

VILLAGE OF LA GRANGE

ORDINANCE NO. O-15-09

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF CHAPTER 111 OF THE LA GRANGE CODE OF ORDINANCES
RELATED TO ALCOHOLIC LIQUOR

WHEREAS, the La Grange Liquor Commission has studied adjustments to several sections of Chapter 111 of the La Grange Code of Ordinances related to the licensing, sales, and service of alcoholic liquor, and the Liquor Commission has recommended amendments of Chapter 111 in the form included in this Ordinance; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have reviewed the recommended amendments and have determined that they are appropriate and useful;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein as findings of the President and Board of Trustees.

Section 2. Amendment of Various Sections of Code of Ordinances Chapter 111. The Board of Trustees hereby amends the sections of Chapter 111 of the La Grange Code of Ordinances in the manner provided in Exhibit A attached to and by this reference incorporated into this Ordinance.

Section 3. Effective Date. This Ordinance will be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

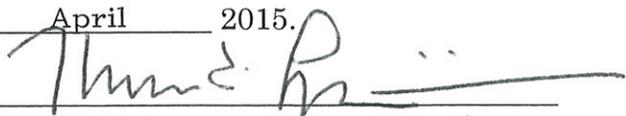
PASSED this 13 day of April 2015.

AYES: Trustees Kuchler, McCarty, Nowak, Palermo, Holder and Langan

NAYS: -0-

ABSENT: -0-

APPROVED this 13 day of April 2015.


Thomas E. Livingston, Village President

ATTEST:


John Burns, Village Clerk

CHAPTER 111: ALCOHOLIC LIQUOR

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GENERAL PROVISIONS

§ 111.01 DEFINITIONS

ALCOHOLIC LIQUOR: Spirits, wine, and beer as defined by State law and every liquid or solid containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. This definition does not include alcohol used to manufacture denatured alcohol or any liquid or solid containing less than 0.5 percent of alcohol by volume. Nor does this definition include flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes. Nor does this definition include wine intended for use, and used, by any church or other religious organization for sacramental purposes if the wine is purchased from a licensed manufacturer or importing distributor as defined by State law.

BEER: An alcoholic beverage obtained by the fermentation of an infusion or concoction of barley or other grain, malt, and hops in water and recognized as "beer" under applicable State of Illinois law, including among other things, beer, ale, stout, lager beer, porter, and similar beverages.

BOUTIQUE: A small retail shop that specializes in a particular product such as women's clothes, food, or wine, for example.

BRING-YOUR-OWN or BYO: The accommodation by an establishment eligible under this Chapter 111 of beer and wine carried into the establishment by customers for consumption within the establishment.

CATERER: A person who performs, as a business, the service of providing food and beverages to any location within or outside of the Village, which food and beverages are consumed within 36 hours after delivery.

EVENT: A fundraiser, grand opening, concert, show, festival, special meeting, party, or similar non-recurring function, whether public or private.

EVENT, PRIVATE: An invitation-only, limited attendance Event not open to the general public.

EVENT, PUBLIC: An Event open to the general public.

FRATERNAL CLUB: A national or state-wide corporation organized under the not-for-profit corporation laws of the State of Illinois that has been in operation as a fraternal club for at

least three years immediately prior to its application for a liquor license and that (1) has been organized solely for the promotion of some object common to its members of a national or statewide patriotic, benevolent, or similar purpose not for pecuniary gain and other than the sale or consumption of alcoholic liquors, (2) has been kept, used, and maintained by its members through the payment of annual dues, (3) owns, hires, or leases 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 (4) that has maintained, for at least three years prior to applying for a liquor license, a membership policy requiring a minimum one-year membership and payment of membership dues of greater than a nominal amount.

GROCERY STORE: A full-service retail sales establishment, with a gross floor area of not less than 5,500 square feet, engaged primarily in the sale of canned goods; dry goods; fresh fruits and vegetables; fresh and prepared meats, fish, and poultry; and typical household goods, but not including any establishment commonly understood to be a convenience food mart and not including any establishment also in the business of selling gasoline. A grocery store is not a Food Boutique.

GOURMET FOOD: Food products that appeal primarily to connoisseurs of the delicacies of the table, that is, fancy and elegant party-type food and drink.

LICENSED PREMISES: The place described in a liquor license where alcoholic liquor may be sold, served, or consumed in accordance with the license, which place may include outdoor space adjacent to the principal indoor place.

LICENSEE: The person or entity named in a liquor license to which the license has been issued.

LIQUOR CONTROL COMMISSION: The La Grange Liquor Control Commission. See Section 111.76 of this Code.

LIQUOR CONTROL COMMISSIONER: The President of the Village of La Grange. See Section 111.75 of this Code.

MEAL PREPARATION SERVICES STORE: A retail store with the principal use of providing services to customers for "make-your-own" meals for consumption not on the licensed premises.

NOT-FOR-PROFIT ORGANIZATION: An educational, civic, charitable, or other, similar not-for-profit organization organized, existing, and in good standing under State law. This definition does not include religious organizations.

ORIGINAL PACKAGE: A bottle, can, keg, or other container or receptacle that is capped, corked, or otherwise sealed in its original state by the manufacturer.

PHARMACY: A general merchandise store that stocks household goods, over the counter medicines, personal care items, and various other goods and includes a full-service pharmacy.

PRIVATE EVENT: See "Event, Private."

PRIVATE MEMBERSHIP ORGANIZATION: A body of people associated and organized for a common object or purpose, such as recreational or athletic activity or a common civic or social interest and (1) that is not for pecuniary gain, (2) that has been in operation as a private membership organization for at least three years immediately prior to its application for a liquor license, (3) whose membership is recruited only through private invitation and is kept and maintained through dues of greater than a nominal amount paid at least annually, (4) that has maintained a membership policy requiring a minimum one-year membership, and (5) that owns, hires, or leases a building or space in a building other than a residential dwelling 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.

PUBLIC EVENT: See "Event, Public."

RESTAURANT: A place open to the public that has kitchen and dining room equipment and furnishings and where meals are regularly sold, served, and consumed by paying customers. This definition of restaurant does not include a hotel, motel, or other places with sleeping accommodations.

RETAIL CABARET: A retail store with a small performance area that conducts Events comprised of short programs of live music or similar entertainment.

SALE or SELL: Any transfer, exchange, barter, sale, or selling.

SALE AT RETAIL or SELL AT RETAIL: The sale or selling for consumption and not for resale.

WINE: An alcoholic beverage made from the fermented juice of fruit, usually the juice of grapes, and recognized as "wine" under applicable State of Illinois law.

WINE CLUB EVENT: A by-invitation Private Event at a restaurant with a Class A-1, A-2, or A-3 Liquor License hosted by the restaurant owner or a winemaker or wine distributor, at which wines produced by a single winemaker or winery owner are featured exclusively. Invitations must be sent, and reservations made, predominately in advance of a Wine Club Event, but "last-minute" invitations may be extended to the public on the day of the event if space is still available. Food must be served during a Wine Club Event. All sales during a Wine Club Event of wine for consumption off premises, and all subsequent sales for consumption off premises of wine previously featured at a Wine Club Event, must comply with applicable Illinois tax laws.

§ 111.02 PUBLIC POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR

It is unlawful to consume intoxicating liquors on any street, alley, public way, park, or other public place. It also is unlawful for any person to sell or give away intoxicating liquor on any street, alley, public way, park, or other public place within the Village. This section does not apply to premises properly licensed by the Village.

