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Book 362 Page 138

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VILLAGE OF CRAINVILLE

Ordinance Number 2017-04-01

Village of Crainville Liquor Control Ordinance

Adopted by Village Board of the Village of Crainville

this 11th day of April 2017

Published in pamphlet form by authority of the Village Board of the Village of Crainville,

Williamson County, Illinois, this 11th day of April 11, 2017.

VILLAGE OF CRAINVILLE LIQUOR CONTROL ORDINANCE

WHEREAS, the Village Board, Village of Crainville, Illinois, finds that it is in the interests of the public health, safety, and welfare of the people of Village of Crainville, Illinois, and pursuant to statutory authority granted in the Illinois Liquor Control Act, that the current version of the Village of Crainville Liquor Control Ordinance should be vacated and replaced; and

WHEREAS, the present ordinance is intended to repeal or abrogate the prior versions of the liquor control ordinance; and

WHEREAS, the terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be replaced; and

THEREFORE, BE IT ORDAINED by the Village Board of Village of Crainville, Illinois, as follows:

ARTICLE I

General Provisions

Section 1. Construction

This ordinance shall be liberally construed to the end that the health, safety, and welfare of the people of Village of Crainville may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

Section 2. Definitions

Unless the context otherwise requires, the following word and phrases as used in this Chapter shall be construed according to the definitions set forth below:

- A. Alcohol. The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured or wood alcohol.

- B. Alcoholic Liquor. Includes alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing more than one-half of one percent of alcohol by volume, and capable of being consumed as a beverage by a human being.

- C. 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.
- D. Beer Gardens/Outdoor Cafes. Any open-air area, with or without fencing, adjacent to and accessible to an establishment possessing a liquor license under this ordinance in which beer, wine, or any other alcoholic liquor is sold, offered for sale, delivered, or consumed.
- E. Bowling Alley. An establishment or premise, or part of an establishment or building, wherein the game of bowling, played with composition balls and ten wooden pins is played.
- F. Caterer Retailer. A person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- G. Club. An organization formed under the laws of the 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 or 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 shall file with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its board of directors, and similarly file within ten days of the election of any officer, his 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 of sale of alcoholic liquor to the members of the club, or the bona fide guests of the members thereof, beyond the amount of such salary as may be fixed and voted on at the annual meeting by the members or by its board of directors and other governing body out of the general revenue of the club.

- H. Control Premise. The total area of the premise which the licensee owns and/or controls for which the licensee is responsible; it shall include but is not limited to the licensed premise, parking lots, and any other area adjacent to the Licensed Premise.
- I. Delivery. The act of transferring or giving in any manner or by any means alcoholic Liquor to another by any person, whether as principal, proprietor, agent, servant or employee.
- J. Entertainment. Any music, whether live, pre-recorded, or broadcasted via radio, television, or any other media; any sporting contest, including but not limited to volleyball, horseshoes, wrestling, and boxing; and, any dance, play, theatrical production, comedy presentation, motion picture, or contest involving humans or animals as contestants.
- K. Hotel and Motel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five 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.
- L. Licensee. Any person, corporation, or partnership holding a license under the terms and provisions of this Chapter.
- M. Licensed Premise. That area as described in the application where alcoholic liquor is or will be served, stored or sold and all areas which are internally or externally connected thereto by doorways, and which are integrally related to the operation of the licensed establishment and upon which alcoholic liquor may be lawfully consumed pursuant to this Ordinance.
- N. Original package. A bottle, flask, jug, can, cask, barrel, keg, or any other receptacle or container, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and convey any alcoholic liquor.
- O. 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 an 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 guests, and obtaining at least fifty-one percent (51%) of the annual gross revenue from the sale of food.

