

## CHAPTER 6

### LIQUOR REGULATIONS

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##### 5-6-1: DEFINITIONS:

Unless the context otherwise requires, the following terms as used in this chapter shall have the meanings herein ascribed to them.

ALCOHOLIC LIQUOR:	Any spirits, wine, beer, ale, gelatins, frozen beverages or other liquid containing more than one-half of one percent (0.5%) of alcohol by volume, which is fit for beverage purposes.
BANQUET, PRIVATE EVENT SPACE:	<p>A venue whose primary purpose is to host private parties, such as wedding receptions, private religious celebrations, birthday parties, baby showers, anniversary parties, company holiday parties or other company or private event:</p> <ol style="list-style-type: none"><li>1. Which is a pre-arranged event held pursuant to a written contract.</li><li>2. Where no cover charge, no door entry fee, no admission fee, no minimum purchase requirement, no membership fee or any form of donation or other fee or charge is imposed on, or collected from, attendees for the privilege of attending the event or for the privilege of entering the establishment or portion of the establishment where the event is being held;</li><li>3. That is by invitation only;</li><li>4. That is limited to a finite number of invitees;</li><li>5. That is not open to the general public;</li><li>6. Where the primary emphasis of the private event is on the event itself or on its participants or beneficiaries and not on the consumption of alcohol or any entertainment provided; and</li><li>7. That does not include activities requiring adult use registration and certification.</li></ol>
BASSET:	Beverage Alcohol Sellers and Servers Education and Training.
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, hard seltzers, hard ciders and the like.
COMMERCIAL USE:	Any sale, offering for sale, service or promotion of alcoholic liquors for a commercial use or profit.

COMMISSIONER:	The Local Liquor Control Commissioner of the Village of Midlothian under 235 ILCS 5/4-2 of the Illinois Liquor Control Act.
COUNTRY CLUB:	Buildings and facilities owned and operated by a corporation or association of persons for social and recreational golf and or racquet sport purposes, but not operated for a profit.
ENTERTAINMENT VENUE:	Any place with a capacity of more than one hundred twenty five (125) persons that provides live or televised entertainment which shall include but not be limited to live music, disc jockeys, performance artists, fashion shows, comedy shows, athletic competitions, bingo and trivia games.
FESTIVAL EVENT:	Any temporary amusement, holiday celebration, or planned temporary aggregation of attractions, amusements, including public entertainment, the sale of food or beverage, the sale of souvenirs, art, crafts or other merchandise or similar attractions.
FRATERNAL OR VETERANS CLUB:	A lodge or local chapter or corresponding unit of any fraternal order or other association of a kindred nature which is national or statewide in organization or character, or any body, the membership of which is comprised of persons who have served in the military, or naval services of the United States, and which is organized under the "general act for profit corporation act" of the state and which has been in active and continuous existence for at least three (3) years prior to the date of which application for license is filed and which in good faith maintains a membership roll during said three (3) year period and has, at the time application is filed, more than fifty (50) members with dues, paid to date, and which is the owner, licensee, or occupant of an establishment operated solely for objects of a national or statewide, social, patriotic, recreational, or benevolent purpose or the like, but not for pecuniary gain or profit, and the property as well as the advantages of which belong to all the members thereof.
HOTEL:	Any place of business licensed to offer lodging rooms or suites for lease or rent to the public for any period of time and which charges a fee, rate, or other amount for the provision of such room or suite.
PREMISES:	For the purposes of this chapter, means any building, structure or real property on which any legal entity enumerated in section 5-6-3 of this chapter or person is licensed or permitted to conduct business.
REGULATED LIQUOR, USE:	The sale, commercial use or consumption on the public way of alcoholic liquor including any regulated use as defined under the Illinois Liquor Control Act.
RESTAURANT:	Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.
SALON:	A business in which the primary service is providing licensed hair styling, manicures or pedicures to its customers.
SINGLE SERVING:	An alcoholic liquor beverage that contains no more than twelve (12) ounces of beer or five (5) ounces of wine or one and one half (1.5) ounces of distilled spirits.
VILLAGE ENFORCEMENT OFFICERS:	For the purposes of this chapter a village enforcement officer shall mean police officer, firefighter, building department officer and the village liquor commissioner. (Ord. 2093, 4-20-2022)

#### **5-6-2: LICENSE REQUIRED:**

(A) It shall be unlawful to sell, offer for sale at retail, serve or consume in the village any regulated alcoholic liquor without having a liquor license or permit or in violation of the terms of such license. No person, group of persons, partnership, or corporation, limited liability company or any other entity shall sell or offer for sale at retail, draw, pour, mix, dispense or otherwise serve any regulated alcoholic liquors within the village without first having obtained a liquor license or permit as herein provided. Each separate place of business or location wherein liquor shall be sold or offered for sale, drawn, poured, mixed, dispensed or otherwise served, regardless of whether there is any type of compensation, shall have a separate license. No video gaming terminals. activities or operations are permitted within the village, except pursuant to the issuance of a liquor license pursuant to one of the liquor license categories under this code which specifically authorizes such video gaming terminals and operations on the premises of the particular business or

establishment involved, provided however that such prohibition shall not apply to fraternal and veteran establishments as defined in the Illinois Video Gaming Act (230 ILCS 40/5). Every person or legal entity engaged in the regulated use of alcoholic liquor in the village shall obtain the appropriate liquor license authorizing the service of the specific type and character of alcoholic liquor 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 section 5-6-6 of this code.

