

**Mayor**  
CRAIG B. JOHNSON

**Village Clerk**  
LORETTA M. MURPHY

**Village Manager**  
MATTHEW J. ROAN



**Village Trustees**  
JOSEPH D. BUSH  
JEFFREY C. FRANKE  
KATHRYN A. JAROSCH  
TAMMY K. MILLER  
CHRIS PROCHNO  
STEPHEN F. SCHMIDT

Dear Liquor License Applicant:

As part of the liquor license application process, each applicant and manager of the facility must go through a background check by our Police Department. It is required that each applicant and manager be fingerprinted for this purpose.

The Elk Grove Police Department will contact you to set up an appointment for fingerprinting. The liquor license application process cannot be completed until the fingerprinting and background checks are completed.

All initial applications for such licenses shall be accompanied by a five hundred dollar (\$500.00) nonrefundable application fee made payable to the Village of Elk Grove Village. This fee shall be utilized in the normal processing and investigation of the license application, and shall not be applied towards the regular license fee.

A liquor license application should not be submitted unless there are plans to purchase a license should the application be approved. A liquor license background check will not be done merely for the purpose of determining whether or not a person or corporation would qualify.

It will take approximately 60 to 90 days to complete the entire process. All information will be reviewed by the Liquor Commissioner prior to the approval of a liquor license.

Thank you for your interest in opening a business in Elk Grove Village. If you have any questions, please contact the Village Clerk's Office at 847-357-4042.

Sincerely,

Loretta M. Murphy  
Village Clerk





## VILLAGE OF ELK GROVE VILLAGE LIQUOR LICENSE APPLICATION

The undersigned hereby certifies (certify) to the following facts:

1. Applicant's (exact) corporate name: \_\_\_\_\_  
\_\_\_\_\_

Name or style under which business is to be conducted: \_\_\_\_\_  
\_\_\_\_\_

Application being made for a Class \_\_\_\_\_ retail liquor license.

2. Location of place of business for which license is sought:

a. \_\_\_\_\_  
(exact address by street and number)

b. \_\_\_\_\_  
(telephone number)

c. \_\_\_\_\_  
(full description of location, place or premises, specifying floor, room etc.)

3. Date of Incorporation: \_\_\_\_\_

Under Laws of State of: \_\_\_\_\_

4. Corporate purpose as set forth in charter \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(if insufficient space, attach separate sheet)

5. State name (\*if married female include maiden name) of officers as indicated, with their respective resident addresses, giving street and number, city and state, social security number, date and place of birth:

PRESIDENT/OWNER

Name: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Residence Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

How long there? \_\_\_\_\_

If not a natural born citizen give date of Citizenship papers \_\_\_\_\_

(Attach copy of certification of naturalization)

VICE PRESIDENT

Name: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Residence Address: \_\_\_\_\_

\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

How long there? \_\_\_\_\_

If not a natural born citizen give date of Citizenship papers \_\_\_\_\_

(Attach copy of certification of naturalization)

SECRETARY

Name: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Residence Address: \_\_\_\_\_

\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

How long there? \_\_\_\_\_

If not a natural born citizen give date of Citizenship papers \_\_\_\_\_

(Attach copy of certification of naturalization)

DIRECTOR

Name: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

How long there? \_\_\_\_\_

If not a natural born citizen give date of Citizenship papers \_\_\_\_\_

(Attach copy of certification of naturalization)

DIRECTOR

Name: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

How long there? \_\_\_\_\_

If not a natural born citizen give date of Citizenship papers \_\_\_\_\_

(Attach copy of certification of naturalization)

DIRECTOR

Name: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
\_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

How long there? \_\_\_\_\_

If not a natural born citizen give date of Citizenship papers \_\_\_\_\_

(Attach copy of certification of naturalization)

6. State principal kind of business \_\_\_\_\_  
\_\_\_\_\_

7. Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? \_\_\_\_\_ If so, are premises:

a. Maintained and held out to the public as a place where meals are actually and regularly served? \_\_\_\_\_

b. Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? \_\_\_\_\_

c. List names of principal providers of food stuffs and liquor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. If applicant is a club, has it the qualifications described in the Illinois Act relating to alcoholic liquors? \_\_\_\_\_

9. Does applicant own premises for which this license is sought? \_\_\_\_\_  
(Attach a copy of deed or title to support this).

Is there any binding agreement to purchase the property for which license is sought? \_\_\_\_\_

10. Has the applicant a lease on such premises covering the full period for which license is sought? \_\_\_\_\_ If so, give:

a. Name and address of Lessor \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Period covered by lease: From \_\_\_\_\_ 20\_\_\_\_ to \_\_\_\_\_ 20\_\_\_\_.

c. Attach a copy of the lease agreement.

Is any equipment on the premises owned (in part or in whole) by persons other than the land owner or lessor? \_\_\_\_\_

If so, specify the name of the owner, the items and the owners interest in that item: \_\_\_\_\_

\_\_\_\_\_

11. Is applicant licensed as a food dispenser? \_\_\_\_\_ If so, give number of license \_\_\_\_\_

12. Is the location of applicant's business for which license is sought within 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? \_\_\_\_\_

13. Has any manufacturer, distributor or importing distributor directly or indirectly furnished, loaned or rented any interior decorations other than signs for inside or outside use (except signs existing prior to February 1, 1934), costing on the aggregate more than \$100.00 in any one calendar year for use in or about premises for which license is sought? \_\_\_\_\_

14. Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money (including loans from a private party or firm, not a banking institution) or anything else of value or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days), or is such a person directly or indirectly interested in the ownership, conduct or operation of the place of business? \_\_\_\_\_ (interior decorations and signs in Question 13 exempted)

15. Is there any sign or advertisement on proposed premises using the word "saloon or "bar"? \_\_\_\_\_

16. Is the applicant engaged in the manufacture of alcoholic liquors? \_\_\_\_\_ If so, at what location or locations? \_\_\_\_\_

\_\_\_\_\_

17. Is the applicant conducting the business of an importing distributor or distributor of alcoholic liquors? \_\_\_\_\_ If so, at what location or locations?

