

CHAPTER 11

INTOXICATING LIQUORS

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CHAPTER 11

ALCOHOLIC BEVERAGES

ARTICLE 1

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11-1-1: LOCAL LIQUOR CONTROL COMMISSIONER:

The mayor shall be the Local Liquor Control Commissioner and shall receive a salary of \$15,000 per year. The Local Liquor Commissioner may make such rules and regulations to govern the conduct of licensees as are consistent with this chapter, State law, and the home rule powers of the Village.

11-1-2 : LIQUOR LICENSE REQUIRED:

a. It shall be unlawful for any person to engage in the sale at retail of any alcoholic beverage of any kind without first obtaining a liquor license from the local liquor control commissioner.

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b. It shall be unlawful for any person to engage in business to, or conduct a business where patrons are allowed to bottle, blend, deliver, furnish, give, divide, distribute, barter, use, consume, possess, or to store alcoholic liquors in any commercial establishment or premises open to the public without first obtaining a liquor license from the local liquor control commissioner.

c. It shall be unlawful for any person to bottle, blend, deliver, furnish, give, divide, distribute, barter, use, consume, possess, or store alcoholic liquors on any premises which has not been licensed by the local liquor control commissioner.

d. It shall be unlawful for any person to furnish containers, water or other beverages for the mixture thereof for alcoholic liquors in any commercial establishment which has not been licensed by the local liquor control commissioner.

e. It shall be unlawful for any person, business, licensee, agent, servant, or employee to allow or permit any persons to commit any of the acts prohibited in subsections (a), (b), (c) and (d) of this section.

f. It shall be unlawful for any person engaged in the business of leasing any premises to allow the use, sale giving away, or consumption on the premises of alcoholic liquor, without first securing a liquor license or without the licensee first securing a liquor license from the local liquor commissioner.

11-1-3: APPLICATION FOR LIQUOR LICENSE:

Every person desiring to engage in the business of selling at retail shall make application in writing on forms furnished by the Village for a liquor license. Such written application shall be filed with the local liquor control commissioner accompanied by all fees required under this Chapter. All fees shall be returned to any applicant who is not awarded a liquor license.

Except for applications for new licenses during the course of the annual year, every application for renewal of a liquor license shall be completed and in the hands of the local liquor commissioner at least 15 days prior to the beginning of the annual year. No application will be accepted or approved unless the application is fully completed, the questions truthfully answered and properly signed. Failure to complete said application and to file the same within the time limit prescribed herein shall be deemed grounds for refusal of the local liquor control commissioner to renew a liquor license.

The application shall contain such queries as shall intelligently inform the local liquor control commissioner as to whether or not the applicant is eligible for a liquor license and complies with the requirements of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.).

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Applicants may be required to submit information as to sources of funds for the purchase or operation of their businesses. The local liquor control commissioner may require such other information in writing or an oral examination.

Misstatements in the application shall be deemed grounds for refusal to issue or renew said liquor license and, if a liquor license is issued, grounds for revocation.

11-1-4: FINGERPRINTING OF LICENSED APPLICANT:

The Village may require that any applicant or person having an ownership interest of 10% or more in the applicant be fingerprinted.

11-1-5 : LOCATION OF PLACE OF SALE:

No alcoholic beverage shall be sold, offered for sale, kept for sale, displayed, advertised for sale at retail, or delivered to any person, except at the location, place or premise described in a liquor license. All alcoholic beverages shall be sold and consumed inside of the licensed premises and not outside of any building on the licensed premises except where specific approval has been obtained for a "beer garden" or other similar outdoor seating area.

11-1-6: LIQUOR LICENSE CLASSIFICATIONS AND FEES:

Liquor licenses and fees shall be classified as follows:

Class A, Package sales. A Class A liquor license entitles the licensee to make sales at retail of all package alcoholic liquors for consumption off the premises.

Class B, Package sales (beer and wine). A Class B liquor license entitles the licensee to make sales at retail of package beer and wine for consumption off the premises.

Class C, Consumption on premises/package sales. A Class C liquor license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises and for consumption off the premises.

Class D, Consumption on premises/package sales, late closing. A Class D liquor license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises and for consumption off the premises.

Class E, Restaurant consumption on premises. A Class E liquor license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises incidental to the sale of food purchased for and consumed on the licensed premises at tables or booths. No bar shall be permitted which can accommodate the seating or service of a patron from the bar. A service bar is permitted for use of employees only.

