liquor control commissioner refuses to approve all or any portion of a submitted list of types of entrance fee entertainment events, the aggrieved liquor licensee may, within 14 days following notification of any such refusal, take an appeal to the board of trustees. The board of trustees shall hear the appeal and may sustain the action of the local liquor control commissioner in whole or in part or may reverse said action in whole or in part.

(c) *Responsibility for amusement tax.* Additionally, any person licensed under this chapter must pay the village amusement tax for any entrance fee entertainment event provided upon the licensed premises, unless a tax exemption applies. (Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-22. Penalty.**

(a) Whenever any licensee shall have been convicted by any court of any willful violation of any provision of this chapter, or of the state law, he shall, in addition to the penalties for such offense, incur a forfeiture of his local license and

all monies that have been paid therefore. The local liquor control commissioner shall thereupon revoke his license.

(b) Any person violating any provision of this chapter for which a fine has not been provided, shall be fined not less than \$150.00 nor more than as provided in section 1-11 for each offense. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

(Code 1977, § 33.36; Ord. No. 95-65, 8-7-1995)

**Secs. 6-23—6-30. Reserved.**

**Sec. 6-31. Enforcement.**

(a) *Entry upon premises generally.* Any law enforcement officer of the village may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or whether any rules and regulations adopted by the village president and board of trustees or by the state have been or are being violated and at such time may examine the premises of the licensee in connection therewith. Any law enforcement officer of the village may receive a complaint from any citizen within the jurisdiction of the village that any of the provisions of this chapter or any rules or regulations adopted pursuant thereto have been or are being violated, and may act upon such complaints in the manner provided in this chapter.

(b) *Establishment of rules and regulations.* The local liquor control commissioner shall have the authority by and with the consent and approval of the village president and board of trustees, to make and establish rules and regulations of procedure concerning notice of hearing in all such matters as may be from time to time necessary.

(c) *Compensation.* The local liquor control commission members shall receive as compensation for their services such sum as the village president and the board of trustees shall from time to time by ordinance or by resolution provide. The financial director/treasurer is hereby authorized to disburse and pay such amounts as directed by the liquor control commissioner.

(d) *Hiring employees.* The local liquor control commission may hire such employees as may be deemed necessary for the proper performance of the duties vested in the local liquor control commissioner and the commission.

(e) *Absence or inability of the local liquor control commissioner.* In the absence or inability of the local liquor control commissioner to act as such, then the president pro tem of the board of trustees shall act as the local liquor control commissioner.

(f) *Powers and duties.* The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses to manufacturer, importing distributors, distributors, nonbeverage users, railroads, airplanes, and boats:

- (1) To grant or suspend for not more than 30 days or revoke for cause, all local licenses issued to persons or premises within his jurisdiction;
- (2) To enter or to authorize any employee appointed as an inspector for the liquor control commissioner or any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the state Liquor Control Act or any rules or regulations adopted by him or by the state commission, have been or are being violated and at such time, to examine the premises of the licensee in connection therein;
- (3) To receive complaints from any citizen within his jurisdiction, that any of the provisions of the state Liquor Control Act or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints in a matter provided for in this section;
- (4) To receive local license fees and pay the fees forthwith to the village treasurer; and
- (5) To make the sole decision of the transaction of any business before the local liquor control commission.

(g) *Examination of applicant for local license.* The local liquor control commissioner shall have the right 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 in the manner provided for in this chapter, and in examining or causing to be examined, the books and records of any such applicant or licensee, and to hear testimony and take proof for his information in the performance of his duties, for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any information desired for the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.  
(Code 1977, § 33.33; Ord. No. 95-65, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

#### **Sec. 6-32. Hearings at state commission.**

In accordance with 235 ILCS 5/7-9, any appeal from an order or action of the local liquor commissioner of the village to the state commission shall be limited to a review of the official record of the proceedings of the local liquor commissioner. All resolutions or parts thereof in conflict with the provisions of this section are hereby repealed.  
(Code 1977, § 33.35; Ord. No. 95-65, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

#### **Sec. 6-33. Violations; penalty.**

(a) *Penalty.* Any person violating any provision of this chapter may be fined not less than \$100.00 nor more than \$1,000.00 for a first violation within a 12-month period, \$1,500.00 for a second violation within a 12-month period, and \$2,500.00 for a third or subsequent violation within a 12-month period. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Not more than \$15,000.00 in fines under this section may be imposed against any licensee during the period of its license. In addition to any other penalty, a licensee convicted of violating any provision of this chapter may be subject to having its license revoked, suspended or not renewed by the commissioner.

