KANE COUNTY LIQUOR CODE

February 2009

Including Code Changes through Ordinance 09-64, 2-10-2009

Chapter 3
ALCOHOLIC LIQUOR

ARTICLE I. CONSTRUCTION

Sec. 3-1. Name Of Act:

Whenever reference herein is made to the Illinois liquor control law, it shall mean and refer to "an act relating to alcoholic liquors", approved January 31, 1934, in force February 1, 1934, as amended.

Sec. 3-2. Definitions:

Alcoholic Liquor: Alcohol, spirits, wine, 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, but not alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less, of alcohol by volume and synonymous with the phrase "alcoholic liquor" as defined by and used in "an act relating to alcoholic liquors".

Bar: An additional facility for serving liquor, located on premises which have a valid retail liquor license in effect under this chapter, or its amendment, or located within the property lines of the property upon which a licensed premises is located in effect under this chapter, or its amendment.

Beer: Beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like synonymous with the phrase "beer" as defined by and used in "an act relating to alcoholic liquors".

Beverage Cart: A motorized or nonmotorized portable cart with or without wheels used for the purpose of dispensing beverages, snacks, and alcoholic liquor.

Brewpub: A person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to nonlicensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brewpub licensee shall not sell for off premises consumption more than fifty thousand (50,000) gallons per year synonymous with the phrase "brewpub" as defined by and used in "an act relating to alcoholic liquors".

Caterer: A person who serves alcoholic liquors for consumption, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract synonymous with the phrase "caterer retailer" as defined by and used in "an act relating to alcoholic liquors".

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

Distilled Spirits: A beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise, mixed with alcohol or other substances.

Golf Course: A public, quasi-public, or private recreational outdoor facility designed and developed for golf activities consisting of nine (9) or more standard golf holes which may include a driving range, clubhouses, pro shops, restaurants, and other similar buildings associated with a golf course which are generally used by the public and/or by members and guests, and which does not include a novelty putting facility more commonly referred to as miniature golf or minigolf.

Inn: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which rooms are used for the sleeping accommodation 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 commonly identified as a hotel, motel, bed and breakfast, lodge or resort.

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 synonymous with the phrase "original package" as defined by and used in "an act relating to alcoholic liquors".

Outdoor Service: Any service of alcoholic liquor occurring outside of the premises within the property lines of the property upon which a licensed premises is located.

Package Store: A public place kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is sold at retail in the original package not for consumption on the premises where sold.

Premises: Any permanent physical structure(s) or building(s) from which alcoholic liquors are sold.

Private Function: A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served on the premises or within the property lines of the premises designated and used exclusively for the private party, function, or event synonymous with the phrase "private function" as defined by and used in "an act relating to alcoholic liquors".

Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served and comprise greater than fifty percent (50%) of gross receipts, without sleeping accommodations, such space being provided with an adequate and sanitary kitchen and where indoor dining room seating and equipment is maintained and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Sell At Retail: Sell at retail and sale at retail refer to and mean sales for use or consumption and not for resale in any form synonymous with the phrase "sell at retail" as defined by and used in "an act relating to alcoholic liquors".

Special Event Retailer: An educational, fraternal, political, civic, religious, or nonprofit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license synonymous with the phrase "special event retailer" as defined by and used in "an act relating to alcoholic liquors".

Wine: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits synonymous with the phrase "wine" as defined by and used in "an act relating to alcoholic liquors".

Winemaker: A person engaged in the making of wine synonymous with the phrase "winemaker" as defined by and used in "an act relating to alcoholic liquors".

Sec. 3-3. Adoption And Applicability Of State Law:

All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in "an act relating to alcoholic liquors".

Sec. 3-4. Interpretation:

The articles, provisions and sections of this chapter shall be deemed separable and the invalidity of any portion of this chapter shall not affect the validity of any article, provision or section of the remainder.

ARTICLE II. LOCAL LIQUOR CONTROL COMMISSION

Sec. 3-5. Local Liquor Control Commissioner:

The chairman of the Kane County board, state of Illinois, shall be the local liquor control commissioner in and for that area in the county and state which lies inside the corporate limits of said county, and he may appoint a person or persons to assist him in the exercise of the powers and the performance of his duties as such commissioner; such commissioner shall be known as the local liquor control commissioner of Kane County, and such person or persons shall be appointed by said commissioner and together with said local liquor control commissioner, shall constitute the local liquor control commission.

Sec. 3-6. Powers And Duties:

Said local liquor control commissioner and said local liquor control commission, in addition to the powers and duties herein given and provided, shall have all the powers and duties as provided for in the Illinois liquor control law.

Sec. 3-7. Adoption Of State Law:

Any and all sections of the Illinois liquor control law and any amendments thereto applicable to local liquor control commissions, or to local liquor control commissioners in counties, be and are the same hereby adopted and made a part of this chapter.

Sec. 3-8. Appointments:

The local liquor control commissioner and the local liquor control commission shall serve until their successors are respectively elected and appointed.

Sec. 3-9. Filing Of Appointments:

The local liquor control commissioner shall file a copy of the appointment of the members of the local liquor control commission with the office of the county clerk within five (5) days after their respective appointments.

Sec. 3-10. Rule Making Power:

The local liquor control commission is hereby authorized and empowered to make such reasonable rules as may be necessary in the performance of their duties and may prescribe the form of application which each prospective licensee shall sign prior to receiving the license.

Sec. 3-11. Meetings:

A meeting of the local liquor control commission may be called by the local liquor control commissioner or by the secretary of the local liquor control commission at the direction and the authority of the local liquor control commissioner by giving five (5) days' notice, in writing, to each of the commissioners. Such notice, in writing, shall be mailed to them at their place of residence. A quorum shall consist of three (3) members of the commission.