Class F, Restaurant consumption on premises (beer and wine). A Class F liquor license entitles the licensee to make sales at retail of beer and wine for consumption on the premises incidental to the sale of food purchased for and consumed on the licensed premises at tables or booths. No bar shall be permitted which can accommodate the seating or service of a patron from the bar. A service bar is permitted for use of employees only.

Class G, Consumption on premises only, later closing. A Class G liquor license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises only.

Class N, Non-Profit consumption on premises. A Class N liquor license may be issued only to a veterans organization organized and existing under a charter issued by a national organization incorporated by act of the Congress of the United States, a corporation possessing 501(c)3 status, or a non-profit corporation organized under the laws of the State of Illinois solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, which has been in active and continuous existence for at least 3 years with a membership of not less than 20 dues paying members operated solely for objects of national or state-wide social, patriotic, recreational, benevolent, educational or charitable purpose and entitles the licensee to make sales at retail of all alcoholic beverages for consumption on the property where the premises are located.

Class S-1, Sport Facility. A Class S liquor license may be issued only to a governmental body owning a sport facility or a person having an agreement to provide food or beverage at such sports facility and entitles the licensee (or any person having an agreement with the licensee) to make sales at retail of all alcoholic beverages for consumption on the property where the premises are located.

Class S-2, Sport Facility, A Class S-2 liquor license may be issued only to a governmental body owning a sport facility or a person having an agreement to provide food or beverage at such sports facility and entitles the licensee (or any person having an agreement with the licensee) to make sales at retail of beer and wine for consumption on the property where the premises are located.

Class T, Temporary. A Class T liquor license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises in conjunction with special events for a period not to exceed 5 days. The type of alcoholic beverages to be served, the place of service, the conditions of service, and the hours of service shall be established by the local liquor control commissioner upon the issuance of a liquor license.

Class V, Village Venue. A Class V liquor license entitles a for-profit licensee to make sales at retail of all alcoholic liquors for consumption on premises owned by the Village of Bridgeview for a specific period of time not to exceed 10 days. No sale of alcoholic liquor in bottles or in glass containers is permitted. All alcoholic beverages must be consumed in the area for which the venue is permitted by the Village. Sale of jello shots and other similar flavored shots of alcoholic liquor are prohibited. Premises shall be open for business no sooner than 11:00 a.m. and shall close no later than 12:00 midnight.

Class W, Entertainment. A Class W license allows a liquor licensee to furnish entertainment; such as floor shows, musicians, disc jockeys, orchestras, sports bars, and fashion shows on the licensed premises. The annual fee shall be \$850. The local liquor control commissioner may issue a daily Class W license for special events at the rate of \$10 per day, provided that no licensed premise may be issued such Class W license for more than 10 days in a calendar year.

Class Y, Licensed Video Gaming Location- Extended Hours. A Class Y license allows a premises approved as a licensed establishment and a terminal operator under the Video Gaming Act to operate for one additional hour, but no later than 4:00 a.m., from the hours of operation established by section 11-1-8 of the Municipal Code of the Village of Bridgeview. The annual fee for a Class Y license shall be 30% of fee paid by the licensee for its annual liquor license.

All liquor licenses shall be issued on a calendar year basis. Liquor license fees must be paid in full prior to the commencement of the calendar year.

11-1-7: LIMITATION ON NUMBER OF LIQUOR LICENSES AND FEES:

The maximum number of licenses in each class and the license fee therefor is as follows:

<i>Class</i>	<i>Description</i>	<i>Number</i>	<i>Fee</i>
A	Package sales for consumption off premises	9	\$1,850
B	Package sales for consumption off premises (beer & wine)	4	750
C	Consumption on and off premises/package sales	9	3,000
D	Consumption on and off premises/package sales, late closing	7	4,000
E	Restaurant consumption on premises	4	2,200
F	Restaurant consumption on premises (beer & wine)	11	1,200
G	Adult entertainment	1	10,000
N	Non-profit consumption on premises	2	500
S-1	Sport Facility	2	3,000
S-2	Sport Facility (beer & wine)	1	600
T	Temporary (per event)		500
V	Village Venue		100/day
W	Entertainment (annual fee, or \$10 per day)		850
Y	Extended Hours		30% of Annual license fee

The number of licenses authorized in this section for each of the classes, shall be the maximum number of licenses that can be issued within that class. Any license which is revoked, or not used because of the termination of liquor business on the premises for which the license has been issued, shall automatically reduce the number of authorized licenses of the particular class and shall not be available for issuance without the approval of the Mayor and Board of Trustees.

