

**VILLAGE OF ANTIOCH**

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**09-11-33**

***AN ORDINANCE AMENDING ARTICLE 4, CHAPTER 2  
OF THE MUNICIPAL CODE OF ANTIOCH  
ADOPTING A NEW LIQUOR CONTROL CODE***

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**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES**

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**NOVEMBER 16, 2009**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 17<sup>th</sup> day of November, 2009**

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**ORDINANCE NO. 09-11-33**

***AN ORDINANCE AMENDING ARTICLE 4, CHAPTER 2  
OF THE MUNICIPAL CODE OF ANTIOCH  
ADOPTING A NEW LIQUOR CONTROL CODE***

**WHEREAS**, the current Municipal Code of Antioch has old and long-outdated liquor control regulations set forth in Chapter 2 of Article 4 thereof, and

**WHEREAS**, a comprehensive and modern liquor code, that includes appropriate controls on serving of adults only, health, sanitation, outdoor and café service, fees, penalties, social host responsibilities and other regulations intended to ease understanding, streamline the permitting process and ensure that the public safety is safeguarded is something that the Village Board finds to be in the best interests of the citizens of this Village, and

**WHEREAS**, attached hereto as Exhibit A is a draft liquor code which meets all of the foregoing specifications and which the Village Board finds should be adopted as it fairly strikes an appropriate balance between the right of businesses to conduct lawful sales of liquor and alcoholic beverages with public safety and health concerns, and

**WHEREAS**, prior to considering the adoption of this draft liquor code, the Village Board invited current liquor licensees to join in discussions involving the same at several committees of the whole meetings of the Village Board, and

**WHEREAS**, the Exhibit A draft code incorporates such changes and alterations proposed by the various licensees which the Village Board deems appropriate, including a stepped implementation of increased license fees,

**NOW THEREFORE, BE IT ORDAINED** by the Village of Antioch, Lake County, Illinois, as follows:

**SECTION ONE:** Chapter 2 of Article 4 of the Antioch Municipal Code is hereby amended and it shall hereafter read as set forth on Exhibit A hereto.

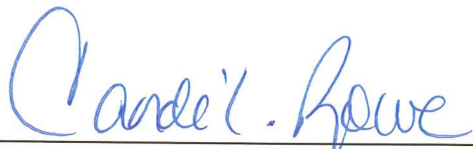
**SECTION TWO:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law, provided, however, that the increased license fees set forth in section 4-2B-11 shall take effect with the new licenses due to be issued on or after May 1, 2010, and provided that the Antioch Liquor Commissioner shall issue new licenses showing the appropriate reclassification of current licensees as soon as practical after the effective date of this amendatory ordinance.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2009.

AYES: 4: Poulos, Sakas, Crosby and Jozwiak.

NAYS: 0.

ABSENT: 2: Pierce and Wolczyk.



CANDI L. ROWE, VILLAGE CLERK

  
LAWRENCE M. HANSON, MAYOR



STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LAKE        )     SS

**CERTIFICATE**

I, Candi L. Rowe, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on November 16, 2009, the Corporate Authorities of such municipality passed and approved **Ordinance No. 09-11-33**, entitled "***AN ORDINANCE AMENDING ARTICLE 4, CHAPTER 2 OF THE MUNICIPAL CODE OF ANTIOCH ADOPTING A NEW LIQUOR CONTROL CODE***" which provided by its terms that it should be published in pamphlet form. The pamphlet form of **Ordinance No. 09-11-33**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 17, 2009 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 17<sup>th</sup> day of November, 2009.

Candi L. Rowe  
Candi L. Rowe, Village Clerk



# **Chapter 2**

## **Liquor Control**

### **ARTICLE A. LOCAL LIQUOR CONTROL COMMISSIONER**

#### **4-2A-1: MAYOR DESIGNATED AS LOCAL LIQUOR CONTROL COMMISSIONER:**

The Mayor is hereby designated as the Antioch Liquor Control Commissioner.

#### **4-2A-2: POWERS, FUNCTIONS, AND DUTIES OF COMMISSIONER:**

The Antioch Liquor Control Commissioner shall have the following powers, functions, and duties:

- A. To administer the appropriate provisions of this Chapter, all other ordinances and resolutions relating to alcoholic liquor as may be enacted by the Board of Trustees, and all legislation as may become applicable within the Village with respect to the sale or use of alcoholic liquor.
- B. To issue or renew local liquor licenses in accordance with the provisions of this Chapter.
- C. To deny any application for the issuance or renewal of a local liquor license to any applicant that the Liquor Control Commissioner has determined to be ineligible therefor in accordance with the provisions of this Chapter.
- D. To suspend for cause for not more than thirty (30) days, or to revoke for cause, any local liquor license in accordance with the provisions of this Chapter.
- E. To receive and act on complaints from citizens that any of the provisions of this Chapter or of any other applicable rules or regulations have been or are being violated, and to act on such complaints in the manner provided in this Chapter.
- F. To enter, or to authorize any law enforcing officer to enter, at any time any premises licensed hereunder to determine whether any of the provisions of this Chapter or any other applicable rules or regulations have been or are being violated, and at the time of such entry to examine such premises in connection with such determination.

- G. To notify the Illinois Secretary of State when a club incorporated under the Illinois General Not for Profit Corporation Act, 805 Illinois Compiled Statutes 105/101 et. seq., or a foreign corporation functioning as a club in Illinois under a certificate of authority issued under that Act has violated the Illinois Liquor Control Act, 235 Illinois Compiled Statutes 5/1-1 et. seq., by selling or offering for sale at retail alcoholic liquor without a retailer's license.
- H. To examine, or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee on whom notice of revocation or suspension has been served as provided by law, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof of information in the performance of his or her duties; and for such purpose to issue subpoenas which shall be effective in any part of the State.
- I. To keep or cause to be kept a complete record of all licenses issued under this Chapter and to furnish the Village Clerk with a copy thereof; and, on the issuance of any new license, or the revocation or suspension of any existing license, to give notice of such action to the Village Clerk within three (3) days after such action.
- J. To report whenever requested by the Board of Trustees all of his or her acts taken to enforce this Chapter and all acts taken in regard to the collection of liquor license fees.
- K. To require, one (1) set of fingerprints of any applicant for a new local liquor license, to deliver to the Illinois Department of State Police, and for purposes of obtaining such fingerprints to collect from the applicant and properly deliver such fee as may be required by the Illinois Department of State Police. In the case of a close-held corporation applying for a new liquor license, the principle shareholder of shall be required to provide fingerprints. In the case of a publicly-held corporation applying for a new liquor license, the designated manager of the store, restaurant or tavern shall be required to provide fingerprints.
- L. To levy fines in accordance with the provisions of this Chapter for violations of the State Liquor Control Act, 235 Illinois Compiled Statutes, any applicable rule or regulation established by the State Liquor Control Commission, or any of the provisions of this Chapter.

#### **4-2A-3: COMPENSATION:**

The Antioch Liquor Control Commissioner shall serve without compensation beyond the salary and compensation provided to the Mayor generally by other provisions of the Antioch Municipal Code.

#### **4-2A-4: DEFINITIONS:**

For the purposes of this chapter, unless otherwise specifically provided, the following phrases shall have the meanings specifically ascribed to them:

**ALCOHOLIC LIQUOR:** Includes any alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to any liquid or solid containing one-half of one percent (.5%) of alcohol by volume if dispensed by a licensed pharmacy pursuant to a medical prescription.