(B) Except for certain temporary village permits and conditional licenses provided in 5-6-4 of this chapter, there shall be no service of alcoholic liquor by the licensee until the licensee has obtained a liquor license required by the state. If the state suspends or revokes the state license for any reason, said suspension or revocation shall be deemed to apply to the local liquor license in the Village of Midlothian.

(C) All licenses and permits issued pursuant to this chapter shall be displayed in a prominent place that is visible to patrons.

(D) Exceptions; the provisions of this Chapter do not apply to:

1. Alcohol used in the manufacture of denatured alcohol produced in accordance with act of Congress and regulations promulgated thereunder;

2. Flavoring extracts and syrups and food products;

3. Patent and proprietary medicines or medicinal, antiseptic, culinary and toilet preparations;

4. Scientific, industrial and chemical products not made for human consumption.

(E) Nothing contained in this chapter shall prohibit any of the following from using or possessing alcoholic liquor in a strictly professional practice by:

1. A duly licensed practicing physician or dentist.

2. Hospitals or like institutions in the treatment of bona fide patients of that institution.

3. Drugstores employing a licensed pharmacist in the lawful filling of prescriptions.

4. The authorized representative of any house of worship dispensing less than three (3) fluid ounces of wine per individual for the purpose of conducting any bona fide rite or religious ceremony typically conducted by that house of worship on its premises. (Ord. 2093, 4-20-2022)

### **5-6-3: APPLICATION FOR LICENSE:**

(A) Application for a local liquor license shall be made to the Commissioner. The application shall be on forms provided by the Commissioner. The forms shall require all information necessary to enable the Commissioner, Village Clerk and Village Departments to make an informed evaluation of the qualifications of the applicant and regulated use. Only fully completed forms may be considered. Each application shall be accompanied by a nonrefundable application fee of two hundred fifty dollars (\$250.00) and the applicable license fee(s) as set forth in section 5-6-6 of this code.

(B) The licensee shall provide written notice to the Commissioner of any change in any information set forth in the application within thirty (30) days of the change.

(C) 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. At a minimum, the local manager or managers and the persons functioning as the chief operating officer and chief financial officer shall be subject to such background checks. An investigation will be performed to enable the Commissioner to ascertain whether the issuance of a license will comply with all applicable regulations of the Village and the Illinois Liquor Control Act. The Commissioner may accept the 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 subsection, the Commissioner may require such documentation as he or she deems appropriate to determine who must be fingerprinted. The Commissioner's decision as to fingerprinting shall be final. Background checks may be conducted but are not required for temporary permits at the discretion of the commissioner.

(D) No license shall be issued unless a signed statement by the applicant, owner, and the on-site manager of the business has been provided to the Commissioner stating said applicant, owner and manager has read Title 5, Chapter 6 of the Village Code entitled Liquor Regulations.

(E) No license shall be issued unless the applicant has provided the following information:

1. In the case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; in the case of a limited liability company the date of its organization in Illinois under the Limited Liability Company Act; or in the case of a foreign corporation, the state where it was incorporated and the date of it becoming qualified under the Business Corporation Act of 1983 to transact business in the State of Illinois.

2. Every application for a license, whether for a new license or for a renewal of an existing license, where the real estate title of the premises is in a trust, shall be accompanied by the sworn affidavit of the land trustee or a beneficiary of the trust, disclosing the names, residence addresses and beneficial interests of each beneficiary of the land trust.

3. Whether or not the applicant intends to manage and conduct the business in person, and if not, the name of the manager or agent who is to conduct the business on the premises for which the license is sought.

4. A statement that the applicant may be required to, and shall require all officers, agents and employees of the applicant to, testify (subject to constitutional limitations) at any hearing that may be called by the village Local Liquor Control Commissioner, relating, directly or indirectly, to any events or occurrences of which they may have knowledge arising out of their position as licensee

or as an officer, agent or employee of the licensee and that the applicant has informed all officers, agents and employees, and has or will make the same a condition of employment for all employees.