11-1-8: HOURS OF OPERATION:

All licensed premises shall be opened for business no sooner than 7:00 a.m. and shall close no later than 2:30 a.m., except that a Class D licensed premises may remain open until 3:00 a.m. on Saturday and Sunday morning. A class G licensed premises shall be open for business no sooner than 10:30 a.m. and shall close no later than 2:30 a.m., except that such premises may remain open until 3:30 a.m. on Saturday and Sunday morning. The foregoing hours of operation may be extended in conjunction with the issuance of a Class Y liquor license.

11-1-9: ORIGINAL ISSUANCE OR TRANSFER OF LIQUOR LICENSE:

a. The local liquor control commissioner may, at his discretion, permit a liquor license to be originally issued or permit the transfer of interest in or location of a liquor license upon the payment to the Village of the sum of \$5,000 for a Class C, D and E liquor license, or \$3,000 for a Class A, B, F or G liquor license, for such transfer, in addition to any other fees that may be required by section 11-1-6. No such transfer shall be made nor shall any liquor license be issued to any premises to which a liquor license has been issued to sell alcoholic liquors at retail, whether said business is a going business, has been previously operated and is now out of existence, or where the liquor license has been suspended or revoked, without payment of the fee provided for in this section. For the purpose of this section, a transfer of any interest in a partnership, association, or in more than 5% of ownership in shares of the stock of a corporation shall be a transfer of interest and require the payment of the transfer fee provided for by this section. The fee in this section shall be waived when the transfer of a liquor license is due solely to the death of the liquor license holder and no consideration is received for the sale of the business for which the liquor license has been issued. In the event of a transfer of less than 100% of the interest in a liquor license or the liquor license holder, the transfer fee shall be reduced to be equal to the percentage transferred times the full fee (i.e. if 50% of the shares of a corporation are transferred, then the fee shall be 50% of the applicable transfer fee).

b. Except with the consent of the local liquor control commissioner, as provided in subsection (a) above, licenses issued pursuant to the provisions of this chapter are not subject to sale, assignment, transfer or to a change of location.

11-1-10: PROHIBITED CONDUCT:

a. Every licensee hereunder engaged in the sale of alcoholic beverages shall conduct his or her place of business in a quiet, decent and respectable manner and shall eject therefrom or refuse to admit thereto all persons rendering themselves objectionable or undesirable by reason of undue noise or other acts disturbing the peace.

b. It shall be unlawful for any licensee, officer, associate, member, agent, representative or employee of such licensee to give or deliver any alcoholic liquor or intoxicating beverage to a person under the influence of alcohol or drugs.

c. No licensee shall permit his patrons to perform any lewd, lascivious acts, or an act of obscenity.

d. Every licensee shall immediately report to the police any act by any person or patron rendering himself or herself objectionable, causing undue noise or disturbance, breach of peace, unusual conduct, or a person with a firearm, knife, bludgeon or deadly instrument.

e. No person licensed under the provisions hereof shall suffer any loud or boisterous talking, or obscene or profane language, quarreling, singing, fighting or other disturbance of persons passing along any street or public square in the vicinity thereof or to the disturbance of the peace and quiet of persons doing business or residing in the neighborhood thereof.

f. All persons, or employees dispensing or serving food or alcoholic liquor shall be decently clothed.

1. It shall be unlawful for any person, while acting as a waiter, waitress or entertainer to:

A. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

B. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

C. Expose any portion of the female breast at or below the areola thereof.

2. It shall be unlawful for any licensee to permit or allow any waiter, waitress, or entertainer to commit any of the unlawful acts in this section.

3. A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the establishment in which the activity is performed.

g. It shall be unlawful for any licensee to suffer or permit any species of gambling in the licensed premises.

h. It shall be unlawful for any licensee to permit alcoholic liquor, except in the original package and with the seal unbroken, to be taken out of the premises wherein it was sold, delivered, or given.

i. It shall be unlawful for any licensee, in the conduct of his business, to commit, suffer or permit, through himself, agent, servant or employee, a violation of any Village ordinance.

j. It shall be unlawful for any licensee to suffer or permit a violation of any rule or regulation of the local liquor control commissioner.

k. A licensee shall immediately report to the police a violation of any Village ordinance, Illinois statute or federal law occurring in the licensed premises, or outside the licensed premises, but adjacent thereto, involving the conduct of his business or patrons.

