

**AN ORDINANCE AMENDING THE PROVISIONS OF THE CARPENTERSVILLE
MUNICIPAL CODE, CHAPTER 5.12, PERTAINING TO THE LICENSING OF
ALCOHOLIC LIQUOR SALES AND SERVICE**

WHEREAS, the Village Attorney and Village staff have conducted a comprehensive review of the provisions of Chapter 5.12 of the Carpentersville Municipal Code and have made recommendations for revisions to said Chapter; and

WHEREAS, the President and Board of Trustees of the Village of Carpentersville have determined that it is in the best interests of the Village for the provisions of Chapter 5.12 of the Carpentersville Municipal Code to be revised in accordance with the provisions of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, County of Kane, Illinois, as follows:

SECTION 1:

The Carpentersville Municipal Code, Title 5, "Business Licenses and Regulations", Chapter 5.12, currently entitled "Alcoholic Beverages", is hereby amended in its entirety, and as amended shall read as follows:

Chapter 5.12

ALCOHOLIC LIQUOR

5.12.010 Definitions.

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

"Alcoholic liquor" means and includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half or one percent, or less of alcohol by volume.

"Banquet Facility or Banquet Hall" shall mean any building or structure kept, used, maintained or held out to the public as a place where persons may gather for the purpose of conducting celebratory events such as wedding or graduation parties or similar events.

"Bar area" means that area where alcoholic liquor is predominantly served at a bar with or without stools or at nearby tables and segregated in some manner from the remaining portions of an establishment.

"Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things beer, ale, stout, lager beer, porter, and the like.

"Beer and wine establishment" means any restaurant serving beer and wine and not other alcoholic liquor.

“Bowling center establishment” means any public place kept, used, maintained, and advertised wherein the game of bowling, played with composition balls and ten wooden pins, is played and any restaurant area which is a part thereof.

“Club” means a corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members 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; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives a form of salary or other compensation from any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

“Hotel” means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually prepared, served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests whether transient, permanent, or residential. This definition of hotel includes motels and motor hotels.

“Restaurant” means any public place kept, used, maintained, and advertised as such, and where meals are actually and regularly prepared and served on the premises in accordance with a general menu or specialized menu.

“Sale” means any transfer, exchange or barter in any manner or by any means whatsoever, and includes and means all sales made by any person whether principal, proprietor, agent, servant or employee.

“Sell” means and includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

“Sell at retail” and “retail sales” refers to and means sales for use or consumption and not resale in any form.

“Wine” means 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.

5.12.020 License.

A. It is unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license.

B. It shall be unlawful to permit the consumption of alcoholic liquor on the premises of any business or commercial enterprise by any customers, patrons or potential customers or patrons, unless a retail liquor dealer's license has been issued for such premises, and then only in accordance with the terms of such license.

C. It shall be unlawful to permit the consumption of alcoholic liquor on the premises of any not-for-profit, charitable or club organization unless a retail liquor

dealer's license has been issued for such premises, and then only in accordance with the terms of such license. The provisions of this section shall not pertain to the consumption of alcoholic liquor in conjunction with a religious service or within any residence owned or leased by a not-for-profit or charitable organization and used for residential purposes.

5.12.025 Liquor Control Commissioner.

A. The Village President shall be the local liquor control commissioner and shall be charged with the administration of the appropriate provision of the Illinois Liquor Control Act and this Chapter.

B. The liquor control commissioner shall have the following powers and duties:

1. To issue licenses for the retail sale and consumption of alcoholic liquors in accordance with the provisions of this Chapter.

2. To suspend for not more than thirty (30) days or to revoke all local liquor licenses issued within the village and/or to impose a fine in lieu of a suspension or a portion of a suspension. In addition to a fine or other penalty assessed, the licensee shall be subject to costs incurred by the Village for the hearing on the violation. These costs shall include but not be limited to court reporter, legal fees, subpoena fees, witness expenses, expert or scientific analysis, or other charges attendant to the hearing.

5.12.030 Application for license.

A. Applications for a retail liquor dealers license shall be made to the liquor control commissioner in writing; signed by the applicant(s), if an individual or partnership, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit; shall be accompanied with nonrefundable application fee in the amount as provided in Chapter 20.02, "Fees" Section 20.02.010, "License and permit fees" of this code; and shall contain the following information and statements:

1. The name, birth date, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, or a club, the date of incorporation (in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act to transact business in the state), and the objects for which it was organized. The names, dates of birth, and addresses of any partner, any officer and any director, and if a majority in interest of the stock of a corporation is owned by one person or his or her nominees, the name, date of birth, and address of such person;