LICENSING

§ 111.15 LICENSE CLASSIFICATIONS

(A) Class A Restaurant Licenses

(1) Class A-1 Restaurant License. A Class A-1 Restaurant License authorizes the licensee (a) to sell at retail, and serve, beer and wine only for consumption on the premises where sold, where food also is sold for consumption subject to the conditions stated in Subsection (A)(4)(a) below, (b) to allow consumption of Bring-Your-Own beer and wine in conjunction with a meal subject to the conditions stated in Subsections (H)(1)(a) and (H)(2) below, and (c) to sell at retail its regularly stocked wine in its original packaging not for consumption on the premises where sold subject to the conditions stated in Subsection (A)(4)(c) below.

(2) Class A-2 Restaurant License. A Class A-2 Restaurant License authorizes the licensee (a) to sell at retail, and serve, alcoholic liquor (i) for consumption in the restaurant's dining area in conjunction with a meal and (ii) in a bar or lounge area of the licensed premises subject to the conditions stated in Subsections (A)(4)(a) & (b) below, (b) to allow consumption of bring-your-own beer and wine in conjunction with a meal subject to the conditions stated in Subsections (H)(1)(a) and (H)(2) below, and (c) to sell at retail its regularly stocked wine in its original packaging not for consumption on the premises where sold subject to the conditions stated in Subsection (A)(4)(c) below.

(3) Class A-3 Restaurant License. A Class A-3 Restaurant License authorizes the licensee (a) to sell at retail, and serve, alcoholic liquor for consumption in the restaurant's dining area in conjunction with a meal through the use of a service bar (but not a bar or lounge used for service directly to customers) subject to the conditions stated in Subsections (A)(4)(a) & (b) below, (b) to allow consumption of Bring-Your-Own beer and wine in conjunction with a meal subject to the conditions stated in Subsections (H)(1)(a) and (H)(2) below, and (c) to sell at retail its regularly stocked wine in its original packaging not for consumption on the premises where sold subject to the conditions stated in Subsection (A)(4)(c) below.

(4) General Conditions on Class A Restaurant Licenses.

(a) Each restaurant license may be issued and held only for a business that generates more than 60 percent of its gross annual revenue from the sale of food within the licensed premises. The licensee must provide, at the time of license application, license renewal, and when otherwise requested by the Village, proof of compliance with that 60 percent sales requirement, and the licensee must maintain compliance with that sales requirement at all times.

(b) A restaurant holding a Class A-2 or A-3 License may provide a small locker or similar small space within the licensed premises for storage of wine purchased by patrons from that restaurant for later consumption within that restaurant.

(c) A sale of regularly stocked wine in its original packaging not for consumption on the premises may be made only to a customer that has consumed a meal on the licensed premises immediately prior to the sale.

(B) Class B Retail Licenses

A Class B Retail License may be issued to convenience marts, certain grocery stores, and certain pharmacies. A Class B License issued to a convenience mart authorizes the sale at retail of beer and wine in their original packaging for consumption off the licensed premises. A Class B License issued to a grocery store or pharmacy authorizes the sale at retail of alcoholic liquor in its original packaging for consumption off the licensed premises. A Class B License is subject to the following conditions:

- (1) The sale of beer and wine in a convenience mart must be merely incidental to other sales conducted by the licensee on the same premises.
- (2) The sales area for alcoholic liquor in a grocery store with more than 6,000 square feet of sales space may not exceed 10 percent of the useable sales floor area of that grocery store, except only if authorized by the license. The sales area for alcoholic liquor in a grocery store with 6,000 square feet or less of sales space may not exceed 5 percent of the useable sales floor area of that grocery store, except only if specifically authorized by the license.
- (3) A pharmacy must be 10,000 square feet or larger in gross floor area to be eligible for a Class B License.
- (4) The sales area for alcoholic liquor in a pharmacy may not exceed 3 percent of the useable sales floor area of the pharmacy, except only if specifically authorized by the license.
- (5) Sales of alcoholic liquor under a Class B License may take place only between the hours of 8:00 a.m. and 11:00 p.m. on any day.

(C) Class C Specialty Retail Licenses

(1) Class C-1 Food Boutique License. A Class C-1 Food Boutique License authorizes a food boutique (a) to sell beer and wine in its original packaging for consumption off the licensed premises, (b) to sell and serve wine by the glass for consumption within the licensed premises, and (c) to offer to customers the limited tasting of bottled wines and beers subject to the conditions stated in Subsection (D)(2) of this of this Section 111.15, all subject to the following conditions:

- (a) The licensed premises may be not be more than 2,000 square feet in total area.
- (b) The licensed premises may include outdoor seating so long as the outside seating does not pose a threat to public health or safety and otherwise complies with Village regulations related to use of public right-of-way.

(2) Class C-2 Wine Boutique License. A Class C-2 Wine Boutique License authorizes a wine boutique (a) to sell wine and beer in its original packaging for consumption off the licensed premises, (b) to sell and serve wine by the glass for consumption within the licensed premises, (c) to serve and sell beer and wine in its original packaging or by the glass at off-premises events if specifically authorized by the license, and (d) to offer to

customers the limited tasting of bottled wines and beers subject to the conditions stated in Subsection (D)(2) of this of this Section 111.15, all subject to the following conditions:

(a) The licensed premises may not be more than 3,000 square feet in total area.

(b) The licensed premises may include outdoor seating so long as the outside seating does not pose a threat to public health or safety and otherwise complies with Village regulations related to use of public right-of-way.

(3) Class C-3 Retail Cabaret License. A Class C-3 Retail Cabaret License authorizes the sale and service of wine and beer for consumption in a retail cabaret during an Event.

(4) Class C-4 Movie Theater License. A Class C-4 Movie Theater License authorizes the sale and service within the licensed premises of alcoholic liquor by the drink during an Event subject to the following conditions:

(a) A Class C-4 License may be issued to and held only for a movie theater with one or more movie screens or stages that include a total of at least 300 seats.

(b) A Class C-4 License authorizes the sale and service of alcoholic liquor by the licensee or a properly licensed caterer only at (i) a Private Event consisting of a private showing of a movie, stage show, or other live event program or (ii) a Public Event at which food also is sold or served for immediate consumption within the licensed premises.

(c) For a Private Event, alcoholic liquor may be sold and served only in areas of the licensed premises that are not at the same time accessible to persons who are not attending that Private Event.

(5) General Conditions on Class C Specialty Retail Licenses. All Class C Licenses are subject to the following conditions:

(a) Except for a Class C-2 Wine Boutique License, a Class C License may be issued and held only for a business that generates more than 50 percent of its gross annual revenue from sales other than sales of alcoholic liquor. The licensee must provide, at the time of license application, license renewal, and when otherwise requested by the Village, proof of compliance with that 50 percent sales requirement, and the licensee must maintain compliance with that sales requirement at all times.

(b) Except for a movie theater holding a Class C-4 License, the number of customers who are served an alcoholic beverage within a Class C licensed premises may not exceed, at any time, the number of then-available chairs within the licensed premises on which the customers may be seated. Seating within the licensed premises is limited to the number of chairs specified in the particular Class C license, which number may not exceed a regular number of 16 chairs, or 24 chairs for four special events in any calendar year, except for a movie theater.

(c) Except for a retail cabaret holding a C-3 Retail Cabaret License and a movie theater holding a Class C-4 License, not more than two 12-ounce glasses of beer, or

two 8-ounce glasses of wine, or one glass each of those sizes of beer and wine may be served to any customer within the licensed premises on any one day.

(d) Except for a retail cabaret holding a C-3 Retail Cabaret License and a movie theater holding a Class C-4 License, no customer may be served more than 24 ounces of alcoholic liquor on any one day, including both tasting and service by the glass.

(D) Class D Tasting and Wine Club Licenses

(1) Class D-1 Tasting License. A Class D-1 Tasting License authorizes the limited tasting of bottled wines and beers at a grocery store or pharmacy that has a Class B Retail License or a food or wine boutique that has Class C-1 or C-2 License, subject to the conditions stated in Subsection (D)(2) below. A Class D License does not apply to a convenience mart, in which tastings are not allowed. A Class D License may be issued only to a business that has a valid business license.