11-1-11: CLOSING HOUR:

- a. No licensee shall sell, offer for sale or deliver any alcoholic liquor after the closing hour. After the closing hour all doors directly opening into or out of the licensed premises shall be securely locked and no patrons, customers or persons shall be allowed into the premises. All premises shall be vacated within twenty (20) minutes after the closing hour.
- b. Licensed premises that remain open for another primary business, such as restaurants, grocery stores, gas stations, bowling alleys and hotels, may be kept open during closing hours provided that no alcoholic liquor may be sold to or consumed during the closing hours and provided that no patrons are seated at or allowed to remain at a bar.
- c. All licensees shall be required to allow police officers into the licensed premises after the closing hour in order to determine compliance with this chapter.

11-1-12: CONSUMPTION ON PUBLIC WAY, PARKING LOT:

- a. It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor, except in the original package and with the seal unbroken, on a public street, sidewalk, parkway, public parking lot or semipublic parking lot. The term "semipublic parking lot" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, or commercial establishment.
- b. The consumption and possession of alcoholic liquor shall be permitted in designated outdoor areas during designated hours on property owned by the Village and used in conjunction with the Bridgeview municipal stadium (Toyota Park) by patrons possessing a ticket for an event being held at that property. The designated outdoor areas and designated hours shall be administratively determined by the Village through its management company.

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11-1-13: MINORS:

a. No person under the age of 21 years shall consume, purchase or accept delivery of alcoholic liquor or have alcoholic liquor in his or her possession, excepting the possession and dispensing, or consumption by a person under the age of 21 years of alcoholic liquor in the performance of a religious service or ceremony, the approval of the parent or legal guardian of such underage person in the privacy of the parent's or guardian's home, or the possession and delivery of alcoholic liquors in pursuit of a person's employment by a licensee as allowed by state law.

b. No person shall sell, give or deliver such alcoholic liquor to a person under the age of 21 years, except as allowed in paragraph (a) above.

c. It shall be unlawful for any person under the age of 21 years to use false identification or the identification of another to obtain admittance to or to obtain alcoholic liquor from any liquor establishment.

d. It shall be unlawful for any person to sell, give or furnish any person under the age of 21 years any identification which is used by any other person for the purpose of gaining entrance into a liquor establishment or which is used for the purpose of purchasing or attempting to purchase any alcoholic beverage.

e. It shall be unlawful to employ or permit any person under the age of 18 years to sell, check identification for, accept money for, or deliver alcoholic liquor in any licensed premises, provided that a supervisor over the age of 21 is present on the licensed premises. Persons under the age of 18 may be employed in a licensed premises but may not sell, check identification for, accept money for, or deliver alcoholic liquor.

f. It shall be unlawful for any owner or occupant of any premises to knowingly allow any person under the age of 21 years to violate any provisions of this chapter.

g. It shall be unlawful for any parent or guardian to knowingly suffer or permit any person under the age of 21 years of which he may be the parent or guardian to violate any provisions of this chapter.

11-1-14: STATE AND FEDERAL LAW:

It shall be unlawful for any licensee in the conduct of the licensed premises or upon the licensed premises to violate any law of the State of Illinois, any law of the United States, or any rule of the Illinois Liquor Control Commission.

11-1-15: SUSPENSION OR REVOCATION OF LIQUOR LICENSE:

a. At all hearings, proceedings shall be taken and prepared by a certified court reporter; and an appeal shall be limited to a review of the certified official record of the proceedings of the local liquor control commissioner. An attorney designated by the local liquor control commissioner may act as law officer, ask questions to clarify statements, advise the local commissioner on procedure and law, and otherwise assist the local commissioner in the conduct of the hearings.

b. The local liquor control commissioner shall have the power to revoke or suspend any liquor license. In the case of revocation of any liquor license, the local liquor control commissioner shall have the power to allow the use of the premises for the sale of alcoholic liquors after 90 days from the date of said revocation upon his determination that the public good will be served.

c. The local liquor control commissioner shall also have the power to fine the licensee a sum not to exceed \$1,000 for each violation, each day on which a violation shall constitute a separate violation.

11-1-16: POKER MACHINES AND COIN OPERATED AMUSEMENT DEVICES:

It shall be unlawful for any person to own, lease, operate or maintain any amusement device based upon any gambling game such as poker, black jack, horse racing, craps, any card game, or any dice game; whether or not any element of skill, chance or hazard is involved.

