

VILLAGE OF CHATHAM, ILLINOIS

---

ORDINANCE NO. 94-23

AN ORDINANCE PERTAINING TO LIQUOR CONTROL

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CHATHAM, ILLINOIS

THIS 24<sup>th</sup> DAY OF May, 1994

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Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, this 24<sup>th</sup> day of May, 1994.

STATE OF ILLINOIS     )  
                                  )  ss.  
COUNTY OF SANGAMON    )

CERTIFICATE

I, Penny Mooney, certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on May 24, 1994, the corporate authorities of such Village passed and approved Ordinance No. 94-23 entitled:

**AN ORDINANCE PERTAINING TO LIQUOR CONTROL**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 94-23, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on May 24, 1994, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk

DATED at Chatham, Illinois, this 24<sup>th</sup> day of May, 1994.

(SEAL)

Penny Mooney  
Village Clerk

**AN ORDINANCE PERTAINING TO LIQUOR CONTROL**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1: DEFINITIONS.**

The following words as used in this Ordinance shall have the following meaning:

**Alcohol.** The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**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. This Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing .5% or less, of alcohol by volume.

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

**Club.** A corporation organized under the laws of the State of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Liquor Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of

the club is paid, or directly 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.

**Convenience Store.** A grocery store which also sells motor fuel.

**Grocery Store.** A retail establishment primarily engaged in the sale of food and household items with the sale of alcoholic liquors as incidental to its primary business.

**Hotel.** Every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered to adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures, being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**Liquor Control Act.** The Illinois Liquor Control Act of 1934, ILCS, Ch. 235, §5/1-1, et seq. as now or hereafter amended.

**Liquor Commissioner.** The President of the Village of Chatham.

**Package Store.** A retail establishment, the primary business of which is the sale of alcoholic liquor for consumption off premises.

**Person.** Any natural person, or any corporation or partnership or unincorporated association.

**Restaurant.** Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, 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. A restaurant holding an R-1 or R-2 license under this Ordinance shall have its normal lunch or dinner items available for sale at all times alcoholic liquors are available for sale.

**Retailer.** A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

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

**Sell at Retail and Sale at Retail.** Refers to and means sales for use or consumption and not for resale in any form.

**Special Event.** An event conducted by an educational, fraternal, political, civic, religious, or other nonprofit organizations.

**Special Event Retailer.** An educational, fraternal, civic, religious, or non-profit organization which sells or offers for sale, beer or wine or both, only for consumption at the location and on the dates designated by a special event license.

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

**State Commission.** The Illinois Liquor Control Commission.

**To Sell.** Includes to keep or expose for sale and to keep with intent to sell.

**Wine.** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

## SECTION 2: LIQUOR COMMISSIONER.

(A) The Village President is hereby designated as the Liquor Commissioner and shall be charged with the administration of the Liquor Control Act and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The President may appoint a person or persons to assist in the exercise of the powers and the performance of the duties provided for in division (B).

(B) Powers, Duties and Functions. The Liquor Commissioner shall have all the powers, functions, and duties with respect to local liquor licenses granted by the Liquor Control Act, including:

(1) To grant and/or suspend for not more than 30 days or revoke for cause all local licenses issued to persons or entities for premises within the Village and to impose fines as set forth herein.

(2) To enter or to authorize any law enforcement officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act or this Ordinance, or any rules or regulations adopted by the Liquor Commissioner or by the State Commission, have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(3) To receive complaints from any citizen with the Village that any of the provisions of the Liquor Control Act or of this Ordinance have been or are being violated, and to act upon such complaints in the manner provided by the Liquor Control Act or this Ordinance.

(4) To receive local license fees and pay same to the Village Treasurer.

(5) To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, of any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for information in the performance of the Liquor Commissioner's duties; and for such purposes, to issue subpoenas which shall be effective in any part of the State. For the purpose of obtaining any of the information desired by the Liquor Commissioner under this Section, the Commissioner may authorize an agent to act on his or her behalf.

(6) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated the Liquor Control Act by selling or offering for sale at retail alcoholic liquors without a retailer's license.

(7) To revoke and suspend licenses, and levy fines, in accordance with Section 25.

**SECTION 3: LICENSE REQUIRED.**

It shall be unlawful to sell or offer for sale at retail in the Village of Chatham any alcoholic liquor without having a

retail liquor dealer's license, or in violation of the terms of such license.

**SECTION 4: APPLICATION FOR LICENSE.**

An applicant for a license shall submit to the Liquor Commissioner or to the Village Clerk (who shall transmit the application to the Liquor Commissioner) an application in writing under oath stating:

- (1) The applicant's name and mailing address;
- (2) The name and address of the applicant's business;
- (3) If applicable, the date of the filing of the assumed name of the business with the County Clerk;
- (4) In case of a copartnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the State where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983 to transact business in the State of Illinois.
- (5) The number, the date of issuance and the date of expiration of the applicant's current state and local retail liquor licenses;
- (6) The name and address of the landlord if the premises are leased, with a copy of the lease.
- (7) Whether the applicant has made an application for a liquor license which has been denied, and if so, the reasons therefor;
- (8) Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the specific reasons thereof;
- (9) Whether the applicant has ever been convicted of any criminal misdemeanor or felony, and if so, the particulars thereof;
- (10) Whether the applicant possesses a current Federal Wagering Stamp, and if so, the reasons therefor;
- (11) Whether the applicant or any other person with an interest in the applicant's place of business is a public official, and if so, the particulars thereof;

(12) The applicant's name, sex, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every owner, partner, corporate officer, director, manager and any person who owns 5% or more of the shares of the applicant's business entity or parent corporations of the applicant business entity;

(13) In addition to any other requirement of this Section, an applicant for a special event retailer's license shall also submit proof of adequate dram shop insurance for the special event prior to being issued a license.