(2) General Conditions on Class D-1 Licenses.

(a) Each tasting must be attended and supervised by (i) a wine or beer distributor representative, (ii) a licensed caterer, or (iii) a person 21 years old or older who must be an employee of the store and must have successfully completed BASSET training or other training program approved by the Illinois Liquor Control Commission.

(b) The amount being tasted by one customer may not exceed the following services: (i) for wine, one ounce per serving, total 8 ounces and (ii) for beer, three ounces per serving, total 12 ounces.

(c) A grocery store or pharmacy licensee may not conduct more than one tasting of either wine or beer on a day. Combined tastings of wine and beer are prohibited.

(d) No charge, cost, fee, or other consideration may be levied for any tasting.

(e) A tasting may be conducted only between the hours of 12:00 p.m. and 8:00 p.m.

(3) Class D-2 Wine Club Event License. A Class D-2 Wine Club Event License authorizes a restaurant with a Class A-1, A-2, or A-3 License to host a Wine Club Event within the licensed premises, subject to the following conditions:

(a) Not more than 15 Wine Club Events may be conducted in any 12-month period.

(b) A Wine Club Event may be conducted only after 4:00 p.m. Monday through Friday and after 12:00 p.m. Saturday and Sunday.

(c) The area of the restaurant devoted to a Wine Club Event must be closed to the general public during the Event.

(d) The wines featured at Wine Club Event may be assembled and sold only to the attendees of the Event or later out of the restaurant's regular stock. Those wines may not be sold to the general public during the Event.

(E) Class E Business Single Event Licenses

A Class E Business Single Event License authorizes the service of beer and wine only at a single Event by a retail, service, or other business establishment, except that if the service of alcoholic liquor is conducted at the Event by a licensed and insured caterer using only servers who have been issued a certificate of successful completion of an approved servers education and training program as provided in Section 111.65 of this Code of Ordinance, then all forms of alcoholic liquor may be served. A Class E License is subject to the following conditions:

- (1) The service of alcoholic liquor is permitted only incidental to the business purpose of the retail, service, or other business establishment for which the license is issued, such as a grand opening, a special promotion of a particular goods or service, or the like.
- (2) No more than four Class E Licenses may be issued to a business in any 12-month period.
- (3) Service of alcoholic liquor is for consumption at the licensed Event only.
- (4) Alcoholic liquor may be served only in containers not intended or allowed to be removed from the licensed premises.
- (5) The license is valid only for the particular Event stated in the license.
- (6) The license authorizes service of alcoholic liquor only within the area of the establishment designated in the license. Alcoholic liquor may be served to and consumed by patrons only while they are within the designated area.
- (7) No separate charge, cost, fee, or other consideration may be imposed for the alcoholic liquor.
- (8) The license is valid only for an Event on a single calendar day and, if a specific time period is stated in the license, only for that time period.
- (9) The host business establishment must have insurance coverage for the Event as provided in Section 111.30 of this Chapter.
- (10) The availability of alcoholic liquor at the Event held pursuant to a Class E License may not be advertised through any public medium, including without limitation newspapers, radio, television, posters, and similar means of communication.
- (11) The holder of a Class E License must provide to the Village evidence of all required State licenses, if any.

(F) Class F Fraternal Club and Private Membership Organization Licenses

(1) A Class F-1 Fraternal Club License authorizes the sale, service, and consumption of alcoholic liquor, including Bring-Your-Own beer and wine, at a Fraternal Club for consumption on the premises where sold, subject to the following condition: The sale and service to, and consumption of, alcoholic liquor is restricted to (i) Club members and their guests and (ii) guests at an Event for which the licensed premises has been rented or otherwise reserved.

(2) A Class F-2 Private Membership Organization License authorizes the sale, service, and consumption of alcoholic liquor, including Bring-Your-Own beer and wine, subject to the following conditions:

(a) The sale or service of alcoholic liquor is authorized only at four Private Events in any calendar year. The four Private Events authorized by a Class F-2 License must be sponsored by the licensed organization and conducted for the organization's members and guests only. The four-event limitation does not apply to Bring-Your-Own beer and wine.

(b) A caterer that serves alcoholic liquor within the licensed premises must have a caterer's license issued by the Village pursuant to this Chapter.

(G) Class G Caterer Licenses

(1) Class G-1 General Caterer License. A Class G-1 General Caterer License authorizes the service of alcoholic liquor for any number of catered functions conducted off the premises of the licensee, subject to the following conditions:

(a) A Class G-1 License may be issued only to a business that maintains a business facility within the Village for which a business license has been issued by the Village.

(b) A Class G-1 License is not a restaurant license and does not authorize the sale at retail, or service, of alcoholic liquor within the licensed premises, whether or not in conjunction with a meal. No alcoholic liquor may be sold or served except only if the licensee has secured a separate license authorizing sales or service.

(c) The licensee must operate its offices and distribution points in compliance with all Village zoning and health regulations.

(2) Class G-2 Temporary Caterer License. A Class G-2 Temporary Caterer License authorizes the licensee to sell alcoholic liquor by the drink at one function conducted off the premises of the licensee, subject to the following conditions:

(a) A Class G-2 License may be issued only to a restaurant, food caterer, grocery store, food boutique, wine boutique, or similar business that maintains its principal business facility within the Village for which a business license has been issued by the Village.

(b) No more than one Class G-2 License may be issued to a licensee in any 12-month period.

(H) Class H Bring-Your-Own Licenses

A Class H Bring-Your-Own License authorizes the licensee to allow customers to carry their own beer and wine into a "BYO-Authorized Establishment" as defined in Subsection H(1) below for consumption within that establishment, subject to the conditions stated in Subsection H(2) below.

(1) Authorized Establishments; Conditions. The following establishments ("BYO-Authorized Establishments") are authorized to allow Bring-Your-Own beer and wine and limited other service and sale of wine, subject to the specific conditions stated in this Subsection (1) and the general conditions stated in Subsection H(2) of this Section below:

(a) **Restaurants.** A restaurant may allow Bring-Your-Own beer and wine to be consumed within the licensed premises, but only in conjunction with the service of a meal. A restaurant holding a valid Class A License is not required to have a Class H License to allow Bring-Your-Own beer and wine.

(b) **Meal Preparation Services Stores.** A meal preparation services store may allow Bring-Your-Own beer and wine to be consumed within the licensed premises (i) during the time customers (whether individuals or a group) actually are engaged in make-your-own meal activities for consumption away from the store and (ii) during a Private Event or a group class or other function attended only by invited guests and not open to individual customers or to the public.

(c) **Crafts-Making Stores.** A crafts-making store may allow Bring-Your-Own beer and wine to be consumed within the licensed premises at the following times:

- (i) During the time customers (whether individuals or a group) actually are engaged in designing and creating craft goods such as pottery, ceramics, jewelry, sculpture, painting, or similar do-it-yourself projects.
- (ii) During a Private Event or a group class or other function attended only by invited guests and not open to individual customers or to the public.
- (iii) To celebrate the opening of a public art show, art exhibition, or similar event, but on not more than 12 days in any 12-month period. At these events, beer and wine may be provided and served by the licensee, without compensation to the licensee, in conjunction with the service of food.

(d) **Other Retail Stores.** A retail store may allow Bring-Your-Own beer and wine to be consumed within the licensed premises during (i) a Private Event, (ii) a structured instructional class such as a cooking class, crafts class, or similar class, or (iii) a similar structured activity attended only by invited guests and not open to the general public. Beer and wine may be consumed within a retail store only during the time customers (whether individuals or a group) actually are engaged in the Private Event, structured instructional class, or similar structured activity.