(F) 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. (Ord. 2093, 4-20-2022)

#### **5-6-4: APPLICATION PROCESS COMPLETION:**

No license may be issued by the Commissioner 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 have been completed and all fees have been paid. The Commissioner may, in the Commissioner's sole discretion, issue a limited license prior to the completion of a background check under the following circumstances:

- (A) The limited license shall not exceed ninety (90) days.
- (B) No information is currently known which would cause the applicant to be ineligible for a license.
- (C) The licensee has demonstrated, in writing, that the business will most likely not survive if the license is not granted immediately.
- (D) 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.
- (E) The licensee executes a release and hold harmless statement that is satisfactory to the Village Attorney and absolutely releases and absolves the Village, its officers and employees from any liability for the refusal of the Commissioner to subsequently issue a regular license. (Ord. 2093, 4-20-2022)

#### **5-6-5: RESTRICTIONS ON ISSUANCE OF LICENSES:**

- (A) No liquor license may be issued to any of the following:
  - 1. A partnership, a sole proprietorship or a corporation that is not incorporated in Illinois nor qualified and registered in good standing under the Illinois Business Corporation Act to transact business in Illinois.
  - 2. A limited liability company that is neither organized in Illinois nor qualified under Illinois law to transact business in Illinois. The limitations in section shall not necessarily apply to a temporary permit.
  - 3. A sole proprietorship when the owner is not a full-time resident of the Village of Midlothian.
- (B) No liquor license may be issued to any person or legal entity:
  - 1. 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.
  - 2. Which is a limited liability corporation whose members are corporations and not natural persons.
  - 3. Which is not an owner of at least fifty percent (50%) of the business to be operated by the licensee. The Commissioner shall have sole discretion in making such determination.
  - 4. At the time of application for renewal of any Village of Midlothian license, would not have been eligible for such a license upon first application.
  - 5. Which does not hold a valid Village of Midlothian business license for the premises.
  - 6. To which a federal gaming device stamp or a federal wagering stamp has been issued for the current tax period.
  - 7. Not eligible for a state retail liquor dealer's license.
  - 8. Which does not designate a manager for the premises with accurate contact information.
  - 9. If a manager, officer, director or five percent (5%) or greater shareholder or limited liability company member:
    - a. At the time of application for renewal of a liquor license would not have been eligible for a license upon a first application.
    - b. Is an elected official or employee in a supervisory position with the Village.
  - 10. 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 regulations of the Village or federal or state laws.
  - 11. Whose alcohol service operation is run by an independent contractor unless the independent contractor is also eligible for and obtains a license in the same category.
  - 12. Owes any fees, fines or taxes to the Village.

(C) Unless upon due investigation, the Commissioner determines that such individual has not been sufficiently rehabilitated to warrant the public trust, no liquor license shall be issued to any entity when a manager, officer, director or five percent (5%) or greater member or shareholder:

- 1. Has been found guilty of any offense with regard to the sale or possession of alcoholic liquor or any felony.
- 2. Has been found guilty of any other crime related to decency, honesty or good character.
- 3. Has previously had a liquor license revoked in the Village or any other jurisdiction.

4. Has been found guilty of a violation of any Federal or State law concerning the manufacture or sale or possession of alcoholic liquor.
5. Has been found guilty of a gambling offense set forth in the Illinois Criminal Code or violation of the Illinois Video Gaming Act at the time of application or renewal.
6. A person or legal entity whose licensed location of business is supervised by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee.
7. A person or legal entity whose liquor or business license application contains false or misleading statement(s) of material facts that if truthfully disclosed would have disqualified the applicant for either a liquor or business license within the village. (Ord. 2093, 4-20-2022)

#### **5-6-6: CLASSIFICATION; ENDORSEMENTS, FEES:**

Liquor licenses shall be designated into the following classifications:

(A) Class A - Alcoholic Liquors Full Bar license, which shall authorize the sale of alcoholic liquor for consumption on the specified indoor premises for less than one hundred twenty five (125) patrons, and not package sales. The annual fee for such license shall be one thousand eight hundred dollars (\$1,800.00).

(B) Class B - Beer and Wine license, which shall authorize the sale of alcoholic liquor, commonly known as "beer and wine" for consumption on the premises. The annual fee for such license shall be one thousand two hundred (\$1,200.00) per year.

(C) Class C - Country Club license which shall authorize the sale of alcoholic liquors on the property and grounds of a country club including endorsement uses under subsection (K)1 and (K)2 of this chapter. The annual fee for such license shall be one thousand eight hundred dollars (\$1,800.00).

(D) Class D - Dine-In Restaurant license, which shall authorize the sale on the specified premises of alcoholic liquor for consumption on the premises only. The annual fee for such license shall be one thousand four hundred dollars (\$1,400.00) per year.

(E) Class E - Entertainment Venue license, which shall authorize the sale of alcoholic liquors for consumption on the premises of large live and televised entertainment venues with a capacity of greater than one hundred twenty five (125) persons. The annual fee for such license shall be one thousand eight hundred dollars (\$1,800.00) per year.

(F) Class F - Fraternal or Veteran's Club licenses, which shall authorize the sale of alcoholic liquors in fraternal or veteran's club licenses as hereinbefore defined for consumption on the premises where sold. The annual fee for such license shall be one thousand four hundred dollars (\$1,400.00).

(G) Class G - Government licenses, which shall authorize the sale of alcoholic liquor, by local governmental units, for consumption on the premises, which premises are operated and duly licensed by such local governmental units and including outdoor service endorsements under subsection (K)1. The annual fee for such license shall be two hundred and fifty dollars (\$250.00).