2. The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the time and place of his or her naturalization;

3. The character of business of the applicant; and in case of a corporation, the purpose for which it was formed;

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

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

6. The location and description of the premises of place and business which is to be operated under such license;

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

8. A statement that applicant has never been convicted of a felony, has never been convicted of being the keeper of or is keeping a house of ill fame; has never been convicted of pandering or other crimes or misdemeanor opposed to decency and morality;

9. A statement that the applicant has never been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his or her bond to appear in court to answer charges for any such violations;

10. A statement that the applicant does beneficially own the premises for which a license has been issued or does have a lease thereon for the full period for which the license is to be issued together with the name and address of the landlord;

11. A statement that the applicant is not a law enforcing public official, a member of the village board and that no such official has any interest in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

12. A statement that the applicant has never been convicted of a gambling offense as prescribed in 720 ILCS 5/28-1(a)(3) through (a)(10) or 720 ILCS 5/28-3 of the aforementioned statute;

13. A statement that the applicant does not have a federal gaming device stamp or a federal wagering stamp issued by the federal government for the current tax period;

14. A statement that the premises to be licensed has not been issued by the federal government for the current tax period a federal gaming device stamp or a federal wagering stamp;

15. A statement:

a. That if a co-partnership, all members of the co-partnership, are qualified to obtain a license;

b. That if a corporation, any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, is eligible to receive a license pursuant to the laws of the state and the municipality. All officers, managers, directors, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, shall be listed including address and date of birth;

16. Whether a previous license issued by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore; and

17. If applicable, the date of the filing of the "Assumed Name" of the business with the county clerk.

B. The application if made on behalf of a partnership, firm or association, club, or corporation shall be signed by at least two members of such partnership or the president and secretary of such corporation.

5.12.040 Restriction on issuance of licenses.

No such license shall be issued to:

A. A person who is not a resident of the village.

B. A person who is not a citizen of the United States.

C. A person who has been convicted of a felony under any Federal or State law, provided however, that if the conviction occurred more than seven (7) years from the date of application, a license may be granted if the liquor commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in the person's application, provided by the applicant and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

D. A person who has been convicted of being the keeper or is keeping a house of ill fame.

E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

F. A person whose license issued under this Chapter or under the applicable laws of the State has been revoked for cause.

G. A person who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application.

H. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

I. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this Chapter for any reason other than citizenship and residence within the village.

J. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

K. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee, for any reason other than citizenship or residence within the village.

L. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation;

M. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

N. Any law-enforcing public official or officer, the liquor control commissioner, the president of the village board of trustees, any member of a village board of trustees or the immediate family of any of the above. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;

O. A person who is not a beneficial owner of the business to be operated by the licensee;

P. A person who has been convicted of a gambling offense under state or federal law.

Q. A person to whom a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period, or if any of

the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the current tax period;

R. A co-partnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the current tax period;

S. A corporation if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent of the stock of such corporation has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax period;

T. Any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period.

U. Any person who has provided false or misleading information upon the application for license.

V. Any person who intends to sell or provide alcoholic liquors for use or consumption on his or her premises who does not have liquor liability insurance coverage for the premises in an amount at least equal to the requirements of law.

W. Any person who has outstanding indebtedness to the village.

5.12.050 Investigation of license applicant, premises.

Application for a liquor license shall be forwarded to the chief of police, fire chief, building commissioner and zoning official, who shall cause an investigation of such applicant and proposed premises and to report his or her findings to the liquor commissioner in writing, within thirty (30) days from the date when the application was forwarded to them.

5.12.060 Classification and standard for the issuance of licenses.

No liquor license shall be issued to any premises which does not comply with the minimum requirements for the license classifications set forth herein. These minimum requirements shall be in addition to compliance with all other ordinances of the village. Liquor licenses authorized to be granted by the local liquor control commissioner shall be divided into the following classes:

A. Class A (Bar or Tavern) license, which shall authorize the retail sale on the premises specified of alcoholic liquor for the consumption on the premises as well as the retail sale of such liquor in packaged form for consumption off the premises.

B. 1. Class B (Package Liquor) license, which shall authorize the retail sale of alcoholic liquor for consumption off the licensed premises and in packaged form only. It shall not be unlawful, however, to permit the tasting or sampling of alcoholic beverages on the premises, if such sampling or tasting is part of a promotion or sales device and no charge of any kind or nature is made for such sampling or tasting.

2. Class B-1 (Package Liquor) license, which shall be issued as a supplemental license to the holder of a Class D or E license and shall authorize the retail sale of alcoholic liquor in packaged form only for consumption off of the licensed premises.

