

PROSPECT HEIGHTS POLICE DEPARTMENT
14 E. Camp McDonald Road
Prospect Heights, Illinois 60070
(847) 398-6070

Dear Liquor License Applicant:

The Mayor of the City of Prospect Heights, in the Mayor's capacity as Liquor Commissioner, has requested that the Prospect Heights Police Department conduct a background investigation of all persons and corporations that are attempting to obtain a liquor license from the Prospect Heights Liquor Control Commission.

The request also includes those corporations that already have a liquor license, but are changing officers and stockholders.

An investigation must be conducted on all individuals, to insure that each person is qualified to possess a liquor license, as required by Illinois State Statute and Prospect Heights City codes.

This investigation cannot be commenced until the questionnaire is completed and returned to the Prospect Heights Police Department. Please read the enclosed instruction sheet and questionnaire thoroughly.

Upon completion of the questionnaire, return it and all required documents to:

Prospect Heights Police Department
Liquor Control Division
14 E. Camp McDonald Road
Prospect Heights, Illinois 60070

In order to expedite your fingerprinting, please call the Police Department for an appointment at least two days before you plan to come in.

Sincerely,

Al Steffen
Chief of Police
Prospect Heights Police Department

**PROSPECT HEIGHTS POLICE DEPARTMENT
LIQUOR LICENSE QUESTIONNAIRE**

INSTRUCTION SHEET

1. All questionnaires should be filled out completely and returned to the Prospect Heights Police Department within ten (10) days. The investigation will take approximately thirty (30) days to complete. **No part of the investigation will begin until all relative forms and/or applicable documents are returned.**
2. Each person filling out a questionnaire must attach two (2) passport type photos.
3. All required copies of corporate papers, sales agreements, leases, loan agreements, etc. must be submitted with the Questionnaire. **NOTE- only one copy** of each of these forms is required in cases where more than one person is filling out a questionnaire.
4. Each individual filling out a questionnaire **must** be fingerprinted by the Prospect Heights Police. Contact the Prospect Heights Police Department at (847) 398-6070 for an appointment. It is suggested that questionnaires be returned in person at the time of fingerprinting.
5. Any questions regarding these questionnaires can be answered by the Prospect Heights Police Department at (847) 398-6070.
6. Each applicant is required to submit a \$100.00 non-refundable fee for each application.

CITY OF PROSPECT HEIGHTS POLICE DEPARTMENT

LIQUOR LICENSE APPLICATION

NAME (Last)		(First)	(M.I.)	<input type="checkbox"/> Male <input type="checkbox"/> Female	HOME PHONE NUMBER
ADDRESS		CITY		STATE	BUSINESS PHONE NUMBER
DATE OF BIRTH	AGE	PLACE OF BIRTH	ARE YOU A CITIZEN <input type="checkbox"/> YES <input type="checkbox"/> NO	NATURALIZED <input type="checkbox"/> YES <input type="checkbox"/> NO	NATURALIZATION NUMBER
PLACE OF NATURALIZATION			DATE OF NATURALIZATION		SOCIAL SECURITY NUMBER
MARITAL STATUS <input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> SEPARATED <input type="checkbox"/> DIVORCED <input type="checkbox"/> WIDOWED			IF PRESENTLY MARRIED, HAVE YOU EVER BEEN DIVORCED <input type="checkbox"/> YES <input type="checkbox"/> NO		DRIVER'S LICENSE NUMBER
NAME AND ADDRESS OF PREVIOUS SPOUSE			SPOUSE'S EMPLOYMENT (Name of Company)		(Address)
SPOUSE'S MAIDEN NAME (Last)		(First)	(M.I.)	NUMBER OF CHILDREN	
LAST RESIDENCES FOR PAST TEN YEARS ADDRESS		CITY	STATE OR COUNTRY		FROM (Mo.) (Year) TO (Mo.) (Year)

LIST PRESENT AND PREVIOUS PLACES OF EMPLOYMENT FOR THE PAST TEN YEARS	PLACE OF EMPLOYMENT	LENGTH OF EMPLOYMENT TO (Month) (Year)		TYPE OF WORK	IMMEDIATE SUPERVISOR
	ADDRESS	TO (Month)	(Year)	YOUR POSITION	EMPLOYER'S PHONE NUMBER
	PLACE OF EMPLOYMENT	TO (Month) (Year)		TYPE OF WORK	IMMEDIATE SUPERVISOR
	ADDRESS	TO (Month)	(Year)	YOUR POSITION	EMPLOYER'S PHONE NUMBER
	PLACE OF EMPLOYMENT	TO (Month) (Year)		TYPE OF WORK	IMMEDIATE SUPERVISOR
	ADDRESS	TO (Month)	(Year)	YOUR POSITION	EMPLOYER'S PHONE NUMBER
LIST THREE NON-RELATIVE REFERENCES WHO HAVE KNOWN YOU FOR NOT LESS THAN FIVE YEARS	Name (Last)	(First)	(M.I.)	OCCUPATION	
	ADDRESS	CITY		STATE	PHONE NUMBER
	Name (Last)	(First)	(M.I.)	OCCUPATION	
	ADDRESS	CITY		STATE	PHONE NUMBER
	Name (Last)	(First)	(M.I.)	OCCUPATION	
	ADDRESS	CITY		STATE	PHONE NUMBER

NAME OF PREMISES FOR WHICH LICENSE WILL APPLY				PHONE NUMBER
ADDRESS OF PREMISES			NAME AND ADDRESS OF LESSOR OF PROOF OF OWNERSHIP	

AGENT'S NAME AND ADDRESS			RENTAL AGREEMENT	LENGTH OF LEASE	
DO PREMISES COMPLY WITH	CLEAR VIEW REQUIREMENTS <input type="checkbox"/> YES <input type="checkbox"/> NO	PROPER LIGHTING <input type="checkbox"/> YES <input type="checkbox"/> NO	ADEQUATE WASHROOMS FACILITIES FOR BOTH SEXES <input type="checkbox"/> YES <input type="checkbox"/> NO	DRAM SHOP INSURANCE <input type="checkbox"/> YES <input type="checkbox"/> NO	DRAM SHOP INSURANCE

LIST EXISTING RETAIL LIQUOR LICENSES HELD BY APPLICANT
(Name of Premises) (Address) (City) (State)

LIST PAST RETAIL LIQUOR HELD BY APPLICANT
(Name of Premises) (Address) (City) (State)

LICENSE APPLICATION

PAGE 2

DOES APPLICANT OR ANY RELATIVE OF APPLICANT NOW HOLD (OR EVER HELD) ANY BUSINESS LICENSE - - IF SO, LIST
 (Name of Licensee) (Relationship) (Location) (Type)

IF APPLICANT OR ANY RELATIVE HAS EVER HAD A LICENSE REVOKED - EXPLAIN

LIST ALL INDIVIDUAL, COMPANIES, AMUSEMENT OR MACHINE VENDORS AND BEVERAGE HOUSES WHO HAVE LOANED OR HOLD MORTGAGES FOR THIS BUSINESS
 (Name) (Address) (Account Number) (Amount)

IMPORTANT: A CORPORATION MUST INCLUDE AS EMPLOYEES ALL OFFICERS OR DIRECTORS WHO RECEIVE COMPENSATION. THIS INCLUDES AN INDIVIDUAL LICENSEE WHETHER OR NOT HE DRAWS A SALARY.