ARTICLE III. LICENSE CLASSIFICATION, NUMBER, FEES AND REGULATIONS

Sec. 3-12. Requirement Of Retail Liquor License:

(a)No person shall sell, barter, transport, deliver, solicit or receive orders for, keep or expose for sale, keep with intent to sell, or furnish any alcoholic liquor for beverage purposes for sale at retail, in any of the territory lying outside of the corporate limits of any city, village or town, and lying within the corporate limits of said county and the state, without first having a valid retail liquor license issued by the local liquor control commission of Kane County.

(b)All original or renewal applications for class AR, AP, AW, C, D, E, G, H, M, and O licenses, liquor applications shall be accompanied with proof of completion of a state certified beverage alcohol sellers and servers education and training (BASSET) program for all persons who sell or serve alcoholic liquor, all management personnel working on the premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic liquor, pursuant to that license. Class F and I licensees must have a BASSET trained person on the premises during an event and must provide the name and proof of BASSET training for that person when applying for a class F or I license. For licenses issued in 2008 only, proof of said BASSET training shall be provided to the Kane County liquor commission no later than October 1, 2008.

(c)A "state certified BASSET program" shall be defined as a BASSET program licensed by the state of Illinois liquor control commission as required by 235 Illinois Compiled Statutes 5/3-12(11.1). All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card to participants as proof of completion. A photocopy of certificates of completion for all owners, managers, employees, or agents required to have BASSET training shall be maintained on the premises in a manner that will allow inspection, upon demand, by any designee of both the state of Illinois or Kane County.

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

(e) It shall be unlawful for any commercial establishment except for those herein defined as a restaurant to permit the consumption of any alcoholic liquor without a Corkage License which will permit patrons to bring, possess and consume wine, as heretofore described, on the premises whether or not they hold a current Kane County Liquor License upon the conditions set forth herein.

(1) No more than 750 milliliters of wine per patron over the age of twenty (21) shall be permitted to be uncorked.

(2) Only patrons seated at tables or booths shall be permitted to consume wine that has been provided by the patron.

(3) Wine may only be consumed by individuals who order and are served a meal by the licensee.

(4) Every container of wine brought onto the premises by a patron must be opened by restaurant personnel, and it shall be unlawful for any patron to leave the premises with a partially consumed container of wine unless it is securely sealed by restaurant personnel prior to removal from the premises and placed in a transparent one-time use tamper-proof bag, as required by State law.

(5) Wine may only be uncorked by restaurant personnel between the hours of noon and 11:00 p.m.

(6) Possession and consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited.

(7) Restaurants may at their discretion charge corkage fees.

(8) BASSET training shall be required of all persons who serve alcoholic liquor, all management personnel working on the premises, and anyone whose job description entails the checking of identification. A state certified BASSET program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission as required by 235 ILCS 5/3-12(11.1). All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card to participants as proof of completion. A photocopy of certificates of completion for all owners, managers, employees, or agents required to have BASSET training shall be maintained on the premises in a manner that will allow inspection, upon demand, by any designee, of both the State of Illinois or Kane County. Any new owner, manager, employee, or agent requiring BASSET training shall within ninety (90) days from the beginning of their employment with that licensee, complete an Illinois Liquor Control Commission BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(9) All of the other provisions under this Chapter, Rules Pertaining to Alcoholic Liquor, shall be included for the purposes of issuing Corkage

Licenses with the exception of Section 3-12 Requirement Of Retail Liquor License, Section 3-20 Investigative Report, Section 3-22 Prohibited Liquor License Holders, Section 3-26 Application Requirements, Section 3-34.5 Designated Dancing Area, Section 3-35 Prohibited Hours of Sale, and Section 3-36 Prohibition of Occupancy During Prohibited Hours of Sale.

Sec. 3-13. Granting Of Retail Liquor License:

No retail liquor license shall at any time after the effective date hereof be granted by said local liquor control commission except as hereinafter provided.

Sec. 3-14. Place Of Business; Change Of Location:

(a)Any license issued hereunder shall embrace only one place of business.

(b)A license issued hereunder shall permit the sale of alcoholic liquor only within the premises described in the application or within the property lines of the property upon which a licensed premises is located. Such location may be changed only upon approval of the local liquor control commission after submission of a liquor license application for the new premises. No application involving a change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

Sec. 3-15. Classification Of Retail Liquor Licenses:

The local liquor control commission shall have the right to grant retail liquor licenses for the selling at retail of alcoholic liquor and not for resale in any form for the period beginning on April 1 of any year, and ending on March 31 of the next or succeeding year. Such licenses shall be as follows:

(1) *Class AR Licenses; Restaurants/Inns:* Such licenses shall authorize the retail sale, within the premises specified, of all kinds of alcoholic liquor for consumption on the premises and retail sales of alcoholic liquors by original package for consumption off the premises by restaurants and/or inns.

(2) *Class AP Licenses; Package Store:* Such license shall authorize the retail sale, on the premises specified by original package for consumption off the premises by package stores as defined herein and shall not authorize the sale of alcoholic liquor for consumption on the premises.

(3) *Class AW Licenses; Brewpub/Winemaker:* Such license shall authorize the retail sale of beer, within the premises specified, for consumption on the premises and retail sales of beer by original package for consumption off the premises provided, however, that a brewpub licensee shall not sell for off premises consumption more than fifty thousand (50,000) gallons per year. Such license shall also authorize the retail sale of wine by a "winemaker" as defined previously, within the premises specified, for consumption on the premises and retail sales of wine by a "winemaker" as defined previously in original package for consumption off the premises. If product sampling will be conducted on the premises or within the property lines of

the property upon which the premises is located, licensee must obtain an additional class P and/or a class Q-1 or class Q-2 license.

(4) *Class C Licenses; Clubs:* Such license shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises, and retail sales of alcoholic liquors by original package for consumption off the premises. This license shall be issued only to "clubs", as defined in state law.

