

CHAPTER 3

ALCOHOLIC BEVERAGES

Section 3-101. Definitions. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

Alcoholic Liquor. Any spirits, wine, beer, ale or other liquid containing more than one half of one percent (1/2 of 1%) of alcohol by volume, which is fit for beverage purposes.

Retail Sale. The sale for use or consumption, and not for resale in any form.

Section 3-102. Mayor Designated Liquor Control Commissioner; Assistants. The Village President shall act as Liquor Commissioner of the Village.

Section 3-103. License Required. It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or to be in violation of the terms of such license.

Section 3-104. Applications for Licenses. Applications for licenses required by this chapter shall be made to the Village President in writing signed by the applicant, if any individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements.

- A. The name, age and address of the applicant** in the case of an individual; in the case of a co-partnership the persons entitled to share in the profits thereof, and in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.
- B. The citizenship of the applicant**, his place of birth and if a naturalized citizen, the time and place of his naturalization.
- C. The character of business of the applicant**; and in case of a corporation, the objects for which it was formed.
- D. The length of time said applicant has been in business** of that character or in the case of a corporation, the date on which its charter was issued.
- E. The amount of goods, wares and merchandise on hand** at the time application was made.

F. The location and description of the premises or place of business which is to be operated under such license.

G. A statement whether applicant has made a similar application for a similar license on premises other than described in this application and the disposition of such application.

H. A statement whether applicant has ever been convicted of a felony or is disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of the State or the ordinance of this Village.

I. Whether a previous license by any state or subdivision thereof, or by the federal government has ever been revoked and the reasons therefore.

J. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinance of this Village in the conduct of his place of business.

K. Such additional information that the President determines to be useful to him as Liquor Control Commissioner in evaluating the eligibility of the applicant for license.

Section 3-105. Persons Ineligible for License. No license shall be issued to:

A. A person who is not of good character and reputation in the community in which he resides.

B. A person who is not a citizen of the United States.

C. A person who has been convicted of a felony under the laws of the State of Illinois or the United States, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

D. A person who has been convicted of being the keeper or who is the keeper of a house of ill fame.

E. A person who has been convicted of pandering of other crime or misdemeanor opposed to decency and morality.

F. A person whose license issued under this chapter has been revoked for cause.

G. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

H. A co-partnership, unless all members of such co-partnership shall be qualified to obtain a license.

I. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship.

J. A person whose place of business is conducted by a manager or agent unless the said manager or agent possesses the same qualifications required of the licensee.

K. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this chapter, or shall have forfeited his bond to appear in court or answer charges for any such violation.

L. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

M. Any law enforcing public official or any elected official of the Village, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

N. Any person, association, or corporation not eligible for a state retail liquor dealer's license.

O. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

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

Q. A person who has been convicted of a gambling offense as prescribed by any of Subsections (a)(3) through (a)(10) of Section 28-1 of, or as prescribed of, Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961, as heretofore to hereafter amended or as prescribed by a statute replaced by any of the aforesaid statutory provisions.

R. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

S. A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

T. A corporation, if any officer, manager or director thereof, or any stockholder owning the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

U. Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

Section 3-106. License Classification and Fees: Limitation no number of licenses. License required by this Chapter shall be divided into the following classes:

A. Class A. license, which shall authorize the sale at retail of alcoholic liquors on the premises for consumption on the premises only, including the sale from out on the golf course from a mobile cart. The annual fee for such licenses shall be Fifteen Hundred Fifty Dollars (\$1,550.00). No more than one Class A license shall be in force in the Village at any time.

B. Class B License. A Class B License shall authorize a daily permit to the Village of Oakwood Hills, an Illinois Municipal Corporation, authorizing the sale of alcoholic liquor at Village sponsored events. No more than three (3) such daily permits shall be issued to the Village in any one-year period and a permit fee of \$5.00 per day shall be payable by the applicant upon the issuance of a daily permit. The Building Director shall be the registered agent for purposes of application for the daily permit. Unless specifically provided otherwise, all requirements of the Alcoholic Beverages Ordinance of the Village shall apply to permits granted under this Section.