Will Licensee employ more than four persons <input type="checkbox"/> YES <input type="checkbox"/> NO	Are there any agreements for sharing of profits <input type="checkbox"/> YES <input type="checkbox"/> NO	Do you maintain a listing of all stockbrokers <input type="checkbox"/> YES <input type="checkbox"/> NO	Do you contemplate sharing profits with others later <input type="checkbox"/> YES <input type="checkbox"/> NO	Have all interested parties in this application been fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO
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LIST ALL EXISTING AND/OR CONTEMPLATED AGREEMENTS FOR SHARING OF PROFITS EITHER ON THE BASIS OF SHARES OF STOCK OWNED OR SHARES OF PROFITS SET FORTH IN ARTICLES OF PARTNERSHIP.

1. _____
2. _____
3. _____
4. _____
5. _____

LIST BELOW ALL ARREST RECORDS OF APPLICANT AND STOCKHOLDERS/PROFIT SHARERS

ARRESTEE	CHARGE	DISPOSITION	DATE OF ARREST

LIST BELOW YOUR INVESTMENT AS WELL AS ALL LENDING PERSONS AND/OR AGENCIES, SUCH AS BANKS, AMUSEMENT DEVICE OR MACHINE VENDORS. BEVERAGE HOUSES, ETC. WHO HAVE GIVEN FINANCIAL AID TO THIS VENTURE.

SOURCES OF FINANCES	NAME	ADDRESS	ACCOUNT NUMBER	AMOUNT LOANED

I _____ on _____ do hereby state that the information furnished by me on this questionnaire is true and correct to the best of my knowledge and belief. I am aware that any falsification makes me liable under penalty and can result in the denial of my application or revocation of any license issued as a consequence of my misstatements. Furthermore, I am familiar with the laws governing the retail sale of alcohol.

PROSPECT HEIGHTS POLICE DEPARTMENT

Investigation Division

Date _____

APPLICANT'S ACKNOWLEDGEMENT

TO THE APPLICANT: _____
(Name) (Location)

Read the following items carefully and indicate your awareness of them by signing below:

I realize that I am responsible to produce the necessary books, records, papers, lease, bank accounts, checking accounts, loan papers, divorce decree, alien card, naturalization papers, dram shop insurance or any other necessary documents that the investigator may deem necessary to complete a thorough and comprehensive investigation.

I further realize that any attempt by me to stall, hinder, circumvent, or any way deceive the investigator from the truth is sufficient to disapprove the said license application.

I further realize that any attempt by me to sway or influence the investigator's decision in performing his sworn duties, by means of gratuities or any form of bribery, will result in an arrest and prosecution, and denial of the application.

I, the undersigned, have read and understand the aforementioned article and do hereby affix my signature to said document.

Applicant: _____

Applicant: _____

Witnessed by: _____

Witnessed by: _____

PROSPECT HEIGHTS POLICE DEPARTMENT

TO THE APPLICANT:

READ THE FOLLOWING ITEMS CAREFULLY AND INDICATE YOUR AWARENESS OF THEM BY SIGNING BELOW:

Article XXVI, Rule 26, of the Illinois Liquor Commission, Rules and Regulations, pertains to uniform record keeping and employees of a retail liquor dealer, all retail liquor dealers must conduct their business within the provisions of this rule, failure to comply with these rules may result in revocation of license.

Illinois Liquor Control Commission, Chapter 1, Section 100.20 states that in the sale, distribution or delivery of alcoholic liquors, no retail alcoholic liquor licensee may employ, with or without compensation or in any way directly or indirectly, use the services of a minor.

Chapter 96, Article 4, of the Illinois revised statutes states that no person or persons shall conduct or transact business in this state under an assumed name(s), corporate or otherwise, unless such person shall file in the office of the County Clerk a certificate setting forth the name(s) under which said business is to be conducted.

Article 1, Paragraph 12, (6) of the Liquor Control Act states that premises where liquor is manufactured, distributed, or sold must be open for inspection by the Illinois Liquor Control Commission and/or "Any Administrative Department of the State, County and Municipal Governments, County and City Police Department, etc."

No retail liquor dispenser may employ a manager without first filing a "Statement of Manager" with the City Collector, the length of time a person may act as manager has no bearing on this requirement, the manager must possess the same qualifications as the license.

Chapter 3 Section 2-3-18 (b-1) City Code provides that no licensee or any employee of a licensee shall:

- A. Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or non-alcoholic beverage for himself or any other employee of the licenses establishment;
or
- B. Section 2-3-18 (B-2) City Code prohibits any licensee from knowingly serving any employee any alcoholic or non-alcoholic beverage which was purchased by any patron.

Chapter 3 Section 2-3-18 (B-5) City Code provides that the licensee shall not permit employees engaging in prohibited practices to remain on premises. No licensee, manager or barkeeper of a licensed establishment solicits, induces or requests a patron to purchase an alcoholic or non-alcoholic beverage for any employee. Nothing in this ordinance prohibits the above activities where the patron and employee are related by blood or marriage.

Pinball, bagatelle or pigeonhole games are permitted with appropriate licensing as provided by the City Code of Prospect Heights.

Refusal to cooperate with any investigation pertaining to the licensed premises could result in suspension or revocation of the license issued for operation of subject location.

I have read the foregoing:

Date: _____ Signature of Applicant: _____

Please provide any additional information or explain any questions in more detail that you feel would assist us in processing your application.

Signature: _____

Date: _____

**CITY OF PROSPECT HEIGHTS, ILLINOIS
APPLICATION FOR NEW RETAIL LIQUOR DEALERS LICENSE**

Date
Application for term ending April 30, 20__

Business Name _____
Business Address _____
Telephone # _____
Applicant Name _____
Applicant Address _____
City, State and Zip Code _____
Telephone # _____
Name of Property Owners _____
Address of Property Owners _____
City, State and Zip Code _____
Leasing Agent _____
Address of Leasing Agent _____
City, State and Zip Code _____
Telephone # _____ Date lease expires _____
Attach copy of executed lease.