(5) *Class C-1 Licenses; Small Clubs:* Such license shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises, and shall be issued only to those clubs otherwise eligible for a class C liquor license but whose membership does not exceed one hundred (100) paid members as substantiated by a complete list of names and addresses of said members, which list shall be sworn and attested to by licensee under penalties of perjury; and provided further that if at any time the membership exceeds one hundred (100) in number, the licensee must immediately advise the local liquor control commissioner.

(6) *Class D Licenses; Beer/Wine - Kane County Forest Preserve:* Such license shall authorize the retail sale, on the premises specified, for consumption on the premises of beer and wine only. Further, a class D license shall be limited to those premises owned by the Kane County forest preserve district.

(7) *Class E Licenses; Bars:* Such license shall authorize the retail sale, within the premises specified, of all kinds of alcoholic liquor for consumption on the premises only by bars as defined herein.

(8) *Class F Licenses; Twenty Four Hour Special Event:* Such license shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises, and which are subject to the following conditions, notwithstanding provisions pertaining to other classes of license:

a. Shall be issued only to established clubs and organizations.

b. Shall be valid for a twenty four (24) hour period as specified on the license, which shall not commence more than fourteen (14) days subsequent to the date the license is issued.

c. Are not renewable.

d. No more than seven (7) class F licenses shall be issued to the same applicant in any one calendar year.

(9) *Sunday Brunch Endorsement:* Such endorsement shall authorize the retail sale, on the premises specified, of alcoholic liquor for consumption on the premises by brunch patrons only, to a licensee operating a "restaurant" as defined in state law and which offers inside its building a broad menu/wide variety meal commonly referred to as "brunch"; where said restaurant is in a township containing a municipality allowing its licensees to serve alcoholic liquor during a Sunday brunch period.

(10) *Class G Licenses; Golf Course:* Such licenses shall authorize the retail sale, within the premises specified, of alcoholic liquor for consumption on the premises and retail sale of alcohol by original package for consumption beyond the confines of the premises but within the property lines of the property upon which the premises is located. Such license shall also authorize the retail sale by original package for consumption from an additional bar(s) or a beverage cart during daylight hours on the golf course only when the golf course is open and in use. A separate class J license must be obtained for each beverage cart and additional bar(s) but a separate class P license does not have to be obtained.

(11) *Class H Licenses; Beer/Wine - Kane County Events Center:* Such license shall authorize the retail sale, on the premises specified, for consumption on the premises during a specifically scheduled professional sporting event or professional concert or other entertainment event, beer and wine only. Further, a class H license shall be limited to the premises of the Kane County Events Center. Such license shall be subject to the following conditions, notwithstanding provisions pertaining to other classes of license:

a. Shall be issued only within the limits of 235 Illinois Compiled Statutes 5/6-15.

b. Subject to any ordinances, rules, regulations and conditions of the Kane County forest preserve.

c. Shall be valid for a period up to five (5) days (120 hours) as specified on the license.

d. Are not renewable.

e. Class H licensees are required to fulfill all requirements of those receiving licenses for the period from April 1 to March 31 the following year.

f. Licensee must display a written lease or agreement with the Kane County forest preserve providing for licensee's use of the Kane County Events Center during the entire period of this license for a specified event.

g. The licensee's use of the premises shall comply with any gathering permit ordinance where applicable and the cost of required security shall be the sole responsibility of the licensee.

h. No more than seven (7) class H licenses shall be issued to the same applicant in any one calendar year.

(12) *Class I Licenses; Temporary Special Event Retail:* Such license shall authorize the retail sale, on the premises specified, for consumption on the premises of beer and wine by special event retailer as defined herein during a "special event" as defined in 235 Illinois Compiled Statutes 5/1-3.30. Such license shall be subject to the following provisions pertaining to other classes of licenses:

a. Shall be limited to provisions of 235 Illinois Compiled Statutes 5/1-3.30 and 5/5-1(e).

b. License applicant must be an educational, fraternal, political, civic, religious or nonprofit organization.

c. Shall be valid for a period up to five (5) days (120 hours) as specified on the license.

d. Are not renewable.

e. Class I licensees are required to fulfill all requirements of those receiving licenses for the period from April 1 to March 31 the following year.

f. No more than seven (7) class I licenses shall be issued to the same applicant in any one calendar year.

(13) *Class J Licenses; Additional Bar:* Such license shall authorize the retail sale of alcoholic beverages for consumption within the premises or within the property lines of the property upon which a licensed premises is located from an additional bar located on the premises or within the property lines of the property upon which a licensed premises is located. Said class J license shall be available as determined by the local liquor control commission only to class AR, AW, C, C-1, E or G licensees. Said class J license shall be issued on the same qualifications and terms and conditions required for the original license under which the class A, C, E or G license was granted. A separate class J license must be obtained for each additional bar and each bar must be designated as a bar on the diagram of the premises submitted with the application.

(14) *Class K Licenses; Mail Order, Catalog, Internet Sales:* Class K licenses shall authorize the retail sale of beer to be sold exclusively by an establishment in which said retail sale of beer is done by means of mail order, telephone, and internet orders for shipment of beer through catalog advertisements to members of the general public of the age of twenty one (21) years or more.

a. In addition to other requirements of this chapter, a class K license shall only be issued to persons who can demonstrate that they are operating a bona fide mail order, telephone order, internet order, or catalog business for retail distribution of beer products with no sale at the facility.

b. Beer shall be sold in sealed packages only and not for sale, consumption or gift upon the premises of the licensee, but only for shipment to various locations or destinations away from the premises of the licensee.

c. It is a condition of class K licenses that, at no time, will retail sales, gift or consumption of beer be made to the general public on the premises of the licensee and, further, that only sales of beer by licensee shall be that of mail order, telephone sales, or internet orders to be delivered by United Parcel Service shipment or other authorized carrier, pursuant to the regulations adopted by the Illinois state liquor commission, to locations and destinations away from the premises of licensee.