\_\_\_\_\_

18. Has any officer, manager, or director of said corporation, or any stockholder or stockholders owning in the aggregate more than five per cent (5%) of the stock of such corporation:

a. Ever been convicted of any felony under any Federal or State Law? \_\_\_\_\_  
If so, give name of person so convicted, stating date and offense \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

b. Ever been convicted of a violation of any Federal or State Liquor Law since February 1, 1934? \_\_\_\_\_

If so, give name of person so convicted, stating date and offense \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

c. Ever been convicted of being the keeper of a house of ill fame; or of pandering or other crimes or misdemeanor opposed to decency and morality? \_\_\_\_\_

If so, give name of person so convicted, stating date and offense \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

d. Ever permitted an appearance bond forfeiture for any of the violations mentioned in questions 18a or 18b? \_\_\_\_\_

If so, state particulars \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

19. Has the corporation (applicant) or any officer, manager, or director of said corporation, or any stockholder or stockholders owning in the aggregate more than five per cent (5%) of the stock of such corporation, made application for a similar license for this period for any premises other than those described above? \_\_\_\_\_ If so, give name of applicant, location of premises, date and disposition of application \_\_\_\_\_

\_\_\_\_\_

20. Is any law enforcing official, mayor, alderman, member of the city council or commission, member of a village board of trustees, or member of a county board of trustees, or member of a county board, directly or indirectly interested in the business for which license is sought? \_\_\_\_\_
21. Has any license previously issued by State, Federal or local authorities to the corporation (applicant) or to any officer, manager or director of said corporation, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, been revoked? \_\_\_\_\_ If so, give name of licensee and state reasons for and date of revocation \_\_\_\_\_  
\_\_\_\_\_
22. Will the business be conducted by a manager or agent? \_\_\_\_\_ If so, give:  
Name: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
Authority conferred upon him by the corporation with relation to the operation or management of the business for which this license is sought \_\_\_\_\_  
\_\_\_\_\_

**MANAGER INFORMATION**

23. If this business is to be conducted by a manager or agent, the following is to be executed by such manager or agent:
- a. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- b. Residence Address: \_\_\_\_\_  
\_\_\_\_\_
- c. Phone: \_\_\_\_\_ Social Security No. \_\_\_\_\_
- d. Address of present employer: \_\_\_\_\_  
\_\_\_\_\_
- e. Place of Birth: \_\_\_\_\_  
How long there: \_\_\_\_\_
- f. Are you a citizen of the United States? \_\_\_\_\_  
If natural citizen, where naturalized? \_\_\_\_\_  
Court in which (or law under which) naturalized \_\_\_\_\_  
\_\_\_\_\_

(attached a copy of certification of naturalization)



- g. Have you ever been convicted of a felony under Federal or State Law? \_\_\_\_\_  
If so, give date and State of offense \_\_\_\_\_
- h. Have you ever been arrested for being the keeper of a house of ill fame; or of  
pandering or other crime, misdemeanor or ordinance opposed to decency and  
morality? \_\_\_\_\_ If so, give date and State of offense \_\_\_\_\_  
\_\_\_\_\_
- i. Have you ever been convicted of a violation of a Federal or State liquor law  
since February 1, 1934 \_\_\_\_\_ If so, give dates: \_\_\_\_\_
- j. Have you ever permitted an appearance bond forfeiture for any of the  
violations mentioned above? \_\_\_\_\_
- k. Have you made application for a similar other license for premises other than  
described in this application? \_\_\_\_\_ If so, give date, location of premises  
and disposition of application \_\_\_\_\_  
\_\_\_\_\_
- l. Has any license previously issued to you by State, Federal or local authorities  
been revoked? \_\_\_\_\_ If so, state reason therefore and date of revocation  
\_\_\_\_\_  
\_\_\_\_\_

Once everything is filled out properly, you will be notified where to submit the \$500 payment for the background checks and fingerprinting if necessary. Thank you.

**AFFIDAVIT**

State of Illinois )  
County of Cook ) SS

The undersigned swear (or affirm) that the corporation in whose name this application is made will not violate any of the ordinances of the Village of Elk Grove Village or the Laws of the State of Illinois or of the United States of America in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of our knowledge and belief. (Any intentional misrepresentations submitted may be cause for denial of the license).

\_\_\_\_\_ President  
Signature

\_\_\_\_\_ Secretary  
Signature

SUBSCRIBED and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Please attach a copy of your corporation papers, the lease, and a copy of a valid photo ID or citizenship papers.**

(Corporate Seal)

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**IMPORTANT**

It is imperative that this application be signed by the PRESIDENT and SECRETARY of the corporation on whose behalf this application is made, and the corporate seal be affixed. If the corporation has no seal, so state.



# ELK GROVE VILLAGE POLICE DEPARTMENT

DAVID DORN  
Chief of Police



A Nationally Accredited  
Police Agency

## INVESTIGATION AUTHORIZATION

I, the undersigned, hereby authorize the Elk Grove Village Police Department to conduct an investigation into my background concerning personal and financial affairs.