- P. Retail Sale. The sale for use or consumption and not for resale.
- Q. Sale. Any transfer or exchange in any manner or by any means whatsoever for consideration, and includes and means sales made by any person, whether as principal, proprietor, agent, servant, or employee.
- R. Spirits. Any beverage, which contains alcohol obtained by distillation, mixed water or other substance in solution and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
- S. Change In Interest or Ownership. The phrase change in interest of ownership means:
- (1) a change in the form of ownership from an individual or partnership to a corporation, or from a partnership to an individual;
 - (2) a change from an individual to a partnership such as the addition or deletion of any partner; or
 - (3) the transfer of over five percent (5%) of the stock in a corporation, except for a corporation listed on a national stock exchange in which event the transfer of a controlling interest, or over twenty-five (25%) of the stock thereof.
 - (4) with respect to an entity not covered in (1), (2) or (3) above, the transfer of any actual or beneficial ownership interest of 5% or more.
- T. Tavern. Any public place kept, used, maintained, advertised or held out to be public as a place where alcoholic liquor is served and where food is not served in the form of meals.
- U. Wine. Any alcoholic beverage obtained by or through the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined herein.
- V. Microbrewery. Any person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub

licensee shall not sell for off premises consumption more than 50,000 gallons per year.

- W. Bed & Breakfast Establishment - shall mean an operator occupied residence (holding a valid operator's license through the Village of Crainville Bed and Breakfast Ordinance) providing accommodations for a charge to the public with no more than five (5) guest rooms for rent.

Section 3. Applicability of State Law.

All provision of "AN ACT relating to alcoholic liquors" Laws 1933-34, Second Sp. Sess., approved Jan. 31, 1934, eff. July 1, 1934. (2351LCS 5/1-1 et seq.), as amended or shall be amended are hereby incorporated and made a part of this Ordinance insofar as the provisions of such state law pertain to this county. In the event of a conflict between state law and any provisions of this Ordinance, the state law shall govern.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or is held to be otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE II

Liquor Control Commissioner

Section 1. Commissioner Defined

The President of the Village Board of the Village of Crainville, shall be the Liquor Control Commissioner.

Section 2. Compensation

The Liquor Control Commissioner of Village of Crainville shall receive compensation in the amount of One Thousand Two Hundred Dollars (\$1,200.00) per year for performing his duties of office, said sum shall be paid monthly in equal installments.

Section 3. Powers and Duties of the Local Liquor Control Commissioner

The Liquor Control Commissioner of Village of Crainville, Illinois, shall have the following powers and duties:

- A. To issue new and renewal liquor licenses in accordance with the provisions of this Ordinance.

- B. The Liquor Control Commissioner may, after proper hearing revoke, or suspend for not more than thirty (30) days, any license issued by him under the terms of this Ordinance for any of the following reasons:
- (1) Violation of any of the provisions of this Ordinance or any violation of any provision of the laws of the state relating to the sale of alcoholic liquors.
 - (2) The willful making of any false statements as to a material fact in an application for a license or the renewal thereof;
 - (3) If the commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee any opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.
- C. To enter, or to authorize any person acting as an agent of the Commissioner, any inspector, law enforcement, or peace officer to enter at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this ordinance have been or are being violated, and, to inspect or examine such premises at the time of entry thereon.
- D. To require that all licensed premises be maintained and operated in a sanitary condition, and, in compliance with all applicable rules and regulations, of the Village of Crainville, and, in compliance with all zoning and land use regulations of the Village of Crainville, and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the Village of Crainville and the State of Illinois; to assure the public safety, welfare, and best interests of people of Village of Crainville.
- E. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Village of Crainville.
- F. To receive complaints from any citizen regarding violation of any of the provisions of this Ordinance or of the Illinois Liquor Control Act, or

complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof, and, to act upon such complaints as herein provided.

- G. To receive personally, or through a designated agent, all local license fees and to pay the same forthwith to the Village Treasurer.
- H. The Liquor Control Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Control Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and, in connection with such examination may issue subpoenas which shall be effective in any part of the State of Illinois. In conducting such examinations, the Liquor Control Commissioner may authorize an agent to act on his behalf.

Section 4. Records

The Liquor Control Commissioner shall maintain or cause to be maintained a complete record of all licenses issued pursuant to this Ordinance.