(15) *Class L Licenses; Gift Baskets:* Class L licenses shall authorize the retail sale of wine or champagne to be sold exclusively as part of an arrangement in a gift basket by an establishment in which the retail sale of bottled wine and champagne is not the primary and principal business thereof.

a. In addition to other requirements of this chapter, a class L license shall be only issued to persons who can demonstrate that they are operating a bona fide business in which the wine/champagne gift basket business is incidental to the sale of other products.

b. Wine and champagne shall be sold in sealed packages only and consumption on the premises where sold is not permitted.

c. For purposes of this license classification, a "basket" shall be defined as a decorative gift container which may be constructed of wood, metal, plastic, woven rope, decorative paper or plastic bag or such similar material, the purpose of which is to hold the gift bottle arrangement.

d. No more than two (2) bottles of wine or champagne shall be included in any basket.

(16) *Class N Licenses; Special Use:* Such license shall authorize a class AR, AW, C, C-1 and G licensee to transfer a portion of its alcoholic liquor inventory from its licensed retail premises to the premises specified in the license hereby created and to sell or offer for sale at retail the transferred alcoholic liquor for use or consumption for a twenty four (24) hour period provided the licensee submits proof of general and liquor liability insurance for said special use for the premises specified. No more than three (3) special use licenses shall be issued to the same applicant in any one calendar year.

(17) *Class O Licenses; Caterer:* Such license shall authorize the retail sale of alcoholic liquor for a twenty four (24) hour period within the county on the premises specified on the license for a "caterer" as defined previously for consumption within the property lines of the premises only as an incidental part of food service that serves prepared meals which excludes the serving of snacks as the primary meal for private and public functions. Licensee shall provide proof of general and liquor liability insurance. Sale of alcoholic liquor to the licensee shall only be made at the registered office of the licensee.

(18) *Class P Licenses; Outside Service:* Such license shall authorize the retail sale and consumption of alcoholic liquor within the property lines of the property upon which the premises is located on a patio, beer garden, cabana, or other outside area specifically designated as an outside service area on the diagram of the premises submitted with the application to class AR, AW, C, C-1, and M licensees. <u>Such area must be enclosed with a fence, wall, or other physical barrier so as not to allow access to areas that have not been designated for outside service and signage posted at all times outside service is being provided that outside alcohol consumption is limited to the designated outside area of the premises as noted on a diagram of the premises posted with said notice and that alcohol consumption will not be permitted in any parking area or other outside location.</u>

(19) *Class Q-1 Licenses; Annual Product Sampling And Tasting Event:* Such license shall authorize product sampling for consumption of beer and wine only within the premises and/or within the property lines of the property upon which the premises is located of up to three (3) samples of no more than one ounce of wine or two (2) ounces of beer per consumer per day. A class Q-1 licensee may offer for sale and serve more than one drink per person for sampling purposes provided the total quantity of the sampling package regardless of the number of containers in which the alcoholic liquor is served does not exceed four (4) ounces of wine or sixteen (16) ounces of beer and shall be available only to class AW licensees. A separate class P license must be obtained for outside service.

(20) *Class Q-2 Licenses; Temporary Product Sampling And Tasting Event:* Such license shall authorize product sampling for consumption of alcoholic liquor within the premises only of up to three (3) samples of no more than one-fourth (1/4) ounce of distilled spirits, one ounce of wine, or two (2) ounces of beer per consumer per day. A class Q-2 licensee may offer for sale and serve more than one drink per person for sampling purposes provided the total quantity of the sampling package regardless of the number of containers in which the alcoholic liquor is served does not exceed one ounce of distilled spirits, four (4) ounces of wine, or sixteen (16) ounces of beer and shall be available only to class AR, AW, AP, C, or C-1 licensees.

Sec. 3-16. Number Of Licenses:

(a)The maximum number of allowable class A, B, C, C-1 and D licenses for each township is set by resolution of the Kane County board.

(b)No more than seven (7) class F licenses shall be issued to the same applicant in any one calendar year.

(c)No more than seven (7) class H licenses shall be issued to the same applicant in any one calendar year.

(d)No more than seven (7) class I licenses shall be issued to the same applicant in any one calendar year.

(e)No more than three (3) class N licenses shall be issued to the same applicant in any one calendar year.

Sec. 3-17. Fees For Licenses And Renewal Fees:

(a)The fee for any of the licenses hereinafter set forth shall accompany such application for such license. No license, or renewal of any license, may be issued until the fee therefor has been paid.

(b)The license fees for each classification of license herein authorized shall be fixed in the amounts as follows:

License	Fee	Terms
Class AR	$2,500.00	Per year

Class AP	2,500.00	Per year
Class AW	2,500.00	Per year
Class C	2,500.00	Per year
Class C-1	500.00	Per year
Class D	2,500.00	Per year
Class E	2,500.00	Per year
Class F	75.00	Per day
Sunday brunch endorsement	150.00	Per year
Class G	2,500.00	Per year
Class H	250.00	Per license, for period of up to first 24 hours with $125.00 for each additional consecutive period of up to 24 hours
Class I	250.00	Per license, for period of up to first 24 hours with $125.00 for each additional consecutive period of up to 24 hours
Class J	200.00	Per year
Class K	2,500.00	Per year
Class L	500.00	Per year
Class N	200.00	Per license
Class O	250.00	Per license
Class P	100.00	Per year
Class Q-1	250.00	Per year
Class Q-2	75.00	Per license
Corkage License	***250.00***	***Per year***

(c) If an application is made and a license granted during the first six (6) months of each license year, the license fee for such period shall be the entire fee required for the annual license year. Where application is made and license granted during the last six (6) months of each license year, the license fee shall be one-half (1/2) of the entire fee required for the annual license year; provided, that the proration provided for in this section shall not be allowed to any person who has been a licensee for the annual license year or part thereof preceding this application for a license, and provided that the benefit of this subsection shall not apply to a class F license fee.

(d) The required fee shall be deposited with the local liquor control commissioner at the time of application for the license. This shall be by certified check, cashier's check or money order made payable to the local liquor control commission. Such fee shall be returned to such applicant if his application is denied.