Any information or help you can give is greatly appreciated.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_





# ELK GROVE VILLAGE POLICE DEPARTMENT

DAVID DORN  
Chief of Police



A Nationally Accredited  
Police Agency

## EMPLOYMENT INVESTIGATION AUTHORIZATION

To:

I hereby authorize the Elk Grove Police Department to conduct an investigation into my employment background and do hereby release and hold harmless the Village from any liability for disclosing any and all records and documents pertaining to my employment with that organizaon.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_



## Fingerprint Submission Consent and Notification Form (Used for all Licensing and Employment Screening)

The authorized agency (Agency) named below requires all applicants in the Agency's screening or approval process for the purpose identified below to submit to a fingerprint-based criminal history record information background check. The Agency will follow all applicable laws, rules and regulations concerning the criminal background check pursuant to the authorizing statute, Uniform Conviction Information Act and federal statute. The live scan vendor or Agency must confirm the identity of the applicant submitting the fingerprints. The live scan vendor or Agency must use the Applicant Information section to document the valid government issued identification provided by the applicant before the fingerprints are taken. This document also serves as a consent and notification form. **The form must be signed by the applicant** (See Page 2) in order to authorize the release of any criminal history record information that may exist regarding the applicant. The results of the inquiry will be forwarded to the Agency for review.

### Agency Information

Requesting Agency Name: <b>Elk Grove Village Liquor Commission</b>	Requesting Agency ORI Identifier: <b>IL016300L</b>
Requesting Agency Address: <b>901 Wellington Avenue, Elk Grove Village, IL 60007</b>	
Fiscal Cost Center: (for entity responsible for paying ISP)	Purpose Code: <b>LIQ</b>

### Applicant Information

Name:	Sex:	Race:	Date of Birth:
SSN ( <i>if req. by Agency</i> ):	DL/ State ID/ Passport # :		DL/ID State:

### Livescan Vendor/Appointment Information

Live Scan Fingerprint Vendor Company Name:	Address:		
Phone Number:	Appointment Date & Time:	IL Vendor License Number:	

## Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

### Applicant Consent

By signing below, I acknowledge and hereby authorize the release of any criminal history record information that may exist regarding me from any agency, organization, institution, or entity having such information on file. I am aware and understand that my fingerprints may be retained and will be used to check the criminal history record information files of the Illinois State Police and/or the Federal Bureau of Investigation, to include but not limited to civil, criminal and latent fingerprint databases. I also understand that if my photo was taken, my photo may be shared only for employment or licensing purposes. I further understand that I have the right to challenge any information disseminated from these criminal justice agencies regarding me that may be inaccurate or incomplete pursuant to Title 28 Code of Federal Regulation 16.34 and Chapter 20 ILCS 2630/7 of the Criminal Identification Act.

Applicant Name (printed):	
Applicant Name (signature):	Date:

**THIS SIGNED FORM MUST BE RETAINED BY THE AGENCY FOR AT LEAST TWO YEARS.**

## SCHEDULE OF ANNUAL FEES

Class A	Retail sale for consumption on premises	\$2,900.00
Class B	Retail sale for consumption off premises	2,700.00
Class D	Retail sale for consumption on premises (beer, wine, ale and other malt based alcoholic liquors only)	2,100.00
Class E	Caterers – sell or serve alcoholic liquor for consumption on such premises where food is served	2,500.00
Class F	Temporary Municipal – sell or serve alcoholic liquor for consumption on certain designated premises on specific days requested by licensee	No fee established
Class G	Seasonal Municipal – sell or serve beer, ale and other malt based alcoholic liquors on temporary or Seasonal premises	No fee established
Class H	Retail Packaging – packaging of orders for alcohol products and delivery to locations other than the location of the licensed premises	1,000.00
Class AA	Retail sale for consumption on premises (extended closing hours)	1,500.00
Class AAA	Hotels with a Class A license (cabinets for storage of liquor in guest rooms)	1,000.00
Class AB	Restaurants with a Class A license (sale of wine for consumption off premises)	150.00
Class DD	Retail sale for consumption on premises (beer, wine, ale and other malt based alcoholic liquors only – extended closing hours)	1,500.00
Class MB	Operation of a microbrewery independently owned	2,000.00
Class RR	Full service restaurant combined with retail sale of food products	2,700.00
Class WBM	Wine and Beer kit making facility	1,000.00
Class MT	Movie Theater with retail sales for consumption on premises	1,000.00

## CHAPTER 3: LIQUOR CONTROL

Section

### 3-3-1: Definitions

### 3-3-2: Liquor Control Subcommittee

### 3-3-3: License Required

### 3-3-4: Application For License; Fee

### 3-3-5: Restrictions On Issuance Of License

### 3-3-6: Classification Of Licenses

### 3-3-7: Number Of Licenses

### 3-3-8: Closing Hours

### 3-3-9: Minors

### 3-3-10: Prohibited Acts And Conditions

### 3-3-11: Sellers' And Servers' Education Training Program

### 3-3-12: Examinations; Inspections; Revocations; Appeal

### 3-3-13: Off Track Betting Facilities

### 3-3-1: 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:** 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.

**DRAMSHOP ACT:** The Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

**MINOR:** Any person under the age of twenty one (21) years.

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

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

(Ord. 932, 5-14-1974; amd. Ord. 1271, 1-23-1979)

### 3-3-2: LIQUOR CONTROL SUBCOMMISSION:

There is hereby created a village liquor control subcommission consisting of two (2) members appointed by the village liquor control commissioner. It shall be the duty of the subcommission to assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner. Each subcommissioner shall remain in office until a replacement appointment is made or a new village liquor control commissioner is elected. Final authority for issuance or revocation of liquor licenses shall remain with the village liquor control commissioner.

(Ord. 1009, 6-10-1975)

### 3-3-3: LICENSE REQUIRED:

It shall be unlawful for any person to sell alcoholic liquor either by himself or through an agent, employee or partner without first having obtained a license as is herein provided.