Is applicant: _____ Individual _____ Corporation _____ Co-partnership

If applicant is an individual Date of birth _____ Place of birth _____

Married: _____ Single: _____ Divorced: _____

How long a resident of Prospect Heights: _____

At what local address: _____

Telephone # _____

Is applicant a citizen of the United States: _____

If a naturalized citizen, state date and place of naturalization: _____

If applicant is a corporation, list names and addresses, city and state and percentage of all shareholders:

Date of incorporation: _____

Objects for which corporation are formed:

Name of Manager or Agent:

Address of Manger or Agent:

City, State and Zip Code:

Telephone #

Does the Manager or Agent possess the qualifications required to obtain State and Local Licenses to operate an alcoholic liquor business? _____

If a co-partnership, list names and addresses of all persons entitled to share in the profits:

Has any individual organization, association or agent thereof directly or indirectly paid, or agreed to pay, for this license? Yes _____ No _____

If yes, give particulars, including names and addresses:

Is the location of applicant's business for which license is sought within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station? Yes _____ No _____

Has any individual, organization, association or agent thereof directly or indirectly advanced money or anything else of value, or any credit (other than merchandise credit) in the ordinary course of business for a period not to exceed ninety (90) days or is such a person directly or indirectly involved in the ownership or conduct of the operation of the business? Yes _____ No _____

If yes, give particulars including names and addresses:

Is applicant licensed as a food dispenser? _____

If yes, give type and number of licenses.

As an individual, have you or your manager, ever been convicted of a gambling offense? _____

If yes, explain:

As an individual, have you or your manager ever been issued a Federal Gaming Device Stamp, or a Federal Wagering Stamp? _____

If a corporation has any officer, manager or director holding more than 20% of the stock of such corporation, ever been convicted of a gambling offense? _____

If yes, explain:

If a corporation, has any officer, manager or director thereof holding more than 20% of the stock of such corporation, ever been issued a Federal Gaming Device Stamp or Federal Wagering Stamp? _____

If a co-partnership, have you or any of the partners or agents ever been convicted of a felony or a misdemeanor? _____

If yes, explain: _____

Does the owner, manager or any principal hold any law enforcement office or a position as an elected or appointed public official? _____ If yes, designate title: _____

Has applicant ever made similar application for a similar or other license on premises other than described in this application: Yes _____ No _____

If yes, list: _____

If yes, state disposition of such application: _____

Has applicant ever had a previous license revoked, suspended or fined for a liquor violation by a local government or by any State or subdivision thereof? _____

If yes, explain:

Is applicant disqualified to receive a license by reason of any matter or thing construed by this ordinance, the laws of this State or other ordinances of this City? _____

Does applicant agree not to violate any laws of the State of Illinois, the United States of America, or any of the ordinances of the City of Prospect Heights in the conduct of his/her place of business?

Is the applicant familiar with and does the applicant possess copy of the Liquor Control Regulations of the City of Prospect Heights, County of Cook and State of Illinois? _____

Attach a copy of the floor plan and plot plan of the premises, must include dimensions. Bar(s) and liquor service areas must be indicated.

It is understood that the acceptance and depositing of the \$ 100.00 fee per-applicant herein tendered does not constitute acceptance of the liquor license application. If this application should for any reason be rejected, the \$100.00 application fee is non-refundable.

EMPLOYEE ACKNOWLEDGEMENT FORM

**THIS FORM MUST BE SIGNED BY ALL EMPLOYEES 21 YEARS OR OLDER
WHO WILL, AT ANY TIME, WORK IN THE LIQUOR DEPARTMENT**

As part of the condition of my employment, I understand and agree to the following:

1. I will not sell or give liquor to any person under 21 years of age.
2. I will ask for a driver's license as proof of I.D. from any customer who appears youthful.
3. If I have any doubt about a customer's age, I will not make the sale.
4. I will not sell liquor to any customer who appears to be intoxicated.
5. I will not sell liquor to any customer that I know is habitually addicted.
6. I will not sell liquor to any person during restricted hours.
7. I will not come to work after drinking alcohol, or consume alcohol on the work premises during working hours or after closing. I will not consume alcoholic beverages away from the store and return to my job during my shift. I understand that I will be immediately dismissed for being under the influence of non-prescribed drugs or alcohol while on the job.
8. I will not use, sell, possess, manufacture, distribute or otherwise traffic in illegal drugs in the store. I understand that I will be immediately dismissed and subject to criminal prosecution for failure to comply with this Company policy.
9. I understand that I am subject to dismissal and criminal arrest for providing liquor to persons under 21 years of age.

Employee Date

Name of Business Store Manager Date

Chapter 3

LIQUOR CONTROL

2-3-1: DEFINITIONS:

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

ALCOHOL: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, including synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR: Any 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, nor to any liquid or solid containing one-half of one percent (0.5%), 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.

BOWLING ALLEY: Any establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling is played with composition balls and ten (10) pins.

CLUB: A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of

directors or other governing body out of the general revenue of the club.

CONVEYANCE: Any vehicle, trailer, or watercraft or container operated for the transportation of persons or property.

GATHERING: Any group of three (3) 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.

HOTEL: Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

ILLICIT DRUGS: Any drug, substance, or compound prohibited by law, including drugs prescribed by a physician that are in the possession of or used by someone other than the person to whom the drug was prescribed.

KEG: Any original package container capable of holding more than one gallon of beer.

ORIGINAL PACKAGE: Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or 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 as natural, adoptive, or stepparent, as a legal guardian, as a person to whom legal custody has been given by order of the court, or any other person over twenty one (21) years of age who is in loco parentis of a minor.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

PUBLIC PLACE: Any publicly owned property, streets, highways, schools, parks as well as the common areas of apartment houses, office buildings, transport facilities, parks, businesses, or parking lots.

REASONABLE STEPS: Controlling access to alcoholic beverages at a gathering, controlling the quantity of alcoholic beverages present at the gathering, verifying the age of persons attending the gathering by inspecting driver's licenses or other government issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering, supervising the activities of minors at the gathering, and calling for police assistance in the event underage persons are in possession of alcohol at the 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 rites or religious ceremony.

RESIDENCE OR PREMISES: Any home, yard, 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.

RESPONSIBLE PERSON: Any person which hosts a gathering or having custody or control of private property where a gathering occurs.

RESTAURANT: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations; such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

RESTAURANT, FAST FOOD: A self-service establishment selling a limited number of prepared food items which are served in containers and with utensils that are disposable and which are dispensed for consumption on or off the premises.

RETAIL SALE: The sale for use or consumption and not for resale in any form.

RETAILER: A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

SALE OF A KEG: Any sale of beer in a keg, even though the keg is to be returned by the purchaser to the seller.

STATE COMMISSION: The Illinois liquor control commission.

UNDERAGE PERSON: Any individual under twenty one (21) years of age.