(2) General Conditions on Bring-Your-Own Services. The following conditions apply generally to Bring-Your-Own services:

(a) Bring-Your-Own service and consumption is limited to beer and wine only.

(b) A Class H Bring-Your-Own License does not authorize the sale of alcoholic liquor by the Licensee.

(c) An establishment that allows Bring-Your-Own for its customers must secure, maintain, and provide evidence to the Village that it has insurance coverage as provided in Section 111.30 of this Chapter.

(d) No BYO-Authorized Establishment may permit any customer to leave the establishment with any open beer container or any open wine container except only a single wine bottle that has been sealed in compliance with the requirements of Section 6-33 of the Illinois Liquor Code.

§ 111.16 NUMBER OF LICENSES, OTHER RESTRICTIONS

(A) Number Of Licenses Generally. The number of licenses for each license class is established by the Board of Trustees, except as provided in Subsection (B) of this Section. A current record of the number of licenses for each license class will be kept in the office of the Village Clerk. The Board of Trustees may increase or decrease the number of licenses in a class by ordinance.

(B) Number Of Class E and G-2 Licenses. The numbers of Class E and G-2 Licenses are established by the La Grange Liquor Control Commissioner from time to time.

(C) Automatic Reductions. The number of licenses in a license class will be reduced automatically if:

(1) a license within that class is terminated; or

(2) a license within that class expires without renewal; or

(3) a licensed establishment within that class is sold or the ownership of that licensed establishment otherwise changes without the prior written approval of the Village; or

(4) a licensed establishment within that class changes location without the prior written approval of the Village; or

(5) a licensed establishment within that class is discontinued for 30 consecutive days or longer without the prior written approval of the Village or otherwise ceases to operate.

(D) Licenses are Personal Privilege; No Property Right. Each liquor license is purely a personal privilege and is not property of or in any form. No license is or may be subject to attachment, garnishment, or execution. No license is alienable or transferable, whether voluntarily or involuntarily, or is subject to being encumbered or hypothecated. No license may descend by the laws of testate or intestate succession. Every license ceases on the death, bankruptcy, or insolvency of the licensee; except only that executors or

administrators of the estate of any deceased licensee and the trustee of the estate of any bankrupt or insolvent licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased, bankrupt, or insolvent licensee until the original expiration date of that licensee's license but no longer than six months after the death, bankruptcy, or insolvency of that licensee.

§ 111.17 LICENSE REQUIRED; EXCEPTIONS

(A) License Required; Code Compliance. It is unlawful for any person, or agent, to sell, offer for sale, or serve alcoholic liquor at retail, or to provide or serve alcoholic liquor, within the Village, without first having obtained a license to do so as provided in this Chapter. It also is unlawful for any person, or agent, to sell or offer any alcoholic liquor for sale at retail, or to serve alcoholic liquor, in the Village in violation of the terms and conditions of this Chapter.

(B) Consumption in Unlicensed Premises Prohibited. The sale or consumption of alcoholic liquor is unlawful in any establishment without a liquor license as provided in this Chapter.

(C) Exceptions.

(1) This Chapter does not prohibit (a) the possession and transportation of alcoholic liquor for the personal use of the possessor or the possessor's family or guests or (b) the making of wine, cider, or other alcoholic liquor by any person from fruits, vegetables, or grain, or the products thereof, by simple fermentation and without distillation, if that alcoholic liquor is made solely for the use of the maker and the maker's family or guests.

(2) No liquor license is required for charitable organizations or businesses hosting charitable events, but only as specifically provided in Sections 111.100 and 111.101 of this Chapter.

(3) This Chapter does not prohibit (a) a duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the practice of her or his profession or (b) any hospital or other health care institution from possessing alcoholic liquor for the treatment of *bona fide* patients of that institution.

(4) Any drugstore employing a licensed pharmacist may possess and use alcoholic liquor in the concoction of prescriptions of duly licensed physicians.

§ 111.18 PERSONS INELIGIBLE TO BE LICENSED

(A) No license of any kind may be issued to:

(1) A person or entity not a resident of, or located in, the Village of La Grange.

(2) A person who is not 21 years of age.

- (3) A person who is not of good character and reputation in the community in which he or she resides.
- (4) A person who has been convicted of a felony under any federal or state law, unless the Liquor Control Commissioner determines that the person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in the person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation is on the applicant.
- (5) A person who has been convicted of being the keeper, or is keeping, a house of ill-fame.
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (7) A person whose license issued under this Chapter has been revoked for cause.
- (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- (9) A co-partnership, if any general or limited partnership thereof owning more than 5 percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the Village.
- (10) A corporation:
 - (a) If any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5 percent 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 political subdivision;
 - (b) Unless it is incorporated in the state or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- (11) A person whose place of business is conducted and physically controlled and operated by a manager or agent unless such manager or agent possesses the same qualifications required of a licensee hereunder.
- (12) 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 has forfeited his bond to appear in court to answer charges of any such violation.
- (13) A person who does not beneficially own the premises and business for which a license is sought, or does not have a lease for the premises thereon for the full period for which the license is to be issued.
- (14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission,

president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official may 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 within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;

(15) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961,² or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(16) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act³ or the Illinois Pull Tabs and Jar Games Act,⁴

(C) Any person who applies for a license and in the process, furnishes false information on a material point, or who fails to timely furnish information requested is not eligible for a license.

§ 111.19 APPLICATION FOR LICENSE; FILING; CONTENTS

(A) All applications for a license to sell alcoholic liquor within the Village must be made under oath, on forms furnished by the Village Clerk, and must state or provide submission of the following:

(1) The applicant's name, mailing and residence addresses, and telephone numbers, if the person applying is an individual. The names, ages, and residence addresses of all partners, if the applicant is a co-partnership. The corporate name, date of incorporation, and state in which incorporated, and if a foreign corporation the date when it was authorized to do business in Illinois as a foreign corporation and that it is still licensed as a foreign corporation to do business in Illinois, the stated objective or purposes of the corporation quoted from its articles of incorporation and any amendments thereto, or from its corporate charter, the names, ages and residence addresses of all of its officers, directors and stockholders who own directly or beneficially and of all subscribers to shares constituting more than 5 percent of its issued and outstanding stock or stock to be issued;

(2) That the applicant is a citizen of the United States;

(3) The applicant's place of birth and, if a naturalized citizen, the time and place of naturalization;

(4) That the applicant has never been convicted of a felony or any other offenses prohibited under this section;

(5) The street address or legal description of the premises for which the license is sought, proof that the applicant ownership of or a binding lease in, the premises, such as a deed, title report, certified copy of a lease, or similar proof;

(6) That the proposed location of the licensed premises is in compliance with the location restrictions set forth in Section 111.61 of this Code of Ordinances.