(Ord. 932, 5-14-1974)

**Cross-reference:**



See section 3-1-6 of this title for license fees

### **3-3-4: APPLICATION FOR LICENSE; FEE:**

Applications for such licenses shall be made to the village Mayor who is hereby authorized to be the local liquor control commissioner and charged with the administration of the Liquor Control Act of 1934, also known as the dramshop act, 235 ILCS 5/1-1 et seq. Such application shall be made in writing and shall contain the following statements and information:

- A. The name, age, address and social security number of the applicant in the case of an individual; in the case of copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority of the stock of such corporation, in interest, is owned by one person or his nominee, the name and address of such person.
- B. The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization.
- C. The character of business of the applicant and, in the case of a corporation, the objects for which it was formed.
- D. The length of time that said applicant has been in business of that character, or in the case of the corporation, the date on which its charter was issued.
- E. The amount of goods, wares and merchandise on hand at the time application is made.
- F. The location and description of the premises or place of business which is to be operated under such license.
- G. A statement as to whether applicant has made similar application and the disposition of such application.
- H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of the state or ordinances of the village.
- I. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked and the reason therefor.
- J. A statement that the applicant will not violate any of the laws of the state of Illinois or of the United States in the conduct of his place of business.

All initial applications for such licenses shall be accompanied by a five hundred dollar (\$500.00) nonrefundable application fee, which fee shall be utilized in the normal processing and investigation of the license application, and shall not be applied towards the regular license fee.

K. Applications for a class A or class AA liquor license shall be accompanied by proof of completion of a state certified beverage alcohol sellers' and servers' education and training program (BASSET) or an equivalent program approved and acceptable to the chief of police for all persons who serve or sell alcoholic beverages pursuant to those licenses.

(Ord. 932, 5-14-1974; amd. Ord. 1561, 4-5-1983; 1992 Code; Ord. 2095, 4-10-1990)

### **3-3-5: RESTRICTIONS ON ISSUANCE OF LICENSE:**

No license shall be issued to:

- A. A person who is not of good character and reputation in the community in which he resides.
- 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.
- D. A person who has been convicted of being the keeper of or is the keeper of 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 has been revoked for cause.
- G. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license under a first application.
- H. A copartnership, unless all the members of such copartnership shall be qualified to receive 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 (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 village.

J. A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.

K. A person who does not 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.

L. Any law enforcing public official, village Mayor, any member of the board of trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(Ord. 932, 5-14-1974)

### **3-3-6: CLASSIFICATION OF LICENSES:**

**Publisher's Note:** This Section has been **AMENDED** by new legislation (Ord. 3767 , adopted 7-19-2022). The text of the amendment will be incorporated below when the ordinance is codified.

**Publisher's Note:** This Section has been **AMENDED** by new legislation (Ord. 3772 , adopted 9-13-2022). The text of the amendment will be incorporated below when the ordinance is codified.

Licenses for sale of alcoholic liquor shall be divided into the following classes:

**CLASS A LICENSE** - which shall authorize a restaurant to sell alcoholic liquor at retail for consumption on the premises specified, as incidental or complementary service to the sale of food. A "restaurant" is hereby identified as an establishment whose primary use is the sale of food for consumption on the premises.

**CLASS B LICENSE** - which shall authorize the sale of alcoholic liquor for consumption off premises, in retail liquor package goods stores, drugstores and retail food stores, which retail food store must have a minimum of twenty thousand (20,000) square feet of floor area.

**CLASS D LICENSE** - which shall authorize a restaurant to sell beer, wine, ale and other malt based alcoholic liquors only, at retail for consumption on the premises specified, as incidental or complementary service to the sale of food. A "restaurant" is hereby identified as an establishment whose primary use is the sale of food for consumption on the premises.

**CLASS E LICENSE (CATERERS)** - which shall authorize a licensed food caterer to sell or serve alcoholic liquor for consumption on such premises where food is served by the caterer.

**CLASS F LICENSE (TEMPORARY MUNICIPAL)** - which shall authorize the selling or serving of alcoholic liquor for consumption on certain designated premises by a municipal entity within the village. While the license shall be issued for an entire licensing year, it shall only be valid on specific days requested by the licensee, provided that the request for each such day is received by the village clerk ten (10) days prior to each requested date. The request shall set forth the location to be utilized and the hours which the license shall be in effect, but shall not require any further action by the village board.

**CLASS G LICENSE (SEASONAL MUNICIPAL)** - which shall authorize the selling of beer, ale and other malt based alcoholic liquors by a municipal entity for consumption on temporary or seasonal premises or on the area surrounding said premises and which is also owned by the municipal entity; and/or the sale of said alcoholic liquors on a mobile cart or motorized vehicle traveling on or about the property owned by the municipal entity. The sale of the permitted alcoholic liquor shall be in conjunction with the sale of food items and shall be further subject to the following conditions:

A. The seasonal structure used for selling the permitted alcohol shall be approved by the department of engineering and community development.

B. The license shall be deemed seasonal and shall be valid only between April 1 and November 30 of each year.

C. The liquor commissioner shall have the authority to suspend for up to thirty (30) days or revoke the class G license upon any violation of this chapter or other conduct by the licensee detrimental to the seasonal recreational activity related to this license, based upon such evidence as deemed convincing and sufficient to said liquor commissioner in his discretion.

D. The class G license shall not be required for any municipal entity which has a class A liquor license in a facility on the same property for which a mobile cart or motorized vehicle is utilized.

**CLASS H LICENSE (RETAIL PACKAGING)** - which shall authorize the packaging of orders for alcohol products and delivery of the packaged products to locations other than the location of the licensed premises.

**CLASS AA LICENSE** - which shall authorize the sale of alcoholic liquor for consumption only on the premises for such additional time as is set forth in section 3-3-8 of this chapter.

**CLASS AB LICENSE** - which shall authorize restaurants which have a Class A license to sell wine for consumption off the premises.

**CLASS DD LICENSE** - which shall authorize the sale of beer, wine, ale, and other malt based alcoholic liquors only for consumption on the premises for an additional one hour of time over and above the closing hours established pursuant to subsection 3-3-8 B of this chapter.