(H) Class H - Home delivery which shall authorize the sale of alcoholic liquor by internet, mail order or telephone sales in sealed original packaged containers. The annual fee for such license shall be two hundred and fifty dollars (\$250.00).

(I) Class I - Invited Guest/Banquet licenses which shall authorize the sale of alcoholic liquor for consumption on the premises at banquet/private event space venues. The annual fee for such license shall be one thousand four hundred dollars (\$1,400.00) per year.

(J) Class P - Package Sales license, which shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. The annual fee for such license shall be eight hundred dollars (\$800.00).

(K) Endorsements - The following activities may be granted to holders of Village liquor licenses by endorsement application.

1. Outdoor service for consumption on the licensed premises for holders of Class A, B, C, and D.
2. Sampling of alcoholic liquor for complimentary consumption on the licensed premises for holders of Class P licenses.
3. The annual fee for each endorsement shall be two hundred and fifty dollars (\$250.00) except for Class C license holders whose license shall include the endorsements in this section.

(L) If a new application is made after April 30, the license fee(s) shall be prorated according to the number of months left in the year; provided that no fee(s) shall be reduced by more than fifty percent (50%). The month in which the application is made shall count as a whole month. (Ord. 2093, 4-20-2022)

#### **5-6-7: TEMPORARY PERMITS, COMPLEMENTARY SERVICE:**

Temporary permits for the sale or complimentary consumption of alcoholic liquor may be granted for the following uses:

(A) Block Party - Allows for the consumption and possession of alcoholic liquor on the public way within the designated area of a Village Board approved block party. The fee for such permit shall be twenty-five dollars (\$25.00).

(B) Festival Permit - Allows for the sale of Class A or Class B liquor license privileges for festivals not to exceed seven (7) days per year. The annual fee for such permit shall be two hundred and fifty dollars (\$250.00).

(C) Hotel/Salon/Craft Tasting, Complimentary Service Permit: Allows for the complimentary, consumption of three (3) single servings of alcoholic liquor in hotels, and craft tastings and three (3) single servings of beer or wine in salons. The annual fee for such permit shall be two hundred and fifty dollars (\$250.00).

(D) Wine Tasting permit - Allows the sale of Class B license liquor for consumption on the premises and packaged beer and wine

not to exceed four (4) hours per event and seven (7) days per year. The annual fee for such permit shall be fifty dollars (\$50.00). (Ord. 2093, 4-20-2022)

#### **5-6-8: CLASSIFICATION DESCRIPTIONS AND RESTRICTIONS:**

The restrictions on a particular license, permit, or endorsement shall be binding on the licensee. No premises or activity may be operated in violation of such restrictions and regulations. The Local Liquor Control Commissioner may, as a condition to the issuance of any liquor license, impose such conditions and restrictions upon each license as he or she may deem necessary to ensure that operation of the liquor establishment shall not be harmful to the safety, morals, and welfare of the community. The special conditions imposed upon each liquor license shall be enumerated upon the license, shall be displayed at all times in a prominent place in the establishment. The failure to enumerate any required condition upon a license shall not be a defense to a violation of this chapter. No license shall be granted for any business to allow patrons to bring their own alcoholic liquor ("BYOB"). No license, permit or endorsement may be issued and no business shall be operated except in compliance with the specific classifications of this chapter and the following descriptions and restrictions:

(A) Class A license holders may sell alcoholic liquor for consumption within indoor premises only unless having been granted the applicable endorsement under this chapter. No employee, guest or vendor under the age of twenty one (21) shall be allowed on the licensed premises during hours of operation unless accompanied by a parent or legal guardian. Under no circumstances shall the license holder allow more than one hundred twenty five (125) patrons on the premises at one time. Premises occupancy limits shall not be considered to increase the number of patrons in excess of the number stated in this subsection. The manager or other employee shall commence and maintain an accurate count of the number of patrons on the premises after ten o'clock (10:00) P.M. Failure to maintain and produce proof of the said count upon request by village enforcement officials shall be a violation of this section. Class A license holders shall maintain an adequate number of security personnel at all times the premises are open for business. Adequate shall mean sufficient security to maintain order, to ensure the safety of patrons and the requirements of this chapter. The license holder shall maintain functioning video cameras that shall record all areas where liquor is sold on the premises and parking areas that serve the premises. The recording shall be maintained for a minimum of thirty (30) days and produced upon request by village enforcement officers.

(B) Class B license holders (Beer and Wine) may sell beer and wine liquor for consumption within indoor premises only unless having been granted the applicable endorsement under this chapter. No employee, guest or vendor under the age of twenty one (21) shall be allowed on the licensed premises during hours of operation unless accompanied by a parent or legal guardian or unless the holder of the license has qualified as a restaurant as defined in this chapter.

(C) Class C license holders (County Clubs) may sell or serve alcoholic liquors for consumption on the property and grounds of a country club, including service of alcoholic liquor from golf carts, pool decks, racquet courts and endorsements under this chapter at no additional fee.