WINE: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of "alcohol" as defined in this section. (Ord. 0-94-04, 6-6-1994; amd. Ord. 0-95-44, 10-16-1995; Ord. 0-10-13, 6-28-2010)

2-3-2: LOCAL LIQUOR CONTROL COMMISSIONER:

The mayor of the city shall be the local liquor control commissioner and shall be charged with the administration within the city of the appropriate provisions of the state and of this

chapter. He may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties of said office. The city council may fix and pay compensation to the local liquor control commissioner of the city and compensation to such deputies, assistants or employees as may be deemed necessary for the proper performance of the duties vested in him. The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, nonbeverage users, railroads, airplanes and boats:

- A. To grant and/or suspend for not more than thirty (30) days or revoke for cause all local licenses issued to persons for the premises within his jurisdiction in the manner provided in 235 Illinois Compiled Statutes 5/7-5.
- B. To enter or to authorize any law enforcing officers to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter 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 said premises of said licensee in connection therewith.
- C. To notify the Secretary of State where a club incorporated under the "General Not for Profit Corporation Act¹", or a foreign corporation functioning as a club in this State under a certificate of authority issued under said Act has violated this Chapter by selling or offering for sale at retail alcoholic liquors without a retailer's license.
- D. To receive complaints from any citizen within his jurisdiction that any of the provisions of this Chapter, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.
- E. To receive local license fees and pay the same forthwith to the City Treasurer.
- F. To levy fines in accordance with Section [2-3-24](#) of this Chapter.

When, in this Chapter, the Local Liquor Control Commissioner shall be referred to, it shall include any committee or other agency appointed by such Local Liquor Control Commissioner. (Ord. 0-95-44, 10-16-1995)

2-3-3: LICENSE REQUIRED:

It shall be unlawful to sell or offer for sale at retail in the City any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license. (Ord. 0-95-44, 10-16-1995)

2-3-4: APPLICATION FOR LICENSE:

Applications for new and renewed licenses shall be made to the Mayor in writing, signed by the applicant or applicants, if an individual or individuals, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit. All applications shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100.00) which shall be separate and distinct from the annual license fee. New applications shall contain the following statements and information:

- A. The name, age and address of each applicant in the case of individuals; in the case of a copartnership, the persons entitled to share in the profits thereof and the percentage ownership held by each; 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 stockholders owning five percent (5%) or more of the outstanding stock of such corporation.
- B. The citizenship of each applicant, the place of birth of each, and in the case of a naturalized citizen, the time and place of his or her naturalization.
- C. The character of business of each applicant; and in case of a corporation, the objects for which it was formed; and the length of time each applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- D. The location and description of the premises or place of business which is to be operated under the license being applied for; such description shall include a general layout of the premises with appropriate dimensions and identification of the area or areas in which liquor will be stored, sold, served, consumed or handled.
- E. A statement whether applicant has made application for a similar or other license or premises other than described in this application, and the disposition of such applications.

- F. A statement whether any of the applicants have ever been convicted of a felony and thus not qualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or other ordinances of the City.
- G. Whether license by any state or subdivision thereof, or by the Federal Government, has been revoked and the reasons therefor.
- H. A statement that the applicant will not violate any of the laws of the State, or of the United States, or any ordinance of the City in the conduct of his place of business.
- I. The amount of goods, wares and merchandise on hand at the time the application is made or, equivalently, the monetary value of current inventory.
- J. Any other information or guarantees that the Local Liquor Control Commissioner or the City authorities shall require.

Applications for renewal shall contain either a statement that all of the above statements and information are and remain true and valid, or appropriate statements describing any changes in or to any such information or statements contained in the original or any previous application. Each renewal application shall, however, require reaffirmation of the type and division of ownership contained in subsection A of this Section and of the intent of each applicant to comply with subsection H of this Section. (Ord. 0-97-02, 1-20-1997, eff. 1-30-1997)

2-3-5: RESTRICTION ON LICENSES:

No such license shall be issued to:

- A. A person who is not a resident of the City.
- B. A person who is not of good character and reputation in the community in which he resides.

- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any Federal or State law, if the Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- F. A person who has been convicted of being the keeper of or is keeping a house of ill fame.
- G. A person whose license under this Chapter has been revoked for cause.
- H. 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.
- I. A copartnership, if any general partnership thereof, or any limited partnership thereof owning more than five percent (5%) of the aggregate, limited partner interest in such copartnership, would not be eligible to receive a license hereunder for any reason other than residence within the City.
- J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders, owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City.
- K. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- L. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

- M. A person who does not beneficially own the premises for which a license is sought, or does not have a lease agreement therein for the full period for which the license is to be issued.
- N. Any law enforcing public official, including members of local liquor control commissions, or any Mayor, or member of the City Council; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located in territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- O. A person who is not a beneficial owner of the business to be operated by the licensee.
- P. A person who has been convicted of a gambling offense as prescribed by any of 720 Illinois Compiled Statutes 5/28-1(a)(3) through (a)(10) or 5/28-3, of the criminal code, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- Q. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
- R. A copartnership to which 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 wagering stamp by the federal government for the current tax period.
- S. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp by the federal government for the current tax period.
- T. 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.

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

V. No classification exists for businesses operated as petroleum filling stations. (Ord. 0-95-44, 10-16-1995)

2-3-6: EXAMINATION OF APPLICANT:

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 as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute. (Ord. 0-95-44, 10-16-1995)

2-3-7: FINGERPRINTS; FEE:

The local liquor control commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the federal aviation act of 1958, 49 USCA section 1301. For purposes of obtaining fingerprints under this section, the local liquor control commissioner shall collect a fee and forward the fee to the police department of the city, which shall submit the fingerprints and the fee to the Illinois department of state police. (Ord. 0-95-44, 10-16-1995)

2-3-8: CLASSIFICATION OF LICENSES:

A. Class A Licenses: Class A licenses which shall authorize the retail sale on the premises specified of alcoholic liquor only for consumption on the premises. If the premises is a hotel, packaged liquor may be sold to guests of the hotel.

Class A-1 Licenses: Class A-1 licenses shall authorize the retail sales on the premises of beer and wine only for consumption on the premises in a bowling alley only.

Class A-2 Licenses: Class A-2 licenses shall authorize the retail sale on the premises specified of alcoholic liquor only for consumption on the premises.

Class A-3 Licenses: Class A-3 licenses shall authorize the retail sale on the premises specified of alcoholic liquor only for consumption on the premises during the hours set forth in section [2-3-9](#) of this chapter. The holder of a class A-3 license may petition the local liquor commissioner for a temporary extended hours permit to allow extended hours not later than four o'clock (4:00) A.M. on any one day Sunday through Thursday. Said petition must be in writing and delivered to the local liquor commissioner not less than fourteen (14) days prior to the date on which the licensee desires extended hours. An extended hours permit granted under this section shall be valid only for the single date specified on the permit. Extended hours under this subsection may be granted in the sole discretion of the local liquor commissioner and shall not be deemed a right of the licensee.

B. Class B Licenses: Class B licenses which shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold.

If said sale of alcoholic liquor is carried out on premises which are utilized primarily for other retail sales activities, the sale of such liquor shall be confined to an area which is separated from the other retail sales activity.

The sale of such liquor shall be confined to an area which is separated from the other retail portions of the premises by a suitable enclosure or partition of such design and construction as may be approved by the local liquor control commissioner. No class B license outstanding on the effective date of this section shall be renewed upon its expiration unless such approved enclosure or partition has been constructed.