**APPLICANT:** The person or business entity (such as a partnership, corporation, LLC, LLP or similar entity) which operates, or will operate, the licensed business.

**CLUB:** A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests; provided that such club files with the mayor, at the time of its application for a license under this chapter, a list of names and addresses of its officers, board of directors, executive committee or similar body chosen by the members at their annual meetings.

**CORPORATION:** Unless specified more definitively herein, a corporation shall mean any business entity other than a sole proprietorship or common-law partnership. It shall include, without limitation, businesses incorporated under the Illinois Business Corporation Act, any duly licensed foreign corporation, any LLC, any LLP and any similar enterprise whether in existence at the date of adoption of this code provision or at any future date.

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

**INTOXICATED:** to affect temporarily with diminished physical and mental control by means of alcoholic liquor, specifically to excite or stupefy with said liquor

**ORIGINAL PACKAGE:** Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

**OUTDOOR CAFÉ:** A dining area located partially or wholly on a public sidewalk or parkway, and operating adjacent to and in conjunction with a restaurant.

**RETAIL SALE:** The sale for use or consumption and not for resale

**SALE:** Any transfer, exchange or barter in any manner or by any means whatsoever and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

**SPECIAL EVENT:** Any picnic, outing, festival, wedding, or similar special occasion intended to host a gathering of persons for the purpose of said occasion.

**WINE:** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of “alcoholic liquor” as above defined.

## **ARTICLE B. LIQUOR LICENSES**

### **4-2B-1: UNLICENSED SALE PROHIBITED:**

It shall be unlawful for any person not having a current, valid license, authorized and issued pursuant to this Chapter, to sell or offer for sale in the Village any alcoholic liquor.

### **4-2B-2: SALE IN VIOLATION OF LICENSE PROHIBITED:**

It shall be unlawful for any licensee to sell, offer for sale, or dispense in the Village any alcoholic liquor except in the manner authorized by and in compliance with the terms and restrictions of a license issued pursuant to this Chapter and except in compliance with the provisions of this Chapter.

### **4-2B-3: NUISANCE DECLARED:**

Any instance when alcoholic liquor is sold, dispensed, possessed, stored, distilled, brewed, bottled, manufactured or rectified without a valid license if required by the Illinois Liquor Control Act, 235 Illinois Compiled Statutes 5/1-1 et. seq., and a valid license if required by this Chapter is hereby declared to be a public nuisance.

### **4-2B-4: APPLICATION FOR LIQUOR LICENSE:**

A. Application Generally: Each application for a license hereunder shall be made to the Antioch Liquor Control Commissioner, in writing, signed by the applicant if an individual, or by one of the partners on behalf of all partners if a partnership, or by the duly authorized agent thereof on behalf of all officers, directors, and managers if a club or corporation, verified by an oath or affidavit. Each application shall

specifically identify the applicant in the form to which a license would be issued (ie. a corporation, partnership, LLC, LLP, etc.).

B. Background Information: Each application shall include the following background information:

1. The name, age and address of the applicant, including the following, as applicable:
  - a. in the case of a partnership, all of the persons entitled to share in the profits thereof;
  - b. in the case of a corporation for profit or a club, all of the officers and directors and persons controlling in the aggregate more than five percent (5%) of the voting shares of stock.
2. The citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of his or her naturalization. In the case that a corporation or other business entity is the applicant, the person furnishing this information shall be the same person required to provide fingerprints by Section 4-2A-2K.
3. The character of business of the applicant and, in the case of a club or corporation, the place of incorporation and the objects for which it was formed.
4. The length of time that the applicant has been in the business of the character specified in response to subsection B3 above or, in case of a club or corporation, the date on which its charter was issued.
5. The location and description of the premises or place of business which is to be operated under such license and the specific name of the business, including any assumed or trade name.
6. The specific class of license for which the applicant is applying.
7. The names of each governmental body from which the applicant has received a liquor license within ten (10) years immediately prior to the date of the present application.

C. Statements Required: Each application must include the following statements:

If the applicant is a partnership, then each partner shall provide all statements required below pertaining to an individual applicant; provided, however, that if the applicant is organized as a limited partnership, then the statement concerning active involvement provided in subsection C13 below shall be required only of all general partners.

If the applicant is a corporation, then each officer, manager or director thereof (or authorized representative if no officer, manager or director) and any stockholder or stockholders controlling in the aggregate more than five percent (5%) of the voting

stock of such corporation shall provide all statements required below pertaining to an individual applicant; provided, however, that the statement concerning Village residency provided in subsection C10 below and the statement concerning active involvement provided in subsection C13 below shall not be required of such officers, managers, directors, and five percent (5%) aggregate stockholders.

1. A statement as to whether the applicant qualifies for or has a current license issued by the Illinois Liquor Control Commission.
2. A statement as to whether the applicant has ever been convicted of a felony under any Federal or state law.
3. A statement as to whether the applicant has ever been convicted of a violation of any Federal or state law or local ordinance concerning the manufacture, possession, sale or dispensation of alcoholic liquor, or has ever forfeited his or her bond to appear in court to answer charges for any such violation.
4. A statement as to whether the applicant has ever been convicted of a gambling offense as proscribed by any state or Federal law or regulation.
5. A statement as to whether the applicant has had revoked a similar license issued under state or Federal law or under the ordinances of any municipality within ten (10) years immediately prior to the date of the present application.
6. A statement as to whether the applicant has had suspended more than once a similar license issued under state or Federal law or under the ordinances of any municipality within one year immediately prior to the present application.
7. A statement as to whether the applicant is a law enforcing official of the village or any other government or governmental agency.
8. A statement as to whether the premises for which a license is sought comprises a store or other place of business where the majority of customers are under the age of twenty one (21) years or where the principal business transacted consists of the sale of school books, school supplies, food, lunches or drinks for such customers.
9. A statement as to whether the retail sale of alcohol on the premises for which a license is sought will violate any provision of the Antioch Zoning Code or the Antioch Municipal Code and as to whether such premises are within one hundred feet (100') of the property of any school, hospital, senior citizen housing, daycare center, orphanage, transitional service facility, nursing or personal care facility, home for veterans and their spouses or children, or any military or naval station or within one hundred feet (100') of the nearest part of any church building used for worship or educational purposes.
10. A statement as to whether the applicant is a permanent resident of the village, except in the case of a corporation.