ARTICLE III

Liquor Advisory Board

Section 1. Establishment of Liquor Advisory Board

There is hereby established a liquor Advisory Board which shall have the powers and duties as set forth in this Article.

Section 2. Membership

The Liquor Advisory Board shall consist of the following members:

- (1) The Police Chief or his/her representative;
- (2) The Village Attorney or his/her representative;
- (3) At least two, but not more than three, citizens of the Village to be appointed biannually by the President of the Village Board with the

approval of the full Village Board. Members may include sitting Village Board Members.

Section 3. Powers and Duties

The Liquor Advisory Board shall have the following powers and duties:

- A. To review all liquor license applications, both new and renewals;
- B. To meet and discuss liquor license applications with all applicants;
- C. To render an advisory opinion as to the merits or demerits of each liquor license application it reviews;
- D. To receive complaints made against licensees and to inform the Liquor Control Commissioner of those complaints which require further action under this Ordinance;
- E. To monitor all licensees for compliance with state and local law; and
- F. To seek public input and to receive community concerns regarding liquor and liquor licenses.

Section 4. Criteria for Liquor Advisory Board Recommendations

The Liquor Advisory Board shall consider the following criteria in making its recommendations regarding license applications to the Liquor Control Commissioner:

- A. Compliance by the applicant with state laws and local ordinances;
- B. Potential impact upon and demand for public services by the applicant, should the license be granted;
- C. Proximity to and potential impact upon residential property, schools, and religious buildings by the applicant, should the license be granted;
- D. Potential impact upon traffic safety by the applicant, should the license be granted;
- E. Adequacy of street lighting and on-site lighting in the location of the establishment;
- F. Availability and adequacy of parking for the establishment;
- G. Character and nature of the proposed establishment;

- H. Whether live entertainment will be provided by the licensee and the nature of such entertainment;
- I. The manner of operation of the establishment or the proposed manner of operation of the establishment, if a new application, including, but not limited to, staffing levels, the ability and commitment to abide by laws and regulations, and the ability to monitor activities both within the confines of the establishment and upon the real property containing the establishment;
- J. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales and services; and
- K. The health, safety, and welfare of the area in which the establishment is located or proposed to be located.

Section 5. Meetings

- A. The Liquor Advisory Board shall meet not less than annually to carry out its duties.
- B. The Liquor Advisory Board shall establish dates, times, and places for its meetings.
- C. Emergency meetings may be called upon the vote of three (3) members of the Liquor Advisory Board.
- D. Notice of all Liquor Advisory Board meetings shall be provided to all interested parties pursuant to the Open Meetings Act.

ARTICLE IV

Licenses

Section 1. License Required

Licenses shall be granted for the sale of alcoholic liquors in all its forms as defined in the statutes of this state, subject to the conditions of this ordinance. No person, either by himself or his agent or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail in the unincorporated areas of the Village any alcoholic liquor without first having obtained a license to do so as hereinafter provided; and, it shall likewise be unlawful for any person to sell or offer for sale any intoxicating liquors, in violation of the terms and conditions of such license and this Ordinance and the laws of the State of Illinois.

Section 2. License Required for Each Place Operated by Licensee

- A. A separate license shall be required for each individual place of business operated by a licensee, and such license shall not be transferable from one licensee to another licensee, unless in conformity with this ordinance.
- B. If a licensee or applicant has two or more physical structures on a Control Premise and wishes to sell, offer for sale, deliver, or allow consumption in more than one of the physical structures on the Control Premise, the licensee or applicant must apply for and possess a separate license for each physical structure on the Control Premise.

Section 3. Application

- A. All applications for licenses under this article shall be in writing, under oath, on forms provided by the Local Liquor Commissioner.
- B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation or club, the application shall be signed and verified by the president. The information recited in the application shall be under oath or affirmation as to each person signing the application.
- C. Applications for new licenses shall be made as early as practicable by the applicant in order for a full review as contemplated by this Ordinance. Applications for a renewal license shall be made on or before November 30 of the year preceding the license year. Applications for a renewal license made on or after December 1 shall be accompanied by a late fee in the amount of \$50.00, in addition to the appropriate license fee as set forth in Article V, Section 2, Subsection A.