(7) That the applicant will not violate any of the laws of the Village, the State of Illinois, or of the United States in the conduct of the licensed premises;

(8) The name, age, address, and telephone numbers of the person who will manage the licensed business;

(9) The length of time that the applicant has been in business and the nature of the applicant's business experiences;

(10) The application must contain the applicant's statement as to whether or not the applicant has made application for a license to sell alcoholic liquor to any other governmental entity and the disposition of such application;

(11) Whether the applicant, individually, or any firm or entity with which the applicant has been connected with previously as principal owner or manager had been issued any previous license for the sale or handling of alcoholic liquor, which license had been revoked or suspended by the federal government or by any state or subdivision thereof, and the reasons or causes for such revocation or suspension. Any such statement must include information identifying (a) the previous licensor, (b) the licensee(s) by names and addresses, (c) the address of the licensed premises, and (d) the name of the licensed establishment and the date or dates of such revocation or suspension;

(12) A verified financial statement showing the assets and liabilities of the applicant dated not later than 30 days prior to the date of application. The financial statement will be deemed confidential by the Village. The financial statement may be enclosed in a sealed envelope that is filed with the Village Clerk. Verified financial statements must be submitted for all persons who will share the profits or losses of a partnership that seeks a license, as well as for shareholders owning more than 5 percent of the issued and outstanding shares of a corporation which applies for a license;

(13) The applicant's retailer's occupation tax registration number and a statement whether the applicant is delinquent in the payment of any retailer's occupation tax (sales tax) and, if so, the reasons therefor;

(14) Whether the applicant, any individual identified in the application, or any other person directly or indirectly interested in the place of business is a public official, and if so the particulars thereof;

(15) A floor plan, diagram, or drawing deemed suitable by the Liquor Control Commissioner, illustrating the premises, in which alcoholic liquor is to be sold;

(16) The current zoning of the premises at which the applicant's place of business is to be operated;

(17) Such additional information as the Liquor Control Commissioner may deem necessary in order to establish the character of the applicant;

(18) In the case of a partnership or corporation, the foregoing information must be furnished as to each partner and for each shareholder owning more than five percent (5%) of the issued and outstanding shares of the corporation, officer and director of a corporate applicant. In the case the business of licensee is to be managed by someone other than the individual licensee or a partner or a shareholder, director or officer of a corporate licensee, the manager must furnish the foregoing information; and

(19) The initial application and all subsequent renewal applications for all classes of alcoholic liquor dealer licenses must be accompanied by proof of completion of sellers and servers training as required by Section 111.65 of this Code of Ordinances.

(B) Applications must be filed, along with a cashier's or certified check payable to the Village for the full amount of the application fee, in the office of the Village Clerk.

§ 111.20 INVESTIGATION OF APPLICANT

After the Village has received a properly completed application for a liquor license, the Chief of Police will cause a thorough investigation to be undertaken into the fitness and character of the applicant, which investigation may include fingerprinting, a criminal background check, photographs, and records searches among other things. No license may be issued until that investigation has been completed, the results of that investigation have been forwarded to the Liquor Control Commissioner, and the Liquor Control Commissioner has determined that the applicant qualifies for the liquor license. Notwithstanding the previous sentences, no investigation is required for an applicant applying for a license authorizing only a Class E Business Single Event License, a Class F-1 Fraternal Club License, a Class F-2 Private Membership Organization License, a Class G-2 Temporary Caterer License, a Class H Bring-Your-Own License for an establishment other than a restaurant, or any license for which no liquor license fee is required.

§ 111.21 EXAMINATION OF APPLICANT

(A) The Liquor Control Commissioner may examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof and any officers, directors, managers or agents of any person, including corporations, who apply for a license. The examinations may also include a licensee or its officers, managers, or agents as well as any licensee on whom notice of revocation or suspension has been served, as provided by state statute or by this Chapter.

(B) The Liquor Control Commissioner may examine or cause examination to be made of the books and records of any person applying for a license or similarly, of the officers and agents of a corporate person, and of a licensee or its officers or agents; to hear testimony and take evidence; and for these purposes to issue subpoenas for the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section or under this Chapter.

(C) The Liquor Control Commissioner may authorize an agent to act on his behalf, as provided by Illinois law. The Liquor Control Commissioner may permit the Village's Liquor Control Commission to act on the Liquor Control Commissioner's behalf as provided by Illinois law or this Chapter.

§ 111.21a DESIGNATION OF MANAGER

(A) Each applicant must designate at least one or more individuals who will serve as the liquor manager(s) for the applicant, both on the initial application and on each renewal application. If requested by the Village, the applicant must supply all of the following information with respect to such manager or managers:

(1) The name of the manager.

(2) The residence address of the manager and the length of time the manager has resided at that address. If the length of time is less than one year, then the applicant must provide the previous residence address of that manager.

(3) The date of birth of the manager.

(4) The experience of the manager in handling alcoholic liquor or in conducting a business of the character for which a license is being applied.

(5) The home and business telephone numbers of the manager.

(6) The number of hours during which each designated manager will be on the premises to be licensed.

§ 111.22 RESTRICTIONS ON ISSUANCE OF LICENSES

(A) No such license may be issued to any person other than a person of good character or to any corporation that is not represented in the Village by a person of good character; but that corporation representative need not be a resident of the Village. The Liquor Control Commissioner will determine the character of each applicant or representative and no application for a license will be granted without the Liquor Control Commissioner's written approval.

(B) No license may be issued to any person who has been convicted of a violation of this Chapter or a felony, nor to a corporation any officer or director of which has been convicted of a felony.

(C) Prior to the sale or serving of any alcoholic liquor, the licensee must first obtain an Illinois liquor license and provide a copy to the Liquor Control Commissioner.

(D) No licensee may continue to sell or serve alcoholic beverages without a valid, current Illinois liquor license.

§ 111.23 ISSUANCE OF LICENSE; TERM; TIME LIMITATION

(A) If an application complies with the provisions of this Chapter and has been approved by the Liquor Control Commissioner, the Village Clerk will issue a license after payment of the fees required by this Chapter.

(B) No license will be issued to a business that does not have a current, valid Village business license and, if required by this Code of Ordinances or the La Grange

Zoning Code, a certificate of occupancy for the premises for which the license will be issued.

(C) All licenses are for a term of one year only and every license expires on April 30 after it is issued.

(D) Each license must state the classification of license, the name and address of the licensee, and a description of the licensed premises.

(E) A license issued under this Chapter must be used by the licensee within 60 days after the date of issuance or it may be deemed abandoned and may be revoked by the Liquor Control Commissioner.

(F) License fees are not refundable or subject to proration, regardless of the date a license is issued, the length of time alcoholic liquor is sold, or the licensed premises are used, except only if a new license will expire within four months after its initial issuance in which case the license fee will be prorated.

§ 111.24 INITIAL APPLICATION FEE

An initial application fee of \$1,000, payable in advance, is required for any liquor license in the following license classes: Class A, Class B, Class C, Class F-1, and Class G-1. The \$1,000 initial application fee is not refundable and is in addition to the annual liquor license fee, except that \$500 of the initial application fee will be applied to the first payment of the annual license fee. An initial application fee of \$50, payable in advance, is required for any liquor license for which (a) no \$500 initial application fee is required and (b) the license fee is \$500 or less. The \$50 initial application fee is not refundable and is in addition to the annual liquor license fee. There is no application fee for renewal of a liquor license.

§ 111.25 LICENSE FEES

The fees for liquor licenses are as stated in this section. Every fee must be paid in advance of issuance of a license or of any renewal of a license. Every fee must be paid on or before May 1 of each year. No fee is required for a license not listed in this section.

(1)	Class A-1 Restaurant License:	\$500
(2)	Class A-2 Restaurant License:	\$2,000
(3)	Class A-3 Restaurant License:	\$1,250
(4)	Class B Retail License:	\$500
(5)	Class C-1 Food Boutique License:	\$1,000
(6)	Class C-2 Wine Boutique License:	\$1,000
(7)	Class C-3 Retail Cabaret License:	\$500
(8)	Class C-4 Movie Theater License:	\$500

(9)	Class D-1 Grocery Store Tasting License:	\$150
(10)	Class D-1 Retail Store Tasting License:	\$150
(11)	Class D-2 Wine Club Event License:	\$150
(12)	Class F-1 Fraternal Club License:	\$500
(13)	Class F-2 Private Membership Club License:	\$100
(14)	Class G-1 Caterer License:	\$500
(15)	Class H Bring-Your-Own License:	
	Restaurant (without Class A License):	\$250
	All Other:	\$100

**§ 111.26 PERSONAL NATURE OF LICENSE; RESTRICTIONS ON TRANSFER;
REFUND**

(A) A license is not transferable except in the case of death or disability of an individual licensee or the termination of a partnership. A license is purely a personal privilege that is good only until the expiration date stated on the license or until the license is suspended or revoked, whichever occurs first. A license is not property and may not be encumbered or hypothecated. A license does not descend by the laws of the state or intestate succession, but ceases on the death of the individual licensee unless the executor or administrator of the decedent, whose estate consists in part of the business of the sale of alcoholic liquor, under order of the appropriate court, continues that business of the sale of alcoholic liquor under the license until the earlier to occur of the passage of six months after the death of the licensee or the expiration of the license.