**CLASS MB LICENSE** - which shall authorize the operation of a "microbrewery", herein defined as an independently owned brewery that produces small amounts of beer generally characterized by an emphasis on quality, flavor and brewing technique, and often selling its products only locally. The MB license shall also authorize the on site storage of beer or ale as well as authorizing on site consumption of such beer or ale by persons of at least twenty one (21) years of age. Such microbrewery licenses shall be issued subject to the following conditions:

A. On premises consumption shall be limited to the retail portion of the licensed premises, except during supervised tours and private events. The retail portion shall not exceed twenty percent (20%) of the total floor area of the unit or building occupied. Additionally, the retail portion shall be segregated from the remainder of the premises.

B. Patrons under the age of twenty one (21) shall be allowed on the premises when accompanied by an individual twenty one (21) years of age or older; however, classes and seminars shall be limited to patrons twenty one (21) years of age or older.

C. Patrons purchasing beer for on premises or off premises consumption and occupying the designated tasting room area must present valid identification attesting that they are twenty one (21) years of age or older.

D. Beer and ale for on site consumption shall be dispensed only in containers provided by the licensee.

E. No more than a total of sixty (60) ounces of beer or ale shall be served for the purpose of on-site consumption to any customer in one day.

F. The retail sale of beer or ale produced off premises shall be permitted.

G. The sale of beer or ale dispensed into casks, growlers, bottles, or cans for consumption off premises shall be permitted, provided that the casks, growlers, bottles, or cans are properly sealed for transportation in compliance with State laws.

H. Product sampling shall be permitted in accordance with State law.

I. In no event shall the licensee give away beer, ale or other alcoholic beverages for commercial purposes or in connection with the sale of such products or to promote the sale of such products.

J. The licensee must have at least one BASSET certified site manager on premises whenever beer is available for on site consumption. In addition, all servers must be BASSET certified.

K. The licensee must have a valid Class 3 brewer's license from the State of Illinois.

L. The retail portion of the microbrewery may conduct business from three o'clock (3:00) P.M. through ten o'clock (10:00) P.M. on Monday, Tuesday and Wednesday, twelve o'clock (12:00) noon through ten o'clock (10:00) P.M. on Thursday and Friday, eleven o'clock (11:00) A.M. to ten o'clock (10:00) P.M. on Saturday, and from eleven o'clock (11:00) A.M. through eleven o'clock (11:00) P.M. on Sundays and the following holidays:

New Year's Eve;

New Year's Day;

St. Patrick's Day;

Memorial Day;

4th of July;

Labor Day;

Thanksgiving Eve; and

Christmas Day.

Private, pre-arranged events may be conducted on the premises between the hours of eleven o'clock (11:00) A.M. through ten o'clock (10:00) P.M. on Monday through Saturday, and eleven o'clock (11:00) A.M. through eleven o'clock (11:00) P.M. on Sundays.

M. The licensee shall follow all Village ordinances regarding procuring applicable license and permits for retail operation and construction respectively.

**CLASS MT** - Which shall authorize the retail sale of alcoholic liquor in movie theaters for consumption only on the premises. Alcoholic liquor may be sold in a movie theater holding a Class MT license only during the period when patrons of the licensee are offered a limited menu commensurate with a movie theater. A movie theater is hereby identified as any establishment to which the public is invited and pays consideration for the purpose of viewing motion pictures. Such movie theater licenses shall be issued subject to the following conditions:

- A. Service of alcoholic beverages shall be limited to a designated customer bar and/or concession stand.
- B. The bartender must be twenty one (21) years of age or older and BASSETT certified to monitor compliance with alcohol laws and be on duty on the premises whenever there is service of alcoholic beverages. Proof of age must be shown with each purchase.
- C. Alcoholic beverages may be sold only in individual containers of twelve (12) ounces or less. This limitation shall be absolute and shall apply irrespective of the actual alcohol content of the beverage.
- D. No more than one (1) alcoholic beverage may be served to a customer in any one trip to the bar or concession stand.
- E. Alcoholic beverages are dispensed in an original container.
- F. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies.
- G. There shall be no service of alcoholic beverages more than one (1) hour before the showing of a movie or one half (½) hour before the end of the last movie of the day but in no event after 11:00 p.m. No carry out containers will be allowed.

**CLASS RR LICENSE** - which shall authorize the sale of alcoholic liquor for consumption off premises in stores which have a full service restaurant combined with the retail sale of food products, which stores must have a minimum of ten thousand (10,000) square feet of floor area.

**CLASS AAA LICENSE** - which shall authorize hotels which have a Class A license to install cabinets for the storage of liquor for the use of room guests in each room; provided, however, that each such cabinet shall be securely locked with a separate key, which key shall be given only to a guest twenty one (21) years or older at the time of registration.

**CLASS WBM LICENSE** - which shall authorize the operation of a wine and beer kit making facility, which will sell wine and beer kits to on-premises customers and assist them in the wine and beer making process subject to the following conditions:

- A. All customers must be twenty one (21) years of age or older.
- B. Customers may bring in their own refreshments, including alcoholic beverages for consumption during the fermentation waiting periods, provided that the licensee shall be responsible for the responsible consumption of alcohol by the customers.
- C. Kits may be sold to groups of customers to create team-building experiences for firms or entities interested in establishing that experience for their employees - which may or can include team building training or coaching with trained professionals.
- D. The retail sale of wine, beer or other alcohol shall be prohibited.
- E. The hours of operation shall be from nine o'clock (9:00) A.M. to nine o'clock (9:00) P.M. on Sunday through Thursday and ten o'clock (10:00) A.M. to eleven o'clock (11:00) P.M. on Fridays and Saturdays.
- F. Licensee must have all valid State and Federal licenses applicable to the processing of beer and wine brewing and labeling.