Section 4. Persons Ineligible to Hold a License.

- A. A person who is not a bona fide resident of the State of Illinois.
- B. A person who is not of good character and reputation of the Village of Crainville.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony or who has been convicted of pandering or any other crime of immorality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the State of Illinois, or any other federal or state law, unless the Liquor Control

Commissioner determines, with the advice and consent of the Village Board, that such person now warrants the public trust.

- E. A person whose license issued under this article or the Illinois Liquor Control Act has been revoked for cause.
- F. A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application.
- G. A person whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- H. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- I. Any law enforcing public official, any member of the Village Board, or any public official with liquor licensing and enforcement responsibilities. No such official shall be interested, in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.
- J. Any person, club, association or corporation not eligible for a state retail liquor dealer's license.
- K. A partnership, unless all of the member of such partnership shall be qualified to obtain a license.
- L. 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 here under for any reason other than citizenship or residence within the political subdivision. Provided however, that the manager of a corporation shall be required to comply with the residency requirement or the corporation shall appoint an agent who complies with the residency requirement.
- M. 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.
- N. A person who has been convicted of a gambling offense as proscribed by Article 28 of the Criminal Code of 1961, (720 ILCS 5/28-1 et seq.) as heretofore or hereafter amended.

O. A person under the age of twenty-one (21) years or under any legal disability.

Section 5. Duration

- A. All licenses shall be issued for a term not to exceed one year.
- B. All licenses shall expire on December 31 next following the issuance of such license, unless otherwise stated.

Section 6. Transfer of License

- A. A license shall be a purely personal privilege and shall not constitute property. Nothing in this Ordinance shall be construed to grant a right to transfer or accept the transfer of any license.
- B. If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, and statutes of the State of Illinois as well as this Ordinance, applicable to the operation and maintenance of a licensed premise.
- C. The transfer of a license issued hereunder from one person to another or from one legal entity to another shall only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the Liquor Control Commissioner, with the advice and consent of the Village Board, that the purchaser possesses the qualifications as required of an applicant for the original license. The purchaser shall be required to complete a license application.

Section 7. Cessation of Business

- A. The death of a licensee, termination of a partnership, dissolution of a corporation, or bankruptcy of a licensee shall cause the license to cease to exist; except that the administrator or executor of the estate or trustee in bankruptcy may continue to operate the business for three (3) months upon order of the appropriate court; provided, however, that the trustee, administrator or executor of an estate shall meet the qualifications set forth in this ordinance.
- B. A licensee who will be ceasing to do business or who closes his or her place of business for more than ten (10) days shall give the Commissioner written notice of such cessation or closing as soon as practical after the decision to close or cease business is made, but in any event before the cessation or closing. Such notice shall state the reason therefore and the date of closing or

cessation. Any licensee who ceases to do business or closes his or her place of business for a period of more than thirty (30) successive days, and who fails to show good cause, shall be subject to having his or her license suspended, revoked or a fine imposed.

- C. Any licensee who obtains a transfer of license pursuant to Section 6 of this Article, and who fails to commence business operations on or before the date specified in the application for transfer, shall give the Commissioner written notice specifying the reasons for the failure to commence business operations. Any licensee who fails to show good cause shall be subject to having his or her license suspended or revoked.

Section 8. Changes in Interest-Ownership

Changes in the interest or ownership of any licensed premise are subject to the following requirements:

- A. Any changes in partners, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Ordinance, shall be reported in writing to the Liquor Control Commissioner within ten (10) days of the change; provided, however, that changes in stock ownership need not be reported where the stock is publicly traded if the stock transfer is less than twenty-five (25%) of the stock. All such persons shall meet all the requirements of this Ordinance and must otherwise qualify to hold a license.
- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate effective on the date of said change.
- C. When a license has been issued to a corporation and a change has taken place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate, effective on the date of said change.