(B) (1) In the event that a partnership licensee is terminated by reason of the death, insolvency, removal, adjudication of bankruptcy, or mental incompetency of a partner, the surviving or remaining partners, if and as agents then qualified to become a licensee under this Chapter, may apply for the transfer of the license held by the former partnership, to a new partnership in which they are the only partners or to one or more of the partners, as individuals, or to a corporation as such transferee, if otherwise qualified, as required under this Chapter and Illinois law, provided that there can be no transfer of location of such license to premises other than the licensed premises.

(2) If a corporation is the licensee, then its president or chief executive officer must report any change in the officers or directors or in the ownership of any person of more than 5 percent of that corporation's issued and outstanding shares.

(3) The report of the president or chief executive officer must be transmitted in writing, verified by the oath of that person, and be filed in duplicate in the office of the Village Clerk. The Village will undertake an appropriate investigation of the circumstances, including interrogation of the officers or agents of the licensee to determine whether such change in the ownership or control of such corporate licensee may affect the quality, makeup, financial responsibility, accountability or performance of the licensee under

the covenants, representations and conditions of its license and its application for such license or for the renewal thereof.

§ 111.27 CHANGE OF LOCATION

A license permits the sale of alcoholic liquor of the types specified and only in the premises that are described in the application and license. The premises may be relocated temporarily by written permission of the Liquor Control Commissioner. No license may be transferred permanently to a new location. Instead, the licensee must secure a new license under the provisions of this Chapter.

§ 111.28 POSTING LICENSES; ALCOHOL SERVICE TRAINING CERTIFICATES

The licenses and certificates of alcohol service training as required under this Chapter must be posted and maintained in a conspicuous place in the licensed premises where they are visible to customers.

§ 111.29 RENEWAL OF LICENSE

A licensee may apply for renewal of its license. The licensee and the licensed premises must be qualified currently to receive a license. The opportunity of a licensee to receive a renewal license is not, and must not be construed as, a vested right in the licensee. A license that is not renewed within 10 days after its expiration may not be renewed but instead the (former) licensee must apply for a new liquor license

All information required for renewal of a license, together with required license renewal fee, must be submitted to the Village Clerk not less than five business days prior to the date of expiration of the current license.

§ 111.30 INSURANCE REQUIREMENTS

(A) General Insurance Coverage Requirement. Except as provided in Subsection (B) of this Section for Bring-Your-Own establishments and Class E Business Single Event Licensees, no license will be granted to an applicant until the applicant has filed with the La Grange Liquor Control Commissioner a certificate of insurance reflecting liquor liability insurance coverage with coverage limits of not less than \$1,000,000 per person and \$1,000,000 per occurrence.

(B) Coverage for Business Single Event Licensees and Bring-Your-Own Establishments. "Host liability" insurance coverage with the same coverage limits stated in Subsection (A) of this Section may be provided in lieu of liquor liability insurance for Business Single Event Licensees and for Bring-Your-Own licensed establishments other than restaurants that do not sell or serve alcoholic liquor but only allow consumption under a Bring-Your-Own License under Subsection 111.15(G) of this Chapter 111. If "host liability" or similar coverage is not available to an establishment or organization because of the scope of that establishment or organization's operations or other reason, then that establishment or organization must provide liquor liability insurance coverage as required by Subsection (A).

(C) Annual Filing; Cancellation. A liquor licensee holding an annual liquor license must file an updated certificate of insurance annually with the La Grange Liquor Control

Commissioner. If at any time for any reason the liquor licensee's insurance is canceled, then the licensee must immediately notify the Village Manager and the La Grange Liquor Control Commissioner of that cancellation.

(D) Suspension or Revocation if Violation. The failure of a liquor licensee to secure the required insurance, or to maintain the required insurance at all times, or to notify the Village Manager or La Grange Liquor Control Commissioner of any cancellation of the required insurance is grounds for immediate suspension of a liquor license and all activities related to that license and for revocation of that license.

§ 111.31 SUSPENSION AND REVOCATION OF LICENSE

Any licensee that, in the process of obtaining its license or a license renewal, furnishes false information of a material nature or that withholds or fails to furnish or disclose information that would affect its qualifications as a licensee, is subject to having its license suspended or revoked after notice and proceedings consistent with Illinois law.

§ 111.32 STORAGE OF ALCOHOLIC LIQUOR ONLY ON LICENSED PREMISES

A licensee must store alcoholic liquor only on the licensed premises and at no other place in the Village.

SALE OF ALCOHOLIC LIQUOR

§ 111.45 SALE OF ALCOHOLIC LIQUOR; REGULATIONS

(A) No person may engage in operating any establishment the principal business of which is the sale of alcoholic liquor for consumption on the licensed premises.

(B) No sign or advertisement of any alcoholic liquor may be placed on the outside of any building in the Village or on any window or in any location within any building where the sign or advertisement is clearly visible from outside the building.

§ 111.46 RESTRICTIONS AND REQUIREMENTS FOR CONDUCT ON LICENSED PREMISES

(A) (1) No licensee, nor any employee or agent of a licensee, may sell, give or deliver alcohol, spirits, beer or wine to any person under the age of 21 years or to any intoxicated person.

(2) No person under the age of 21 years may purchase or accept delivery of any alcoholic liquor from any licensee.

(3) If a person under the age of 21 is in possession of alcoholic liquor on a licensed premises, it will be presumed that the licensee sold, gave, or delivered that alcoholic liquor to the person in possession of it.

(4) To prevent a violation of this Section, a licensee or its agent or employee may refuse to sell or serve an alcoholic beverage to any person who is unable to produce evidence of identity and age of 21 years or older.

(B) (1) If a licensee or its agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is underage, then before making the sale or delivery the licensee must demand presentation of valid driver's license or state ID card showing proof of age and a photograph.

(2) No person may transfer, alter, or deface an identification card, or attempt to use an identification of another, or carry or use a false or forged identification card, or obtain an identification card by means of false identification.

(3) No person may purchase, accept delivery, or have possession of alcoholic liquor by the use of an altered, forged, or defaced identification card or by the use of an identification card of another person.

(4) No person may misrepresent his or her age for the purpose of purchasing or obtaining alcoholic.

(C) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by an officer, director, manager, or other agent or employee of any licensee, if such act is committed or omission is made within the scope of such agency or employment or with the authorization, knowledge, or approval of the licensee, is deemed and held to be the act of the employer or licensee, and the employer and licensee will be subject to punishment in the same manner as if such act or omission had been done or omitted by him or her personally.

(D) In every place in the Village where alcoholic liquor is sold there must be displayed at all times in a prominent place a printed card stating the following:

Warning: If you are under 21 years of age, you are subject to a fine of up to \$1,000 under the La Grange Code of Ordinances if you attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing alcoholic liquor.

§ 111.47 DIRECT ACCESS PROHIBITED BETWEEN PREMISES AND PRIVATE DWELLING; EXCEPTION

It is unlawful to have direct access between a licensed premises or any other place where alcoholic liquor is sold and any dwelling unit except in the case of a hotel, motel, or catered event by a lawfully licensed caterer.