11-1-17: TEEN DANCES:

a. It shall be unlawful for any licensee to conduct or allow a teen dance on any part of a licensed premises at any time during the period for which a liquor license is issued to those premises.

b. For the purposes of this section, a teen dance is any dance or party which restricts admissions to persons under the age of 21 or under any other age less than 21 years of age.

c. This section shall not prohibit any teen dance operated by any unit of government, any school located within the Village of Bridgeview, or any religious organization whose church or religious facility is located within the Village of Bridgeview.

11-1-18: ENTERTAINMENT:

- a. Contact sporting entertainment or events (such as boxing, kick boxing, wrestling, mud wrestling, JELLO wrestling) between humans, between animals, or between humans and animals are prohibited in any premises licensed for the sale of alcoholic liquor.
- b. Non-contact sporting entertainment or events (such as, darts, bowling, pinball machines and video games) are permitted in any premises licensed for the sale of alcoholic liquor provided that the machines are properly licensed.
- c. Entertainment such as live or recorded music, dancing, disc jockeys, comedians, plays and theater are permitted in any premises licensed for the sale of alcoholic liquor provided that a Class W liquor license has been issued therefor.
- d. Fashion shows and lingerie shows are prohibited in any premises licensed for the sale of alcoholic liquor except where such shows are restricted to viewing by patrons who have previously purchased a ticket off the premises and the price of the ticket includes a charge for a meal which is served to all the patrons.

11-1-19: BOTTLE CLUBS PROHIBITED:

It shall be unlawful for any person to own, operate or be within any premises used as a bottle club. A bottle club is an establishment, whether or not operated for profit, which does not have a liquor license, but where persons bring alcoholic liquors onto the premises for consumption and where a fee is charged for admittance, or a premises in an area zoned for commercial or industrial uses, or where entertainment is provided, or where set-ups for the consumption of alcoholic liquor are provided.

11-1-20: OUTDOOR SERVICE AREA:

- a. It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor, except in the original package and with the seal unbroken, from any liquor licensed establishment except into a licensed outdoor service area.
- b. The consumption and possession of alcoholic liquor shall be permitted in licensed outdoor service areas during the same hours of operation for which the premises are licensed unless the outdoor service area license is issued for different hours of operation.
- c. Application shall be made for an outdoor service area license upon such forms and with such attachments as required by the Local Liquor Control Commissioner. The annual fee for an outdoor service area license shall be \$500 in addition to the fees set forth in this Chapter.

d. The application shall be reviewed by the Local Liquor Control Commissioner for compliance with ordinances of the Village. No outdoor service area license shall be granted to the detriment of the public health, safety, welfare and quiet enjoyment of persons residing or working within vicinity of the premises. The Local Liquor Control Commissioner shall have the right and authority to place limitations or conditions upon any outdoor service area license, which limitations and conditions may be changed on an annual basis by the Local Liquor Control Commissioner.

e. Unless otherwise permitted by the Local Liquor Control Commissioner:

1. No outdoor storage of food or beverages is permitted.
2. Trash containers shall be self-closing and shall be emptied at the closing hour so that no garbage or trash remains when the premises are not open.
3. Access to the outdoor service area shall only be through the main structure on the premises. Fencing shall be constructed to prevent entry into the outdoor service area except through the main structure.
4. No animals shall be allowed (except for handicapped service animals).
5. No alcoholic beverages may be removed from the outdoor service area except into the main structure on the premises.
6. Some seating shall be handicapped accessible.
7. Fire exits shall not be blocked by the outdoor service area.
8. Required parking areas shall not be used for the outdoor service area.
9. Occupancy limitations shall not be exceeded.
10. Sound amplifying devices shall not disturb neighboring properties and may only be used as permitted.
11. Entertainment shall be permitted only as authorized.
12. The public right-of-way shall not be used for the outdoor service area nor shall the outdoor service area be within 10 feet of the public right-of-way.

f. The Local Liquor Control Commissioner shall have the right to suspend, revoke or place additional conditions upon any outdoor service area license in the event that any provision of this section is violated. Any hearing shall be held before the Local Liquor Control Commissioner using the same procedures set forth in this Chapter for the suspension or revocation of a liquor license, provided that the appeal from any adverse decision shall be to the Circuit Court of Cook County.