(e) In case of dissolution of any municipality located within the county, wherein said municipality has issued a liquor license, the following shall apply:

(1) The annual fee due to the county under subsection (b) of this section shall be waived in those cases where the fee paid by such municipal licensee equals or exceeds the county fee.

(2) Said municipal licensee shall pay to the county the difference, if any, between the fee paid by the municipal licensee and the annual fee due to the county under subsection (b) of this section, if the county fee exceeds the amount collected by the municipality.

(3) If the effective date of the dissolution of said municipality falls between October 1 and April 1, then said licensee shall be liable for one-half (1/2) of any sum determined to be due under subsection (e)(2) of this section.

(4) The county shall give the municipal licensee credit for any fees received by the county, or refunds received by the municipality. Said credit shall apply only to county liquor license fees due during the current license years.

Sec. 3-18. Transfer Of Licenses, Death Of Licensee, Or Change Of Ownership:

(a)Licenses issued pursuant to this chapter are not transferable in any manner whatsoever.

(b)Licenses issued pursuant to this chapter shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale 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 not longer than six (6) months after the death, bankruptcy or insolvency of such licensee, unless said executors, administrators or trustee file a new application with the liquor control commission. A copy of the court order must be provided to the liquor control commission.

(c)When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, the license shall terminate effective on the date of the change. When a license has been issued to a corporation and a change takes place in the officers, directors, or shareholders of more than five percent (5%) of the stock, or managers resulting in the holding of office or such shares by one who is not eligible, the license shall terminate effective on the date of the change. If there are any changes in ownership of the establishment licensed under this chapter or a change of managers, and the licensee does not contact the liquor control commission within thirty (30) days of the change, said license shall terminate effective on the date of the change. A license will not terminate if the liquor control commission has been notified of the change within thirty (30) days and all necessary background checks and BASSET requirements are pending.

Sec. 3-19. Departments' Certification:

At the time of the application for license or renewal and/or during seasonal or normal operations, certification from the Kane County health department, from the Kane County zoning department, and from the Kane County building department shall be provided indicating that the proposed licensed premises and the property upon which a licensed premises is located are in conformity with all of the regulations and ordinances of Kane County.

Sec. 3-20. Investigative Report:

No license shall be issued hereunder until the applicant shall have been investigated by the local liquor control commission and a report filed in the records of said commission approving the issuance of such license. As a part of this investigation, the local liquor control commission shall require fingerprints of all new applicants and shall have the right to require fingerprints of any applicant for renewal thereof. As used in this section the term "applicant" or "applicants" shall mean any individual who applies for a liquor license, all partners and officers of any partnership which applies for a liquor license, all officers of any corporation and all members of a limited liability company with a membership or ownership interest of five percent (5%) or more which applies for a liquor license. For purposes of obtaining fingerprints under this section, the local liquor control commission shall collect a fee and forward the fee to the Illinois department of state police and federal bureau of investigation. The local liquor control commission may accept a current or recent investigative report and/or fingerprint report of any state, municipality or local unit of government in lieu of a report or reports from the Illinois department of state police and federal bureau of investigation. A copy of fingerprints shall be held on record by the county in compliance with the prohibitions as stated in subsections 3-22(4), (5) and (6) of this article.

Sec. 3-21. Lapse Of License For Merger Into Another Liquor Jurisdiction:

If the premises for which a retail liquor license has been issued by the local liquor control commission by reason of annexation or otherwise comes within the jurisdiction of any other liquor control commissioner or commission and a license issued from said other jurisdiction to the holder of the Kane County license in effect hereunder, then the said county license shall automatically become null and void.

Sec. 3-22. Prohibited Liquor License Holders:

No retail liquor license shall be issued to or held by:

(1) A person who is not a resident of the county.

(2) A person who is not a citizen of the United States of America.

(3) A person who has been convicted of a felony, or who has been convicted of two (2) or more criminal misdemeanors other than for a traffic violation within the two (2) years next preceding his application.

(4) A person who has been convicted of being the keeper of, or is keeping a house of ill fame.

(5) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.

(6) A person whose license, issued under this chapter or under the state liquor control act, has been revoked for cause.

(7) A copartnership, unless all the persons forming a part of such copartnership shall be qualified to obtain a license, except that only one partner shall be required to be a resident of Kane County.

(8) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate amount of five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within Kane County.

(9) A corporation, unless its place of business is supervised by a manager or agent, who is present on the premises at least forty (40) hours per week, at least fifty (50) weeks per year.

(10) A person whose place of business is supervised by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.

(11) A person who does not own the premises for which a license is sought or does not have a lease thereof for the full period for which the license is to be issued.

(12) Any person, association or corporation not eligible for a state retail liquor dealer's license.

(13) Any law enforcing public official, any mayor, alderman, or member of the city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board.

(14) Any person under the age of twenty one (21) years. In addition no corporation or other entity that is controlled by, directly or indirectly, any person or persons under the age of twenty one (21) years.

(15) Any individual who may not receive a class F license.

Sec. 3-23. Licenses Subject To Changes By Liquor Commission:

Any and all licenses issued pursuant to this chapter shall be subject to any and all changes or amendments which may be hereafter made, and any and all rules adopted by the local liquor control commissioner or local liquor control commission. Any and all licenses shall be subject to any restrictions or conditions deemed desirable by the local liquor control commission or the local liquor control commissioner.

Sec. 3-24. Surety Bond:

(a) Each applicant must submit a bond executed by the applicant, and by good and sufficient corporate surety, in the sum of three thousand dollars ($3,000.00) and conditioned that the licensee shall faithfully observe and conform to the state law and to all of the provisions of these rules, and any and all amendments hereafter passed during the period of said license; and conditioned further for the payment of any and all fines or penalties levied or assessed against such licensee for the violation of any of the terms and conditions of these rules and of any amendments hereto, or of the state law.