§ 111.48 PROHIBITED ACTIVITIES

(A) Except for sales by a licensed caterer or other holder of a license that authorizes off-premises sales of alcoholic liquor, all alcoholic liquor sales must be transacted on the licensed premises, and the delivery of alcoholic liquor must be made to the purchaser on the licensed premises. It is always unlawful to peddle alcoholic liquor in the Village.

(B) (1) It is unlawful for any licensee, or any officer, associate, member, representative, agent or employee of a licensee, to engage, employ, or permit any person under the age of 21 years to tend bar, to draw, pour, or mix any alcoholic liquor, or to take the initial order for any patron for any alcoholic liquor in any licensed premises, except that the provisions of this Section do not prohibit the employment of persons who are at least 19 years of age as waiters or waitresses in restaurants or hotels for the purposes of serving food and alcoholic liquor in the licensed premises.

(2) It is unlawful for any licensee or agent or employee of any licensee holding a license for sale of alcoholic liquor not for consumption on the premises to permit any employee under the age of 21 years or any customer of any age to register, by mechanical, electronic or other means, the sale of any alcoholic liquor.

(3) It is unlawful for a licensee to sell or serve any alcoholic liquor for consumption in a restaurant, bar, or cocktail lounge on the licensed premises unless the managers of liquor sales and the bartenders employed by the licensee have completed education and training programs as required by the Village, except that only the manager of liquor sales need complete such alcohol program for restaurants having only a service bar.

(C) No game of chance or gaming device may be installed, kept, or used in any licensed premises, nor may any licensee permit any illegal, disorderly, or immoral practices or gambling at the licensed premises.

STANDARDS OF OPERATION

§ 111.60 HOURS

(A) General Hours. Unless otherwise specifically stated in this Chapter for a particular license classification, and subject to the hours for certain licenses stated in Subsection B of this Section, the hours during which alcoholic liquor may be sold, served, or consumed by or within a licensed establishment are as follows:

(1) Sunday through Thursday: From 11:00 a.m. to 1:00 a.m. the following day; and

(2) Friday and Saturday: From 11:00 a.m. to 2:00 a.m. the following day.

(B) Classes B, C-1, C-2, D, and E Licenses and Class H Bring-Your-Own Licenses other than for Restaurants. Unless otherwise specifically stated in this Chapter 111 for a particular license classification, the hours during which alcoholic liquor may be sold, served, or consumed by or within a licensed establishment under Class B, C-1, C-2, D, and E Licenses, and under Class H Bring-Your-Own Licenses for all establishments other than a restaurant, are from 8:00 a.m. to 11:00 p.m. each day.

(C) Liquor Control Commissioner Authority to Extend Hours. The Liquor Control Commissioner, by written order, may grant extended hours for the sale, service, or consumption of alcoholic liquor for holidays and special events. A written application for extended hours must be submitted to the Liquor Control Commissioner not less than five

days prior to the required date for extended hours, unless the five-day deadline is waived by the Liquor Control Commissioner for good cause shown.

§ 111.61 LOCATION RESTRICTIONS

(A) Distances from Certain Establishments. No license may be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for aged or indigent persons or for veterans and their spouses and children, or any military or naval station except as provided in Section 6-11 of the Illinois Liquor Control Act. The 100-foot prohibition does not apply to a restaurant, food shop, or other place where the sale of alcoholic liquors is not the principal business of the establishment. In the case of a church, the distance of 100 feet will be measured from the center of the proposed licensed premises to the nearest part of any building used for worship services or educational programs and not to the churches property boundaries. In the case of a school, hospital, home for aged or indigent persons or for veterans and their spouses and children, or any military or naval station, the distance of 100 feet will be measured from the center of the proposed licensed premises to the center of the institution.

(B) Residential Districts. A liquor license may not be issued to a premises located within any residential district except a license for a caterer or for sale or service of alcoholic liquor at an Event as defined in the particular license class regulations.

§ 111.62 STANDARDS FOR LICENSED PREMISES

(A) The licensed premises must be kept in a clean and sanitary condition and must be kept in full compliance with all codes of the Village.

(B) All rooms where liquor is sold for consumption on the premises must be continuously lighted during business hours by natural light or artificial light so that all parts of the interior of the premises are clearly visible. No window display of liquor are permitted. The exterior of the licensed premises must be adequately lighted at night by artificial light. The words "bar" nor "saloon" may not be used in the name of the business, or in advertising for any licensee's business, or on the licensed premises.

(C) Sales of alcoholic liquor under a temporary license must be conducted only on the licensed premises and during the hours stipulated and the period specified in the temporary licensee and sales may be conducted only by the person or organization to whom the temporary license is issued.

(D) If the licensed premises is being newly constructed or renovated, then the applicant or licensee must file with the Village plans showing the dimensions and layout of the licensed premises. The building must conform to the plans submitted.

(E) A license issued for licensed premises permits the sale on the licensed premises only as those premises then exist. Any enlargement of the improvements on the licensed premises requires approval of the Liquor Control Commissioner, so that the license will apply to the enlarged or changed improvements.

(F) Every licensed premises that is open to the public for retail sales at hours during which the sale of alcoholic liquor is prohibited at that licensed premises must use

control devices, specific personnel procedures, or some other mechanism acceptable to the Liquor Control Commissioner to prevent the sale of alcoholic liquors during prohibited hours.

(G) All licensed premises that employ persons younger than 21 years of age must maintain and enforce personnel procedures to prevent those young persons from engaging in any action related to alcoholic beverages, whether knowingly or inadvertently, that is prohibited by underage employees under this Code.

§ 111.63 INSPECTION OF LICENSED PREMISES

Licensed premises must be kept in a clean and sanitary condition at all times and must be opened by the licensee at any time for inspection by the Chief of Police or other authorized Village official, including without limitation the Liquor Control Commissioner.

§ 111.64 RESPONSIBILITY FOR COMPLIANCE

Nothing in this Chapter excuses or relieves the owner, proprietor, or person in charge of the business being conducted on the licensed premises from complying with or conforming to the restrictions and requirements of any other applicable provision of this Code of Ordinances, an Village ordinance, or Illinois law.

§ 111.65 SELLERS AND SERVERS TRAINING

(A) Required Training. Except as provided in Subsection (B) of this Section for certain licensees, each person who (a) manages a licensed premises, or (b) is responsible for the sale or service of alcoholic liquor at a licensed premises, or (c) operates a cash register in the sale of alcoholic liquor, or (d) is responsible for determining the age of persons within the licensed premises, or (e) is responsible for determining whether a person has been over-served alcoholic liquor must have been issued a certificate of successful completion of a four-hour or longer Beverage Alcohol Sellers and Servers Education and Training (BASSET) program or its equivalent approved by the Illinois Liquor Control Commission. That training must be completed within 120 days before the person engages in the activity for which training is required. In addition to every other penalty provided by this Code of Ordinances, any failure to comply with this Section 111.65 will be cause for the denial, suspension, or revocation of a liquor license.

(B) Exceptions for Certain License Classes. Sellers and servers training is not required for an establishment holding only a Class E Business Single Event License with beer and wine only, or a Class F-1 Fraternal Club License, or a Class F-2 Private Membership Organization License or for an establishment other than a restaurant holding only a Class H Bring-Your-Own License.

(C) Recommended Training. The Village strongly recommends sellers and servers training consistent with Subsection A of this Section for every establishment that permits the consumption of alcoholic liquor within that establishment.

§ 111.66 AMENDMENTS; CONTINUITY

(A) Amendments. When the Board of Trustees amends a regulation affecting a license class, then each licensee holding a license of that class must comply with the

amended regulation within 30 days after it becomes effective, except only if the Board of Trustees has established a different compliance date in the ordinance enacting the amendment.