11-1-21: VIDEO GAMING

a. The provisions of this Section shall apply to facilities and establishments licensed under the Video Gaming Act, 230 ILCS 40/1 et seq. The definitions of the Video Gaming Act are incorporated into this Section by reference. No other provision of the Municipal Code of Bridgeview pertaining to the licensing of establishments, operators, or video gaming terminals shall be applicable. The provisions of Section 11-1-16, Poker Machines and Coin Operated Amusement Devices, of the Municipal Code of Bridgeview are not applicable to video gaming terminals.

b. The license fee for each licensed establishment, licensed fraternal establishment, licensed veterans establishment or licensed truck stop establishment shall be \$200.00 for the period of January 1 through December 31, or any portion thereof.

c. The license fee for a video gaming terminal shall be \$200.00 for the period of January 1 through December 31, or any portion thereof.

d. The license fee for a terminal operator shall be \$2,100.00 per licensed establishment where that terminal operator has video gaming terminals, regardless of the number of video gaming terminals at any location, for the period of January 1 through December 31, or any portion thereof.

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CHAPTER 11

INTOXICATING LIQUORS

ARTICLE 2. ALCOHOLIC LIQUOR DEALERS

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11-2-1: DEFINITIONS: The following definitions shall apply in the interpretation of this article:

a. Alcoholic Liquor: Any spirits, wine, beer, ale or other liquid containing more than one-half (½) of one percent (1%) of alcohol by volume, which is fit for beverage purposes.

b. Retail Sale: The sale for use or consumption and not for resale.

c. Club: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, 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; 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 other officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution 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.

11-2-2: LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail in the municipality any alcoholic liquor without having a retail liquor dealer's license, or to sell or offer for sale such alcoholic liquor in violation of the terms of such license.

11-2-3:

11-2-4: APPLICATION: Applications for such licenses shall be made to 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 information required by application forms approved by the Liquor Control Commissioner and provided by the Village Clerk.

11-2-4.1: ORIGINAL ISSUANCE OR TRANSFER OF LICENSE:

a. The Local Liquor Control Commissioner may, at his discretion, permit a liquor license to be originally issued or permit the transfer of interest in or location of a liquor license upon the payment to the Village of the sum of \$5,000 for a Class C-1, C-2, D and E license, or \$3,000 for a Class A, B, G or H license, for such transfer, in addition to any other fees that may be required by section 11-2-8. No such transfer shall be made nor shall any license be issued to any premises to which a license has been issued to sell alcoholic liquors at retail, whether said business is a going business, has been previously operated and is now out of existence, or where the license has been suspended or revoked, without payment of the fee provided for in this section. For the purpose of this section, a transfer of any interest in a partnership, association, or in more than 5% of ownership in shares of the stock of a corporation shall be a transfer of interest and require the payment of the transfer fee provided for by this section.

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The fee in this section shall be waived when the transfer of a license is due solely to the death of the license holder and no consideration is received for the sale of the business for which the license has been issued. In the event of a transfer of less than 100% of the interest in a license or the license holder, the transfer fee shall be reduced to be equal to the percentage transferred times the full fee (i.e. if 50% of the shares of a corporation are transferred, then the fee shall be 50% of the applicable transfer fee).

b. Except with the consent of the local liquor control commissioner, as provided in subsection a. above, licenses issued pursuant to the provisions of this chapter are not subject to sale, assignment, transfer or to a change of location.

APPLICATION: Applications for such licenses shall be made to 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 information required by application forms approved by the Liquor Control Commissioner and provided by the Village Clerk.

11-2-5: **PERSONS INELIGIBLE TO LICENSE:** No such retail liquor dealer's license shall be issued to the following:

- a. A person who is not a resident of the municipality (see subsection j for corporations).
- b. A person who is not of good character and reputation in the community in which he resides.
- c. A person who is not a citizen of the United States.
- d. A person who has been convicted of a felony under any federal or state law, if the Local Liquor Commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- e. A person who has been convicted of being the keeper or is keeping a house of ill fame
- f. A person who has been convicted of pandering or other crime of misdemeanor opposed to decency and morality.
- g. A person whose license issued under this Article has been revoked for cause.
- h. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

- i. A co-partnership, unless all the members of such co-partnership shall be qualified to obtain a license.
- j. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the municipality.
- 1. 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. Any 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.
- 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, or who shall have 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, including members of the Local Liquor Control Commission, the Village President, and any member of the corporate authorities within their own community; and no such official within the municipality of his residence shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- 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 as prescribed by state 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.
- 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

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s. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal gaming device stamp for the current tax period.