11. A statement as to whether the applicant beneficially owns the premises for which a license is sought or has a lease thereon for the full period for which the license is to be issued. For the purposes of this subsection only, a lease that is conditioned only upon the grant of a liquor license shall be considered a lease that satisfies this provision.
12. A statement as to whether the applicant is the beneficial owner of the business to be licensed.
13. A statement as to whether the applicant will be personally, actively involved in the operation of the business to be licensed.
14. A statement as to whether the business is or will be managed by a manager or agent and, if so, statements from every such manager or agent to the same extent as required from every individual applicant.
15. A statement as to the nature of the business and the amount of anticipated alcoholic liquor sales as a percentage of gross annual sales of the business.
16. A statement that the applicant is not disqualified from receiving a license by reason of any matter or item contained in the laws of the state of Illinois, this chapter or any other code or ordinances of the Village of Antioch.
17. A statement that the applicant will not violate any federal or state of Illinois laws, or this chapter, or any other code or ordinances of the village in the conduct of the applicant's business.
18. If the applicant is a foreign corporation, whether it is qualified under the Illinois business corporations act, 805 Illinois Compiled Statutes 5/101 et seq., to transact business in Illinois.
19. A statement that, if the business to be operated pursuant to the license is operating under an assumed name, then the applicant has complied with the Illinois assumed business name act and other applicable laws.
20. A statement acknowledging that the applicant shall hire and retain on premises at all times during operation of a licensed premises, and during the entire term of any license, at least one employee who is currently certified in the Beverage Alcohol Sellers And Servers Education and Training ("BASSET") program. For purposes of this subsection, "currently certified" shall mean that the employee possesses a BASSET certification that is not more than five (5) years old. Failure to retain such a BASSET certified employee during all such times shall constitute a violation of this chapter. BASSET certifications shall not apply to licensees where alcoholic beverages are not being served on the premises, except in the case of samplings or tastings.

#### **4-2B-5: INVESTIGATION AND DISCLOSURE OF INFORMATION CONTAINED IN APPLICATION; WAIVER OF CLAIMS:**

By applying for a license pursuant to this chapter, each applicant thereby authorizes any person to disclose, and the village to investigate, all information pertaining to such applicant's application. Each applicant thereby waives any and all claims against the village and thereby agrees to indemnify and hold harmless the village and its elected and appointed officials, officers, boards, commissioners, attorneys, employees and agents from any and all claims resulting from, or arising out of, or alleged to result from or arise out of the aforesaid activities. Each applicant shall consent to and sign any written authorization, waiver and indemnification agreement as the village may require in connection with the aforesaid activities.

#### **4-2B-6: INELIGIBILITY FOR LICENSE:**

No license of any kind shall be issued or renewed to:

- A. A person who has been convicted of a felony under any federal or state law, if the Antioch liquor control commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- B. A person who has been convicted of a violation of any federal or state law or local ordinance concerning the manufacture, possession, or sale of alcoholic liquor or shall have forfeited his or her bond to appear in court to answer charges for any such violation.
- C. A person who has been convicted of a gambling offense as proscribed by any state or federal law or regulation.
- D. A person whose liquor license issued under state law or any municipal ordinance has been revoked for cause within ten (10) years immediately prior to the date of the present application.
- E. A person whose liquor license issued under this chapter has been suspended more than once for cause within one year immediately prior to the present application if the Antioch liquor control commissioner determines that the applicant is no longer worthy of the public trust.
- F. Any law enforcing village employee or law enforcing official or the village Mayor or any member of the board of trustees; provided, however, that nothing herein shall prohibit the issuance of a license to a bona fide not for profit private club or charitable or educational organization owned and operated by its members, one or more of which members is a village employee or law enforcing public official or the village Mayor or a member of the board of trustees.

G. A person applying for a license with respect to any store or other place of business where the majority of customers are under the age of twenty one (21) years or where the principal business transacted consists of the sale of schoolbooks, school supplies, food, lunches or drinks for such customers.

H. A person applying for a license with respect to premises on which the retail sale of alcoholic liquor will violate any provision of the Antioch zoning code or this code or which premises are within one hundred feet (100') of the property of any church, school, hospital, senior citizen housing, daycare center, orphanage, transitional service facility, nursing or personal care facility, home for veterans and their spouses or children, or any military or naval station, except only as allowed by state law. The following standards apply to these prohibitions:

1. In measuring the distance from a church, the nearest part of any building for worship or educational purposes is used rather than property boundaries.
  2. No distance is required with respect to a state university or other institution of higher learning.
  3. This subsection J does not apply to any application for renewal of a license when any church, school, hospital, senior citizen housing, daycare center, orphanage, transitional service facility, nursing or personal care facility, home for veterans and their spouses or children, or any military or naval station has been established within one hundred feet (100') of the licensed premises after the issuance of the original license.
  4. The one hundred foot (100') limitation in this subsection H does not prohibit the issuance of a class G NFP single special event license to any church, school, hospital, senior citizen housing, daycare center, orphanage, transitional service facility, nursing or personal care facility, home for veterans and their spouses or children, or any military or naval station.
- I. A person who is not a permanent resident of the village, except in the case of a corporation.
- J. 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.
- K. A person who is not the beneficial owner of the business to be licensed.
- L. A person who will not be personally, actively involved in the operation of the business to be licensed.
- M. A person whose place of business is managed by a manager or agent unless said manager or agent possesses the qualifications required of an individual licensee.

- N. A partnership, unless all members thereof shall be qualified to obtain a license; provided, however, that the requirement of active involvement in subsection L of this section shall apply only to one such partner.
- O. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders controlling in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible, except by reason of the village residency requirement in subsection I of this section or the requirement of active involvement in subsection L of this section, to receive a license hereunder.
- P. A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois business corporations act, 805 Illinois Compiled Statutes 5/101 et seq., to transact business in Illinois.
- Q. A person who is not of good character and reputation.
- R. Any applicant that is not in current compliance with any applicable rules and regulations of the Illinois Department of Health or the Lake County Health Department.
- S. Any applicant whose premises are currently out of compliance with any building or occupancy code of the State of Illinois or the Village of Antioch or who currently owes delinquent taxes or overdue assessments to the Village of Antioch.

#### **4-2B-7: STATE LICENSE REQUIRED:**

All licenses issued pursuant to this chapter shall be conditioned on the acquisition and maintenance in good standing by the applicant of a license issued by the Illinois Liquor Control Commission. No license shall authorize the retail sale of any alcoholic liquor until proof of acquisition of such Illinois license is furnished to the Antioch Liquor Control Commissioner. If any license is refused, suspended or revoked by the Illinois Liquor Control Commission, then any license issued or conditionally issued under this chapter shall immediately become null and void without further action by the village or the Antioch Liquor Control Commissioner.

#### **4-2B-8: ENFORCEMENT OF STATE ORDERS:**

The Antioch Liquor Control Commissioner, on complaint of the state of Illinois Department of Revenue, shall refuse the issuance or renewal of any license, or suspend or revoke any license, for any of the following violations of any tax act administered by the Illinois Department of Revenue:

- A. Failure to make a tax return.
- B. Filing of a fraudulent return.

- C. Failure to pay all or any part of any tax or penalty finally determined to be due.
- D. Failure to keep proper books and records.
- E. Failure to secure and display a certificate or sub-certificate of registration.
- F. Willful violation of any rule or regulation of the state of Illinois department of revenue relating to the administration and enforcement of tax liability.

#### **4-2B-9: TERMS OF LICENSES:**

All licenses issued pursuant to this chapter other than class G license are operative and valid, unless terminated, revoked, or suspended, for one year commencing on June 1 of each year and terminating on May 30 of that same year. The licenses that are excluded from the one year term are operative and valid for the period of time specified in the license.

#### **4-2B-10: CLASSIFICATION OF LICENSES:**

The classes of liquor licenses in the village are those classes set forth in this section. There are no other classes of liquor licenses in the village. No liquor license of any class may be issued by the village unless a license is authorized by section 4-2B-14 of this article and has not already been issued. No liquor license may be issued by the village until after the applicable fee for the license has been paid in full.