C. Class B-1 And B-2 Licenses:

- 1. Class B-1 Licenses:** Class B-1 licenses which shall authorize the retail sale of wine and beer, but not for consumption on the premises where sold. The said sale of alcoholic liquor is carried out on premises which are used primarily for the sale at retail of packaged foods and/or convenience items to be carried out from the premises.
- 2. Class B-2 Licenses:** Class B-2 licenses which shall authorize the retail sale of wine and beer, but not for consumption on premises where sold. The said sale of alcoholic liquor is carried out on premises which are used primarily for the sale at retail of packaged foods and/or convenience items to be carried out from the premises, during hours of operation which differ from the B-1 classification.
- 3. Separate Area For Sales:** If said sale of wine or beer is carried out on premises which are utilized primarily for other retail sales activities, the sale of such liquor shall be confined to an area which is separated from the other retail sales activity. The sale of such wine or beer shall be confined to an area which is separated from the other retail

portions of the premises by a suitable enclosure or partition of such design and construction as may be approved by the local liquor control commissioner. No class B-1 or B-2 license outstanding on the effective date of this section shall be renewed upon its expiration unless such approved enclosure or partition has been constructed.

D. Class C Licenses: Class C licenses which shall authorize the retail sale, in restaurants only, of alcoholic liquor for consumption on the premises where sold. Such licenses may be issued to and retained by those establishments which:

1. Have a seating capacity at tables for a minimum of thirty (30) persons for food services; and
2. Offer their patrons full and complete meals, including a dinner menu.

No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant or are operated as a "fast food restaurant" as defined in this chapter. Without limiting the generality of the foregoing, limited food service, such as provided by lounges, luncheonettes, diners, coffee shops, drive-ins, etc., do not satisfy the requirements for this license classification.

E. Class C-1 Licenses: Class C-1 licenses which shall authorize the retail sale of wine and beer in restaurants only, for consumption on the premises where sold. Such licenses may be issued and retained by those establishments which:

1. Have a seating capacity at tables for a minimum of thirty (30) persons for food services; and
2. Offer their patrons meals.

No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant.

F. Class C-2 Licenses: Class C-2 licenses which shall authorize the retail sale of alcoholic liquor in restaurants only, without a bar or cocktail lounge area for consumption on the premises where sold. Such licenses may be issued and retained by those establishments which:

1. Are located within the boundaries of the area commonly referred to as the Prospect Crossing TIF area and have a square footage of not less than seven thousand (7,000) square feet; and
2. Meet all the requirements set forth in subsection D of this section for class C licenses.

- G. Class C-3 Licenses: Class C-3 licenses be the same as class C-1 licenses in all respects except for the hours of operation which shall be as set forth in section [2-3-9](#) of this chapter.
- H. Class D Licenses: Class D licenses which shall authorize the retail sale of alcoholic liquor for consumption on public golf course premises.
- I. Daily Permits: The local liquor control commissioner may grant a daily permit which shall authorize the retail sale of alcoholic liquors for consumption only on the premises where sold, to any company, organization or group, authorizing the sale of alcoholic liquor at any picnic, carnival or similar function given by said organization.

Daily permits may be issued for not more than five (5) consecutive days to any one organization. The application for a daily permit shall specify the name of the organization, the person or persons responsible for custody and sale of alcoholic beverages, the dates, and hours of service, and shall indicate the nature of the organization (e.g., charitable, civic) and the character of the event or events to which the permit applies. No such permits, however, shall be issued or granted except upon proof of adequate dramshop (host liquor liability) insurance provided by the insurance carrier or a bona fide agent of the carrier.

Prior to the issuance of a daily permit to any applicant, such applicant shall place on deposit with the local liquor control commissioner the sum of one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00), the exact amount to be determined by the local liquor control commissioner for each day of the event for which a permit is required. At the discretion of the local liquor control commissioner, such deposit shall be refundable to such applicant provided that the event for which the daily permit was issued, was conducted without justifiable complaints from nearby residents and without disruption of nearby business activities or traffic flow. No such deposit shall be refunded in the event that any violation of this section occurred at the event for which the daily permit was issued.

- J. Special Permits: The local liquor control commissioner may grant modified hours for special events with no more than three (3) such permits to be approved per applicant per year. Such special permits shall be restricted to holders of class A and class C licenses. Requests for the permit for modified hours shall be made to the local liquor control commissioner in writing, signed by the applicant, including name of responsible supervisor to the special event, client for whom the special event will be held and any other information deemed necessary by the local liquor control commissioner. Each application for a permit for modified hours shall include a nonrefundable fee of one hundred dollars (\$100.00) which shall be separate and distinct from the annual license fee.

K. Sunday Brunch Permits: The local liquor control commissioner may grant to holders of class A and class C licenses a special Sunday brunch SB permit to serve alcoholic beverages on Sundays between the hours of nine o'clock (9:00) A.M. and twelve o'clock (12:00) noon. The SB permit shall be an addendum to the annual license; and, in no way, shall it be regarded as a license. Holders of such permits shall pay the fees established in section [2-3-9](#) of this chapter.

The SB permits shall be effective and concurrent with the licenses to which they apply. No such permit shall be valid in the absence of or during the revocation or suspension of the license to which it applies.

SB permits shall be issued subject to the same rules and restrictions with respect to holder qualifications, terms and conditions, and to the general requirements of this chapter which apply to the licenses. Additional restrictions are as follows:

1. SB permits shall apply only to the service of alcoholic beverages at the licensed establishment.
2. All licensed establishments holding an SB permit may provide additional alcoholic beverage service during the period between the hours of nine o'clock (9:00) A.M. and twelve o'clock (12:00) noon on Sundays only in connection with meal service.

No person or persons shall be served alcoholic beverages in any area where meal service is not offered and available, and no person or persons shall consume alcoholic beverages during such period except in connection with a meal.

3. Service of alcoholic beverages under the SB permit is strictly prohibited in cocktail lounges, bar areas, coffee shops and other rooms or areas where complete meals are not offered and served. (Ord. 0-13-07, 4-8-2013)

2-3-9: LICENSES; CLASSES, FEES, LIMITATIONS ON NUMBER AND HOURS OF OPERATION:

A. For the annual license classification as described in section [2-3-8](#) of this chapter, the limitation on the outstanding number of such licenses and the hours of operation for each license shall be as provided in the following schedule: (Ord. 0-13-07, 4-8-2013)

Class Of License	Annual Fee	Limitation On Number	Monday Through Thursday	Friday	Saturday	Sunday
A	\$3,300 .00	6	8:00 A.M. to 2:00	8:00 A.M. to 3:00 A.M.	8:00 A.M. to 3:00	12:00 noon to