Section 3-107. Disposition of Fees. All license fees shall be paid to the Village at the time application is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, than the fee shall be deposited in the general corporate funds.

Section 3-108. Bond. No bond shall be required by the Village, but every applicant for a beverage license shall file with the Village Clerk any bonds which may be required by any act by the Legislature of the State of Illinois.

Section 3-109. List Required to be Current. The Village President shall keep or cause to be kept a complete record of all licenses issued by him, and shall furnish to the Village Clerk, Treasure, and Chief of Police a copy thereof; upon the issuance of any new license or the revocation of any old license, the Village President shall give written notice of such action to each of these officers within forty eight (48) hours of such action.

Section 3-110. Personal Nature of Licenses Expiration Date. A license shall be a purely personal privilege, good for the license period which shall expire on April Thirtieth (30th) next following the date of issuance, unless sooner revoked, and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable,

voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the estate consists in part of alcoholic liquor, executors or administrators 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 at the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license but not longer than six (6) months after the death, insolvency or bankruptcy of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Section.

Section 3-111. License Renewal.

A. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal privilege is sought are suitable for such purpose' and provided further, that the renewal privilege herein provided for shall not be construed as a vest right which shall in any case prevent the Village President and Board of Trustees from decreasing the number of license to be issued in his jurisdiction.

B. A licensee may during the first fifteen (15) days of the license period waive his renewal privilege in writing to a new operator without first making application for a renewal of license in his own name, thereby surrendering his privilege of renewal.

Section 3-112. Effect on License of Change in Ownership; Transfer Fee. In case a licensee shall set or dispose of his business during the license period he may waive his license rights and privileges in writing to the Village President in favor of the successor his business, who in turn shall make application for a new license and pay a Two Hundred Fifty Dollar (\$250.00) transfer fee.

Section 3-113. Change of Location. Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be described in each license. After a license has been granted for particular premises, the Village President upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by him, but in order to obtain such approval the licensee shall file with the Village President a request in writing and a statement under oath which shall show that the premises to which removal is to be made complies in all respects with Chapter and with the requirement of Chapter 235, Illinois Compiled Statutes.

Section 3-114. License Revocation Authorized. The Village President may revoke any retail license issued hereunder either permanently, or for such period of time as he may deem appropriate or necessary after due investigation and hearing determines that the licensee has violated any of the provisions of Chapter 235 Illinois Compiled Statutes or this chapter.

Section 3-115. Relicensing After Revocation. If such license shall be permanently revoked, no license shall be granted to any person for a period of one (1) year thereafter for the conduct of the business of selling alcoholic liquors in the premises described in such revoked license.

Section 3-116. Hearing on Revocation. No license issued hereunder shall be revoked except after a hearing, with at least three (3) days notice having been given to the licensee for an opportunity to appear and defend the charges against him.

Section 3-117. Peddling. It shall be unlawful to peddle alcoholic liquor in the Village.

Section 3-118. Sanitation Generally. All premises used for the retail sales of alcoholic liquor, or for the storage of such liquor for such sale, shall comply in all respects with the provisions of this code.

Section 3-119. Minimum Age of Bartenders and Persons Serving Alcoholic Beverages. No licensee hereunder may employ any persons under the age of twenty-one (21) years of age for the purpose of drawing, pouring, mixing or serving any alcoholic liquor. It is the intent of this provision that all bartenders and all waiters and waitresses who deliver customer orders for alcoholic beverages shall be not less than twenty one (21) years of age.

Section 3-120. Closing Hours. It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village pursuant to a Class A license between the hours of 1:00 A.M. and 6:00 A.M. on Mondays through Friday s, between the hours of 2:00 A.M. and 6:00 A.M. on Saturdays, Sundays, Christmas Day, New Year’s Day, Memorial Day, Labor Day, Independence Day and Thanksgiving Day and between the hours of 9:00 P.M. to 6:00 A.M. from the mobile cart.