3. Class B Limited (Package Liquor) license, which shall authorize the retail sale of beer and wine, but not other alcoholic liquor, for consumption off the licensed premises, and in packaged form only. Notwithstanding anything in this chapter to the

contrary, the Class B Limited license shall not extend to the sale of wine containing more than twenty (20) percent alcohol by volume or beer containing more than thirteen (13) percent alcohol by volume. It shall not be unlawful, however, to permit the tasting or sampling of beer or wine on the premises, if such sampling or tasting is part of a promotion or sales device and no charge of any kind or nature is made for such sampling or tasting. In all other respects the provisions of this chapter concerning Class B license shall apply to Class B Limited license.

C. Class C (Club) license, which shall authorize the retail sale of alcoholic liquor by clubs as defined in this chapter for consumption on the premises only.

D. Class D (Restaurant) license, shall authorize the retail sale of alcoholic liquor by restaurants as defined in this chapter for consumption on the premises. A class D license shall be issued only to establishments meeting the following criteria:

1. Meals shall be actually and regularly prepared on premises and served in accordance with either a general or specialized menu;

2. Adequate and sanitary kitchen and dining room equipment shall be provided and maintained;

3. The establishment shall have a minimum seating capacity of 32 persons and a seat shall be provided for each person.

4. The area of the main dining room or dining rooms shall provide a minimum of ten (10) square feet per customer.

5. Without exception, the gross receipts for the establishment must reflect, based on the books and records for each preceding federal tax year, at least sixty-six (66) percent from the sale of food and beverage excluding alcoholic liquor, and no more than thirty-four (34) percent of said gross receipts shall be from alcoholic liquor.

E. A Class E (Restaurant and Tavern) license shall authorize the retail sale of alcoholic liquor by a restaurant and taverns as defined in this chapter for consumption on the premises. A class E license shall be issued only to establishments meeting the following criteria:

1. Meals shall be actually and regularly prepared on premises and served in accordance with either a general or specialized menu;

2. Adequate and sanitary kitchen and dining room equipment shall be provided and maintained;

3. The establishment shall have a minimum seating capacity in the main dining room or dining rooms of 32 persons and a seat shall be provided for each person.

4. The area of the main dining room or dining rooms shall provide a minimum of ten (10) square feet per customer.

5. The establishment shall contain a bar area.

6. All serving of food and beverage shall be at tables, or the approved bar area, with adequate seating as provided above. Provided, however, that prohibition shall not apply to carry-out or delivery of food only and nonalcoholic beverages.

F. A Class F (Restaurant - Beer and Wine Only) shall authorize the sale of beer and wine only in a restaurant as defined in this chapter for consumption on the premises. A class F license shall be issued only to establishments meeting the following criteria:

1. Meals shall be actually and regularly prepared on premises and served in accordance with either a general or specialized menu;

2. Adequate and sanitary kitchen and dining room equipment shall be provided and maintained;

3. The establishment shall have a minimum seating capacity of 32 persons and a seat shall be provided for each person.

4. The area of the main dining room or dining rooms shall provide a minimum of ten (10) square feet per customer.

5. Without exception, the gross receipts for the establishment must reflect, based on the books and records for each preceding federal tax year, at least sixty-six (66) percent from the sale of food and beverage excluding alcoholic liquor, and no more than thirty-four (34) percent of said gross receipts shall be from alcoholic liquor.

6. The establishment shall have no bar for the seating or direct use of patrons, except for a service bar for use by the restaurant only with no patron seats.

7. All serving of food and beverage shall be at tables with adequate seating as provided above, and beer and wine shall be served only in conjunction with the purchase and consumption of food. Provided, however, that prohibition shall not apply to carry-out or delivery of food only and nonalcoholic beverages.

G. A Class G (Restaurant – BYOB) shall authorize the consumption of wine only, brought by the patrons of the restaurant for consumption on the premises. A class G license shall be issued only to establishments meeting the following criteria:

1. Meals shall be actually and regularly prepared on premises and served in accordance with either a general or specialized menu;

2. Adequate and sanitary kitchen and dining room equipment shall be provided and maintained;

3. The establishment shall have a minimum seating capacity of 32 persons and a seat shall be provided for each person.

4. The area of the main dining room or dining rooms shall provide a minimum of ten (10) square feet per customer.

5. No sales of alcoholic liquor shall be allowed.

6. All serving of food and beverage shall be at tables with adequate seating as provided above, and wine shall be served only in conjunction with the purchase and consumption of food. Provided, however, that prohibition shall not apply to carry-out or delivery of food only and nonalcoholic beverages.

H. Class H license, shall authorize the retail sale of alcoholic liquor by hotels as defined in this chapter for consumption on the premises. A class H license shall be issued only to establishments meeting the following criteria:

1. The hotel shall contain fifty (50) or more rooms for sleeping accommodations of such guests;

2. The hotel shall contain one or more public dining rooms with a minimum seating capacity of fifty (50) guests where meals are prepared on premises and 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 being provided with adequate and sanitary kitchen and dining room equipment and capacity.