			A.M. following	Saturday	A.M. Sunday	2:00 A.M. following
A-1	1,650 .00	0	12:00 noon to 12:00 midnight	12:00 noon to 12:00 midnight	12:00 noon to 12:00 midnight	
A-2	4,400 .00	1	8:00 A.M. to 4:00 A.M. following ¹	8:00 A.M. to 4:00 A.M. Saturday	8:00 A.M. to 4:00 A.M. Sunday	12:00 noon to 3:00 A.M. following
A-3	4,000 .00	1	8:00 A.M. to 3:00 A.M. following	8:00 A.M. to 4:00 A.M. Saturday	8:00 A.M. to 4:00 A.M. Sunday	12:00 noon to 3:00 A.M. following
B	2,200 .00	7	8:00 A.M. to 12:00 midnight	8:00 A.M. to 12:00 midnight	8:00 A.M. to 12:00 midnight	9:00 A.M. to 12:00 midnight
B-1	1,925 .00	3	11:00 A.M. to 12:00 midnight	11:00 A.M. to 12:00 midnight	8:00 A.M. to 12:00 midnight	9:00 A.M. to 12:00 midnight
B-2	2,200 .00	1	8:00 A.M. to 2:00 A.M. following	8:00 A.M. to 2:00 A.M. Saturday	8:00 A.M. to 2:00 A.M. Sunday	12:00 noon to 2:00 A.M. following
C	3,300 .00	3	8:00 A.M. to 2:00 A.M. following	8:00 A.M. to 3:00 A.M. Saturday	8:00 A.M. to 3:00 A.M. Sunday	12:00 noon to 2:00 A.M. following
C-1	1,650 .00	5	8:00 A.M. to 2:00 A.M. following	8:00 A.M. to 3:00 A.M. Saturday	8:00 A.M. to 3:00 A.M. Sunday	12:00 noon to 2:00 A.M. following
C-2	3,300 .00	1				

			8:00 A.M. to 2:00 A.M. following	8:00 A.M. to 3:00 A.M. Saturday	8:00 A.M. to 3:00 A.M. Sunday	12:00 noon to 2:00 A.M. following
C-3	1,650 .00	1	8:00 A.M. to 12:00 midnight	8:00 A.M. to 1:00 A.M. Saturday	8:00 A.M. to 1:00 A.M. Sunday	8:00 A.M. to 12:00 midnight
D	0	1	8:00 A.M. to 2:00 A.M. following	8:00 A.M. to 3:00 A.M. Saturday	8:00 A.M. to 3:00 A.M. Sunday	11:00 A.M. to 2:00 A.M. following
Daily	\$55.00 fee plus \$100.00 to \$1,000.00 deposit ²					
SB	\$440 .00	3				9:00 A.M. to 12:00 noon

Notes:

1. The hours of operation for class A-2 licenses are 8:00 A.M. through 3:00 A.M. following on Mondays, notwithstanding the above schedule.
2. Daily liquor license deposit may be refunded subject to discretion of local liquor control commissioner per subsection [2-3-8](#) of this chapter.

(Ord. 0-13-07, 4-8-2013; amd. Ord. 0-13-13, 5-28-2013; Ord. 0-13-25, 11-25-2013; Ord. 0-13-26, 11-25-2013)

B. Hours of operation for holidays are permitted as follows:

1. On the mornings of July 4, Memorial Day, Labor Day and Thanksgiving, the sale of alcoholic beverages is permitted as follows in the following classifications:

Class A	Until 3:00 A.M.
Class A-2	Until 4:00 A.M.
Class C	Until 3:00 A.M.

Daily	Until 1:00 A.M.
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2. On December 31, the sale of alcoholic beverages is permitted as follows:

Class A	Until 3:00 A.M. January 1
Class A-2	Until 4:00 A.M. January 1
Class C	Until 3:00 A.M. January 1
Daily	Until 3:00 A.M. January 1

C. All patrons and customers shall leave the premises not later than ten (10) minutes following the closing hours stipulated above, excepting in establishments which are full service restaurants in which the service of alcoholic beverages is incidental and complementary to the service of meals; in such establishments all alcoholic beverages must be removed from all service areas, tables, counters, bars, etc., within ten (10) minutes following the closing hours stipulated. (Ord. 0-13-07, 4-8-2013)

2-3-9-1: FEES FOR VIDEO GAMING TERMINALS:

An annual fee for each video gaming terminal shall be twenty five dollars (\$25.00) per terminal which shall be paid to the city clerk at the same time the fee for an application or renewal of the establishment's liquor license is due. (Ord. 0-12-21, 6-11-2012)

2-3-10: TERMS OF LICENSE AND PRORATED FEES:

All licenses shall be effective from May 1 or from the date of issuance, whichever is later, and shall terminate on April 30, the next following said date or earlier as provided in section [2-3-13](#) of this chapter. No license shall be issued to be effective prior to the date of application. Annual fee for a license issued to be effective on or after November 1 shall be sixty percent (60%) of the annual fee given in the schedule of section [2-3-9](#) of this chapter, and such fee reduction shall apply only to the annual fee; all other fees, including application fees and special brunch permit fees, shall apply. (Ord. 0-95-44, 10-16-1995)

2-3-11: DISPOSITION OF FEES:

The amount of such fee as hereinbefore provided for licenses shall be paid to the mayor at the time application is made either for the issuance of a license or the renewal thereof and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, such payment shall be returned to the applicant; if the license is granted, said payment shall be deposited in the general corporate fund or in such other funds as the city council may by appropriate action direct. (Ord. 0-95-44, 10-16-1995)

2-3-12: LIST OF LICENSES KEPT:

The mayor shall keep or cause to be kept a complete record of all such licenses issued by him. (Ord. 0-95-44, 10-16-1995)

2-3-13: CONDITIONS OF LICENSE:

A. Transfer Of License: 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 subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution; provided, that executors or administrators of the estate of any deceased licensee, and the trustees 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 the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

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.

B. Renewal Of License: 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 license is sought are and remain suitable for such purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which

shall in any case prevent the city council from decreasing the number of licenses to be issued within its jurisdiction.

- C. **Special Conditions:** In addition to all other conditions which licensees must meet under provisions of the Illinois Compiled Statutes and of this chapter, the local liquor control commissioner may impose such special conditions as he deems necessary and reasonable to promote the safety and welfare of the public and to ensure compliance with local and state laws. Such conditions may include, but are not limited to, designation of specific areas of the premises for the sale, service and the consumption of alcoholic beverages, restriction of the type or form of such beverages, and designation of physical, administrative or procedural security measures to prevent unauthorized access to facilities for storing and dispensing of such beverages and to prevent other activities prohibited by this chapter.
- D. **Displaying License:** Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.
- E. **Sales On Credit:** No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law; provided, that nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of said club; and provided further, that nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests; and provided further, that nothing herein shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.
- F. **Refilling Original Packages:** No licensee or officer, associate, member or representative of such licensee shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor for purposes of sale at retail, and it shall be unlawful for any person to have in possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages.
- G. **Minimum Size Of Container For Unmixed Whiskey, Gin Or Rum:** No unmixed whiskey, gin or unmixed rum shall be sold or offered for sale or at retail for consumption on the premises, except in a container having a minimum capacity of at least one fluid ounce

and which contains at the time of sale at least one fluid ounce of the of the beverage being sold.