(D) Class D license holders (Dine in Restaurants) may sell alcoholic liquor for consumption within indoor premises of a restaurant that complies with the following conditions:

1. The premises shall be primarily devoted to the preparation, cooking and serving of meals.
2. The premises must have a kitchen and dining room and staff and equipment as deemed adequate by the Village health authority to serve prepared meals on site.
3. The sale of alcoholic liquor may only be made if incidental and complementary to the service of complete meals, which are served and eaten at tables or booths; unless the licensed premises has a Bar/Lounge area where meals may be consumed. The sale of alcoholic liquor may be deemed incidental and complementary to the ordering and service of complete meals only if such sale:
  - (a) Is made to a patron who orders a complete meal with the intent of consuming same immediately on the premises; or
  - (b) Is made to a patron waiting to be seated with the intent of consuming same immediately on the premises or to a patron who has just completed consuming a meal on the premises; or
  - (c) No sale of alcoholic liquor shall be made more than thirty (30) minutes after the kitchen has closed for food service.
  - (d) Any dine in restaurant limiting sales to beer and wine shall be charged the Class B annual licensing fee.

(E) Class E license holders may sell alcoholic liquor for consumption within indoor premises only unless having been granted the applicable endorsement under this chapter. No employee, guest or vendor under the age of twenty one (21) shall be allowed on the licensed premises during hours of operation unless accompanied by a parent or legal guardian. No class E license holder shall sell alcoholic liquors in the Village unless they comply with the following conditions:

1. A BASSET trained manager is present at all times the premises are open for business.
2. A functioning electronic identification card reader with the capacity to authenticate drivers' licenses and state identification cards from all fifty (50) states, is available on the premises.
3. Off street parking sufficient to park fifty (50) vehicles is available for use on or adjacent to the premises.
4. The manager or other employee shall commence and maintain an accurate count of the number of patrons on the premises after ten o'clock (10:00) P.M. Failure to maintain and produce proof of the said count upon request by village enforcement officials shall be a violation of this section.
5. Under no circumstances shall the license holder allow more than one hundred fifty (150) patrons on the premises at one time. Premises occupancy limits shall not be considered to increase the number of patrons in excess of the number stated in this paragraph.
6. The license holder shall maintain an adequate number of security personnel at all times the premises are open for business.

Adequate shall mean sufficient security to maintain order, to ensure the safety of patrons and the requirements of this chapter.

7. The license holder shall maintain functioning video cameras that shall record all areas where liquor is sold on the premises and parking areas that serve the premises. The recording shall be maintained for a minimum of thirty (30) days and produced upon request by village enforcement officers.

(F) Class F license holders (Fraternal or Veteran's Clubs) may sell or serve alcoholic liquor for consumption within indoor premises unless having been granted the applicable endorsement under this chapter. No employee, guest or vendor under the age of twenty one (21) shall be allowed on the licensed premises during hours of operation unless accompanied by a parent or legal guardian.

(G) Class G license holders (Government licenses) which shall authorize the sale of alcoholic liquor, by local governmental units, for consumption on the premises, and shall include outdoor sales.

(H) Class H license holders (Home delivery) shall authorize the sale of alcoholic liquor by internet, mail order or telephone sales as provided by the Illinois Liquor Control Act.

(I) Class I (Invited Guest/Banquet licenses) shall authorize the sale of alcoholic liquor for consumption within indoor premises in conjunction with prepared food at private invited guest/banquet events. This shall allow for the service of alcoholic liquor at private events with the following conditions:

1. The consumption of alcoholic liquor shall be within the indoor premises and in conjunction with food service pursuant to a contractual agreement for use of the establishment's facilities.
2. Alcoholic liquor shall be served by an adult employee of the license holder over the age of twenty one (21).
3. Consumption of alcoholic liquor at or over a bar shall be permitted, but all consumption shall be limited to those patrons who are guests invited specifically to the private event.
4. Failure to produce proof of a written contract with an accurate guest count for the event when requested by village enforcement officers shall be a violation of this section.
5. Prior to any event in which alcoholic liquor is sold, served or consumed, the license holder shall designate a Basset trained manager who is in charge of the premises and shall be present at all times during the event.
6. Events in which guests are allowed to bring and consume their own alcoholic liquor "BYOB" shall not be permitted.

(J) Class P license holders (Package Sales) may sell packaged alcoholic liquor in its original packaging but not for consumption on the premises, unless having been granted the applicable endorsement under this chapter. Class P licenses shall only issue on premises doing business as a liquor store or grocery store. A Class P license shall permit the tasting of wine or other liquor, as an ancillary part of the primary business of selling liquor by endorsement approval under subsection (K)2(a) of this section. The number of such tastings may be limited by the Local Liquor Control Commissioner, in his or her sole discretion.

(K) Endorsements: The following activities may be granted to holders of Village liquor licenses by endorsement application.