Section 9. Changes in Operation

A license issued under the provisions of this Ordinance shall permit the sale of alcoholic liquor only within the licensed premises described in the application and only under the conditions imposed in this Ordinance on the particular class of license described therein. Any change or alteration in the operation of the licensed premise, which varies in any manner from

that on the date of the issuance of the license, shall be reported in writing to the Liquor Control Commissioner within ten (10) days. Failure to report the change in operation may result in a suspension or revocation of the license. A licensee who conducts its business through a manager or agent shall notify the Liquor Control Commissioner within seven (7) days of any change in manager or agent.

Section 10. Renewals

The Liquor Control Commissioner may renew a license at the expiration thereof; provided that the applicant makes application for renewal and meets the eligibility requirements of this ordinance and all its provisions.

Section 11. Display

Every licensee under this article shall cause his license to be framed under glass and posted in a conspicuous place within the premises licensed, so that any person entering such premises may easily read the license.

Section 12. Insurance

Every Licensee shall be required to secure and maintain dram shop (Liquor Liability) insurance and general business liability insurance in the amounts so specified.

Dram Shop (Liquor Liability): At least in the amount as dictated by Section 6-21(a) of the Illinois Liquor Control Act.

General Business Liability: In an amount of at least \$100,000 per occurrence.

Licensee shall show written proof of such insurance at the request of the Liquor Control Commissioner and at the time of liquor license application to the Village. The insurer must be licensed or permitted to do business in Illinois.

Section 13. Emergency Contact

A licensed premise may conduct business by a manager or agent provided the manager or agent is a personage and is readily available to public safety individuals in the event of an emergency and the manager or agent is not otherwise ineligible to possess a liquor license under the laws of this State.

ARTICLE V

Classification and Schedule of Fees

Section 1. Classifications of Licenses

Licenses to sell alcoholic liquors at retail are hereby divided into eight (8) classes as follows:

- A. Class A. Class "A" Tavern and Packaged Liquor: licenses shall authorize the sale of alcoholic liquors on the premises of any tavern for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- B. Class B. Class "B" Restaurant and Packaged Liquor: licenses shall authorize the retail sale of alcoholic liquors on the premises in any restaurant for consumption on the premises, as well as other retail sales of such liquor in the original package which shall be consumed on or off the premises.
- C. Class C. Class "C" Packaged Liquor: licenses shall authorize the retail sale of alcoholic liquors in the original packages and not for consumption on the premises where sold.
- D. Class D. Class "D" Club: licenses shall authorize the sale of alcoholic liquors on the premises of any club for consumption on the premises. Club shall be as defined in this ordinance.
- E. Class E. Class "E" Non-For-Profit Special Events: licenses shall authorize the sale of alcoholic liquors by any chartered not-for-profit corporation, educational, religious, political, charitable or any organization that can show tax exempt status. The license shall be valid for no more than five (5) specific events within the twelve (12) month period following the issuance of the license. The license fee must be paid in advance; and notwithstanding anything else to the contrary in this ordinance the license fee shall be non-refundable. The license application must include the specific dates of the event(s) and the specific location(s) of each event. Each day of said license term shall begin no earlier than 6:00 a.m. and end no later than 12:00 midnight of the same calendar date. At the time of application, the applicant shall provide evidence that the organization is duly chartered by the State of Illinois as a not-for-profit corporation or show proof that the organization has tax exempt status. The Liquor Control Commissioner may require any special conditions that relate to the public health, safety, and welfare including, but not limited to: (a) Limitations on extent or area of the site or premises that liquor may be sold or consumed. (b) Special parking or security requirements. (c) Special or additional sanitary requirements.
- F. Class F. Class "F" Winery, Microbrewery or Spirit Distillery: license shall authorize the retail sale of alcoholic liquors on the premises of any winery,

microbrewery or spirits manufactured by the licensee for consumption on the premises, as well as other retail sales in the original package, which shall be consumed on or off the premises. A tasting of wine, beer or distilled spirits shall be permitted under this license. However, a single tasting of distilled spirits shall not exceed one-fourth (1/4) of one (1) ounce. No more than three tastings of distilled spirits shall be provided to any person on any day.