I. Class I Brunch License. Any holder of a Class D, E, F or H license who on Sundays prior to commencing the sale of alcoholic liquor at twelve noon serves within the licensed premises a broad menu, wide variety buffet-type meal (commonly referred to as a “buffet brunch”), may obtain a supplemental brunch license which shall authorize the sale of alcoholic liquor as restricted by the license between the hours of nine a.m.

and twelve noon on Sundays, but only for consumption on the premises by brunch patrons.

J. Class J license (wine bar), which shall authorize the retail sale and consumption of on the premises, the provision of wine in small amounts for tasting purposes, and the retail sale of bottles of wine for consumption off the premises in an establishment in which the retail sale of bottled wine is the primary and principal business thereof.

K. Class K License (Banquet) which shall authorize the retail sale of alcoholic liquor in a banquet facility as defined in this chapter for consumption on the premises. A class K license shall be issued only to establishments meeting the following criteria:

1. The exclusive activity of the establishment shall be the catering of private parties where full service meals such as multiple course meals, hors d'oeuvres, or buffet meals, at a prearranged fixed price, are prepared on premises and served for consumption at tables on the premises.

2. Adequate and sanitary kitchen and dining room equipment shall be provided and maintained;

3. The establishment shall have a minimum seating capacity of 50 persons and a seat shall be provided for each person.

4. The area of the main dining room or dining rooms shall provide a minimum of ten (10) square feet per customer.

5. Alcoholic liquor may be served or sold only in conjunction with the food service and incidental to such food service;

6. Each private party must be prearranged under the sponsorship of a particular person or organization including but not limited to weddings, graduation parties and similar affairs.

7. No banquet facility shall have a separate bar or tavern area devoted primarily to the service, sale and consumption of alcoholic liquor only and not used in connection with the banquet activity.

8. The establishment shall be in compliance with all other ordinances of the village.

L. Class L license (bowling center), which shall authorize the retail sale of alcoholic liquor by bowling center establishments, as defined in this chapter, for consumption on the premises only. A class G license shall be issued only to establishments meeting the following criteria:

1. Seating capacity required hereunder shall include patron seating in basement or sub-grade space. The seating area of the bowling center shall provide a minimum of ten (10) square feet per customer.

2. Without exception, the gross receipts for the bowling center establishment must reflect, based on the books and records for each preceding federal tax year, at least seventy-five (75) percent from the sale of bowling play and equipment and food and beverage excluding alcoholic liquor, and no more than twenty-five (25) percent of said gross receipts shall be from the sale of alcoholic liquor.

3. All serving of food and beverage shall be at tables or to patrons participating in the game of bowling, with adequate seating as provided above, and alcoholic liquor shall be served and sold only in conjunction with the purchase and consumption of food and/or the sale of bowling play or products on the premises.

Provided, however, that prohibition shall not apply to carry-out or delivery of food only and nonalcoholic beverages.

4. The establishment shall be in compliance with all other ordinances of the village.

M. Class D-1, E-1, F-1 or J-1 license (Outdoor Café) may be granted as a supplemental license to a holder of a Class D, E or F license. A class D-1, E-1 or F-1 license shall be issued only to establishments meeting the following additional criteria:

1. All sales of alcoholic liquor shall be incidental to the service of food only.

2. Access into the outdoor cafe shall be from the permanent structure only and no access shall be permitted from the street, sidewalk, or adjoining property. Emergency exits as required by village ordinances must be provided.

3. No music of any kind may be played or broadcast from the outdoor café.

4. No sales or dispensing of alcoholic liquor may be made from the outside area or permanent structure to any person upon adjoining property, public street, sidewalk or alley, and no alcoholic liquor served in an open container may be removed from the outdoor cafe or permanent structure.

5. The establishment shall be in compliance with all other ordinances of the village.

N. Class M (caterer retail license), which shall authorize the retail sale of alcoholic liquor by a catering company to allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, for consumption on the premises of the catered event.

O. Class N which shall authorize the retail sale of alcoholic liquor for a period of not to exceed three days by a local, not-for-profit, charitable, fraternal, national or local service, governmental, civic group or to any person, firm or corporation holding a liquor license under the provisions of this chapter, in connection with any carnival, licensed public event or fundraising program, for consumption on the premises of the carnival, licensed public event or fundraising program. Said license shall state the specific terms and conditions thereof, together with the lawful days and hours of sale and consumption.