(Ord. 2054, 6-27-1989, eff. 9-1-1989; amd. Ord. 2310, 7-13-1993; Ord. 2347, 1-25-1994; Ord. 2595, 10-14-1997; Ord. 2626, 4-14-1998; Ord. 2827, 5-8-2001; Ord. 2903, 7-23-2002; Ord. 3039, 5-24-2005; Ord. 3080, 4-11-2006; Ord. 3324, 11-13-2012; Ord. 3382, 5-27-2014; Ord. 3449, 3-22-2016; Ord. 3485, 2-28-2017; Ord. 3573, 9-25-2018; Ord. 3603, 4-9-2019; Ord. 3619, 7-16-2019; Ord. 3633, 10-8-2019; Ord. 3742, 2-22-2022)

**Cross-reference:**

See also section 3-1-6 of this title

**3-3-7: NUMBER OF LICENSES:**

There shall be issued in the Village no more than:

Liquor License	Number
Class A	39
Class B	15
Class D	12
Class E	5
Class G	1
Class H	3
Class AA	4
Class AB	0
Class DD	0
Class MB	1
Class RR	1
Class WBM	1

In addition to the foregoing, the Village Mayor may issue, upon application and payment of the additional fee provided, a Class AA liquor license to any holder of a Class A liquor license or a Class DD liquor license to any holder of a Class D liquor license when he, in his sole discretion, deems it advisable and in the best interest of the Village to do so.

(Ord. 1596, 9-13-1983; amd. Ord. 1972, 6-14-1988; Ord. 2057, 7-25-1989; Ord. 2066, 9-26-1989; Ord. 2069, 10-10-1989; Ord. 2078, 11-28-1989; Ord. 2119, 7-10-1990; Ord. 2152, 4-23-1991; Ord. 2193, 10-22-1991; Ord. 2203, 12-10-1991; Ord. 2208, 1-28-1992; Ord. 2210, 2-11-1992; Ord. 2266, 9-8-1992; Ord. 2270, 10-13-1992; Ord. 2283, 1-12-1993; Ord. 2291, 4-13-1993; Ord. 2301, 5-25-1993; Ord. 2338, 12-14-1993; Ord. 2344, 1-25-1994; Ord. 2347, 1-25-1994; Ord. 2366, 5-24-1994; Ord. 2383, 7-26-1994; Ord. 2385, 8-9-1994; Ord. 2409, 2-28-1995; Ord. 2427, 5-9-1995; Ord. 2496, 6-25-1996; Ord. 2505, 8-13-1996; Ord. 2563, 5-27-1997; Ord. 2575, 7-22-1997; Ord. 2587, 8-26-1997; Ord. 2594, 9-23-1997; Ord. 2595, 10-14-1997; Ord. 2607, 11-11-1997; Ord. 2636, 4-14-1998; Ord. 2648, 6-9-1998; Ord. 2664, 10-13-1998; Ord. 2670, 11-17-1998; Ord. 2678, 1-26-1999; Ord. 2724, 12-14-1999; Ord. 2730, 1-4-2000; Ord. 2736, 2-22-2000; Ord. 2744, 3-28-2000; Ord. 2754, 5-23-2000; Ord. 2759, 6-13-2000; Ord. 2811, 2-13-2001; Ord. 2814, 3-27-2001; Ord. 2827, 5-8-2001; Ord. 2834, 5-22-2001; Ord. 2848, 8-14-2001; Ord. 2849, 9-13-2001; Ord. 2864, 10-30-2001; Ord. 2871, 12-3-2001; Ord. 2893, 5-14-2002; Ord. 2902, 7-23-2002; Ord. 2908, 9-17-2002; Ord. 2912, 10-22-2002; Ord. 2919, 12-17-2002; Ord. 2925, 2-11-2003; Ord. 2953, 10-14-2003; Ord. 2969, 12-16-2003; Ord. 2977, 2-10-2004; Ord. 2983, 4-13-2004; Ord. 3004, 9-14-2004; Ord. 3017, 11-16-2004; Ord. 3021, 12-14-2004; Ord. 3022, 1-11-2005; Ord. 3039, 5-24-2005; Ord. 3040, 5-24-2005; Ord. 3044, 6-21-2005; Ord. 3047, 7-19-2005; Ord. 3052, 9-13-2005; Ord. 3089, 6-20-2006; Ord. 3129, 5-22-2007; Ord. 3161, 3-25-2008; Ord. 3180, 7-15-2008; Ord. 3181, 8-19-2008; Ord. 3232, 4-27-2010; Ord. 3234, 5-11-2010; Ord. 3243, 9-14-2010; Ord. 3315, 8-14-2012; Ord. 3323, 11-13-2012; Ord. 3333, 3-12-2013; Ord. 3341, 5-28-2013; Ord. 3343, 6-18-2013; Ord. 3344, 7-16-2013; Ord. 3364, 12-17-2013; Ord. 3382, 5-27-2014; Ord. 3385, 8-19-2014; Ord. 3414, 4-14-2015; Ord. 3421, 5-12-2015; Ord. 3424, 5-26-2015; Ord. 3432, 9-8-2015; Ord. 3438, 11-17-2015; Ord. 3449, 3-22-2016; Ord. 3464, 10-25-2016; Ord. 3474, 12-13-2016; Ord. 3498, 5-9-2017; Ord. 3513, 9-12-2017; Ord. 3539, 1-9-2018; Ord. 3558, 6-19-2018; Ord. 3617, 6-18-2019; Ord. 3619, 7-16-2019; Ord. 3653, 2-25-2020; Ord. 3700, 4-13-2021; Ord. 3744, 3-8-2022; Ord. 3748, 4-12-2022)

**3-3-8: CLOSING HOURS:**

A. It shall be unlawful to sell alcoholic liquor for consumption off the premises between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. on any day except Saturdays, Sundays, and January 1 of each year, and on Saturdays, Sundays, and January 1 of each year between two o'clock (2:00) A.M. and six o'clock (6:00) A.M.

B. It shall be unlawful to sell, permit the consumption of, or make available for consumption, alcoholic liquor on the premises where the same is sold for consumption between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M.