- A. Class A: Restaurant full service license. This license authorizes the retail sale of alcoholic liquors by restaurants when such sales are incidental to and complementary to the sale and service of food, for consumption on the premises where sold. Sales of food must comprise at least 40% of the annual gross revenues of the restaurant to qualify for this license or for its renewal.
  - A-1. Class A-1: Restaurant outdoor cafe full service license. This license authorizes the retail sale of alcoholic liquors for consumption at an outdoor cafe accessory to a restaurant that holds a class A license. This license requires the specific prior approval of the Antioch liquor control commissioner, who may establish standards for the service of alcoholic liquors at the outdoor cafe as a condition for issuance of this license.
- B. Class B: Restaurant limited service license. This license authorizes the retail sale of beer and wine by restaurants when such sales are incidental to and complementary to the sale and service of food, for consumption on the premises where sold. Sales of food must comprise at least 40% of the annual gross revenues of the restaurant to qualify for this license or for its renewal.
  - B-1. Class B-1: Restaurant outdoor cafe limited service license. This license authorizes the retail sale of beer and wine for consumption at an outdoor cafe accessory to a

restaurant that holds a class B license. This license requires the specific prior approval of the Antioch liquor control commissioner, who may establish standards for the service of alcoholic liquors at the outdoor cafe as a condition for issuance of this license.

- C. Class C: Retail package sales. This license authorizes the retail sale of alcoholic liquors, in original package form, for consumption off the premises where sold. This license shall further authorize “sampling” and “tasting” of alcoholic beverages strictly in accordance with the following definitions:
1. Sampling: A product sample, offered in connection with a sales promotion, consisting of no more than the following amounts: distilled spirits one-fourth ( $\frac{1}{4}$ ) ounce, wine one ounce, beer two (2) ounces. Only products registered with the state liquor commission may be sampled.
  2. Tasting: A supervised presentation of alcoholic products to the public for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the state liquor commission may be tasted in the following amounts: distilled spirits one-fourth ( $\frac{1}{4}$ ) ounce, wine one ounce, beer two (2) ounces. Notice of tasting may be advertised. Tasting must be supervised by the licensee and/or an authorized representative of the licensee.
- D. Class D: Gas station convenience store license. This license authorizes the retail sale of beer and wine in a gas station convenience store, in original package form, for consumption off the premises where sold.
- E. Class E: Bar and Tavern license. This license authorizes the retail sale of alcoholic liquors by bars and taverns for consumption on the premises where sold as well as other retail sale of packaged liquor in its original containers for consumption off premises.
- E-1. Class E-1: Bar and Tavern Outside Service license. This license authorizes the retail sale of alcoholic liquors by bars and taverns for consumption in outdoor seating areas adjoining the principal business.
- E-2. Class E-2: Wine shop license. This license is equivalent to a Class E license in all respects, except that the alcoholic products that may be sold are strictly limited to wines.
- F. Class F: Club license. This license authorizes the retail sale of alcoholic liquors by clubs organized under the laws of Illinois that are not for pecuniary profit, that are supported by their members' dues and that are for charitable, service, or fraternal purposes, for consumption on the premises where sold only.

- G. Class G: Single special event license. This license authorizes the retail sale of alcoholic liquors only by a person or organization at one picnic, outing, festival, wedding or other similar special occasion for consumption only on the premises or in the area specifically identified in the license. No class G single special event license is valid for more than ninety-six (96) hours unless specifically stated in the license. The Antioch liquor control commissioner may make the issuance of the license subject to any condition that the commissioner determines is appropriate to protect the public health, safety, and welfare, including, without limitation, restrictions on the location and hours for sales of alcoholic liquors, the type of alcoholic liquors that may be sold pursuant to a particular license, and the type of activities that may be conducted as part of the event for which the license is sought.
- H. Class H: Hotel license. This license authorizes the sale of all types of alcoholic beverages for consumption on premises only. A Class H license is available only to a motel or hotel with sixty-five (65) rooms or more, which has meeting or banquet facilities seating not less than eighty-five (85) guests, with a minimum square footage for those facilities of not less than one thousand seven hundred (1,700) square feet. A Class H license allows for service at a bar, in a banquet facility or meeting room and to individual hotel rooms as delivered by room service.

#### 4-2B-11: LICENSE FEES:

- A. Standard Fees: Every applicant for a license or license renewal for the sale of alcoholic liquor in the village must pay to the village, at the time the application for a license is submitted, the following fees:
1. Administrative Processing Fee: For new applications only, a nonrefundable fee of two hundred fifty dollars (\$250.00) immediately, plus, at the time of license issuance, a fee sufficient to cover all additional village costs in processing the application. No such fee is required for a class G license.
  2. Base Fee: All fees shown in the chart below are annual unless otherwise noted. The years noted commence with licenses issued on and after May 1, 2010.

<u>License Class</u>	Fee 2010	Fee 2011	Fee 2012	Fee 2013 (and thereafter)
A	600.00	950.00	1,425.00	1,900.00
A-1	250.00	250.00	250.00	250.00

B	500.00		700.00		1,050.00		1,400.00
B-1	250.00		250.00		250.00		250.00
C	1,000.00		1,000.00		1,500.00		2,000.00
D	400.00		650.00		975.00		1,300.00
E	700.00		1,000.00		1,500.00		2,000.00
E-1	500.00		500.00		500.00		500.00
E-2	2,000.00		2,000.00		2,000.00		2,000.00
F	200.00		200.00		200.00		200.00
G	75.00 / event		30.00 / event		45.00 / event		60.00 / event
H	600.00		1,000.00		1,500.00		2,000.00

B. Discount For Early Fee Payment: For license classes other than Class G, the annual fee will be discounted by 5% if the fee is paid on or before May 15 of the year in which the applicant seeks the license issuance or renewal for the next year. There is no discount given for Class G licenses.

**4-2B-12: NO WAIVER OR PRORATION OF FEES:**

Notwithstanding any other provision of law, the fee to be paid for licenses issued under the provisions of this chapter shall not be waived or discounted, for any reason except for early payment as provided in subsection 4-2B-11B of this article, or upon resolution of the Village Board adopted upon a motion duly made and seconded at a regular open meeting thereof. Nor shall any such fee be reduced in proportion to the number of calendar months which have expired in the license year prior to the issuance of the license.

**4-2B-13: DISPOSITION OF FEES:**

If a license applied for is denied, then any fee submitted, except the nonrefundable two hundred fifty dollar (\$250.00) fee provided in subsection 4-2B-11A of this article, shall be returned to the applicant. If a license is granted, then the fee shall be deposited in

the general corporate fund or in such other fund as shall have been designated by the board of trustees.

**4-2B-14: NUMBER OF LICENSES:**

The following is the maximum number of licenses that may be issued for each class. These numbers may be amended only by the board of trustees:

<u>License Class</u>		<u>Maximum Number Issued</u>
	A	10
	A-1	5
	B	1
	B-1	0
	C	8
	D	2
	E	4
	E-1	3
	E-2	1
	F	1
	H	1

**4-2B-15: BOND REQUIRED:**

Before any license may be issued, the applicant shall furnish a surety bond in the amount of one thousand dollars (\$1,000.00) to the village. Such bond shall be forfeited automatically on revocation of the license for which the bond was furnished if revocation was for cause. This bond shall not be required for any Class G license.