5.12.070 Temporary license, sale or consumption on village-owned property.

A. It is unlawful for any person, firm or corporation to sell or offer for sale or to consume or furnish for consumption alcoholic liquors on any property owned by the village, except in conjunction with:

1.) a village celebration,

2.) an event sponsored by a religious, fraternal, national or local service, civic organization, eleemosynary institution, or other not-for-profit organization, for which a temporary celebration or event license has been duly issued by the local liquor control commissioner, or

3.) a licensed public event to a person, firm or corporation currently holding an annual liquor license under the provisions of this chapter, to whom a temporary celebration or event liquor license has been duly issued by the local liquor control commissioner under the provisions of this Section.

B. Said license shall state the specific terms and conditions thereof, together with the lawful days and hours of sale and consumption. Said license shall not be issued for a period which exceeds five days.

C. No person, firm or corporation shall apply for a temporary license in conjunction with a celebration or event, wherein the prospective temporary licensee intends to sell, serve or dispense alcoholic liquors on any property owned by the village, unless such person, firm or corporation has, previous to the application for such liquor license, made formal application to the president and board of trustees of the village, and has secured the permission of such board, by formal action, to hold such celebration or public event, including sale, service and dispensing of alcoholic liquors on village-owned property, and a special event license has been granted for the celebration or event.

5.12.075 Temporary licenses.

A. Upon filing of the appropriate application with the local liquor control commissioner, any regularly organized club, church, or private school may receive a temporary liquor license, provided the sale or consumption of alcohol is limited to periods when groups are assembled on the premises solely for the promotion of some common objective other than the sale or consumption of alcoholic liquor. Said temporary license shall not be issued for any period of duration which exceeds three days. A nonrefundable licensing fee in the amount as set forth in Chapter 20.02, "Fees", Section 20.02.010, "License and permit fees", shall accompany an application for a temporary license.

B. Said license shall state the specific terms and conditions thereof, together with the lawful days and hours of sale and consumption.

5.12.080 Fees –Late fees.

A. The annual license fee for all liquor licenses granted hereunder shall be as provided in Chapter 20.02, "Fees", Section 20.02.010, "License and permit fees".

B. All liquor license fees shall be paid to the village clerk prior to the issuance of the license and shall be forthwith turned over to the village treasurer.

C. Annual license renewals shall be due by January 1st of each year. Any annual license fee not paid by the due date shall incur an additional late fee as provided in Chapter 20.02, "Fees", Section 20.02.010, "License and permit fees."

5.12.090 Term--Pro-rating fee.

Each license from any classification shall terminate on the 31st day of December next following its issuance. If a license is issued within six months of its expiration date, the applicant shall pay only one-half of the license fee for that calendar year. If the license is issued more than six months prior to its expiration date, the full annual fee shall be paid.

5.12.095 Training requirements for license holders.

A. Any manager for an establishment holding a liquor license shall, upon demand, show proof of completion of a State-certified Beverage Alcohol Sellers and Servers Education and Training Program (BASSET) or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter X, Rule 2056.

B. Any new manager of a licensee required to complete such training shall, within 90 days after beginning their employment with the licensee, complete the

BASSET program or its equivalent and shall work, until completion of the program, under the supervision of a person who has completed the program.

C. All managers shall register with the village clerk immediately upon becoming employed by a licensee and shall be subject to a review as provided in Section 5.12.040.

5.12.100 Record of licenses.

The village clerk shall keep a complete record of all licenses issued by the local liquor control commissioner.

5.12.105 Transfer of license.

A. A license issued under this chapter shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothetical. Such license shall not descend by the laws of testate or intestate devolution, but it 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 months after the death, bankruptcy or insolvency of such licensee.

B. Licenses issued under this Chapter apply only to the premises described in the application and in the license issued thereon.

5.12.110 Internal changes within business entity.

A. Each business entity holding a liquor license shall report to the liquor control commissioner, in writing, the name and address, not previously reported, of any person who acquires in excess of five (5) percent interest in the business entity, together with the dates of such acquisition. In addition, each business entity shall report the name and address of any person previously holding in excess of five (5) percent interest in the business entity who acquires any additional interest in excess of five (5) percent of the business entity.

The aforesaid report(s) shall be made within five (5) days following such acquisition. Failure to report to the liquor control commissioner, as above required, shall be grounds for the revocation or suspension of the liquor license by the liquor control commissioner upon proof of such violation established at a hearing called by the liquor control commissioner in the manner hereinafter provided.

B. Changes In Personnel: Any changes in partnership, officers, directors, managers or assistant managers of establishments licensed to sell liquor under this chapter shall be reported in writing to the local liquor control commissioner within ten (10) days of the change. All such new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license.