H. Happy Hours Prohibited:

1. All retail licenses 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.
2. No retail licensee or employee or agent of such licensee shall:
 - a. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that person, except selling or delivering wine by the bottle or carafe;
 - b. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 - c. 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 in subsection H3g of this section;
 - d. 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;
 - e. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 - f. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections H2b through H2e of this section.
3. Nothing in subsection H2 of this section shall be construed to prohibit a licensee from:
 - a. Offering free food or entertainment at any time;
 - b. Including drinks of alcoholic liquor as part of a meal package;
 - c. Including drinks of alcoholic liquor as part of a hotel package;
 - d. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multiuse establishment and another group for the holding of any function, meeting, convention or trade show;

- e. Providing room service to persons renting rooms at a hotel;
 - f. Selling pitchers (or the equivalent, including, but not limited to, buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
 - g. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- I. Books And Records: It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the local liquor control commissioner. Such books and records need not be maintained on the licensed premises, but it must be maintained in the state. (Ord. 0-95-44, 10-16-1995)
- J. Duty To Report Certain Illicit Activity: All licensees and their agents and employees shall have the affirmative duty to report the following activity at the licensed premises to the Prospect Heights police: fights, violence, transaction and use of illegal substances and drug paraphernalia, gang activity, prostitution, the presence of firearms or the unlawful use thereof, or any activity which results in a breach of the peace.
- K. Duty To Cooperate With Law Enforcement Personnel: All licensees and their agents and employees shall have the affirmative duty to cooperate with law enforcement personnel in their investigation of crime and enforcement of state law and Prospect Heights ordinances. (Ord. 0-05-05, 3-21-2005, eff. 4-22-2005)

2-3-14: LOCATION REQUIREMENTS:

- A. General: No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children or any military or naval stations; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this section.

The prohibition of this section shall not extend to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for

worship services or educational programs and not to property boundary.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquor.

- B. Change Of Location: A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the mayor of the city. 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 the state and the ordinances of the city. (Ord. 0-95-44, 10-16-1995)
- C. Residential Property: No class A-2 license shall be issued for a premises any part of which is located within five hundred feet (500') of any residentially zoned property. (Ord. 0-03-52, 12-1-2003, eff. 12-11-2003)

2-3-15: STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC:

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors. (Ord. 0-95-44, 10-16-1995)

2-3-16: ACCESS FROM LICENSED PREMISES TO DWELLING QUARTERS:

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, her family and personal guests. (Ord. 0-95-44, 10-16-1995)

2-3-17: SANITARY CONDITIONS; EMPLOYMENT OF NONAGE PERSONS:

- A. Premises: All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises for the storage and sale of food for human consumption.
- B. Employees: No licensee holding a license permitting the sale of alcohol liquor for immediate consumption shall employ or permit any person under the age of twenty one (21) years to attend bar, or to pour, draw, mix, or otherwise prepare alcoholic liquor for consumption on the premises, provided that nothing herein shall prohibit an employee of such a licensee who is over the age of eighteen (18) but under the age of twenty one (21) years from performing waitstaff functions or carrying alcoholic liquor to and from tables as part of the licensee's service. (Ord. 0-14-08, 6-23-2014)

2-3-18: SALES TO PERSONS UNDER TWENTY ONE YEARS OF AGE AND PERSONS IN NEED OF MENTAL TREATMENT:

No licensee or 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, except as noted below, or to any intoxicated person or to any person known by him to be under legal disability 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. It shall be unlawful for any person under the age of twenty one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the city where alcoholic liquor is sold.

In every tavern or other place in the city where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the city clerk and which shall read substantially as follows:

Warning: You are subject to a fine up to \$500.00 under the Ordinances of the City of Prospect Heights, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

It shall be unlawful for any holder of a retail liquor license, or his agent or employee, to suffer or permit any individual under the age of twenty one (21) to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this section shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

In addition to all other fines and penalties, the mayor may suspend or revoke the retail dealer's license for any violation of this section.

It shall be unlawful for any parent or guardian to permit any minor child of which he or she be parent or guardian to violate any provision of this section. (Ord. 0-95-44, 10-16-1995)

2-3-19: PURCHASE OR ACCEPTANCE BY PERSONS OF NONAGE; IDENTIFICATION CARDS:

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

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties. No person shall transfer, alter or deface such an identification card; use the identification card of another, carry or use a false or forged identification card; or obtain an identification card by means of false information.

No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under twenty one (21) years of age is forbidden.

- A. **Presumption Of Knowledge:** Whenever a person is present within any motor vehicle, conveyance, vessel, house, apartment, room, shed, yard, premises, or other area of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier thereof at the time that a violation of the provisions of this section occurs therein, it shall be prima facie evidence that such person had knowledge of such violation.
- B. **Unlawful Assembly By Minors:** It shall be unlawful for any person under the age of twenty one (21) years to remain in any motor vehicle, conveyance, vessel, house, apartment, room, hotel room, shed, yard, premises, or other area when said person knows, or reasonably should know, that one or more other persons under the age of twenty one (21) years located in such motor vehicle, conveyance, vessel, house, apartment, room, hotel room, shed, yard, premises, or other area are:
1. In possession of any cannabis or controlled substance prohibited by Illinois statute;
 2. In possession of any alcoholic beverages, except that a person under the age of twenty one (21) years may be in possession of or consume alcoholic beverages in the performance of a bona fide religious service or ceremony.

- C. Responsibility Of Owner Or Occupant Of Any Premises For Unlawful Assembly By Minors: It shall be unlawful for any person who has ownership or control of any premises to knowingly suffer, permit or allow two (2) or more persons under the age of twenty one (21) years to assemble or be assembled on such premises. The possession and dispensing or consumption by a person under twenty one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under twenty one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty one (21) years of age in the privacy of a home, is not prohibited. (Ord. 0-97-55, 9-15-1997, eff. 9-25-1997)

2-3-20: PEDDLING PROHIBITED:

It shall be unlawful to peddle alcoholic liquor in the city. (Ord. 0-95-44, 10-16-1995)

2-3-21: GENERAL CONDUCT AND CONDUCT OF EMPLOYEES IN LICENSED ESTABLISHMENTS:

- A. Definitions: The following terms shall have the meanings ascribed to them in this subsection:

EMPLOYEE: Any agent, manager, employee, entertainer, barkeeper, host, hostess, waiter, waitress or other such person employed on any contractual basis by such an establishment, or receiving any remuneration for services in such an establishment. Except as expressly allowed in this chapter, all such defined individuals must be at least twenty one (21) years of age.

LICENSED ESTABLISHMENT: Any of those places of business which are issued liquor licenses from the local liquor control commissioner of the city.