(b) Such bond shall be further conditioned that the licensee will pay all the necessary costs and charges incurred by reason of any complaint filed for the revocation of his license herein by the local liquor control commissioner where same is occasioned by any violation of the terms and provisions of these rules or of the state law by the licensee.

(c) Such bond must have a coverage period equal to or longer than the duration of the applicant's liquor license.

Sec. 3-25. Insurance Requirements:

(a) No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the state insuring said person or entity against liability for any injury or death which said parties may incur while operating under the provisions of the Illinois liquor control act as follows:

(1) In the amount of one hundred thousand dollars ($100,000.00) per person and three hundred thousand dollars ($300,000.00) per occurrence for bodily injury liability; one hundred thousand dollars ($100,000.00) for loss of means of support; one hundred thousand dollars ($100,000.00) for property damage liability; or

(2) A three hundred thousand dollar ($300,000.00) single limit dramshop policy.

(b) No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the state insuring said person or entity against general liability in the amount of five hundred thousand dollars ($500,000.00).

(c) Each applicant shall show by evidence satisfactory to the local liquor control commission, the issuance of a policy of liquor liability insurance, and in the event he is not the owner of the premises described in said application, that he has a lawful right to possession of the same until the expiration of the term of license for which application is made. In the event of cancellation, the local liquor control commission shall be notified immediately of such cancellation.

ARTICLE IV. APPLICATION

Sec. 3-26. Application Requirements:

Application for such licenses shall be filed with the local liquor control commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information. Such information shall be updated within thirty (30) days if any of said statements or information changes during the term of any license issued.

(1) The name, birth date and social security number and address of the applicant in the case of an individual; in the case of copartnership, name, birth date, and social security number of each partner; and, in the case of a corporation, the objects for which organized, the names, birth date and social security number and address of the officers and directors and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name, address, birth date and social security number of such person and, in the case of a limited liability company the operating agreement, certification of admission to transact business within the state, the articles of organization, the names, birth dates, addresses and social security numbers of all members of the limited liability company and the name and address of the limited liability company's registered agent.

(2) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

(3) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(4) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.

(5) The amount of goods, wares and merchandise on hand at the time application is made.

(6) The location and legal description of the premises or place of business and the property upon which a licensed premises is located which is to be operated under such license. Each application shall contain a diagram of the premises which depicts the location of any service bars, outside service areas, and the location of one designated dancing area.

(7) A statement whether applicant has made application for a similar or other license on premises other than described in the application, and the disposition of such application.

(8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of the state, or the ordinances of the county.

(9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.

(10) A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance, rule or resolution of the county in the conduct of his place of business.

(11) The name, address, telephone number, date of birth, and citizenship or immigration status of any supervising manager or agent required pursuant to subsection 3-22(9) of this chapter. Proof that the resident manager is a United States citizen or legal resident alien must be submitted at the time of the application. All information regarding the resident manager shall be updated so that the Kane County liquor control commission has, at all times, current information regarding the supervising manager or agent.

(12) Proof of completion of an Illinois certified BASSET program for all persons who sell or serve alcoholic liquor, all management personnel working on the premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic liquor shall be provided with the application. If a person has not completed the Illinois certified BASSET program at the time of submission of the liquor license application, applicant must provide the name of said applicant with the application and provide proof of completion of said program within ninety (90) days of the application.

(13) Said application, fees, supporting documentation, and all required information shall be delivered to the office of the liquor control commission on or before the last day of February of the year for which such licenses are to be issued. A license may only be renewed by payment of the original fee plus a fifty dollar ($50.00) a day penalty starting March 1 through March 31 and shall accrue until the liquor control commission office has actual receipt of the required application, fees, supporting documentation, and all required information unless said penalty is reduced or waived for good cause by the Kane County liquor control commission. If an application, fees, supporting documentation, and all required information have not been received on or before March 31, said liquor license for the prior year will expire and the renewal application must be submitted as if the application were for a new licensee including background checks, inspections, and any other requirements. Receipt of a liquor license renewal application during the penalty period is not a guarantee that the license can be issued prior to the expiration of the prior license.

Section 3-26(b) Application Requirements for BYOB Establishments

Application for such licenses shall be filed with the Local Liquor Commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information. Such information shall be updated within thirty (30) days if any of said statements or information change during the term of any license issued.

(1) The name, birthdate, and address of the applicant in the case of an individual; in the case of a copartnership, the name, birthdate of each partner; and in the case of a corporation or limited liability company, the names, birthdate, and address of the officers and directors.

(2) The location and legal description of the premises or place of business and the property upon which the premises is located and is to be operated. If the property is leased, a copy of the lease covering the license year shall be submitted with the application which shall state that the consumption of alcohol is permitted on the premises.

(3) Proof of completion of an Illinois-certified BASSET program for all persons who serve alcoholic liquor, all management personnel working on the premises, and anyone whose job description entails the checking of identification of patrons consuming alcoholic liquor. If a person has not completed the Illinois-certified BASSET program at the time of submission of the liquor license application, applicant must provide the name of said applicant with the application and provide proof of completion of said program within ninety (90) days of the application.

(4) Said application, fees, supporting documentation, and all required information shall be delivered to the office of the Liquor Control Commission on or before the last day of February of the year for which such licenses are to be issued. A license may only be renewed by payment of the original fee plus a $50 a day penalty starting March 1 through March 31 and shall accrue until the Liquor Control Commission office has actual receipt of the required application, fees, supporting documentation, and all required information unless said penalty is reduced or waived for good cause by the Kane County Liquor Control Commission. If an application, fees, supporting documentation, and all required information have not been received on or before March 31, said Corkage License for the prior year will expire and the renewal application must be submitted as if the application were for a new licensee. Receipt of a Corkage License application during the penalty period is not a guarantee that the license can be issued prior to the expiration of the prior license.

(5) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance, rule or resolution of the County in the conduct of the place of business.