**4-2B-16: INSURANCE REQUIRED:**

Before any license may be issued, the applicant shall furnish a certificate by an insurance company authorized to do business in the state certifying that the applicant has an insurance policy in force for the full period for which the license is to be issued that provides general liability coverage in the amounts of at least one million dollars (\$1,000,000.00) for injury or death (combined single limits), and that provides dramshop liability coverage at least to the maximum amount recoverable under applicable Illinois statutes, as such may be amended from time to time.

#### **4-2B-17: EMPLOYEE GUIDELINES REQUIRED:**

Before any initial license may be issued, the applicant shall adopt a copy of a written employee policy manual together with a certificate from the applicant that it shall require all employees involved in the sale or service of alcoholic beverages or package goods to know and to abide by the procedures and policies contained in the manual. The manual shall contain mandatory procedures and policies in a form acceptable to the village, including, but not limited to, procedures and policies regarding service to intoxicated patrons, disturbances on the licensed premises, checking required identification, withholding service of alcoholic liquor to persons under the age of twenty one (21) years, reporting violations to appropriate authorities and the like. This requirement shall not apply to applicants for a Class G license.

#### **4-2B-18: LICENSE IS PERSONAL PRIVILEGE ONLY:**

A license issued under this article shall be purely a personal privilege to expire on May 30 next following the issuance thereof and shall not constitute property. Nor shall any such license be subject to attachment, garnishment or execution. Nor shall any such license be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. No such license shall descend by the laws of testate or intestate devolution but every such license shall, except as provided in section 4-2B-19 of this article, cease on the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

#### **4-2B-19: CHANGES IN PERSONNEL:**

- A. Reporting; Fee; Qualifications: Any changes in a partnership or in officers, directors or persons holding directly or beneficially more than five percent (5%) of the stock of a corporation or ownership interest, or managers, of establishments licensed under this article shall be reported in writing to the Antioch liquor control commissioner within ten (10) days after the change. All new persons shall fill out a new application and meet all of the standards of this chapter and shall otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the liquor control commissioner.
- B. Termination If Partnership Change: When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by any person who is not eligible to hold a liquor license, the license shall terminate immediately.
- C. Termination If Corporate Change: When a license has been issued to a corporation and a change takes place in the corporate manager or in the officers, directors or stockholders of more than five percent (5%) of the stock, resulting in the holding of office or such shares of stock by any person who is not eligible for a license, the license shall terminate immediately.
- D. Termination If Individual Change: When a license has been issued to an individual who is or becomes not eligible for a license, the license shall terminate immediately.

## **ARTICLE C. SALES**

### **4-2C-1: SALES RESTRICTED TO AUTHORIZED PREMISES; CHANGE OF LOCATION:**

A license shall permit the sale of alcoholic liquor only in or from the premises described in the application and license and only in the manner therein authorized and in compliance with the terms thereof. Such location may be changed only after the issuance of a written permit to make such change issued by the Antioch liquor control commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the state, this chapter, and other codes and ordinances of the village. All sales, pourings and distributions must be made indoors of the licensed premises.

### **4-2C-2: DISPLAY OF LICENSE; BASSET CERTIFICATE:**

- A. Every licensee shall cause his or her current alcoholic liquor license to be framed and hung in plain view in a conspicuous place on the licensed premises.
- B. Every licensee shall maintain copies of the BASSET certification for each of his or her BASSET certified employees on the licensed premises and, on the request of a Antioch police officer, or the Antioch liquor control commissioner or his or her designee, shall produce such copies for inspection.

#### **4-2C-3: DISPLAYING OF BIRTH DEFECTS WARNING SIGN:**

Every licensee shall cause a sign at least eight and one-half inches by eleven inches (8<sup>1</sup>/<sub>2</sub>" x 11") in size to be framed and hung in plain view which shall read as follows:

*GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS.*

Every licensee shall comply with all rules and regulations of the Illinois liquor control commission and the Illinois Department of Alcoholism and Substance Abuse regarding this requirement.

#### **4-2C-4: HOURS OF BUSINESS:**

- A. Consumption On The Premises: It shall be unlawful to sell or offer for sale at retail any alcoholic liquor for consumption on any premises in the village except between the hours of eight o'clock (8:00) A.M. and two o'clock (2:00) A.M. the following morning on any Monday, Tuesday, Wednesday or Thursday; and it shall be unlawful to sell or offer for sale at retail any alcoholic liquor for consumption on any premises in the Village except between the hours of seven o'clock (7:00) A.M. and three o'clock (3:00) A.M. the following morning on any Friday, Saturday, Sunday or legal holiday. It shall be unlawful to serve or to consume alcoholic liquor in, or to admit the public to, any premises in or on which alcoholic liquors are sold at retail during the hours within which the sale of such alcoholic liquors is prohibited. Other business or social functions of restaurant, club, hotel and motel establishments may continue beyond such hours, provided that no alcoholic liquors are sold to, offered for sale to, served to or consumed by the public, patrons, employees or membership during such hours. Sale hours for outdoor cafes are provided in subsection 4-2C-5 I and 4-2C-6 I of this article.
- B. Consumption Off The Premises: It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in its original package for consumption off the premises in the village except between the hours of six o'clock (6:00) A.M. and twelve o'clock (12:00) midnight on any day. Other business functions, such as retail sales of other products at any store or gas station convenience store may continue during hours that alcohol sales are prohibited.
- C. Service During Restaurant Operation: In restaurants with Class A or Class B licenses, it shall be unlawful to sell, offer for sale or dispense any alcoholic liquor for consumption on the premises at any time when the food service operations of the restaurant are not operating.

#### **4-2C-5: SALES AT OUTDOOR CAFES:**

Sale of alcoholic liquor at restaurants for consumption at tables and chairs placed outdoors pursuant to a class A-1 or B-1 license, whether on private property or on public property, is permitted only if all of the following conditions are met in addition to every other applicable provision of this chapter:

- A. Description Of Premises: The licensee shall provide an accurate description of the location of each table and chair placed outdoors in the form of a site plan or reasonably legible and intelligible sketch.
- B. Incidental Use Only: The use of a sidewalk shall be permitted only incidentally to the operation of a restaurant on private property contiguous to such sidewalk.
- C. Insurance: If any part of the outdoor cafe is located on public property, then the licensee shall furnish to the village evidence of public liability insurance, including the village as an additional party insured and insuring the village against any and all liability resulting from the uses permitted under this section, in an amount of no less than one million dollars per occurrence (\$1,000,000.00), combined single limits.
- D. Indemnification: If any part of the outdoor cafe is located on public property, then the licensee shall indemnify and hold harmless the village from all liability, lawsuits and costs and shall furnish such an indemnification agreement to the village in a form approved by the village attorney.
- E. Open Space: In no event shall a use permitted by this section on a public sidewalk reduce the open portion of such sidewalk to less than six feet (6') in width. For the purposes of this subsection, "open portion" shall be defined as that area of sidewalk lying between the outermost restaurant table or chair placed in its normal position for use by restaurant patrons and the curb or, if closer, the nearest obstruction including, but not limited to, any parking meter, traffic sign, tree well, bicycle rack or other natural or manmade object located on the sidewalk.
- F. Cordoned Area: The area in which tables and chairs are set outdoors shall be cordoned off from abutting areas by decorative ropes, chains or other suitable barriers.
- G. Clean And Safe Condition: The applicant shall maintain the outdoor cafe areas in a clean and safe condition at all times.
- H. No Outdoor Music: No outdoor music or other noisemaking activity shall be permitted when such music or activity constitutes a nuisance or can clearly be heard at a distance of 100 feet beyond the property line of the premises or more.
- I. Hours Limited: No sales or service of alcoholic liquor shall be conducted or provided for consumption at an outdoor cafe except during the hours that the establishment is allowed to sell or serve alcoholic liquor inside the principal building.