1. Outdoor Patio Sales: Outdoor sales and consumption on the licensed premises for holders of Class A, B, C, and D licenses shall be in compliance with all zoning requirements under the village code and the following requirements:

(a) Outdoor patio licensees shall designate on a site or patio plan an area immediately adjoining the licensee's indoor establishment, which contiguous area shall be used for the purposes of the license, and which area will hereinafter be referred to as "outdoor patio". The outdoor patio may not exceed fifty percent (50%) of the establishment interior occupancy, and shall have its boundaries clearly marked with the appropriate enclosure as determined by the Zoning Administrator or designees. The Liquor Commissioner may approve, in his or her sole and absolute discretion, the location of an outdoor patio where alcoholic liquor may be served.

(b) Outdoor patio plans shall designate a minimum of four (4) locations on the patio where landscaping trees, shrubs or plants of a minimum three feet (3') in height shall be planted or placed to provide a visual and sound barrier on the premises.

(c) Any outdoor patio shall have a physical barrier to allow the visual regulation of ingress and egress to the patio and no patrons shall be allowed to either enter or exit the licensed patio except by the main entrance of the premises.

2. Sampling: The sampling of alcoholic liquor for complimentary consumption on the licensed premises for holders of Class P licenses.

(a) On premise sampling shall allow a licensee to serve alcoholic liquor in small and limited amounts, for sampling purposes only and in conjunction with promotional sales efforts occurring on the licensed premises. Regulations specific to on premise sampling:

(1) The sampling shall be attended and supervised at all times by an adult over the age of twenty one (21) and may occur only in a designated liquor sale area on the licensed premises;

(2) The actual amount of beer or wine sampled per serving by an individual may not exceed two (2) ounces and the amount of distilled spirits shall not exceed one and one half (1.5) ounce.

(3) Quantities may not exceed a total of eight (8) ounces of beer or wine per customer per day or two (2) ounces per customer per day of distilled spirits.

(4) Signs or other materials advertising the availability of "sampling" may not be visible from the exterior of the licensed premises.

(5) The annual fee for each endorsement shall be two hundred and fifty dollars (\$250.00) except for Class C license holders whose license shall include the endorsements in this section. (Ord. 2093, 4-20-2022)

**5-6-9: NUMBER OF LICENSES LIMITED:**

The number of licenses issued in the village at any time shall be limited as follows:

- (A) There shall be issued no more than ten (10) Class A licenses.
- (B) There shall be issued no more than eight (8) Class B licenses.
- (C) There shall be issued no more than one (1) Class C licenses.
- (D) There shall be issued no more than eleven (11) Class D licenses.
- (E) There shall be issued no more than one (1) Class E licenses.
- (F) There shall be issued no more than one (1) Class F licenses.
- (G) There shall be issued no more than two (3) Class G licenses.
- (H) There shall be issued no more than one (1) Class H licenses.
- (I) There shall be issued no more than one (1) Class I licenses.
- (J) There shall be issued no more than ten (10) Class J licenses.

(K) Without the need or requirement for any further action by the President and Board of Trustees, when a license is forfeited or revoked or terminated for any reason, that license is immediately and automatically eliminated, and the number of licenses from that class is lowered by one. (Ord. 1909, 12-16-2015; amd. Ord. 1956, 2-8-2017; Ord. 2003, 10-10-2018; Ord. 2041, 9-11-2019; Ord. 2093, 4-20-2022)

**5-6-10: LICENSE RECORD TO BE KEPT:**

(A) The Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him or her; and shall furnish the Clerk, Treasurer, and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.

(B) All applications for licenses shall be kept or cause to be kept on file with the Commissioner who shall furnish copies of the same to the Village Clerk. Fees for all licenses shall be paid to the Village Clerk who shall certify to the Commissioner the names and addresses of all licenses paying fees to him together with the class of license for which payment is made and thereupon said shall issue the license provided for in this chapter to all applicants who have complied with all the requirements of this chapter and other applicable laws. (Ord. 2093, 4-20-2022)

**5-6-11: TRANSFER OF LICENSE:**

(A) A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this chapter provided, and shall not constitute property, 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 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 the decedent, or such insolvency or bankruptcy until the expiration of the license but not longer than six (6) months after the death, bankruptcy or insolvency of the 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 the license in accordance with the provisions of this section.

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

(B) Any changes in partners; members; officers; directors; persons holding directly, beneficially, or through any form of indirect or concealed ownership or control more than five percent (5%) of the stock or ownership interest of any licensee or premises for which a license has been issued or managers of establishments licensed under this chapter, shall be reported in writing to the Commissioner within ten (10) days of the change. All such new individuals shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes shall be subject to review by the Commissioner.

(C) In the event any licensee shall sell the business or discontinue operation for a period of more than thirty (30) days (except closing for remodeling and repairs), or any partnership or corporation or limited liability company shall be dissolved, the license shall terminate forthwith. However, other than in the case of the termination of a partnership or the dissolution of a corporation or limited liability company, a licensee may continue the license in full force and effect, provided the Local Liquor Control Commissioner is notified by the licensee within forty (40) days from the date of the sale of the business or its discontinuance of a desire to maintain the license, the licensee otherwise complies with all applicable provisions of this chapter, and the licensee designates a location within the village acceptable to the Local Liquor Control Commissioner as the address or location of the license.