(b) *Hearing costs.* Any licensee determined by the local liquor control commissioner to have violated any of the provisions of this chapter shall pay to the village the costs of the hearing before the local liquor control commissioner on such violation. The local liquor control commissioner shall determine the costs incurred by the village for said hearing, including, but not limited to: court reporter fees, the costs of transcripts or records, attorney fees, the costs of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the local liquor control commissioner may allow.

(Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-34. Emergency closing.**

(a) If the local liquor control commissioner or chief of police has reason to believe any continued operation of a particular licensed premises will immediately threaten the safety or welfare of the community, the local liquor control commissioner or chief of police may without notice or hearing, order the licensed premises closed for not more than 48 hours, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(b) For purposes of this section, a threat to public safety or welfare shall include the commission of a felony offense involving personal injury occurring at the licensed premises.

(Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-35. Severability.**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the applicability of such provision to other person's not similarly situated or to other circumstances shall not be affected thereby.

(Code 1977, § 33.27(H); Ord. No. 95-65, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

**Secs. 6-36—6-50. Reserved.**

**ARTICLE II. LICENSES**

**Sec. 6-51. Required.**

It shall be unlawful for any person to sell or offer for sale at retail in the village any alcoholic liquor without a retail liquor license.

(Code 1977, § 33.02; Ord. No. 95-65, 8-7-1995)

**Sec. 6-52. Application.**

Application for a license required by this article shall:

- (1) Be made to the mayor or village president in writing;
- (2) Be made on the official application for the sale of alcoholic beverages as provided by the village;
- (3) Be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation;
- (4) Be verified by oath or affidavit, and in the case of a new application, accompanied by \$275.00 nonrefundable filing fee; and
- (5) Contain the following information and statements:
  - a. The name, age, date of birth, and address of applicant in the case of an individual; the names and addresses of the officers and directors in the case of a corporation, if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person; and the persons entitled to share in the profit thereof, in the case of a corporate partnership.
  - b. The citizenship of the applicant, his place of birth, and the time and place of naturalization if applicable.
  - c. The current nature or type of business of the applicant.
  - d. The length of time that the applicant has been in business, or the date on which the charter was issued in the case of a corporation.

- e. The location and description of the premises or place of business which is to be operated under such license.
  - f. A statement whether the applicant has made similar application for a similar license on the premises other than described in this application, and the disposition of such application.
  - g. A statement that the applicant has never been convicted of a felony, and is not disqualified to receive a license for any reason contained in this chapter, state laws, or ordinances of the village.
  - h. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reason therefore.
  - i. A statement that the application will not violate any federal laws, state laws, or municipal laws or ordinances of the village in the operation of his business.
  - j. The state retailers occupation tax number currently assigned to the business or individual, and a statement that the business or individual is not currently delinquent in payments to the state department of revenue, village, or any other governmental entity.
  - k. In the case of a new applicant, a current financial statement shall be submitted and a description of the method of the financing for the business.
  - l. The amount of goods, wares, and merchandise on hand at the time the application is made.
- (2) A person who is not of good character and reputation in the community in which he resides.
  - (3) A person who is not a citizen of the United States.
  - (4) A person who has been convicted of a felony under the laws of any state.
  - (5) A person who has been convicted of being a keeper or is keeping a house of ill fame.
  - (6) A person who has been convicted of crimes of moral turpitude.
  - (7) A person whose license under this ordinance has been revoked for cause.
  - (8) 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.
  - (9) A co-partnership, unless all the members of such co-partnership shall be qualified to obtain a license.
  - (10) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license under this chapter, for any reason other than citizenship and residence within the political subdivision.
  - (11) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
  - (12) A person who does not beneficially own the premises for which the license is sought, or does not have a lease thereon, for the full period for which the license is to be issued.
  - (13) Any law enforcing public official, any member of a local liquor control commission, the village president, or any member of the village board of trustees.
  - (14) Any person, association, or corporation not eligible for a state retail liquor license.

(Code 1977, § 33.03; Ord. No. 95-65, 8-7-1995)

**Sec. 6-53. Persons not entitled to license.**

No licenses required by this chapter shall be issued to:

- (1) A person who is not a resident of the county.