- G. Class G. A Class “G” Caterer: license shall authorize a caterer retailer to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. The applicant/licensee shall notify the Village of Crainville Police Department of the location of each event no later than 48 hours before the event is scheduled to begin.
- H. Class H. Class “H” Bed & Breakfast: license shall authorize the retail sale of alcoholic liquors on the premises of any Bed & Breakfast Establishment for consumption only on the licensed premises. Retail sale is only authorized from 8:00 a.m. until 11:00 p.m. Retail sale is further limited to registered guests and their invitees, provided the number of guests and invitees does not exceed 12 persons at any one time.

Section 2. Fees

- A. The annual license fee for each license shall be as follows:

Class A	\$1,250.00
Class B	\$1,000.00
Class C	\$1,000.00
Class D	\$1,000.00
Class E	\$75.00 for the first event; and \$25 for each additional event
Class F	\$500.00
Class G	\$500.00
Class H	\$500.00

- B. In the event the initial application is for a period of less than the full license year, the annual fee as set forth in subsection (a) shall be reduced in proportion to the full calendar months, which have elapsed in the license period prior to the issuance of the license.

ARTICLE VI

Regulation of Operations

Section 1. Hours of Operation

A. Except as otherwise provided for in this Ordinance, it shall be unlawful to sell, to offer for sale or deliver at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the following hours:

(1) From 7:30 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 1:00 a. m. of the next day;

(2) From 10:00 a.m. on Sunday until 1:00 a.m. on Monday;

(3) Holders of Class "F" licenses shall cease the sale, the offering for sale, the delivering at retail, or the giving away in or upon the licensed premises of any alcoholic liquor after 10:00 p.m. on any day.

B. It shall be unlawful to keep open for business, to admit the public or permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premise in which alcoholic liquor is sold at retail after 1:00 a.m.

C. The only persons permitted to remain within the licensed premise after 1:00 a.m. are the licensee, employees, and persons engaged in cleaning and maintenance purposes. No alcoholic liquor shall be consumed by anyone on the premise between the hours of 1:00 a.m. and 7:30 a.m.

D. No licensee shall allow the pick-up of alcoholic liquor by the package for consumption off the premise after the hours for sale set forth in this section.

Section 2. Gambling

No gambling devices of any kind or nature, games of chance, punch boards, slot machines, dice or any instrument of gambling shall be permitted or allowed upon any premise licensed for the sale of alcoholic liquors unless permitted by State Statutes. Video gaming and video gaming terminals shall be specifically permitted only when licensed by the Illinois Gaming Board and operated in accordance with the Video Gaming Act (240 ILCS 40/1 et. seq.). There shall be an annual fee of one hundred dollars (\$100) for each video gaming terminal as defined by and licensed pursuant to the Coin Operated Amusement and Gambling Device Ordinance.

Section 3. Regulations as to Persons Under the Age of Twenty-One

- A. No licensee, or any agent, servant, representative or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person.
- B. No persons, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years.
- C. No licensee, or any agent, servant, representative or employee of such licensee shall permit or allow any person under the age of twenty-one (21) years to remain on the licensed premises while in the possession of or consuming alcoholic liquor, this section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of his/her employment.
- D. No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept as a gift, consume or possess in any manner, including by consumption, alcoholic liquor.
- E. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing, accepting or receiving alcoholic liquor.
- F. In an action for a violation of Subsections A. or C. of this Section, evidence may be presented, which will be considered in mitigation, that the licensee, or agent, representative or employee of such licensee, demanded and was presented identification of the type specified in Section 4 of this Article.
- G. Any person upon whom such demand is made shall display at least one photo identification card of the type specified in Section 4 of this Article, which contains a birth date. If any person fails to produce evidence of age upon request, he or she shall be considered to be a person who is not entitled to be served alcoholic liquor.