Sec. 3-27. Signature Of Corporation:

When any applicant for license is a corporation, said application shall be signed by the president and secretary thereof, and should the applicant be a partnership, then each and every member of the partnership (including a silent partner, if any) shall sign such application.

Sec. 3-28. Lease Of Premises:

Each applicant for a license must submit a copy of a fully executed lease of premises whenever the applicant is not the property owner of the premises for which he is seeking a license and such lease must have coverage period equal to, or longer than, the duration of the applicant's liquor license. Said lease must name the applicant as lessee. This section shall not apply to class H licenses.

Sec. 3-29. Application For Renewal:

All applications for renewal of any license shall be made on or before thirty (30) days prior to expiration thereof. Failure to make timely application shall cause the license not to reissue or to renew.

ARTICLE V. REVOCATION, SUSPENSION OR FINE

Sec. 3-30. Revocation:

Licenses granted hereunder may be revoked by the local liquor control commissioner for the violation of any part or portion of this chapter, or of the Illinois liquor control act, or of any valid resolution or ordinance enacted by the county board, or of any applicable rule or regulation established by the local liquor control commissioner or any violation of the criminal code of the state which occurs on the licensed premises or any violation of the criminal code of the state which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises.

Sec. 3-31. Suspension:

Licenses granted hereunder may be suspended by the local liquor control commissioner for a period of not exceeding thirty (30) days for the violation of any part or portion of this chapter, or of the Illinois liquor control act, or of any valid resolution or ordinance enacted by the county board, or of any applicable rule or regulation established by the local liquor control commissioner or by the state liquor commission or any violation of the state criminal code which occurs on the licensed premises or any violation of the criminal code of the state which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises. During such period of suspension, no alcoholic liquor shall be sold on said licensed premises.

Sec. 3-32. Fine:

In lieu of revocation or suspension of the liquor license by the local liquor control commissioner, the local liquor control commissioner may fine any licensee up to one thousand dollars ($1,000.00) for the violation of any part or portion of this chapter, or of the Illinois liquor control act, or of any valid resolution or ordinance enacted by the county board, or of any applicable rule or regulation established by the local liquor control commissioner or by the state liquor commission or any violation of the state criminal code which occurs on the licensed premises or any violation of the criminal code of the state which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises.

Sec. 3-33. Revocation For Criminal Conviction:

Licenses granted hereunder may be revoked upon the conviction of licensee under the criminal code of the state.

Sec. 3-34. Revocation For False, Fraudulent Statement:

Should any applicant for license make a false or fraudulent statement in such application, the same shall be cause for revocation by the local liquor control commissioner of such license.

Sec. 3-34.5. Designated Dancing Area:

Dancing shall be limited to one area designated for such purposes in the diagram which accompanies the application for a liquor license. Licensee shall not permit dancing other than in the area so designated.

Sec. 3-35. Prohibited Hours Of Sale:

It shall be unlawful for any licensee hereunder to sell or offer for sale at retail any alcoholic liquor or furnish or give away or allow to permit the same to be consumed on the licensed premises or any other premises under the control, directly or indirectly, of the licensee, during the following hours:

(1) Except on January 1, between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.

(2) Except on January 1, between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. on Saturdays; and between the hours of two o'clock (2:00) A.M. and twelve o'clock (12:00) noon on Sundays.

(3) On January 1, between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. unless January 1 is a Sunday, and then between the hours of two o'clock (2:00) A.M. and twelve o'clock (12:00) noon.

(4) The prohibitions in subsections (2) and (3) of this section shall not apply:

a. During the hours specified on the Sunday brunch endorsement granted the licensee; or

b. Between the hours of nine o'clock (9:00) A.M. and twelve o'clock (12:00) noon on Sundays, if no hours are specified on the Sunday brunch endorsement.

Sec. 3-36. Prohibition Of Occupancy During Prohibited Hours Of Sale:

It shall be unlawful to keep open for business, or to admit persons to any premises licensed under these rules for the retail sale of alcoholic liquors during the hours within which sale of alcoholic liquors such liquor is prohibited or to permit or allow persons to remain in or about the licensed premises either before or after the hours designated within which the sale and consumption of alcoholic liquor is prohibited on the licensed premises; provided, however, that restaurants, clubs, drugstores and hotels may keep their place of business open, subject only to the provisions that no sale at retail of

alcoholic liquors or the consumption by persons of alcoholic liquors shall be permitted or allowed on said licensed premises during the hours prohibited.

Sec. 3-37. Prohibition Of Sound Amplification:

It shall be unlawful for any licensee to permit or allow any noise or sound to be amplified outside the bounds of a structure on the premises if a residence is within five hundred feet (500') of the premises.

Sec. 3-38. Prohibition Of Harboring Criminals:

It shall be unlawful for any licensee to harbor, conceal, aid or assist any fugitive from justice.

Sec. 3-39. Prohibition Of Free Dispensing:

Free dispensing of alcoholic liquor by ~~any licensee is~~ licensees engaged in the retail sale of alcohol are prohibited, except that product sampling may be conducted by a licensee with a class Q-1 or Q-2 license only. Free dispensing of wine by restaurants when the wine has been provided by restaurant patrons whether or not a corkage fee has been imposed is prohibited unless said restaurant has been issued a Corkage License.

Sec. 3-40. Prohibition Of Resale:

It shall be unlawful for any licensee to sell at retail, alcoholic liquor for resale.

Sec. 3-41. Prohibition Of Prostitution And Lewdness:

(a)It shall be unlawful for any licensee hereunder to allow or permit any soliciting for prostitution or lewdness on the licensed premises.

(b)The following kinds of conduct are prohibited:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts.

(2) The actual or simulated touching, caressing or fondling on the breast, buttocks, anus or genitals.

(3) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals. The aforesaid body parts shall be covered by opaque material which does not permit viewing of said body parts.

(4) The permitting, by a licensee, of any person to remain in or upon the licensed premises who exposes to public view his or her entire breasts or genitals, vulva or anus.