5.12.120 Insurance requirement.

Every retail liquor dealer or licensee, licensed under this chapter, shall have liquor liability (dram shop) insurance for the full period for which said license is issued. Said liability insurance shall be of a sufficient amount so as to comply with the maximum monetary awards for damages caused by intoxication as set out in 235 ILCS 5/6-21. No license shall be issued hereunder unless the applicant shall file with the liquor commissioner a certificate by an insurance company authorized to do business in the state certifying that the applicant has in force and affect sufficient insurance so as to defray any potential liability incurred pursuant to the Dram Shop Act of the state.

5.12.130 Change of location.

A. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license and only one location shall be so described in each license. Such location may be changed only upon the written permit to make such change issued by the liquor control commissioner. No change in location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of the state and the ordinances of the village. (Prior code § 13-13)

B. No such license, except a Class D-1, E-1, F-1 or a temporary license issued pursuant to Sections 5.12.070 or 5.12.075, shall be issued for any premises unless said premises are within an enclosed building.

5.12.140 Peddling liquor.

It is unlawful to peddle alcoholic liquor in the village.

5.12.150 Serving of liquor.

It is unlawful to serve liquor for consumption on the premises to any person for whom a seat is not provided. This provisions shall not apply to establishments maintaining a Class A, Class C or Class J license.

5.12.160 Cessation of business.

Any licensee who ceases to do business or closes his place of business for a period of more than sixty (60) successive days shall be subject to having his license declared forfeited and lapsed by order of the local liquor control commissioner.

5.12.170 Employees.

It is 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 sexually transmitted disease; and it is unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

5.12.180 Retail sales of alcoholic liquor near churches, schools, etc.

No license shall be issued for the sale at retail of any alcoholic liquor for any premises located within one hundred feet of any church, school, hospital, home for aged persons or for veterans, their wives or children, any military or naval stations, or public park or playground. However, a church, school, hospital, home for aged persons or for

veterans, their wives or children, any military or naval stations, or public park or playground may be permitted to voluntarily locate within one hundred feet of a holder of a liquor license. In determining the distance provided for in this section, the boundaries of the lot, parcel or land upon which a church, school, hospital or home as defined in this Chapter, shall be construed as being the point from which measurement shall be taken. The word "premises" as defined in this Chapter shall include the lot, plot or parcel of land upon which said alcoholic liquors are sold.

5.12.190 Containers of alcoholic liquor--Regulations.

A. It is unlawful for any person to carry on any street, alley, or other way publicly maintained, or on a privately owned parking lot or sidewalk commercially maintained for public use, an open container of alcoholic liquor. A "container" of alcoholic liquor for the purpose of this section shall be any bottle, glass, cup, can, or other container. "Open" shall mean unsealed to the air; the same being a bottle with its cap off, a can with its lid open in any manner, a glass or cup not hermetically sealed. "Alcohol" shall be defined as in Section 5.12.010 of this chapter. This prohibition shall not affect persons upon premises for which a license has been issued pursuant to Section 5.12.070 or 5.12.075 of this chapter or a block party authorized in accordance with the provisions of the municipal code .

B. It is unlawful for any licensee, his or her agent or employee to sell for consumption not on the licensed premises any alcoholic liquor in other than its original package ("original package" shall mean 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); provided further that in the case of beer or malt liquor original package shall mean "in the case or carton and not single containers of less than seven oz. capacity". No licensee, his or her agents or employees shall permit and no person shall remove from the licensed premises any alcoholic liquor except in its original package as above defined.

5.12.195 Sanitary conditions.

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 and shall be kept in full compliance with the provisions of this code regulating the condition of premises for the storage or sale of food for human consumption.

5.12.200 Closing hours--Sunday.

A. Except as otherwise provided herein, it is unlawful to sell or offer for sale at retail, any alcoholic liquor in the village between the hours of one a.m. and six a.m. of any week day, and on Sunday from two a.m. until eleven a.m. The time referred to herein shall be Central Standard Time. If Daylight Savings Time becomes effective in the village, then during the period within which such time is in force, the time referred to herein shall be Daylight Savings Time.

B. As to Class B, it is unlawful to sell or offer for sale at retail, any alcoholic liquor in the village between the hours of midnight and six a.m., any weekday and on Sunday between the hours of midnight and ten a.m. The time referred to herein shall be Central Standard Time. If Daylight Savings Time becomes effective in the village, then

during the period within which such time is in force, the time referred to herein shall be Daylight Savings Time.

C. Any licensee, who also has qualified for and has been issued a brunch license, may serve alcoholic liquor, in accordance with their license restriction, to its brunch patrons from nine a.m. until twelve noon on Sundays.

D. The bar area serving and dispensing alcoholic liquor shall be closed and the service of liquor shall cease at least fifteen (15) minutes prior to the closing hour set forth in this section. All establishments shall terminate the consumption of alcoholic liquors on their premises within fifteen (15) minutes after their closing hour as set forth in this section.