Section 4. Acceptable Identification

Only the following types of identification shall be accepted for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; State Photo Identification Card for non-drivers; visa or passport.

Section 5. Restrictions on Entry into Licensed Premises

- A. No licensee, or any agent, representative, manager or employee of such licensee, shall permit or allow any person under the age of eighteen (18) years to enter or remain upon any premise licensed pursuant to this ordinance.
- B. No person under the age of eighteen (18) years shall enter or remain upon any premise licensed pursuant to this ordinance.
- C. Subsections A. and B. shall not apply when any of the following conditions are met:
 - (1) The licensed premises is a bowling alley or package liquor store;
 - (2) The person is accompanied by a parent or legal guardian;
 - (3) The licensed premise obtains 51% of the annual gross revenue from the sale of food or other services or commodities.

For purposes of Subsection C.3 the licensee shall submit to the Commissioner documentation sufficient to prove that 51% of the annual gross revenue is derived from the sale of food, services or commodities other than alcoholic liquor. The Commissioner at his discretion, may request additional documentation or an audit of any establishment's records conducted in accordance with generally accepted accounting procedures, in order to prove compliance with this subsection. The cost of an audit shall be at the expense of the licensee.

- D. The party charged with a violation in any court or administrative hearing shall have the burden of proving that subsections (1), (2), or (3) hereinabove apply.

Section 6. Consumption of Alcoholic Liquor in Public

- A. No person shall consume alcoholic liquor on or about the parking lot or area adjacent to a licensee's Licensed Premise, other than in a Beer Garden/Outdoor Cafe for which the Licensee holds a valid license under this Ordinance.
- B. No person shall consume alcoholic liquor on or about any public street, alley, sidewalk or public way within the area of Village of Crainville outside the corporate limits of any town, village, city or incorporated municipality.

Section 7. Prohibited Happy Hours

The provisions of state law concerning "happy hours" as found in 2351LCS 5/6-28, and any future amendments thereto, are hereby adopted and incorporated herein by reference.

ARTICLE VII

Beer Gardens/Outdoor Cafes

Section 1. Approval Required

No licensee, holding a license under this Ordinance, other than Class E license holders, shall operate a beer garden or outdoor cafe as defined by this Ordinance except upon application to and approval by the Liquor Commissioner, subject to the terms, conditions, and restrictions of this Ordinance and of state law.

Section 2. Fees for Beer Garden/Outdoor Cafes

In addition to any other fees required under this Ordinance, a licensee seeking to operate a beer garden/outdoor cafe shall submit at the time of application the following fees:

- A. Fifty Dollars (\$50.00) if the applicant will not offer and/or does not plan to offer entertainment to the patrons of its beer garden/outdoor café;
- B. One Hundred Dollars (\$100.00) if the applicant offers or plans to offer entertainment of any type to the patrons of its beer garden/outdoor café.

Section 3. Time of Application

The application for a beer garden/outdoor cafe shall be filed along with the application for liquor license and with the application for renewal of liquor license. If a licensee wishes to begin operation of a beer garden/outside cafe during the course of a license year, the licensee shall submit an application to the Liquor Commissioner prior to commencing such operation.

Section 4. Contents of Application for Beer Garden/Outdoor Café

In addition to any other information required by this Ordinance for the issuance of a liquor license, the applicant seeking to operate a beer garden/outdoor cafe, shall also submit a drawing or diagram of the area designated as a beer garden/outdoor cafe. This drawing or diagram shall clearly display:

- A. Any and all lighting and fencing;
- B. The occupancy rate as approved by the State Fire Marshal; and
- C. Seating and serving plans.

Section 5. Modification by Liquor Commissioner

At the time of the application or at any time during the license year, after consideration of the location of the beer garden/outside cafe, the nature of the business activity conducted in the beer garden/outdoor café, the record of prior violations by the licensee of this Ordinance or state

law, and the public health, safety, and welfare, the Liquor Control Commissioner may impose specific requirements upon the licensee in the operation of the beer garden/outdoor cafe which may include, but is not limited to, provisions as to lighting, fencing, the erection of sound barriers, and the prohibition of entertainment.