A.M. on any day except Saturdays, Sundays, and January 1 of each year, and on Saturdays, Sundays, and January 1 of each year between two o'clock (2:00) A.M. and six o'clock (6:00) A.M.

C. The above provisions shall not apply to the holders of Class AA licenses, in which case it shall be unlawful to sell, permit the consumption of, or make available for consumption, alcoholic liquor on the premises where same is sold for consumption between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. on any day except Saturday, Sunday and January 1 of each year, and on Saturdays, Sundays and January 1 of each year between three o'clock (3:00) A.M. and six o'clock (6:00) A.M.

D. The term "premises" used herein shall include in its meaning any portion thereof as well as the whole of any buildings or real property under the same or similar ownership or control. The foregoing shall not be interpreted so as to prevent the sale of food or nonalcoholic beverages on said premises after the hours specified above.

(Ord. 2054, 6-27-1989, eff. 9-1-1989)

### **3-3-9: MINORS:**

#### **A. Sales To; Minors On Premises, As Employees:**

1. It shall be unlawful to sell, give or deliver alcoholic liquor, beer or wine to any minor.

2. It shall be unlawful for any holder of a retail liquor dealer's license or his agent or employee to suffer or permit any minor to 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 subsection shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of services or other commodities than alcoholic liquor.

3. It shall be unlawful for any person under twenty-one (21) years of age to serve, pour, mix or sell alcoholic liquor in any licensed establishment, provided, however, that any working waiter, waitress, server or employee of the licensed establishment who is nineteen (19) and twenty (20) years of age, may sell or serve alcoholic liquor if they have successfully completed a BASSET alcohol server program or approved equivalent. It shall be unlawful for the holder of a liquor license, his agent or employee, to suffer or permit any such person to serve, pour, mix or sell alcoholic liquor of any kind, except as provided above.

4. In every licensed establishment in the Village where alcoholic liquor, beer or wine is sold, there shall be displayed in a prominent place a printed card which shall be supplied by the Village Clerk which shall substantially read as follows:

#### **WARNING TO MINORS**

*You are subject to a fine of up to two hundred fifty dollars (\$250.00), or up to five hundred dollars (\$500.00) for any subsequent conviction under subsection 3-3-9A of the Municipal Code of the Village of Elk Grove Village if you purchase alcoholic liquor, beer or wine or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor, beer or wine. A minor is anyone under the age of twenty one (21) years.*

5. In addition to all other fines and penalties, the Liquor Control Commissioner may revoke or suspend the retail liquor dealer's license for any violation of this subsection A.

#### **B. Purchase Or Possession; Liability Of Parents And Others:**

1. It shall be unlawful for any person under the age of twenty one (21) years to purchase, receive, accept, have in his possession or control or imbibe any alcoholic beverages within the corporate boundaries of the Village.

2. It shall be unlawful for any person to suffer, permit or allow the violation of the provisions of this subsection B in any motor vehicle, conveyance, house, apartment, room, shed, yard or area of which such person is the owner, lessee, permittee, bailee or legal possessor or occupier thereof.

3. Nothing contained herein shall be applicable to persons under the age of twenty one (21) years:

a. Participating in a religious ceremony;

b. In the presence and with approval of their parent or legal guardian; or

c. Having possession for the purpose of making a delivery of an alcoholic beverage in pursuance of the order of their parent or guardian or in pursuance of his employment.

C. **Required Acts And Conditions:** All holders of a class B license shall be required to ask for and examine identification of any individual who attempts to purchase alcoholic liquor in order to determine whether said individuals can lawfully purchase alcohol. The form of the identification to be examined shall be in the discretion of the license holder and may include a driver's license, state identification card or membership in an organization which

requires its members to be fifty (50) years of age or older; or such other identification which unmistakably depicts the holder of same to be over twenty one (21) years of age. Alternatively, the licensee may register the identification information, including a photograph, of its customers and keep such information on file on the premises. In such case, when the customer attempts to purchase alcohol, the file must be reviewed by the licensee or its agent for any customer who elects this alternative method of checking identification. The mandatory identification examination may be required of holders of other license classifications, including holders of a class A license, pursuant to and for such duration, not to exceed one year, as ordered by the liquor commissioner pursuant to subsection 3-3-12C of this chapter.

D. Signage: All class B licensed establishments and all other establishments which are subject to mandatory identification examination shall display a sign on the licensed premises advising the customers of the mandatory identification examination requirement, which sign shall be provided by the village and in such form as approved by the village.

(Ord. 1271, 1-23-1979; amd. Ord. 1567, 4-5-1983; 1992 Code; Ord. 2786, 11-14-2000; amd. Ord. 3719, 8-17-2021)

### **3-3-10: PROHIBITED ACTS AND CONDITIONS:**

A. Gambling: It shall be unlawful to permit gambling on any premises licensed to sell alcoholic liquor, provided that this section shall not apply to the following:

1. Off track betting facilities as established pursuant to section 3-3-13 of this chapter.
2. Video gaming establishments as set forth in section 3-24-1 et seq., of this title.

B. Improper Exhibitions: It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

1. Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
2. Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
3. Exposes any portion of the female breast at or below the areola thereof.

(Ord. 1439, 2-24-1981; amd. Ord. 3429, 8-18-2015)

### **3-3-11: SELLERS' AND SERVERS' EDUCATION TRAINING PROGRAM:**

A. It shall be unlawful to permit any person in a class A, class AA, class D, class MB, or class MT licensed establishment or any employee of a class E license to serve or sell alcoholic beverages unless that person has completed a BASSET program or approved equivalent as required, or employ a manager unless that person has completed the BASSET program or approved equivalent.

B. Any new employee of a class A, class AA, class D, class MB, or class MT licensed establishment who serves or sells alcoholic beverages shall have ninety (90) days from the beginning of their employment to complete the BASSET program or approved equivalent and shall until completion of said program work under the supervision of a person who has completed a training program.