Section 3-121. Use of Premises Following Legal Closing Hours.

A. Every location in which alcoholic liquors are sold under this chapter shall observe the following rules and regulations:

1. Within fifteen (15) minutes after the legal hours for closing in effect for that day, all customers shall be off the premises.
2. During said fifteen (15) minute period, no employee shall be stationed behind the bar of any service counter for the sale of alcoholic liquors provided, however, that if there are no customers on the premises during such period of time, employees may go behind such bar or service counter for any purpose other than for the sale or dispensation of alcoholic liquor.
3. All exterior lights shall be extinguished at the closing hour in effect for that day.
4. After the expiration of said fifteen (15) minutes, employees may proceed with such nightly clean up routine as may be desired in any section of the premises.

5. No patrons shall be permitted entrance into the premises after the legal closing hour as established for such day, and to effect same the door, or doors, of the establishment shall be locked at such legal closing hour.

B. These rules and regulations shall be printed or duplicated and given to each applicant for a liquor license at the time of issuance of said license.

Section 3-122. Minors Purchasing, Accepting, Possessing, Consuming.

A. The purchase, acceptance or possession of any alcoholic liquor by any person under the age of twenty one (21) years is forbidden. This section does not apply to possession by a person under the age of twenty one (21) years making a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment.

B. The consumption of any alcoholic liquor by any person under the age of twenty one (21) years is forbidden.

C. The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this section.

Section 3-123. Sale or Delivery to Minors. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

Section 3-124. Misrepresenting Age. Any person under the age of twenty one (21) years who misrepresents his or her age for the purpose of purchasing or obtaining liquor from any retail licensee in the Village shall be guilty of a misdemeanor.

Section 3-125. Warning to Minors. All licensees under this chapter shall display at all times, in a prominent place, a printed card which shall read substantially as follows:

WARNING TO MINORS
You are subject to a fine of up to Five Hundred Dollars (\$500.00)
under the ordinance of the Village Of Oakwood Hills
if you purchase alcoholic liquor or
Misrepresent your age for the purpose of
purchasing or obtaining alcoholic liquor.

Section 3-126. Parental Responsibility for Violations. Any parent or guardian who shall knowingly suffer or permit any minor child who is his child or ward, to violate any provision or provisions of this chapter, shall be guilty of a misdemeanor.

Section 3-127. Solicitation of drinks prohibited. No person licensed under this chapter shall permit any employee or entertainer upon the licensed premises to solicit any patron or customer therein to purchase any alcoholic or nonalcoholic beverages; provided, however, that nothing herein contained shall prohibit any bartender or waitress who shall be regularly employed therein from accepting and serving an order of a patron or customer in the regular course of employment as a bartender or waitress.

Section 3-128. Responsibility of Premises Owner, Lessee or Occupant. It shall be unlawful for any person who is the owner, lessee or occupant of any residence or premises to knowingly permit a gathering at such residence or premises of two or more persons where any one or more of the persons is under the age of twenty one (21) years of age and each and every one of the following factors also apply.

A. The person occupying the residence or premises knows that any such person under the age of twenty one (21) is in possession of and is consuming any alcoholic beverage; and,

B. The possession or consumption of alcohol by the person under twenty one (21) years of age is not otherwise permitted by law (where such consumption by the underage person is in the performance of a religious ceremony or service or the possession by such underage person is for the purpose of making a delivery of an alcoholic beverage in pursuance of an order of his parent or in pursuance of his employment); and,

C. The person occupying the residence or premises knows that the person under the age of twenty one (21) years leaves the residence in an intoxicated condition.