(B) Continuity. When the Board of Trustees amends the name of a license class or the type of license applicable to a licensee, then the Village Clerk will cause a new license to be issued to each affected licensee. Each new license will be valid for the remainder of the term of the superseded license. No new license may be renewed or otherwise reissued except only if the licensee complies with all regulations applicable to that new license.

ADMINISTRATION AND ENFORCEMENT

§ 111.75 LIQUOR CONTROL COMMISSIONER DESIGNATED; POWERS AND DUTIES

The Village President is the Liquor Control Commissioner who has the duties that are imposed on him or her and the powers and rights that are given to him or her under this Code of Ordinances, other ordinances of the Village, and Illinois law.

§ 111.76 LIQUOR CONTROL COMMISSION

(A) The Village Liquor Control Commission is composed of the Liquor Control Commissioner (who is Village President) and two Village Trustees appointed by the Liquor Control Commissioner with the advice and consent of the Board of Trustees to advise the Liquor Control Commissioner in the exercise of his or her powers and duties.

(B) The Village Clerk must keep a record of all Liquor Control Commission proceedings. The Village Clerk is the custodian of all records of the Liquor Control Commission.

(C) The Liquor Control Commission has the following powers, functions, and duties with respect to license and procedures under this Chapter:

(1) To receive complaints from any resident of the Village of liquor law violations;

(2) When designated by the Liquor Control Commissioner (i) to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof or licensee, or on whom notice of revocation or suspension has been served, (ii) to examine or cause to be examined the books and records of any applicant or licensee, (iii) to hear testimony and take proof for its information in the performance of its duties, and (iv) for those purposes, to issue subpoenas;

(3) To adopt reasonable rules and regulations as it may deem necessary for the performance of the duties herein provided;

(4) To require the filing of plans and drawings or sketches with it showing the design, layout, and specifications for any building or structure to be erected or adapted

for use as the licensed premises in connection with any application for license or for change of location of license;

(5) To assist the Liquor Control Commissioner in his or her determination to suspend or revoke any license issued under this Chapter, the Liquor Control Commission determines whether the licensee has violated any of the provisions of the Code of Ordinances, Illinois law, or any other ordinances of the Village; and

(D) No license may be revoked or suspended except after a public hearing by the Liquor Control Commissioner or the Liquor Control Commission as directed by the Liquor Control Commissioner, with a three-day written notice sent to the licensee prior to the hearing affording the licensee an opportunity to appear and defend, except that, if the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, then the Liquor Control Commissioner, upon the issuance of a written order stating the reason for that conclusion and without notice or hearing, may order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if the licensee also is engaged in the conduct of another business on the licensed premises, then the order will not be applicable to that other business.

(E) (1) All hearings must be open to the public, and the Liquor Control Commissioner must reduce all evidence to writing and must maintain an official record of the proceedings.

(2) The Liquor Control Commissioner must within five days after a hearing, if the Liquor Control Commissioner determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason or reasons for that determination in a written order and either the amount of the fine, the period of suspension, or that the license has been revoked, and must serve a copy of the order within five days on the licensee.

(3) The licensee, after the receipt of the order of suspension or revocation may, within a period of 20 days after the receipt of the order of suspension or revocation, appeal the order to the Illinois Liquor Control Commission, and on the filing of an appeal by the licensee, the licensee may resume business until the Illinois Liquor Control Commission renders a decision either sustaining the order of the Liquor Control Commissioner or reversing the order. Any appeal to the Illinois Liquor Control Commission will be heard on the basis of the record of the hearing that was conducted at the local level, and may not be conducted as a "de novo" proceeding.

(4) In addition to a suspension, the Liquor Control Commissioner may levy a fine on the licensee for violations of any section of this Chapter. A fine may not exceed \$1,000 for each violation. Each day on which each violation continues is a separate violation. Not more than \$10,000 in fines under this Section may be imposed against any licensee during the period of its license.

§ 111.77 INSPECTION POWERS

The Liquor Control Commissioner has the power to enter, or to authorize any law enforcement officer to enter, at any time, on any licensed premises to determine whether any

of the provisions of Illinois law, this Code of Ordinances, or other ordinances of the Village have been or are being violated and at that time to inspect the licensed premises.

§ 111.78 VIOLATIONS DECLARED NUISANCE

All licensed premises in which alcoholic liquor is sold, served, or delivered in violation of any provision of this Chapter are hereby declared nuisances and may be abated as nuisances by the La Grange Police Department or otherwise by the Village and by a lawsuit filed by the Village, notwithstanding any other penalty or remedy provided in this Chapter.

§ 111.99 PENALTY

(A) Any violation determined not to be within the authority granted to the Liquor Control Commissioner under Illinois law or in this Chapter, or as provided under Section 76(D)(4) of this Code of Ordinances, may also be prosecuted as follows: Any person, firm, or corporation that violates any of the provisions of this Chapter will be fined, upon conviction, not less than \$50 nor more than \$1,000 for each offense. Each day a violation occurs or continues is separate offense.

(B) The Liquor Control Commissioner may suspend for not more than 30 days or revoke for cause any license for any violation of any provision pertaining to the sale, service, or delivery of alcoholic liquor, as provided and in the manner specified in Illinois law.

(C) The revocation or suspension of a license may be in addition to the imposition of a fine or other penalty for violation of any of the provisions of this Chapter and a revocation or suspension is not a defense to a prosecution for that violation.

LIMITED ALCOHOLIC LIQUOR SERVICE WITHOUT LICENSE

§ 111.100 NOT-FOR-PROFIT ORGANIZATIONS

(A) No Liquor License Required. No liquor license is required for a not-for-profit organization to sell or serve alcoholic liquor at its own charitable Events, so long as the organization complies with all of the conditions in Subsection (B) of this Section.

(B) Conditions. A not-for-profit organization that sells or serves alcoholic liquor at its own charitable Events must comply with all of the following conditions:

(1) The organization must give written notice to the Village of an Event at which any alcoholic liquor will be sold or served not less than five business days before the scheduled date of the Event.

(2) Alcoholic liquor may be sold or served only to patrons while they are within the organization's premises and only for consumption at the Event.

(3) Alcoholic liquor may be sold or served only in containers not intended or allowed to be removed from the Event.

(4) Alcoholic liquor may be sold or served only in conjunction with the service of food.

(5) If an Event is held at a location other than a location owned or rented by the organization, then that location must be in compliance with any applicable regulations of this Chapter.

(6) A caterer that sells or serves alcoholic liquor at an Event must have a caterer's license issued by the Village pursuant to this Chapter.

(7) The organization must provide to the Village evidence of all required State licenses, if any.

§ 111.101 BUSINESSES HOSTING CHARITABLE EVENTS

(A) No Liquor License Required. No liquor license is required for a business to sell or serve alcoholic liquor at a private, charitable Event hosted by that business within that business's premises, so long as the business complies with all of the conditions in Subsection (B) of this Section.

(B) Conditions. A business that hosts a private, charitable Event within the business's premises must comply with all of the following conditions:

(1) The business must give written notice to the Village of an Event at which any alcoholic liquor will be sold or served not less than five business days before the scheduled date of the Event.

(2) The sale and service of alcoholic liquor is permitted only incidental to the charitable Event.

(3) Alcoholic liquor is permitted at the same business at no more than four charitable Events in any 12-month period.

(4) Sale and service of alcoholic liquor is for consumption at the Event only.

(5) Alcoholic liquor may be sold and served only in containers not intended or allowed to be removed from the Event.

(6) A caterer that sales or serves alcoholic liquor at the Event must have a caterer's license issued by the Village pursuant to this Chapter.

(7) The business holding the Event must provide to the Village evidence of all required State licenses, if any.