- (15) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1(a)(3) through (a)(10) or as proscribed by 720 ILCS 5/28-3, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the such statutory provisions.
- (16) A corporation, unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the state Business Corporation Act, 805 ILCS 5/1.01 et seq., to transact business in the state.
- (17) A person who is indebted to the village or other governmental entity for payment of any other fees, charges, bills or taxes, which he is obligated to pay but have remained unpaid for more than 45 days.
- (18) A person who does not evidence insurance coverage for dram shop liability at the required statutory maximum limits set forth in Section 5/6-21 of the Liquor Control Act of 1934 (235 ILCS 5/6-21).  
(Code 1977, § 33.04; Ord. No. 95-65, 8-7-1995)

**Sec. 6-54. License term, pro-rating fees.**

(a) Original applicants granted a license after October 31 of a given year may secure a license until the end of the regular license term for one half of the license fee attributable to the license classification for which the applicant applied.

(b) No rebate of the required fee shall be made to any applicant for a liquor license required by this article.

(c) The liquor licenses provided for in this chapter shall be effective for annual periods commencing on May 1 and ending on April 30 of each year, unless otherwise specified.

(Code 1977, § 33.05; Ord. No. 95-65, 8-7-1995)

**Sec. 6-55. License classification and fees.**

Liquor licenses are divided into the following classes:

- (1) Class 1 license allows the sale of alcoholic liquor for consumption on the premises where sold. The fee for such license shall be \$2,000.00 per year.
- (2) Class 2 license allows the sale of alcoholic liquor for consumption on premises where sold and the retail sale of alcoholic liquor in the original package not for consumption on the premises. Any display of alcoholic liquor for retail in the original package shall not exceed an area of 36 square feet in the licensed premises, and no advertising of retail sales of package goods shall be carried on other than the price of the package being attached to the display area. The fee for such license shall be \$2,250.00 per year.
- (3) Class 3 license allows the sale of alcoholic liquor for consumption on the premises served from a service area not available to the public, and dispensed by a server with the purchase of food. A bar, per se, shall be prohibited. The fee for such license shall be \$2,000.00 per year.
- (4) Class 4 license allows the sale of alcoholic liquor only for consumption off the premises where sold. The fee for such license shall be \$2,000.00 per year.
- (5) Class 5 license allows the sale of beer for consumption only on the premises where sold. The fee for such license shall be \$700.00 per year.
- (6) Class 6 license allows the sale of wine for consumption only on the premises where sold. The fee for such license shall be \$700.00 per year.
- (7) Class 7 allows the sale of both beer and wine for consumption only on the premises where sold. The fee for such license shall be \$1,200.00 per year.
- (8) Class 8 license allows the retail sale of alcoholic liquor for consumption on the premises only of a motel or hotel restaurant or cocktail lounge, and such restaurant or cocktail lounge shall be in the same building as such motel or hotel, or adjacent thereto. The fee for such license shall be \$2,250.00 per year.
- (9) Class 9 license allows the retail sale of alcoholic liquor of civic, fraternal, service or charitable not-for-profit organizations

at picnics, outings, festivals, or other such similar special occasions for consumption on the premises or within the area specifically designated in such license and shall, in no event be valid for more than 48 hours. Any local unit of government, or concessionaire/lessee, on such property must secure both local and State licenses to sell liquor at retail in such locations. (*Joliet Park District v. Illinois Liquor Control Commission and Will County Liquor Control Commission*, 1974, No. W74G1867CH. 12th Circuit, Will County.) The fee for such local license shall be \$25.00 per day.

- (10) Class 10 license allows retail sale of alcoholic liquor to members or their guests by clubs, as defined in this chapter, for consumption only on the premises where sold. Such license may only be issued to a club which owns or occupies under a lease, having definite terms of more than one year, a parcel of real property not less than ten acres, and which requires the payment of annual dues from its members of more than \$100.00. The fee for such license shall be \$1,500.00 per year.

- (11) Class 11 license allows the retail sale of alcoholic liquor for consumption on resort hotel premises. The fee for such license shall be \$3,000.00 per year.

(Code 1977, § 33.06; Ord. No. 95-65, 8-7-1995; Ord. No. 2007-87, §§ I, II, 11-5-2007)

#### **Sec. 6-56. Number of licenses.**

There shall be issued in the village no more than 40 Class 1 licenses, two Class 2 licenses, one Class 3 license, seven Class 4 licenses, five Class 5 licenses, no Class 6 licenses, 14 Class 7 licenses, one Class 8 license, no Class 9 licenses, one Class 10 license, and one Class 11 license.

(Code 1977, § 33.07; Ord. No. 95-65, 8-7-1995; Ord. No. 99-20, § 1, 2-15-1999; Ord. No. 99-125, § 1, 10-18-1999; Ord. No. 2000-100, § 1(33.07), 8-21-2000; Ord. No. 2001-8, § 1(33.07), 1-22-2001; Ord. No. 2001-62, § 1(33.07), 7-16-2001; Ord. No. 2001-102, § 1(33.07), 12-17-2001; Ord. No. 2002-74, § 1, 8-5-2002; Ord. No. 2002-97, § 1, 10-7-2002; Ord. No. 2002-120, § 1, 12-16-2002; Ord. No.