APPLICATION FOR LIQUOR LICENSE

(corporation)

Under

VILLAGE OF OAKWOOD HILLS
LIQUOR CONTROL ORDINANCE

To be filed with

VILLAGE CLERK of the
VILLAGE OF OAKWOOD HILLS

ALL LICENSES EXPIRE APRIL 30
FOLLOWING THEIR ISSUANCE

Application for Year _____

Fee received _____

Receipt issued on _____

Check _____

Cashier's Check _____

Certified Check _____

Cash _____

License No. _____

Date Issued _____

TO: LIQUOR CONTROL COMMISSIONER:

1. Name of Applicant: _____
(IF CORPORATION, USE CORPORATE NAME AND INCLUDE INDIVIDUAL'S NAME MAKING APPLICATION)

Applicant's Address: _____

Telephone No: Day: _____ Night: _____

Applicant's Date of Birth: _____ Place of Birth: _____

Citizen of U.S.? _____ If naturalized citizen, when, where and court in which naturalized:

A. If Applicant is a partnership, give name and address of all partners and list principal business activity of each partner. (Attach separate sheet, if necessary)

B. If Applicant is a corporation, give name and address of owners of more than 5% registered agent and the local manager.

If business is to be conducted by a local manager, please also supply the following information:

Manager's Date of Birth: _____ Place of Birth: _____

Citizen of U.S.? _____ If naturalized citizen, when, where and court in which naturalized:

2. Type of license sought: _____

3. Business name under which license will be doing business: _____

4. Address of dram shop premises for which license is sought: _____

5. Is location properly zoned for this business: _____
6. Does applicant own premises for which license is sought? If not, state name and address of owner and attach copy of lease. _____

7. If property is owned by a land trust, trustee must file affidavit disclosing names and addresses of all beneficial owners and percentage of interest.
8. Is the location of applicant's business for which license is sought within one hundred feet of any church, school (except institutions of higher education), home for aged or indignant persons or for veterans and their families or any military or naval station? _____
9. If applicant has ever engaged in the business of sale of alcoholic liquor at retail, list addresses of all locations. _____

10. If this application is for a new license or a transferred license, attach to this Application a copy of Applicant's balance sheet and operating statement for the past three years, or, if not available, other proof of financial responsibility.
11. State name and address of dram shop insurance company for both the licensee and owner of the building in which the alcoholic liquor will be sold for the duration of the license, or attach a copy of the declaration page showing the insured parties and amounts of coverage: _____

12. Describe parking facilities available to the business: _____

13. Will you familiarize yourself with all laws of the United States, State of Illinois, and Ordinances of the Village of Oakwood Hills, pertaining to the sale of alcoholic liquor, and abide by them? _____
14. Will you maintain the entire premises in a safe, clean and sanitary manner free from conditions which might cause accidents? _____
15. Will you attempt to prevent rowdiness, fights and disorderly conduct of any kind and immediately notify the Oakwood Hills Police Department if any such events take place? _____
16. Have you, or in the case of a corporation, the local manager, or in the case of a partnership any of the partners, ever been convicted of any violation of any law pertaining to alcoholic liquor? _____
If the answer is yes, explain: _____

17. Have you, or in the case of a corporation the local manager, or in the case of a partnership any partners, ever been convicted of a felony?_____ If so, please describe:

18. Is any individual who is directly or indirectly interested in applicant's place of business a law-enforcing official, or elected public official, president, trustee, member of any Village commissions, committee or board?_____ If so, state name and address of such person:

19. List (by attachment hereto) your occupation or employment with addresses thereof for the past ten years. (If partnership or corporation, list same information for each partner and the local manager.)

20. Have you ever been convicted of a gambling offense (if a partnership or corporation, include all partners and the local manager)?_____If so, give all details:

21. Have you ever been issued a federal gaming devise stamp or a federal wagering stamp (if a partnership or corporation, include all partners and the local manager)?_____If so, give details:

22. Will you and all your employees refuse to serve or sell alcoholic liquor to an intoxicated person or to a minor?_____

23. Have you, or if a partnership any partner, or if a corporation the local manager, ever had a liquor license revoked or suspended?_____If so, give all details including locations of the licensed property.

A COPY OF YOUR ILLINOIS STATE LIQUOR LICENSE MUST BE FILED WITH THE VILLAGE BEFORE ISSUANCE OF VILLAGE LIQUOR LICENSE.