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

11-2-6: VIOLATION OF RETAILERS' OCCUPATION TAX ACT: In addition to other grounds specified in this Article, the Local Liquor Control Commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the state law:

- a. Failure to make a tax return.
- b. The filing of a fraudulent return.
- c. Failure to pay all or part of any tax or penalty finally determined to be due.
- d. Failure to keep books and records.
- e. Failure to secure and display a certificate or subcertificates of registration.

f. Willful violation of any rule or regulation of the State of Illinois relating to the administration and enforcement of tax liability.

11-2-7: TERM OF LICENSE: Licenses shall be issued for the period beginning on the first day of January and shall be valid to and including the last day of December, both in the same year. The fee to be paid for such license period shall be reduced in proration to the full calendar months which have expired in the license period prior to the issuance of the said license.

11-2-8:

11-2-9 : DISPOSITION OF FEES: All such license fees shall be paid to the Local Liquor Control Commissioner at the time application for license is made and shall be forthwith turned over to the Village Treasurer for deposit in the general municipal accounts. In the event the application is denied, the fee shall be returned to the applicant.

11-2-10: **DRAM SHOP INSURANCE:** No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the Local Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant and the owner of the premises against liability in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) each for liability, one (1) person, means of support and property damage, which such applicant may incur under the provisions of the Illinois Revised Statutes.

11-2-11: **RECORDS:** The Local Liquor Control Commissioner shall keep, or cause to be kept, a complete record of all such licenses issued, and shall furnish copies to the Village Clerk, Village Treasurer and Chief of Police. He shall inform them immediately upon revocation or suspension of such licenses.

11-2-12: **LICENSE RENEWAL:** Any licensee may renew his license at the expiration thereof; provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; provided further that the renewal privilege herein provided for shall not be construed as a vested right which in any case prevent the corporate authorities from decreasing the number of licenses to be issued within the municipality.

In the event that the municipality shall reduce the number of licenses below that number issued in the prior year, and the number of applicants does not decrease such as to be equal to or less than the number of available licenses, the Local Liquor Control Commissioner may issue the available licenses on the basis of date of application, years holding prior licenses, adequate service to areas in the municipality, record of violations, or any other reasonable basis.

11-2-13: **DISPLAYING LICENSE:** Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

11-2-14: **DUPLICATE LICENSE:** In the event of the loss or destruction of a license issued pursuant to this Article, upon written application to the Local Liquor Control Commissioner, and payment of a fee of Five Dollars (\$5.00), a duplicate license will be issued.

12-2-15: **TRANSFER OF LICENSE:** A license shall be a purely personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked or suspended as provided in this Article, 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

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to be encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution; 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 under the 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.

11-2-16: **CHANGE IN PERSONNEL:** Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Article, shall be reported in writing to the Local Liquor Control Commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this Article and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner.

a. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

b. When a license has been issued to a corporation, and a change takes place in officers, directors, managers or shareholders of more than five percent (5%) of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.

c. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.

11-2-17: **CHANGE OF LOCATION:** A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Article.

11-2-18: **RECOVERY OF FEES:** Whenever a license hereunder has been revoked or suspended as provided for in this Code, the licensee shall not recover any of the moneys that have been paid for said license.

11-2-19: **USE OF PREMISES AFTER REVOCATION:** When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.

11-2-20: **RETAIL SALES RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, to restaurants where the sale of alcoholic liquors is not the principal business carried on, or to regularly organized clubs, if such place of business so exempted shall have been established for such purposes prior to the enactment of the Liquor Control Act of the State of Illinois on January 31, 1934, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license.

No license shall be issued to any person for the sale of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age, or where the principal business transacted consists of school age, or where the principal business transacted consists of school books, schools supplies, food, lunches, or drinks for such minors.

11-2-21: **ELECTION DAYS:** Licensees may sell at retail any alcoholic liquor on the day of any national, state, county or municipal elections, during the hours of the polls are open, within the municipality.

11-2-22: **CLOSING HOURS:** No person licensed hereunder as a retailer of alcoholic liquor under 'Class C', 'Class E', 'Class F', 'Class G', or 'Class H', shall sell, offer for sale, permit to be sold, or give away any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. of any day. No person licensed hereunder as a retailer of alcoholic liquor under a 'Class D' license shall sell, permit to be sold, offer for sale, or give away any alcoholic liquor between the hours of 4:00 a.m. and 7:00 a.m. on any day.