Section 6. Violations of This Article

A violation of this Article or any other applicable provision of this Ordinance or of state law with respect to the operation of the beer garden/outdoor cafe may result in the closure of the beer garden/outdoor café and the prohibition of its re-opening, in addition to any other penalties as authorized by this Ordinance.

ARTICLE VIII

Violations

Any person found to have violated any provisions of this ordinance may be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and every day that such violation is continued shall constitute a separate and distinct offense. In addition thereto, the Village of Crainville Liquor Control Commissioner may after proper hearing revoke, or suspend for not more than thirty (30) day, any license issued by him under the terms of this ordinance if he determines that the licensee has violated any of the provisions of the ordinance or any provision of the Illinois Liquor Control Act, (Chapter 235 of the Illinois Compiled Statutes); and, when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquors in the premises described in such revoked license. Not more than ten thousand (\$10,000.00) dollars in fines under this Article may be imposed against any licensee during the period of his license.

ARTICLE IX

Hearing Procedures

Section 1. Type of Notice Required

A. Whenever this ordinance requires a hearing before the Liquor Control Commissioner concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall state:

- (1) The time, place, and nature of the hearing.
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.

- (3) A reference to the particular Sections of the ordinances involved.
- (4) A statement informing the licensee that he may respond by presenting evidence and argument.

Section 2. Hearings

- A. A hearing required under this ordinance shall be held in accordance with the following rules:
 - (1) A hearing shall be held at a reasonable time, date and place.
 - (2) No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this article.
 - (3) A licensee may present evidence and argument and can be represented by a licensed attorney of this state.
 - (4) The Commissioner may limit, but not prohibit, the presentation of evidence and argument.
- B. Where a licensee has received the requisite notice under this article and fails to appear at hearing, the Commissioner may act ex parte.

Section 3. Decisions

Any decision, order, or determination rendered by the Commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision.

Section 4. Waiver

Compliance with any or all of the provisions of this Article concerning procedure may be waived by written stipulation of all parties.

Section 5. Continuances for Hearings

- A. A request for a continuance of any hearing in any matter before the Liquor Control Commissioner will not be allowed by the Commissioner unless for good and valid reason in writing.
- B. The Liquor Control Commissioner may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

Section 6. Record of Hearing

A complete record of all evidence, testimony and comments before the Liquor Control Commissioner shall be made by certified court reporter or may be electronically taken by tape recording.

Section 7. Witnesses

Witnesses shall be sworn, but in all other respects, hearings shall be informal and the strict rules of evidence shall not apply.

Section 8. Review

- A. Review of the proceedings before the Liquor Control Commissioner shall be limited to a review of the official record of the proceedings. No new or additional evidence shall be admitted or considered.
- B. All costs of preparing and transcribing an official record on appeal to the State Liquor Control Commission shall be borne by the licensee requesting a review of the official proceedings.

Section 9. Prosecutions of Non-Licensees

Violations of this ordinance allegedly committed by non-licensees shall be prosecuted by the Village Attorney of Crainville on behalf of the Village in the Circuit Court of the First Judicial Circuit, County of Williamson, Illinois. Such prosecutions shall be before the court without a jury with the burden of proof upon the Village of Crainville. The standard of evidence shall be preponderance of the evidence. Upon convictions for any violation of this ordinance, the Court shall set a fine by a non-licensee pursuant to Article VIII Violations, of this ordinance.

ARTICLE X

Savings Clause

The present ordinance shall be construed to repeal and replace any other provision of the Village of Crainville Liquor Ordinance. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to the adoption of this present ordinance shall be binding and in effect.

ARTICLE XI

Effective Date

In effect and amended on this 11th day of April, 2017 at a regular meeting of the Village of Crainville Board.

Adopted by requisite majority of the Village of Crainville Board members at its regular monthly meeting this 11th day of April, 2017.

Village President

Ron Mitchell
Ron Mitchell

Attest:

Jackie Chapman
Jackie Chapman
Village Clerk