- J. Food Service: The offer to serve food in the outdoor seating area must coincide with the alcohol consumption.
- K. Building Codes: The licensee shall abide by any and all applicable building codes, including, by way of example and not limitation, ADA accessibility, code enforcement, sidewalk use, etc.
- L. Supervision: Outdoor areas shall be continuously supervised by employees of the establishment.
- M. Premises: Beverages may not be removed from the outdoor seating area, except to the interior of the establishment.
- N. Dispensing: All dispensing of alcoholic beverages from their containers, taps coolers and similar devices must be indoors.
- O. Other Conditions: The liquor control commissioner may impose any other condition judged by the commissioner as necessary to protect the general welfare and to assure that any class A-1 or B-1 license issued pursuant to this chapter shall benefit the general public.

#### **4-2C-6: OUTDOOR SALES AT TAVERNS AND BARS:**

Sale of alcoholic liquor at taverns and bars for consumption outdoors pursuant to a class E-1 license, whether on private property or on public property, is permitted only if all of the following conditions are met in addition to every other applicable provision of this chapter:

- A. Description Of Premises: The licensee shall provide an accurate description of the location of each table, chair, bench or other seating, game or service area placed outdoors in the form of a site plan or reasonably legible and intelligible sketch.
- B. Incidental Use Only: The use of a sidewalk shall be permitted only incidentally to the operation of a tavern or bar on private property contiguous to such sidewalk.
- C. Insurance: If any part of the outdoor service area is located on public property, then the licensee shall furnish to the village evidence of public liability insurance, including the village as an additional party insured and insuring the village against any and all liability resulting from the uses permitted under this section, in an amount of no less than one million dollars per occurrence (\$1,000,000.00), combined single limits.
- D. Indemnification: If any part of the outdoor service area is located on public property, then the licensee shall indemnify and hold harmless the village from all liability, lawsuits and costs and shall furnish such an indemnification agreement to the village in a form approved by the village attorney.

- E. Open Space: In no event shall a use permitted by this section on a public sidewalk reduce the open portion of such sidewalk to less than six feet (6') in width. For the purposes of this subsection, "open portion" shall be defined as that area of sidewalk lying between the outermost table, bench or chair placed in its normal position for use by the licensee's patrons and the curb or, if closer, the nearest obstruction including, but not limited to, any parking meter, traffic sign, tree well, bicycle rack or other natural or manmade object located on the sidewalk.
- F. Cordoned Area: The area in which tables, benches, chairs and activities are set outdoors shall be cordoned off from abutting areas by decorative ropes, chains or other suitable barriers.
- G. Clean And Safe Condition: The applicant shall maintain the outdoor cordoned areas in a clean and safe condition at all times.
- H. Outdoor Music: No outdoor music or other noisemaking activity shall be permitted when such music or activity constitutes a nuisance or can clearly be heard at a distance of 100 feet beyond the property line of the premises or at the nearest residence, whichever is farther. Notwithstanding the general application of this subsection, if the licensee has a special event license in effect at any time, the provisions of the special event license shall be deemed to supercede the provisions of this subsection during the term of the said special event license.
- I. Hours Limited: No sales or service of alcoholic liquor shall be conducted or provided for consumption at an outdoor service area except during the hours that the establishment is allowed to sell or serve alcoholic liquor inside the principal building.
- J. Games: Outdoor recreation games of a generally passive nature, and which do not involve betting or gambling, such as beanbag tossing, horseshoes or other non-contact sports shall be permitted in any cordoned area during the hours of outdoor liquor service operation.
- K. Building Codes: The licensee shall abide by any and all applicable building codes, including, by way of example and not limitation, ADA accessibility, code enforcement, sidewalk use, etc.
- L. Supervision: Outdoor areas shall be continuously supervised by employees of the establishment.
- M. Premises: Beverages may not be removed from the outdoor cordoned area, except to the interior of the establishment.
- N. Dispensing: All dispensing of alcoholic beverages from their containers, taps coolers and similar devices must be indoors.

O. Other Conditions: The liquor control commissioner may impose any other condition judged by the commissioner as necessary to protect the general welfare and to assure that any class A-1 or B-1 license issued pursuant to this chapter shall benefit the general public.

#### **4-2C-7: SANITARY REQUIREMENTS:**

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition at all times and kept in compliance with all applicable federal, state, and local laws, ordinances, regulations, rules and other provisions governing the condition of premises used for the storage or sale of food for human consumption.

#### **4-2C-8: HEALTH OF EMPLOYEES:**

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or is a carrier of any contagious, infectious or venereal disease under such conditions where a serious or substantial risk of transmission is presented. It shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises used for the retail sale of alcoholic liquor or engage in any way in the handling, preparation or distribution of such products under conditions presenting such a risk.

#### **4-2C-9: SALES TO INTOXICATED PERSONS:**

A. Intoxicated persons: No licensee, nor any officer, associate, member, representative, agent or employee of any licensee, shall sell, give or deliver any alcoholic liquor to any person who is, or who appears to be, intoxicated.

B. Secondary Transfer Prohibited: It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to an intoxicated person or to an apparently intoxicated person.

#### **4-2C-10: FREE DISPENSATION PROHIBITED:**

It is unlawful for any person to give away or otherwise dispense free of charge within the village, by individual drink or in any other manner, any alcoholic liquor with the intent of promoting the sale of any alcoholic liquor, except sampling or tasting specifically allowed under a Class C license.

#### **4-2C-11: RETAIL SALES FROM ORIGINAL PACKAGES ONLY:**

No licensee shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor. No person shall have in his or her possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except original packages.

## **4-2C-12: SALES TO PERSONS UNDER THE AGE OF TWENTY ONE YEARS:**

- A. Sales Prohibited: No licensee, nor any officer, associate, member, representative, agent or employee of any licensee, shall sell, give or deliver any alcoholic liquor to any person under the age of twenty one (21) years.
- B. Secondary Transfer Prohibited: No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to any person under the age of twenty one (21) years; provided, however, that this provision shall not prohibit the consumption of alcoholic liquor by a person under the age of twenty one (21) years in the performance of a religious ceremony or service, and provided further, however, that this provision shall not prevent the consumption of alcoholic liquor by a minor in his or her own home pursuant to the condonation and supervision of his or her parent or legal guardian.
- C. Identification Required: If a licensee or his or her officer, associate, member, representative, agent or employee believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient may be under the age of twenty one (21) years, then that person shall, before making such sale or delivery, demand adequate written evidence of age. For the purpose of preventing a violation of this section, any licensee, or his or her agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is twenty one (21) years of age or older. "Adequate written evidence of age and identity" of the person means a document issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal selective service act, or an identification card issued to a member of the armed forces. Proof that the licensee, or his or her officer, associate, member, representative, employee or agent, demanded, was shown and reasonably relied on such written evidence in any transaction forbidden by this section is an affirmative defense in any proceeding for the suspension or revocation of any license based on the occurrence of such forbidden transaction. However, it shall not be an affirmative defense if the licensee, officer, associate, member, representative, employee or agent accepted the written evidence knowing it to be false or fraudulent.
- D. Warning Required: In any place in the village where alcoholic liquor is sold or distributed, there shall be displayed at all times, in a prominent and conspicuous place, a printed card measuring not less than 8-1/2"x11" in not less than 24 point Arial or Helvetica bold font reading substantially as follows:

*WARNING TO PERSONS UNDER 21:*

*YOU ARE SUBJECT TO A FINE OF UP TO \$500 UNDER THE LAW OF THE VILLAGE OF ANTIOCH IF YOU PURCHASE ALCOHOLIC LIQUOR OR IF YOU MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.*

**4-2C-13: PURCHASE OR POSSESSION OF ALCOHOLIC LIQUOR BY PERSONS UNDER THE AGE OF TWENTY ONE YEARS:**

- A. Purchase Or Acceptance Prohibited: No person under the age of twenty one (21) years shall purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession, and no person under the age of twenty one (21) years shall have any alcoholic liquor in his or her possession on any street or highway or in any public place or in any place open to the public; provided, however, that this provision shall not prohibit the consumption of alcoholic liquor by a person under the age of twenty one (21) years in the performance of a religious ceremony or service, and provided further, however, that this provision shall not prevent the consumption of alcoholic liquor by a minor in his or her own home pursuant to the condonation and supervision of his parent or legal guardian, and provided further, however, that this provision shall not apply to possession by a person under the age of twenty one (21) years making a delivery of alcoholic liquor in pursuance of the order of his or her parent or legal guardian or in pursuance of his or her employment.
- B. Misrepresentation Prohibited: It shall be unlawful for any person under the age of twenty one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the village. It shall be unlawful for any person under the age of twenty one (21) years to present or offer to any licensee, or his or her agent or employee, any written, printed or photostatic evidence of age or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving of any alcoholic beverage, or to have in his or her possession any false or fraudulent written, printed or photostatic evidence of age or identity.
- C. Transfer, Alteration Of Identification Prohibited: It shall be unlawful for any person under the age of twenty one (21) years to transfer, alter or deface an identification card or to obtain an identification card by means of false information, when such card may enable such person to circumvent the provisions of this chapter.
- D. Conveyance Of Identification Prohibited: It shall be unlawful for any person to sell, give or furnish to any person under the age of twenty one (21) years any false or fraudulent written, printed or photostatic evidence of the age and identity of such person or to sell, give or furnish to any person under the age of twenty one (21) years evidence of age and identification of any other person.

#### **4-2C-14: PERSONS UNDER THE AGE OF TWENTY ONE YEARS IN LICENSED PREMISES OR MIXING DRINKS:**

- A. Presence Prohibited: No licensee, nor any officer, associate, member, representative, agent or employee of any licensee, shall suffer or permit any person under the age of twenty one (21) years to be or remain on any licensed premises, or in any room or compartment adjoining or adjacent to any licensed premises; provided, however, that this subsection shall not apply to any person under the age of twenty one (21) years who is accompanied by his parent or guardian or to any licensed premises in which the principal business involves the sale of services or commodities other than alcoholic liquor, and provided further, however, that this subsection shall not apply to establishment employees at least sixteen (16) years of age whose duties do not include the handling or serving of alcoholic liquors or to establishment employees at least eighteen (18) years of age whose duties are limited to serving of alcoholic liquors and food.
- B. Handling Prohibited: It shall be unlawful for any person under the age of twenty one (21) years to pour, mix or otherwise prepare alcoholic liquors for sale or distribution on any licensed premises.
- C. Package Sales Limitations: It shall be unlawful for any person under the age of twenty one (21) years to sell packaged alcoholic liquors to any person. This prohibition includes, but is not limited to, ringing or scanning transactions at a retail store's cash register.

#### **4-2C-15: SOCIAL HOSTING:**

- A. Definitions. The following definitions shall apply specifically to this section, provided that the definitions set forth in the Illinois Liquor Control Act of 1935 (235 ILCS 5/1-1 et. seq.) are not intended to be superseded hereby, but supplemented herewith.

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

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

EVENT or GATHERING: Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

**HOST:** To aid, conduct, allow, entertain, organize, supervise, control, or permit an Event or Gathering.

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

**PARENT:** Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

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

**PUBLIC PLACE:** any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

**REASONABLE STEPS:** controlling access to alcoholic beverages at the Event or Gathering; controlling the quantity of Alcoholic Beverages present at the Event or Gathering; verifying the age of persons attending the Event or Gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume Alcoholic Beverages while at the Event or Gathering; and supervising the activities of minors at the Event or Gathering, calling for police assistance in the event people under 21 are in possession of Alcohol at the Event or Gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no Underage Person is authorized to be present and consume alcohol at the owner's residence.

**RELIGIOUS CEREMONY:** the possession, consumption and dispensation of Alcohol or an Alcoholic Beverage for the purpose of conducting any bona fide rite or religious ceremony.

**RESIDENCE or PREMISES:** Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**UNDERAGE PERSON:** Any individual less than 21 years of age

B. Certain Events and Gatherings Prohibited.

1. It is unlawful for any Person to host, permit, allow, or fail to take Reasonable Steps to prevent an Event or Gathering at any Residence or Premises, or on any other property whether private or public, or in any Conveyance, over which that Person has control or a reasonable opportunity for control where Illicit Drugs or Alcoholic Beverages are present when that Person knows or reasonably should know that an Underage Person will or does consume or possess any Illicit Drugs or Alcoholic Beverage.

2. It also is unlawful for any Person to fail to take Reasonable Steps to prevent possession or consumption of Illicit Drugs or Alcoholic Beverages by an Underage Person at any such Event or Gathering. A person who hosts an Event or Gathering does not have to be present at the Event or Gathering to be in violation of this Subsection B.

C. Other Responsible Persons.

1. A Person is responsible for violating Subsection B of this Section if that Person intentionally aids, advises, hires, counsels, conspires with, or solicits another Person to commit a violation of Subsection B

2. A Person is responsible for violating Subsection B of this Section if that Person knows or should have known about the committing of a prohibited act and failed to take Reasonable Steps to prevent the prohibited act.

D. Exceptions.

1. A Person who hosts an Event or Gathering shall not be in violation of this Chapter if he or she undertakes one of the following steps before any other Person makes a complaint about the Event or Gathering;

(a) seeks assistance from the Antioch Police Department or other law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this Chapter, or

(b) terminates the Event or Gathering because the host has been unable to prevent Underage Persons from consuming Illicit Drugs or Alcoholic Beverages despite having taken all Reasonable Steps to do so.

2. This Section does not apply to conduct involving the use of Alcoholic Beverages that occurs at a Religious Ceremony or that is exclusively between an Underage Person and his or her Parent, as permitted by Illinois State Law.

E. Fines; Penalties. Any Person who violates or assists in the violations of any provision of this chapter shall be deemed to have committed a petty offence and shall

be fined not more than \$750.00 for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.

1. The first violation of this Section shall be punishable by a fine of no less than \$250.00 nor more than \$750.00.
2. A second violation of this Section by the same person within a 12-month period shall be punishable by a fine of no less than \$500.00 nor more than \$750.00.
3. A third or subsequent violation of this Section by the same person within a 12-month period shall be punishable by a fine of no less than \$750.00.