C. A photocopy of the certificate of completion of a training program must be filed with the village clerk, posted in clear view on the premises and maintained on the premises of the licensee and produced upon demand.

D. Any person who violates any of the provisions of this section shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each day a violation occurs or continues to exist. In addition to any penalties provided for herein, any person who violates this section shall be subject to having its class A or class AA liquor license suspended or revoked as provided in section 3-3-12 of this chapter.

The provisions of this section shall also apply to all class F temporary municipal licenses issued.

(Ord. 2095, 4-10-1990; amd. Ord. 2347, 1-25-1994; Ord. 2595, 10-14-1997; Ord. 3449, 3-22-2016; Ord. 3742, 2-22-2022)

### **3-3-12: EXAMINATIONS; INSPECTIONS; REVOCATIONS; APPEAL:**

A. Examinations: The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof and to examine or cause to be examined the books and records of any such applicant.

B. Inspections; Entry Powers: The local 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 the Liquor Control Act of 1934, also known as the dramshop act, 235 ILCS 5/1-1 et seq., or any rules or regulations adopted by him or by the state commission have been or are being violated and at such time to examine the premises of said licensee in connection therewith.

C. Violation, Fine; Suspension Or Revocation Of License: The local liquor control commissioner shall have the right to hold a hearing for any licensee upon whom a notice of violation has been served and to examine or cause to be examined the books and records of any such licensee, to hear testimony and take proof for his information in the performance of his duties and for such purpose, to issue subpoenas which shall be effective in any part of this state, all as provided and in the manner provided by law.

If, after a hearing on an alleged violation, the village Mayor, as local liquor control commissioner, finds that there was any violation of the ordinances of the village or statutes of the state of Illinois, he may suspend or revoke any retail liquor dealer's license and/or fine any such licensee for any violation of any provision of this chapter or for the violation of any state law pertaining to the sale of alcoholic liquor.

If the commissioner determines to suspend such license, the term of the suspension shall not be less than one day nor more than thirty (30) days.

If the commissioner elects to fine such licensee, the amount of such fine shall not be less than two hundred fifty dollars (\$250.00), except for offenses involving mandatory identification examination, in which case the minimum fine shall not be less than fifty dollars (\$50.00), nor more than two thousand five hundred dollars (\$2,500.00) for each offense. The commissioner is further authorized to assess the licensee for all costs associated with the hearing including attorney fees and court reporter fees.

In addition to the payment of fines and costs as herein provided, the commissioner may impose such other sanctions which are deemed appropriate and just in order to abate the sale of alcohol to minors or other violations of this chapter. Such sanctions may include mandatory identification examination of all customers purchasing or consuming alcohol on the licensed premises.

D. Proceedings Officially Recorded: All proceedings before the local liquor control commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by a certified court reporter.

E. Appeal: Any appeal of proceedings for imposition of a fine, revocation or suspension of licenses shall be limited to a review of the official record, in accordance with the provisions of the state of Illinois Liquor Control Act, 235 Illinois Compiled Statutes 5/7-9.

(Ord. 932, 5-14-1974; amd. Ord. 1115, 1-11-1977; Ord. 2735, 2-8-2000; Ord. 2786, 11-14-2000; Ord. 3193, 2-24-2009)

### **3-3-13: OFF TRACK BETTING FACILITIES:**

A. Local Gaming Commissioner: The village mayor shall serve as the local gaming commissioner. There is also established a local gaming subcommission which shall consist of the same two (2) members appointed by the mayor to the liquor control subcommission who shall advise the commissioner in the same manner as with the liquor commission. Any hearings before the local gaming commission shall be called and conducted in the same manner as hearings before the local liquor commission.

B. Rules And Regulations: Whenever an off track betting facility is approved at an establishment licensed to sell alcohol in the village, the establishment and the off track betting facility must adhere to all rules and regulations established by the village in addition to adhering to all the rules and regulations set forth for establishments licensed to sell alcohol. Any approved off track betting facility shall be subject to the following rules and regulations:

1. It shall be unlawful to permit any person under the age of twenty one (21) to participate in any gambling activity.

2. The off track betting facility shall be responsible for enforcing all age restrictions and regulations on the premises including automatic teller machines, which automatic teller machines must be in clear view of designated employees of the establishment.

C. Inspections; Violations; Sanctions:

1. Inspections; Entry Powers: The local gaming commissioner is given the power to enter or authorize any law enforcement officer to enter at any time upon any premises approved to conduct an off track betting facility in the village to determine whether any of the rules or regulations adopted by the village have been or are being violated and to examine the premises of said establishment in connection therewith.

2. Violation, Fine; Suspension Or Revocation Of License:



a. The local gaming commissioner shall have the right to hold a hearing for any establishment upon whom a notice of violation has been served, to hear testimony and take proof for his information in the performance of his duties.

b. If, after a hearing on an alleged violation, the local gaming commissioner finds that there was any violation of the ordinances of the village or statutes of the state of Illinois, he may suspend or revoke any off track betting facility and/or the liquor license establishment of said facility, whatever the case may be, and/or fine any such establishment or licensee for any violation of any provision of this chapter.

c. If the commissioner elects to fine the establishment or the licensee, the amount of such fine shall not be less than two hundred fifty dollars (\$250.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense. The commissioner is further authorized to assess the establishment or the licensee for all costs associated with the hearing including attorney fees and court reporter fees.

d. In addition to the payment of fines and costs as herein provided, the commissioner may impose such other sanctions deemed appropriate to abate violations of this section, including mandatory identification examination of all customers utilizing the off track betting facility.

3. Proceedings Officially Recorded: All proceedings before the local gaming commissioner shall be recorded and placed in a certified official record of such proceedings taken and prepared by a certified court reporter.

(Ord. 3131, 7-17-2007)