PATRON: Any person, customer or visitor of a licensed establishment who is not employed by such establishment. (Ord. 0-95-44, 10-16-1995; amd. Ord. 0-14-08, 6-23-2014)

- B. Employee Conduct Prohibited: No licensee or any employee of a licensee shall:

1. Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or nonalcoholic beverage for himself or any other employee of the licensed establishment; or
2. Knowingly serve to any employee any alcoholic or nonalcoholic beverage which was purchased by any patron.
3. Permit any person in a class A and C licensed establishment to serve or sell alcoholic beverages unless that person has completed a state certified beverage alcohol sellers and servers education and training program (BASSET) (TIPS), hereinafter referred to as "The Program", as required in section [2-3-22](#) of this chapter or employ a manager in a class B, B-1, or D licensed establishment unless that person has completed the BASSET training program as required in section [2-3-22](#) of this chapter.

C. General Conduct Prohibited: No licensee or any employee of a licensee shall:

1. Permit the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. Permit the actual or simulated displaying of the breasts at or below the areola thereof, buttocks, pubic hair, anus, vulva or genitals;
3. Permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts at or below the areola thereof, buttocks, genitals, vulva or anus;
4. Permit the displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above;
5. Permit any employee to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee, except where the patron and employee are related by blood or marriage;
6. If any one or more of the provisions of this subsection C is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this subsection C and the application of such provisions to other persons and circumstances shall not be affected thereby. (Ord. 0-95-44, 10-16-1995)

2-3-22: ALCOHOL AWARENESS TRAINING REQUIREMENTS:

- A. For licenses effective on or after May 1, 1990, the original or renewal application for a class A and C license shall be accompanied with proof of completion of the program for all persons who serve or sell alcoholic beverages pursuant to that license.
- B. For licenses effective on or after May 1, 1990, the original or renewal application for a class B, B-1, and D license shall be accompanied with proof of completion of the program for the manager of the licensee.
- C. After May 1, 1990, new employees or managers of a licensee, who are required to complete the program, shall within ninety (90) days from the beginning of their employment with that licensee complete the program, and shall until completion of the program work under the supervision of a person who has completed the program.
- D. A photocopy of the certificate of completion of the program must be filed with the city clerk and maintained in the manager's office on the premises of the licensee. (Ord. 0-95-44, 10-16-1995)

2-3-23: REVOCATION, SUSPENSION OF LICENSE:

All appeals to the state liquor control commission by a city liquor licensee of a decision, order of action by the local liquor control commissioner or designee, having the effect of fining a licensee, suspending or revoking the city liquor license shall be limited to review of the official record of the formal proceedings before the commissioner.

Mayor may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in 235 Illinois Compiled Statutes 5/7-5.

When any license shall have been revoked for any cause, the licensee of the affected establishment shall not be granted a license for the period of one year thereafter for the conduct of the business of selling alcoholic liquor in the premises described in such revoked license or in any other business establishment within the city. Such revocation, however, shall not affect or apply to new or different owners of those premises, provided that the person or persons whose license has been revoked is (are) or do (does) not remain a beneficial owner or owners or any operator or operators of said premises. (Ord. 0-95-44, 10-16-1995)

2-3-24: SALE OF KEGS:

- A. A licensee who sells a keg shall affix to each keg sold a tag, furnished by the liquor control commissioner, containing an identification number enabling the purchaser to be identified in accordance with subsection B of this section.

- B. The licensee shall keep a logbook of all kegs sold, showing the identification number on the tag affixed to each keg, and the purchaser's name, address, telephone number, driver's license/state identification number, date of birth, and signature. The logbook shall be available for inspection by the Prospect Heights police department during normal business hours.

- C. The licensee shall require the purchaser to deposit twenty five dollars (\$25.00) at the time of the sale of a keg, and the deposit shall be refunded only upon the return of the keg with the tag properly affixed. This deposit shall be in addition to any other deposit required by the licensee in connection with the sale of the keg.

- D. The licensee shall require the purchaser, at the time of the sale, to sign a form to be provided by the liquor control commissioner, setting forth the provisions of this section and informing the purchaser that the deposit will be forfeited if the keg is not returned with the tag intact. The licensee shall retain this form for ninety (90) days after the sale.

- E. Any keg not returned within ninety (90) days following the date of sale shall be considered lost, and the deposit shall be forfeited. The licensee shall notify the Prospect Heights police department on a quarterly basis of all deposits that are forfeited.

- F. A licensee may retain five dollars (\$5.00) of any forfeited deposit and shall remit the balance to the city to be used to defray the cost of substance abuse prevention programs and related alcohol/drug programs.

- G. It shall be unlawful to possess a keg within the city which does not have a proper tag affixed or, if the keg was purchased outside the city, without proof of purchase for the keg, including the name and address of the seller. (Ord. 0-94-04, 6-6-1994)

2-3-25: CONSUMPTION ON PREMISES:

- A. Except as provided herein, it shall be unlawful for anyone holding a liquor license under this chapter to allow customers to consume alcoholic liquor on a licensed premises which was not purchased from the licensee.
- B. Except as otherwise provided in section [2-3-8](#) of this chapter, it shall be unlawful for anyone having a class B or class B-1 license which limits the sale of alcoholic liquor to original packages, unopened, not for consumption on the premises, to sell or offer for sale any alcoholic liquor for consumption on the licensed premises; or to permit alcoholic liquor to be consumed on such premises.
- C. Except as otherwise provided in section [2-3-8](#) of this chapter, it shall be unlawful for any person operating or employed by any public accommodation which is not licensed to sell alcoholic liquor in the city pursuant to the requirements of this chapter, to permit alcoholic liquor to be consumed by any customers on the business premises. For purposes of this section, "public accommodation" means a refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public. (Ord. 0-05-27, 7-18-2005, eff. 7-31-2005)

2-3-26: PENALTIES:

- A. The penalties for a violation of any licensing provision of this chapter or any condition of a license issued under this chapter shall be the maximum allowed under section 7-5 of the Illinois liquor control act of 1934, as amended, 235 Illinois Compiled Statutes 5/7-5.
- B. The penalty for violation of the social host provisions of this chapter shall be a fine not to exceed one thousand dollars (\$1,000.00). (Ord. 0-10-13, 6-28-2010)

2-3-27: COSTS OF HEARINGS BEFORE LOCAL LIQUOR CONTROL COMMISSIONER:

The local liquor control commissioner, in his discretion, may impose against a licensee found to have violated any provision of this chapter, the costs incurred by the city in any hearing before the local liquor control commissioner including, but not limited to, court reporter fees,

and attorney fees for the local liquor control commissioner's counsel. (Ord. 0-05-05, 3-21-2005, eff. 4-22-2005; amd. Ord. 0-05-27, 7-18-2005, eff. 7-31-2005)

2-3-28: SOCIAL HOST RESPONSIBILITY:

- A. 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.

- B. 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 reasonable steps to prevent the consumption of illicit drugs or alcoholic beverages by underage persons.

- C. 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 parent or legal guardian as permitted by Illinois state law.

- D. 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.

- E. A person who hosts any event or gathering does not have to be present at the event or gathering to be liable under this section.

- F. 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 terminated 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.

- G. Each underage person present at a premises which causes a violation of this section shall be deemed a separate violation of this section. (Ord. 0-10-13, 6-28-2010)