(D) When any license hereunder has been revoked for any cause, no license shall be granted to any person, group of persons, partnership, firm, limited liability company or corporation for the period of twelve (12) months thereafter of the sale of alcoholic liquor in the premises described in the revoked license unless a public hearing is held on the matter and a finding is made by the Commissioner that re-opening a liquor establishment in the same premises would not pose a threat to the health, safety and welfare



of the community. (Ord. 123, 3-20-1934; amd. Ord. 633B, 12-14-1966; Ord. 2093, 4-20-2022)

#### **5-6-12: CHANGE OF LOCATION:**

A liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. The location may be changed only upon the written application to make such change approved by the Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the provisions of this chapter. (Ord. 123, 3-20-1934; amd. Ord. 633B, 12-14-1966; Ord. 2093, 4-20-2022)

#### **5-6-13: RENEWAL OF LICENSE:**

Failure to pay the license fee in full by April 14 of each year unless extended by order of the Commissioner.

(A) Each license required by this chapter shall terminate on April 30 next following its issuance. No part of a license fee will be refunded if the license is revoked by the Liquor Commissioner.

(B) Any licensee may renew his or her license at the expiration thereof, provided he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided, further, that the renewal privilege herein provided for shall not be construed as vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within its jurisdiction.

(C) Application for renewal of license shall be filed with the Village Clerk on or before thirty (30) days preceding the expiration thereof. Such application for renewal shall be made under oath and shall be upon an application form prepared by the village.

(D) The renewal application shall contain a certification that all information contained in the applicant's prior or initial application is still true and correct except as indicated otherwise on the renewal application form. The applicant's initial or prior application must be attached to the renewal application and the applicant must furnish any additional material in support of the application as deemed necessary by the city. If the owner or principal type of business has changed in any respect, a new license will be required.

(E) Each application for renewal shall be treated and considered in the same manner as hereinabove provided for original applications for license.

(F) Each application for renewal shall also include renewal supplementary information as to any changes in the manner or conduct of the licensed business and signed by a manager of the business reiterating the unchanged information as the original application.

(G) No renewal application for any liquor license shall be granted unless any fees, fines or other debt owed to the Village are paid in full, including the application fee required in this chapter. (Ord. 2093, 4-20-2022)

#### **5-6-14: LICENSED BUSINESS STANDARDS TRAINING:**

(A) Basset Training Required: All original or renewal applications for Class A, B, D, E, and F liquor licenses shall be accompanied with proof of completion of a State certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purchases of beverages, pursuant to that license as follows:

1. A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12(11.1) and 5/6-27 and IAC title 77, chapter XVI, section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

2. Any new owner, manager, employee, or agent requiring BASSET training, shall within ninety (90) days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

3. A photo copy of certificate of completion for all owners, managers, employees, or agents required by this chapter to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(B) All premises used for the retail sale of alcoholic liquor, or for the storage of liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the provisions of this code regulating the condition of premises used for the storage or sale of goods for human consumption.

(C) It shall be unlawful for any person to sell, dispense, pour, or mix any liquor which is represented to be of a certain quantity or kind, a given brand name, or to be of certain ingredients when it is in fact different from such representation. It shall be unlawful to add to or water down any liquor while it is in its original package, or otherwise, except when a customer orders a drink with water as a mix.

(D) No person under the age of twenty one (21) shall be allowed to be in any establishment holding a Class A, B, E or the location where alcohol is served for F and D license holders unless that person is accompanied by a parent or legal guardian.

(E) Any business licensed to sell liquor for consumption on the premises shall make available prepared food, nonalcoholic beverages and coffee for purchase or no cost for consumption by patrons on the premises.

(F) All licensees selling alcoholic liquor to be served and consumed on the licensed premises are prohibited from engaging in any of the following practices:

1. Selling, offering or delivering to any person or persons any drinks sold on the basis of two (2) or more drinks for the price of one drink;

2. Selling, offering or delivering to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public (invited guest/banquet) or full meal and hors d'oeuvres packages which are open to

the public;

3. Encouraging or permitting any game or contest which involves drinking, or the awarding of drinks as prizes on the licensed premises.

4. Allowing any of the following: male or female striptease (regardless of whether the participants strip off all their clothes); modeling for the sale of swimsuits, undergarments, brassieres and other garments where the individuals modeling and/or advertising solicit and/or receive any money from a customer of the licensee during the course of such modeling or wet T-shirt contests; or any contact sport or contest, including, but not limited to, wrestling in mud, jello or any other liquid like substance.

5. Advertising or promoting in any way, whether within or without the licensed premises, any of the practices prohibited under this chapter.

6. Littering or allowing bar patrons to discard litter on or about the licensee's property, adjacent business property or residential property.