E. Notwithstanding the foregoing closing hours, on New Year's Eve and New Year's Day (December 31st and January 1st) it is lawful for any licensee, subject to his or her license restriction other than closing hours, to sell or offer for sale at retail alcoholic liquor until twelve midnight on December 31st and continuing through until two a.m. on January 1st of any year.

F. Emergency Closing. In all cases where in the opinion of the liquor control commissioner, the public peace is likely to be endangered by the keeping open of premises licensed hereunder, it is lawful for the liquor control commissioner to issue his or her proclamation, under the seal of the village, commanding and enjoining all persons licensed by the village to sell any of said liquors, and their servants and agents, to close their shops and places of business for such time as the liquor control commissioner shall deem necessary; and neither to sell, give away, or suffer to be drawn, any of said liquors in or about their premises during the time mentioned in said proclamation. (Prior code § 13-19)

5.12.210 Persons under the age of twenty-one years--Regulations.

A. It is unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person who has not attained the age of twenty-one (21) years to tend bar or to draw, pour, mix, serve or take an order for any alcoholic liquor in any premises licensed under this chapter.

B. No person under the age of twenty-one (21) years not accompanied by his or her parent or legal guardian shall enter or remain in any premises licensed by the village for the sale of alcoholic liquor at retail, except a person under the age of twenty-one (21) years may enter or remain in any premises licensed Class B-1, D, E, F, G, H or K, in an area other than the bar area or liquor display area; or premises licensed Class C.

C. No licensee, his or her agent, or his or her employee shall permit or allow a person under the age of twenty-one (21) years not accompanied by his or her parent or legal guardian to enter or remain in the licensee's premises, except a person under the age of twenty-one (21) years may be allowed to enter or remain in any premises licensed Class B-1, D, E, F, G, H or K in an area other than the bar area or liquor display area; or premises licensed Class C.

D. No licensee shall sell or permit to be sold through his or her employees or agents any alcoholic liquor at retail to any person under the age of twenty-one (21) years old.

E. It is unlawful for any licensee or his or her agents or employees to sell, give or deliver alcoholic liquor before demanding presentation of a driver's license, state

identification card or some other form of positive identification with the purchaser's picture imprinted on it containing proof of age and issued by some public officer in the performance of his or her official duties, where such licensee, or his or her agents or employees believe or reasonably should believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient.

F. Any person under the age of twenty-one (21) years shall not be given or permitted to drink any alcoholic liquor in or upon the premises licensed for the sale at retail of alcoholic liquor.

G. Any person to whom the sale, gift, or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of or have alcoholic liquor in his or her possession. No person shall purchase, accept, deliver, or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under twenty-one (21) years of age is unlawful.

H. The possession and dispensing, or consumption by a person under the age of twenty-one (21) years in the performance of a religious service or ceremony, or the consumption by a person under the age of twenty-one (21) years under the direct supervision and approval of the parents or parent of such a minor in the privacy of a home, is not prohibited by this chapter.

5.12.220 Misrepresenting age.

No person under the age of twenty-one (21) years shall represent that he or she is of age for the purpose of violating any prohibited conduct specified in Section 5.12.210.

5.12.230 Right of entry.

The liquor control commissioner hereby is given the power to enter or to authorize any law-enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter, the Dram Shop Act, Illinois Compiled Statutes, Chapter 235, have been or are being violated, and at such time to examine the premises of said licensee in connection therewith.

5.12.240 Posting license.

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

5.12.250 Illegal purchase—Posting warning.

Every place in the village where alcoholic liquor is sold for beverage purposes shall display at all times in a prominent place a printed card which shall be issued by the village clerk and which shall read substantially as follows:

“WARNING TO MINORS

You are subject to a fine up to \$500.00 under the Ordinance of the Village of Carpentersville if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

5.12.260 Acts of agent or employee.

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 licensee shall be deemed and held to be the act of the employer or licensee and the employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

5.12.270 Conduct prohibited in licensed premises

The following conduct is prohibited in any premises licensed to sell alcoholic liquor in the village:

A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

B. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals.

C. The actual or simulated display of the genitals, pubic hair, buttocks, perineum or vulva.

D. The actual or simulated display of the female breast at or below the areola.

E. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

F. The displaying of films or pictures depicting acts, a live performance of which is prohibited by this section.

5.12.280 Additional regulations.

Notwithstanding any other provisions of this code, the following standards, rules and regulations shall be adhered to by each and every licensee:

A. No Class A licensee shall permit more than five hundred (500) persons or the maximum occupancy otherwise permitted by law, whichever is less, to occupy said licensed premises at any one time.