During such prohibited hours of sale, it shall be unlawful for any licensee to permit or allow anyone on his premises to consume or to have in his possession for consumption any alcoholic liquor. During such hours, every such location, place or premises where alcoholic liquor may be sold at retail shall be kept closed, and no person other than the licensee or an employec or a member of the immediate family of the licensee shall be permitted to remain therein; provided, however, that drug stores, restaurants, clubs, hotels and other such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

11-2-23: **BOOKS AND RECORDS AVAILABLE ON REQUEST:** It shall be the duty of every retail licensee to make books and records available upon request at all times for the purpose of investigation and control by the Illinois Liquor Control Commission and the Local Liquor Control Commission.

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11-2-24: SALES TO MINORS, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENTS: No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person or to any person known by him to be an habitual drunkard, a spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to any person under the age of twenty one (21) years except in the performance of a religious ceremony or service.

For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty one (21) years.

a. It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of twenty one (21) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any person under the age of twenty one (21) who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor or to any person of at least eighteen (18) years of age who is employed on the premises.

b. It shall be unlawful for any person under twenty-one (21) years of age to draw, pour, mix or serve any alcoholic liquor in any licensed retail premises.

c. It shall be unlawful for any parent or guardian to knowingly permit any minor child of which he or she be parent or guardian to violate any provision of this Article.

d. It shall be unlawful and a violation of this Code for any person under the age of twenty one (21) years to have an alcoholic beverage in such person's possession, whether or not in the original package and with the seal unbroken, on any street or highway or in any public place or in any place open to the public, or in or upon any motor vehicle in any such places within the Village of Bridgeview. This section does not apply to possession by a person under the age of twenty one (21) years making a delivery of an alcoholic beverage in pursuance of his employment or written order of such person's parent.

11-2-25: PURCHASE OR ACCEPTANCE OF GIFT OR LIQUOR BY PERSON OF NON-AGE; IDENTIFICATION CARDS: 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 alcoholic liquor or have alcoholic liquor in his or her possession.

a. It shall be unlawful for any person under the age of twenty one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the municipality where alcoholic liquor is sold. If a licensee or his agents or employees believe, has reason to believe, or should have reason to believe, that a sale or delivery of alcoholic liquor is prohibited because of the non-age 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. (Reasonable care in compliance with the provisions of this paragraph shall be competent evidence and may be considered in prosecution, revocation or suspension for the violation of any other provision of this Article.)

b. No person shall transfer, alter or deface such an identification card, allow another person to use their identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information, all for the purpose of obtaining or seeking to obtain alcoholic liquor. No person shall purchase, accept delivery of or have possession of alcoholic liquor in violation of this section.

c. The consumption of alcoholic liquor by any person under the age of twenty one (21) years is forbidden.

d. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parent or parents of such underage person in the privacy of a home, is not prohibited.

11-2-26: **GAMBLING:** It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

11-2-27: **REFILLING ORIGINAL PACKAGES:** No person licensed under this Article shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor with the same or any other kind or quality of alcoholic liquor or any other potable liquid; and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages.

11-2-28: **CIVIL RIGHTS IN LICENSED PREMISES:** No licensee licensed under the provisions of this Article shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

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11-2-29: SALES ON CREDIT: No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose the debt thereby attempted to be created shall not be recoverable at law; provided that nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of said club; and provided further that nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests; and provided further that nothing herein shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.

11-2-30: 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 governed by the ordinances of the municipality regulating the condition of premises used for the storage or sale of food for human consumption.

11-2-31: HEALTH REQUIREMENTS; EMPLOYEES AND OTHERS: It shall be unlawful to employ in any premises open to the public or engaged in the transportation, processing, preparation or packaging of food or beverages any person who the employer knew or should have known, based upon reasonable observation, was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knew or should have known that he was afflicted with or a carrier or any such disease to work in or about any such premises.

11-2-32: PEDDLING: It shall be unlawful to peddle alcoholic liquor in the municipality.

11-2-33: POSSESSION OF ALCOHOLIC LIQUOR IN A MOTOR VEHICLE: No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package with the seal unbroken.

11-2-34: Adult Uses.

A. Definitions.

Adult Bookstore: An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for rent, sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specified sexual activities,' or 'specified anatomical areas;' or an establishment with a segment or