(5) The displaying of moving pictures or photographic slide presentations depicting acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act.

(6) Employees shall not have bodily contact with patrons and patrons shall not be permitted to purchase beverages for employees. For purposes of this section the term "employees" shall include independent contractors performing services on the licensed premises and employees of any independent contractors performing services on the licensed premises.

Sec. 3-42. Prohibition Of Disturbance Of The Peace:

It shall be unlawful for any licensee, individually or through his agents or employees, to allow intoxicated persons to loiter on or about that part of the premises described in the license and the property upon which a licensed premises is located which part is in use by or in view of the general public, or permit any conduct which shall tend to disturb the people or quiet of the neighborhood or the premises.

Sec. 3-43. Prohibition Of Sale Of Liquor To Minors, Drunkards Or Mentally Deficient Persons:

(a)It shall be unlawful for any licensee hereunder, individually or through his agents or employees, to sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or to be in need of mental treatment.

(b)If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Sec. 3-44. Prohibition Of The Employment Of Minors; Exceptions:

Except as enumerated herein, no licensee shall employ any person under the age of twenty one (21) years to sell, handle, draw, serve, pour, or mix any alcoholic liquor, beer, or wine, or to tend bar, on the licensed premises. Where the principal business of the licensee is the sale of food, food servers who are eighteen (18) years of age or older may serve alcoholic beverages. For purposes of this section, a licensee has as its principal business the sale of food when the gross annual receipts of such sales exceed fifty percent (50%) of the licensee's total gross income from business conducted on the licensed premises. Where the principal business of the licensee is the sale of alcoholic liquor, beer, or wine no such licensee shall employ, engage or permit any person under the age of eighteen (18) years who is not related to the licensee by blood or marriage to work, entertain, or to act as host or hostess in any public area on the licensed premises while such premises are open for the sale at retail of alcoholic liquor. For purposes of this section, a licensee has as its principal business the sale of alcoholic liquor, beer, or wine when the gross receipts of such sales exceeds fifty percent (50%) of the licensee's

total gross income from business conducted on the licensed premises. It shall be the duty of all licensees to keep and maintain records of persons performing services within the licensed premises to ensure compliance with this section.

Sec. 3-45. Prohibition Of Gambling:

It shall be unlawful for any licensee hereunder to permit or allow any gambling or betting of any money in or about the licensed premises or to permit or allow any slot machines or any vending machines on or about the licensed premises which slot machines or vending machines either directly or indirectly involve the element of chance.

Sec. 3-46. Type Of Notice Required:

Whenever this chapter requires a hearing before the local liquor control commission or said commission acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of such hearing. Such notice shall be sent by certified mail, return receipt requested, or personal delivery to the address of the licensee contained on the application for liquor license and shall state:

(1) The time, place, and nature of the hearing.

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(3) A reference to the particular sections of the ordinances or statute(s) involved.

(4) A statement informing the licensee of his ability to respond by presenting evidence and argument.

Sec. 3-47. Hearings:

(a)A hearing required under this chapter shall be held in accordance with the following rules:

(1) A hearing shall be held at a reasonable time, date and place.

(2) No cause shall be heard earlier than three (3) days after receipt by a licensee of the notice required under this article.

(3) A licensee may present evidence and argument.

(4) The local liquor control commission or local liquor control commissioner may limit, but not prohibit, the presentation of evidence and argument.

(b)Where a licensee has received the requisite notice under this article and fails to appear at a hearing, the local liquor control commission or local liquor control commissioner may act ex parte. The local liquor control commissioner may also have informal hearing where the liquor license will not be affirmatively acted on at such hearing.

Sec. 3-48. Decisions:

Any decision, order, or determination rendered by the local liquor control commission or local liquor control commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision. Any such decision, order, or determination may include assessment of all costs, fees and expenses as determined by the local liquor control commission.

Sec. 3-49. Entry Onto Premises:

Any entry authorized by this chapter onto premises licensed under this chapter shall be accomplished without a breach of the peace.

Sec. 3-50. Waiver:

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

Sec. 3-51. Continuances For Hearings:

(a)A request for a continuance of any hearing in any matter before the local liquor control commission will not be allowed by the said commission unless for good and valid reason in writing and unless made at least two (2) days prior to the date set for hearing.

(b)The local liquor control commission may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

(c)Any continuances requested by the licensee shall be contingent upon payment by the licensee of all costs, fees, and expenses as determined by the local liquor control commission.

Sec. 3-52. Appeal On The Record:

Any appeal taken from a decision of the local liquor control commission shall be reviewed on the record taken by and prepared by a certified court reporter or certified shorthand reporter.

ARTICLE VI. GENERAL PROVISIONS

Sec. 3-53. Sale Of Liquor; Specific Hours:

The hours mentioned herein shall be Central Standard Time except when daylight saving time is in effect, and then said hours shall be Central Daylight Saving Time.

Sec. 3-54. Display Of Liquor License:

The county certificate of license issued in conformity with the provisions of this act shall be displayed in a prominent place in the said licensed establishment.

Sec. 3-55. Nondiscrimination In The Issuance/Renewal Of Liquor License:

The local liquor control commission shall not issue nor renew a liquor license of any category to any person which discriminates in its service to individuals on the basis of race, color, gender, ethnic origin, national origin, or ancestry. Except "club(s)" as defined in the Illinois liquor control law are exempt from this provision.

Sec. 3-56. Minimum Drinking Age:

Any person less than twenty one (21) years of age shall not purchase, or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person less than twenty one (21) years of age is forbidden. The possession and dispensing, or consumption by a person under twenty one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under twenty one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty one (21) years of age in the privacy of a home, is not prohibited by this section. Violation of this section shall be punishable by a fine of not exceeding five hundred dollars ($500.00).

Sec. 3-57. Severability:

If any section, portion or provision of this chapter is construed to be invalid or void it shall not affect the remaining sections, portions or provisions which shall remain in full force and effect thereafter.