2003-34, § I, 5-5-2003; Ord. No. 2004-27, § I, 4-12-2004; Ord. No. 2004-102, § I, 12-20-2004; Ord. No. 2005-43, § I, 6-6-2005; Ord. No. 2005-89(1), § I, 9-19-2005; Ord. No. 2005-89(2), § I, 9-19-2005; Ord. No. 2005-90, § I, 9-19-2005; Ord. No. 2005-106, § I, 12-5-2005; Ord. No. 2006-22, § I, 3-6-2006; Ord. No. 2006-28, § I, 4-3-2006; Ord. No. 2006-29, § I, 4-3-2006; Ord. No. 2006-33, § I, 4-17-2006; Ord. No. 2007-23, § I, 4-2-2007; Ord. No. 2007-33, § I, 4-16-2007; Ord. No. 2007-96, § I, 11-19-2007; Ord. No. 2008-15, § I, 2-18-2008; Ord. No. 2008-37, § I, 5-5-2008; Ord. No. 2008-46, § I, 6-16-2008; Ord. No. 2008-99, § I, 12-15-2009; Ord. No. 2009-2, § I, 1-5-2009; Ord. No. 2009-28, § I, 4-20-2009; Ord. No. 2009-36, § I, 5-18-2009)

#### **Sec. 6-57. Display of license.**

Any license issued under this chapter shall be displayed by the licensee at all times in a conspicuous place where it is readily visible for inspection.

(Code 1977, § 33.08; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-58. Disposition of fees.**

The license fee shall be paid to the local liquor control commissioner at the time that the liquor license is issued. The fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the village board of trustees by proper action.

(Code 1977, § 33.10; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-59. Records.**

The local liquor control commissioner shall keep a complete record of all such licenses issued by him, and shall furnish the village administrator and chief of police each with a copy thereof. Upon the issuance of any new license, or revocation of any existing license, the local liquor control commissioner shall give written notice of such action to each of these officers with 48 hours of such action.

(Code 1977, § 33.12; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-60. Transfer of license.**

A liquor license shall be a purely personal privilege good for no longer than one year after issuance, unless sooner revoked, and shall not

constitute property, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being incumbered or hypothecated. Such license shall cease upon the death of a licensee and shall not descend by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists, in part, of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor



under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

(Code 1977, § 33.13; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-61. Change of location.**

A liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such locations may be changed only when and upon the written application to make such change. A permit for change of location shall be issued by the village president and approved by the board of trustees. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

(Code 1977, § 33.14; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-62. Renewal of license.**

Any licensee may renew his liquor license at the expiration thereof, provided that he is then qualified to receive a license for the premises for which such renewal license is sought or suitable for such purpose, and provided further that the renewal privilege provided for in this chapter shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the village.

(Code 1977, § 33.15; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-63. Weapons control.**

(a) *Definitions.* For the purposes of this section the following terms shall have the meanings respectively ascribed:

*Firearm* means any device, by whatever name known which is designed to expel a

projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding however, the following:

- (1) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter.
- (2) Any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (4) An antique firearm (other than a machine gun) which, although designed as a weapon, the department of law enforcement of the state finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.
- (5) Model rockets designed to propel a model vehicle in a vertical direction.

*Handgun* means any firearm which:

- (1) Is designed or redesigned or made or remade, and intended to be fired while held in one hand;
- (2) Has a barrel of less than ten inches in length; or
- (3) Is of a size which may be concealed upon the person.

*Licensed firearms collector* means any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of 18 USC 923.

*Person* means any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

(b) *Possession.* No person shall possess, in any establishment licensed to sell alcoholic liquor in the village the following:

- (1) Any bludgeon, black-jack, slug shot, sand club, sand bag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that

opens automatically by hand pressure applied to a button spring, or other device in the handle of the knife; or

- (2) Any weapon from which nine or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed off shotgun or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to black powder bombs and Molotov cocktails or artillery projectiles; or
- (3) Any handgun, unless the handgun has been rendered permanently inoperative; or
- (4) Any shock or stun device.

(c) *Exception to subsection (b)(1).* Subsection (b)(1) of this section shall not apply to or affect any peace officer.

(d) *Exceptions to subsection (b)(2).* Subsection (b)(2) of this section shall not apply to or affect the following:

- (1) Peace officers.
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
- (3) Members of the armed services or reserve forces of the United States or the Illinois National Guard or the Reserve Officers training Corps while in the performance of their official duties.