B. No licensee shall permit sound or vibration exceeding ninety (90) decibels measured with a standard meter A scale within two feet of any public telephone receiver or on the outside of any exterior wall.

5.12.290 Number of licenses.

The maximum number of liquor licenses authorized in the village is as follows:

Classification	Number of Licenses
Class A (bar or tavern)	1
Class B (package)	12
Class B-1 (supplemental)	4
Class B Limited (package)	6
Class C (club)	2
Class D (restaurant)	9
Class E (restaurant and tavern)	1
Class F (restaurant - beer and wine)	4
Class G (byob)	1

Class H (hotel)	1
Class I (bowling center)	1
Class J (wine bar)	1
Class K (banquet facility)	1
Class M (caterer)	2

5.12.300 Occupancy requirements.

In addition to any other requirements of this code concerning occupancy of premises, no licensee, his or her agent or employee shall permit more than one person per each ten (10) square feet of floor space within the licensed premises. For the purpose of this section, licensed premises shall not include kitchen area, storage area and/or other similar areas which are used by the licensee and/or his or her employees and not used or open to the licensee’s patrons.

5.12.310 Suspension and revocation of liquor license.

A. If, at any time after the granting of a retail liquor dealer’s license, any licensee shall have violated any of the provisions of this code (and in particular, but not by way of limitation, any provision of this chapter) or any statute of the state (and in particular, but not by way of limitation, the Dram Shop Act) in the conducting of his or her business, the liquor control commissioner may suspend or revoke the license thereof.

B. The liquor control commissioner may also in lieu of a suspension or part of suspension, levy a fine against the licensee for a violation of the provisions of this code or any ordinance of the village or statute of the state.

C. Each day a violation continues shall constitute a separate violation.

SECTION 2:

The Carpentersville Municipal Code, Title 20, “Fees and Fines”, Chapter 20.02, “Fees”, Section 20.02.010, “License and permit fees”, set forth under the subcategory of Liquor Licenses, are hereby amended as follows:

20.02.010 License and permit fees:

The following license and permit fees are established as set forth in the following schedule of fees:

Liquor Licenses

5	Liquor license application	\$200.00
6	Late fee for liquor license	\$200.00
7	Class A License (tavern)- New	\$1,820.00
7a	Class A License - Renewal	\$1,300.00
8	Class B License (package)- New	\$1,560.00
8a	Class B License - Renewal	\$1,040.00
9	Class B-1 License (package supplemental)- all	\$600.00
10	Class B Limited License (package beer and wine) - New	\$1,460.00

10a	Class B Limited License - Renewal	\$940.00
11	Class C License (club)- New	\$365.00
11a	Class C License - Renewal	\$210.00
12	Class D License (restaurant)- New	\$1,820.00
12a	Class D License - Renewal	\$1,300.00
13	Class E License (restaurant and tavern)- New	\$1,820.00
13a	Class E License - Renewal	\$1,300.00
14	Class F License (restaurant beer and wine)- New	\$1,460.00
14a	Class F License - Renewal	\$940.00
15	Class G License (BYOB) - New	\$500.00
15a	Class G License - Renewal	\$400.00
16	Class H License (hotel) - New	\$2,600.00
16a	Class H License - Renewal	\$1,820.00
17	Class I License (brunch) - all	\$520.00
18	Class J License (wine bar) - New	\$1,250.00
18a	Class J License - Renewal	\$830.00
19	Class K License - (banquet hall) - New	\$2,290.00
19a	Class K License - Renewal	\$1,770.00
20	Class L License (bowling center)- New	\$1,560.00
20a	Class L License - Renewal	\$1,040.00
21	Class D-1, E-1, F-1 J-1 License (outdoor café) - all	\$200.00
22	Class M License (caterer) - New	\$600.00
23	Class M License - Renewal	\$460.00
24	Class N License (temporary charitable) - all	\$50.00

SECTION 3:

The Carpentersville Municipal Code, Title 20, “Fees and Fines”, Chapter 20.02, “Fees”, Section 20.02.010, “License and permit fees”, set forth under the subcategory of Business Licenses, are hereby amended by adding the following line 34a:

34a	Late Fee - all	\$25.00 or 25% of license fee whichever is greater
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SECTION 4:

Those sections, paragraphs, and provisions of Chapter 4.12 and Chapter 20.02, of the Village of Carpentersville Municipal Code which are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Village of Carpentersville Municipal Code other than those expressly amended or repealed in Sections 1, 2 and 3 of this Ordinance.

SECTION 5:

The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

SECTION 6:

The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee _____, seconded by Trustee _____, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois, at a regular meeting thereof held on the 6th day of October, 2009, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ___ day of _____, 2009.

Village President

(SEAL)

ATTEST:

Village Clerk