

LIQUOR ORDINANCE FOR THE VILLAGE OF SPARLAND

ORDINANCE # 832

Section 1. (Definitions) Unless the context otherwise requires, the following terms as used in this article shall be construed according to the definitions given below.

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

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

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 and consumption of alcoholic liquors which conforms to the definition of a club, as provided by the statute.

Section 2. (License Required) It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

Section 3. (Application) Applications for such licenses shall be made to the local liquor commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.

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

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

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

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

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

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

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

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

(10) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the Village in the conduct of his place of business.

Section 4. (Restriction on Licenses) No license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of the Village in which the premises covered by the license are located.

(2) A person who is not of good character and reputation in the community in which he resides.

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

(4) A person who has been convicted of a felony under any Federal or State law, if the commission determines after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

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

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

(7) A person whose license issued under this Article has been revoked for cause.

(8) 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.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision.

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 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 political subdivision.

(10a) 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 the State of Illinois.

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

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

(13) 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.

(14) Any law enforcing public official, including members of local liquor control commissions, the mayor, trustees, or member of the village board or commission, any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

Section 5. (Term of License) Each license issued hereunder shall be effective on the date of issuance and shall terminate one year following the issuance thereof.

Section 6. (Examination of Applicant) 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, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof of 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. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute.

Section 7. (Classification - Fees) Such licenses shall be divided into the following classes:

Class "A" - Tavern/Package License: Shall permit the retail sale of alcoholic liquor for consumption on and off the premises where sold and not for resale in any form. The annual fee for such license shall be five hundred dollars.

Class "D" - Package License: Shall permit the retail sale of alcoholic liquors in sealed packages, but not for consumption on the premises where sold. The annual license fee shall be two hundred dollars.

Class "T": Shall permit the retail sale of alcoholic liquor to be issued to temporary stands, booths and tents. The daily fee for such licenses shall be ten dollars.

Section 8. (Insurance Required) No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has in force and effect the insurance required by statute.

Section 9. (Disposition of Fees) All such fees shall

be paid to the Village Clerk at the time application is made and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the council by proper action.

Section 10. (Record) The Village Clerk shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license the Village Clerk shall immediately give written notice thereof to the Chief of Police.

Section 11. (Transfer of License) A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this ordinance provided, and shall not constitute nor shall it be alienable or transferable, voluntarily or involuntarily or subject to being 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 may continue the business of the sale or manufacture 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 months after the death, bankruptcy or insolvency of such licensee.

Section 12. (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 mayor. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

Section 13. (Renewal of License) 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 purpose.

Section 14. (Peddling) It shall be unlawful to peddle alcoholic liquor in the Village

Section 15. (Sanitary Conditions) All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage of sale of food for human consumption.

Section 16. (Closing Hours) It shall be unlawful to sell or offer for sale, at retain, or to give away, in or upon any licensed premises, any alcoholic liquor between the following times:

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| Sunday: | between 2:00 o'clock a.m. and 12:00 o'clock noon |
| Monday: | between 1:00 o'clock a.m. and 8:00 o'clock a.m. |
| Tuesday: | between 1:00 o'clock a.m. and 8:00 o'clock a.m. |
| Wednesday: | between 1:00 o'clock a.m. and 8:00 o'clock a.m. |
| Thursday: | between 1:00 o'clock a.m. and 8:00 o'clock a.m. |
| Friday: | between 1:00 o'clock a.m. and 8:00 o'clock a.m. |
| Saturday: | between 2:00 o'clock a.m. and 8:00 o'clock a.m. |

No alcoholic liquor shall be served to any patrons fifteen (15) minutes prior to closing of said premises.

It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in case of restaurants such establishments may be kept open for business during such hours, but no alcoholic liquor may be sold to, or consumed by the public during such hours.

For the purpose of this section, "restaurant" shall be defined as: Any public place kept, used, maintained, advertised



and held out to the public as a place where meals are served, and where meals actually are served an regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Section 17. (Minors - Sale To) It shall be unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent their age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place where alcoholic liquor is sold.

In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the City Clerk and which shall read substantially as follows:

"Warning to Minors

You are subject to a fine of not less than \$50.00 nor more than \$500.00 under the ordinance of the Village of Sparland if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."

In addition to all other fines and penalties, the Mayor may suspend or revoke the retail liquor dealer's license for any violation of the above paragraph.

It shall be unlawful for any parent or guardian to permit any minor child which he or she may be the parent or guardian to violate any of the provisions of this Section.

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

Section 18. (Live Entertainment) It shall be unlawful and no person who shall be issued a license to sell alcoholic liquor at retail within the Village shall permit, provide or suffer any conduct or entertainment within a liquor establishment in such a manner as to expose to public view:

- (1) Male or Female genitals, public hair, buttocks, perineum, anal region, or public hair region;

(2) Any portion of the female breast at or below the areola thereof;

(3) Any devise, film, costume, or covering which gives the appearance of or simulates the above listed body parts;

(4) The use of tassels, pasties, stars, or transparent material for coverage of the above listed body parts;

(5) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts prohibited by law;

(6) The touching, caressing or fondling of the breasts, buttocks, anus or genitals; or

(7) Excretory functions as part or in connection with any activities set forth above.

Section 19. (Inspections) It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer, the health officer, or any member of the Village Board, for the purpose of making an inspection of such premises, or any part thereof.

Section 20. (Gambling) It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor.

Section 21. (Sale to Intoxicated Persons-Habitual Drunkards) It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or insane, feebleminded or distracted person.

Section 22. (Revocation-Suspension) The Mayor may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for any violation of any provision of this Chapter, or for any violation of any State Law pertaining to the sale of alcoholic liquor, as provided by law.

Section 23. (Public Drinking) It shall be unlawful for any person to drink beer, wine, or other alcoholic beverages, or possess said beverage except in the original package and with the seal unbroken, upon any public street, sidewalk, public way, park, parking lot or other public place in the Village of Sparland, Illinois. Said ordinance shall be published in all establishments in the Village where alcoholic liquor is sold, and shall be displayed at all times in a prominent location

near the exits of said establishments with a printed sign which shall be supplied by the Village.

Section 24. (Fines) Violations of any of the provisions of this ordinance shall subject the violator to a fine of not less than \$50.00 nor more than \$500.00 for each conviction.

Section 25. (Effective Date) This ordinance shall become effective on the 24 day of March, 1994, and shall supersede and repeal the provisions concerning alcoholic liquor in the Village Code of the Village of Sparland including all of the provisions passed prior to this date.

BE IT FURTHER ORDAINED that if any section of this code be deemed unconstitutional, that it shall in no way alter the legal effect of the remaining sections of said code, and where not in conflict, said ordinance shall also adopt by reference all applicable sections of the Illinois Revised Statutes, Chapter 43, of the Liquor Control Act in effect as of the date of passage of this ordinance.

PASSED at a ^{special}~~regular~~ meeting of the Village Board of the Village of Sparland on the 24 day of March, 1994.

Phillip C. Murphy
Mayor

ATTEST:

Susan K. Schupp
Village Clerk

AYES : 4
NAYS : 0
ABSENT: 2