7. Allowing any person to exit the licensed bar premises with open alcoholic beverage containers or barware of any kind.

8. Failing to immediately notify the Midlothian Police Department of an altercation resulting in a physical assault within or outside the licensed premises.

9. Except for licensees operating as a restaurant, hotel or club, no licensee shall allow a screen, blind, curtain, partition, article or thing be placed in windows or upon the doors of such licensed premises nor inside the premises, which shall prevent a clear view into the interior of the licensed premises from the street or sidewalk at all times. (Ord. 2093, 4-20-2022)

**5-6-15: SALES TO PERSONS UNDER TWENTY ONE (21), INTOXICATED, OR IN POSSESSION OF A FIREARM:**

It shall be unlawful for of any person to allow the sale, consumption or possession of any regulated alcoholic liquor to:

(A) A person under twenty-one (21) years of age.

(B) An intoxicated individual as evidenced by any combination of the following conditions attributable to the person; a strong odor of alcohol, slurred speech, bloodshot eyes, inability to stand without swaying or stumbling, aggressive behavior, loud boisterous behavior, or vomiting.

(C) Any individual in possession of a firearm. (Ord. 2093, 4-20-2022)

**5-6-16: PROOF OF AGE, FRAUDULENT IDENTIFICATION AND POSSESSION BY MINORS:**

(A) For the purpose of preventing the violation of this section, any licensee, his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one (21) years.

(B) Adequate written evidence of age and identity of the person is a document issued by a federal, state or county government, including, a motor vehicle operator's license, a registration certificate issued under the federal selective service act, or an identification card issued to a member of the armed forces. Proof that the defendant-licensee, or his employer or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

(C) Any person who sells, gives or furnishes to any person under the age of twenty-one (21) years alcoholic liquor or any false or fraudulent written, printed or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of twenty-one (21) years of age evidence of age and identification of any other person is guilty of a violation of this section.

(D) Any person under the age of twenty-one (21) years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a violation of this section.

(E) No person shall transfer, alter or deface an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by persons under twenty-one (21) years of age is prohibited.

(F) Any person under the age of twenty-one (21) years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public, will be guilty of a violation of this section.

(G) Every Class A, B, D, E, F, I, G and P liquor license holder in the village where alcoholic liquor is sold shall display at all times, in a prominent place, a printed card which shall be issued by the Village Clerk and which shall read substantially as follows:

*WARNING TO THOSE UNDER 21 YEARS OF AGE YOU ARE SUBJECT TO A FINE UP TO SEVEN HUNDRED AND FIFTY DOLLARS AND CRIMINAL PROSECUTION UNDER THE ORDINANCES OF THE VILLAGE OF MIDLOTHIAN AND LAWS OF THE STATE OF ILLINOIS IF YOU PURCHASE ALCOHOLIC LIQUORS OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING LIQUOR.*

(H) Nothing contained in this chapter shall excuse or relieve the owner, proprietor or person in charge of any liquor license or other place in the village where alcoholic liquor is sold, from the restrictions and requirements of any other applicable provisions of this code, or of the statutes of the state.

(I) Any holder of a liquor license or any agent or employee of the licensee, who shall violate the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor and subject to the general penalty regulations of this code, or to the revocation of his retail liquor license, or to both such penalty and revocation of his license.

(J) Any parent or guardian who shall knowingly allow or permit anyone under the age of twenty-one (21) years, of which he may be the parent or guardian, to violate any provision of this section shall, upon conviction, be subject to the general penalty provisions of this code. No person under the age of twenty-one (21) years may legally sell or serve liquor in an establishment licensed under the village liquor ordinances. (Ord. 976, 5-14-1980; amd. Ord. 2093, 4-20-2022)

**5-6-17: VIOLATIONS; PENALTY, SUSPENSION AND REVOCATION GROUNDS:**

It shall be grounds for immediate suspension and or revocation of any village liquor license for violation of any requirement or provision of the Illinois Liquor Control Act or this chapter. The Commissioner is authorized to fine the licensee up to one thousand dollars (\$1,000.00) per day per violation and up to fifteen thousand dollars (\$15,000.00) per incident and/or reduce the hours of sale of alcoholic liquor by the licensee. (Ord. 2093, 4-20-2022)

**5-6-18: CLOSING HOURS:**

It shall be unlawful to sell, consume or provide alcoholic liquor in any licensed establishment except during the following hours of operation;

(A) Class A, B, C, E, F, G and P: Between seven o'clock (7:00) A.M. and two o'clock (2:00) A.M.

(B) Class D, H and I: Between seven o'clock (7:00) A.M. and twelve o'clock (12:00) A.M.

(C) Temporary Permits/Complimentary Service:

1. Block Party: Between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

2. Festival Permit: Between seven o'clock (7:00) A.M. and twelve o'clock (12:00) A.M.

3. Hotel, Salon, Craft Tasting, Complimentary Service: Seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. (Ord. 2093, 4-20-2022)