## **ARTICLE D. CONSUMPTION OF ALCOHOLIC BEVERAGES**

### **4-2D-1: CONSUMPTION PROHIBITED IN PUBLIC PLACES:**

Except as permitted by license issued by the village pursuant to this chapter, it shall be unlawful for any person to sell, consume or possess open containers of alcoholic liquor or nonalcoholic beer on any village park property, or in any village building, or on any street, sidewalk, alley or other public place in the village; provided, however, that the sale, consumption and possession of open containers of alcoholic liquor specifically authorized by a license issued pursuant to this chapter and confined to the premises for which such license is issued is authorized.

### **4-2D-2: PROHIBITED ACTIVITY:**

- A. It shall be unlawful for any person to engage in, while intoxicated, any act or activity that creates, causes, continues, or maintains a public nuisance on any park, street, sidewalk, alley, or other public property within the village.
- B. It shall be unlawful for any person to be in an intoxicated condition in any private house or place to the disturbance of any other person.

## **ARTICLE E. VIOLATIONS; DISCIPLINARY ACTIONS**

### **4-2E-1: VIOLATION DETERMINED BY COMMISSIONER:**

- A. The Antioch liquor control commissioner may suspend, for not more than thirty (30) days, or revoke any license issued by the commissioner if the commissioner determines that there has been: 1) any violation of any state law pertaining to the sale of alcoholic liquor; 2) any violation of any provision of this chapter; 3) any violation of any applicable rules or regulations established by the commissioner or the Illinois liquor control commission; or 4) a failure to pay any license cost or fee or any tax imposed on alcoholic liquor or the sale of alcoholic liquor. In addition to any suspension of a license, the commissioner may levy a fine for such violations and failures, which fine shall not exceed one thousand dollars (\$1,000.00).
- B. The liquor control commissioner shall not suspend or revoke any liquor license or fine any licensee except after a public hearing, which public hearing shall commence not sooner than three (3) days after written notice affording the licensee an opportunity to appear and defend has been transmitted to the licensee at the licensed premises by United States Postal Service certified mail or by hand delivery.
- C. Notwithstanding the requirements of subsection B of this section, if the liquor control commissioner has reason to believe that any continued operation of any particular licensed premises will threaten the welfare of the community, then the commissioner, on the issuance of a written order stating the reason for such conclusion and without notice or hearing, may order the licensed premises closed for not more than seven (7) days pending a hearing on the suspension or revocation of the license therefor. Such order shall contain notice of the date, time, and place of the hearing, which hearing, giving the licensee an opportunity to be heard, shall commence not less than three (3) days after the date of service, and shall be served personally or by certified United States mail on the licensee or his or her agent or any employee thereof in charge of the licensed premises. If the licensee also is engaged in the conduct of another business or businesses on the licensed premises, the initial closing order shall not be applicable to such other business or businesses.
- D. The liquor control commissioner shall hold any hearing pursuant to this section at the date, time, and place set for in the notice for such hearing, and the commissioner shall make a decision in the form and within the time specified by law.

#### **4-2E-2: APPEAL FROM COMMISSIONER:**

Appeals from the decision of the Antioch liquor control commissioner shall be taken to the Illinois liquor control commission in the manner provided by law. Every review by the Illinois liquor control commission shall be limited to a review of the official record of the proceedings of the Antioch liquor control commissioner.

#### **4-2E-3: VIOLATION DETERMINED BY COURT:**

- A. Conviction Of Licensee: Whenever any licensee shall be convicted in court of any violation of state law pertaining to the sale of alcoholic liquor, or of any provision of this chapter, or of any applicable rules or regulations established by the Antioch liquor control commissioner or the Illinois liquor control commission, or of any law or

regulation pertaining to liquor license fees or taxes, then the license of said licensee may in the discretion of the Antioch liquor control commissioner be immediately revoked. Such revocation need not be preceded by notice or a hearing for such licensee. Such licensee shall have a right to a public hearing before the liquor control commissioner for the purpose of showing cause for reissuing the revoked license by petitioning for such a hearing within fifteen (15) days after the revocation of such license. The hearing shall be held within a reasonable time and shall allow the licensee an opportunity to be heard. The liquor control commissioner shall make his or her decision within the time specified by law.

- B. Conviction Of Other Person: Whenever an officer, director or manager or other employee of any licensee under this chapter shall be convicted of any violation of any law, ordinance or provision as provided in subsection A of this section while engaged in the course of his or her employment or while on the premises described in said license, said license may be immediately revoked in the discretion of the Antioch liquor control commissioner, subject to a subsequent hearing as provided in subsection A of this section.

#### **4-2E-4: COMPLAINTS:**

Any person may file a complaint with the Antioch liquor control commissioner alleging that any licensee has been or is violating state law pertaining to the sale of alcoholic liquor, or the provisions of this chapter, or the rules or regulations issued pursuant thereto. Such complaint shall be in writing, in the form prescribed by the liquor control commissioner, and shall be signed and sworn to by the parties complaining. The complaint shall state the particular law, provision, rule or regulation believed to have been violated and the facts in detail on which such belief is based. If the liquor control commissioner is satisfied that the complaint substantially charges a violation and finds probable cause to believe the same, then the liquor control commissioner shall set the matter for hearing and shall serve notice on the licensee of the time and place of such hearing and of the particular charges in the complaint, such hearing to take place not sooner than five (5) days after the date on which such notice is mailed to the licensee at the address of the licensed premises, by United States mail.

**4-2E-5: FINES:** General Offense: Any person who violates any provision of this chapter may be fined, for a first offense, not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) and may be fined, for a second or subsequent offense, not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

#### **4-2E-6: SEPARATE OFFENSES:**

Each day on which or during which any person violates any of the provisions of this chapter, and each separate act or transaction in violation of this chapter, shall constitute a separate offense.

#### **4-2E-7: VICARIOUS LIABILITY:**

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager or other agent or employee of any employer or licensee, shall be deemed and held to be the act of such employer and licensee, and such employer and licensee shall be punishable in the same manner as if said act or omission had been done by that employer or licensee personally.

#### **4-2E-8: BASSET TRAINING:**

In addition to any other penalties imposed pursuant to this chapter, any person who violates any regulation of this chapter may be required to complete the beverage alcohol sellers and servers education and training ("BASSET") program. Failure to complete the BASSET program when so required shall constitute a violation of this chapter.

## **ARTICLE F. GENERAL PROVISIONS**

#### **4-2F-1: SEVERABILITY:**

The sections, subsections and paragraphs of this Chapter shall be deemed to be severable, and the invalidity of any provision of this Chapter shall not affect the validity of the remaining provisions.

#### **4-2F-2: STATE LAW ADOPTED:**

All of the provisions of the Illinois Liquor Control Act, 235 Illinois Compiled Statutes 5/1-1 et. seq., and the rules and regulations issued by the Illinois Liquor Control Commission pertaining to local control of alcoholic liquor, as the same may be amended from time to time, are hereby incorporated into and declared to be a part of this Chapter as if expressly set forth herein, except only those provisions that are specifically contrary to or inconsistent with applicable provisions of this Chapter.

#### **4-2F-3: COMPLIANCE WITH ALL REGULATIONS REQUIRED:**

Nothing in this Chapter shall excuse or release the owner, proprietor, licensee or person in charge of any licensed premises in the Village from compliance with the restrictions and requirements of any other provision of any Federal, State of Illinois or Village Code, ordinance or regulation.