(e) *Exceptions to subsection (b)(3).* Subsection (b)(3) of this section does not apply to or affect the following:

- (1) Peace officers or any person summoned by any peace officer to assist in making arrests or preserving the peace while he is

actually engaged in assisting such officer and if such handgun was provided by the peace officer;

- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
- (3) Members of the armed services or reserve forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps. while in the performance of their official duties.
- (4) Special agents employed by a railroad or a public utility to perform police functions; guards of armored car companies, watchmen and security guards actually and regularly employed in the commercial or industrial operation for the protection of persons employed and private property related to such commercial or industrial operation.

(f) *Penalty.*

- (1) Any person found in violation of subsection (b)(1) or (b)(2) of this section shall be fined not less than \$100.00 nor more than provided in section 1-11 and shall be grounds for suspension or revocation of the retailer's license.
- (2) Any person violating subsection (b)(3) of this section, more than one time shall be fined no less than \$100.00 nor more than as provided in section 1-11 and shall be grounds for suspension or revocation of the retailer's license.
- (3) Upon conviction of a violation of subsections (b)(1) and (b)(2) of this section, any weapon seized shall be confiscated by the trial court and when no longer needed for evidentiary purposes, the court may transfer such weapon to the village police department who shall destroy such weapon. (Code 1977, § 33.27(A)—(F); Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-64. Violation of tax acts, refusal, revocation, or suspension of license.**

In addition to other grounds specified in this chapter, the liquor control commissioner, on complaint of the department, shall refuse the issuance or renewal of a license, or suspend or revoke such license, of any person, for any of the following violations of any tax act administered by the department.

- (1) Failure to make a tax return.
  - (2) The filing of a fraudulent return.
  - (3) Failure to pay all or part of any tax or penalty finally determined to be due.
  - (4) Failure to keep books and records.
  - (5) Failure to secure and display a certificate or subcertificates of registration, if required.
  - (6) Wilful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability.
- (Code 1977, § 33.32; Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-65. Revocation.**

The local liquor control commissioner may revoke any retail liquor dealer's license for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor or any applicable rule or regulation established by the state liquor control commission which is not consistent with the law. (Code 1977, § 33.34; Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-66. Parental responsibility.**

(a) No parent shall give or deliver alcoholic liquor to his minor child for the minor's consumption unless the consumption of alcoholic liquor by such minor is in the performance of a religious service or ceremony under the direction, supervision, and approval of the parent of such minor in the privacy of the home.

(b) No parent shall intentionally, knowingly, recklessly or negligently give or deliver alcoholic liquor to, or permit possession of alcoholic liquor by their minor child, or any other minor, unless such minor is making a delivery of such alcoholic

liquor pursuant to the order of his parent, in pursuance of his employment or as allowed in subsection (a) of this section.

(c) No parent shall intentionally, knowingly, recklessly, or negligently give, deliver, invite, or permit the consumption of alcoholic liquor by any minors on or about the premises owned, leased, or controlled by such parent except as otherwise allowed by this chapter.

(d) Parents shall restrain or prevent their minor children from consuming alcoholic liquor where the parents know, or in the exercise of ordinary care should know, of a substantial probability that their minor children will consume alcoholic liquor under circumstances which violate the provisions of this section, the state liquor control act, or any other ordinances, statutes, or amendments thereof.

(e) Parents who know, or in the exercise of ordinary care should know, of a substantial probability that their minor child has consumed or will consume alcoholic liquor in violation of this section, the state liquor control act, or any other ordinances, statutes, or amendments thereof, shall restrain or prevent their minor child from operating or driving a motor vehicle on the public roadways in violation of any law or ordinance.

(f) Parents who know, or in the exercise of ordinary care should know, of a substantial probability that their minor child has consumed or will consume alcoholic liquor in violation of this section, the state liquor control act, or any other ordinance, statutes, or amendments thereof, shall restrain or prevent their minor child from committing acts which constitute vandalism, theft, disorderly conduct, or the unjustifiable use of force in violation of any ordinance, law, or statute.

(g) Any person convicted of any violation of the provisions of this section shall be fined not less than \$50.00 and not more than as provided in section 1-11.

(Code 1977, § 33.37; Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-67. Employees.**

It shall be unlawful to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any

§ 6-67

GURNEE MUNICIPAL CODE

contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about the premises, or to engage in any way in the handling, preparation, or distribution of food or alcoholic liquor.

(Code 1977, § 33.38; Ord. No. 95-65, § 1, 8-7-1995)