(14) If said application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed by at least two members of such partnership or the president and secretary of such corporation or two authorized agents of said partnership or corporation.

**SECTION 5: DISPOSITION OF LICENSE APPLICATION.**

(A) The Liquor Commissioner may, in the exercise of his or her discretion, require any applicant for a new village liquor license, or any applicant for a renewal of a village liquor license, to be fingerprinted, whether said applicant be an individual or a partnership. Should the applicant be a corporation, the Liquor Commissioner may, within his or her discretion, require the following to be fingerprinted:

(a) The officers, manager or director of said corporation; or

(b) Any stockholder or stockholders owning in the aggregate more than 5% of the capital stock of said corporation.

(B) All such fingerprinting shall be done by the Police Department. The fingerprints shall be submitted to the appropriate state and federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant.

(C) The Liquor Commissioner may, after examination of the application, require the submission of further information needed for a determination under Section 6 or conduct further investigations as set forth in Section (2)(B)(5) of this Ordinance.

(D) The Commissioner shall issue a written acceptance or rejection of an application within 60 days of its receipt by the Commissioner or Village Clerk; or shall notify an applicant of



the reasons for further time being necessary to complete the investigation or processing.

SECTION 6: RESTRICTION ON LICENSEES.

(A) No liquor license shall be issued to:

(1) A natural person who is not a resident of the Village of Chatham;

(2) A natural person who is not of good character and reputation in the community in which such person resides;

(3) A natural 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, unless the State of Illinois Liquor Control Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the State Commission's investigation.

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

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

(7) A natural person whose license under this Ordinance or under the Liquor Control Act has been revoked for cause;

(8) A natural 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.

(10) A corporation, if any officer, manager, assistant manager, or director thereof, of 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.

(11) A corporation, unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in the State of Illinois.

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

(13) 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 a bond to appear in court to answer charges for any such violation.

(14) A person who does not actually or 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.

(15) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Commission.

(16) Any person, firm or corporation not eligible for or who has failed to obtain a state retail liquor dealer's license.

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

(18) A person who has been convicted of a gambling offense as proscribed by ILCS, Ch. 805, §5/28-1(a)(3) through (a)(10) or by ILCS, Ch. 805, §5/28-3, or as proscribed by a statute replacing any of the aforesaid statutory provisions.

(19) A natural person to whom a federal gaming device or a federal wagering stamp has been issued by the federal government for the current tax period.

(20) A copartnership 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.

(21) A corporation, if any officer, manager, or director thereof, of any stockholder owning in the aggregate more than 5% of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

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

**SECTION 7: RECORD OF LICENSES.**

The Village Administrator 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 Administrator shall immediately give written notice thereof to the Chief.

**SECTION 8: INSURANCE REQUIREMENTS.**

No license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local 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 insuring such applicant against liability which such applicant may incur under the Liquor Control Act. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought.

**SECTION 9: INITIAL LICENSE APPLICATIONS; FEES.**

(A) The first and initial license fee for new licenses applied for between January 1 and June 30 of any year shall be in an amount equal to the annual fee described in Section 11 plus a nonrefundable fee of \$200 to defray the costs of investigation of the applicant as provided for and pursuant to the provisions of this section, payable in one installment. The first and initial license fee for new licenses applied for between July 1 and December 31 for any year shall be in an amount equal to one-half the annual fee plus the nonrefundable fee of \$200 to defray the costs of investigation of applicant as provided for and pursuant to the provisions of this section payable in one installment.

(B) Any sale, transfer, or assignment of more than 50% of the shares of a corporation shall terminate said license for the purpose of payment of a fee for a first and initial license.

(C) Any bankruptcy, insolvency of a license, or any sale, transfer, or assignment of any copartner or copartnership or copartnership interest in a license held by a copartnership shall terminate and said license for the purpose of payment of a fee for a first and initial license.

**SECTION 10: CLASSIFICATION AND FEES.**

(1) A Class C "Convenience" license shall be issued only to a convenience store, and shall entitle the licensee to sell beer and wine only, in not more than case lots, in bottles and cans only, for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and on \$500 June 30 of each year.

(2) A Class G "Grocery" license shall be issued only to a grocery store, and shall entitle the licensee to sell alcoholic liquor in not more than case lots, in bottles or cans only, for consumption off the premises where sold. The annual fee for the license shall be \$600. The annual fee shall be payable in two installments, namely \$300 on December 31 of each year and \$300 on June 30 of each year.

(3) A Class N "Not for Profit" license may be granted only to a club, and shall entitle the licensee thereof to sell at retail alcoholic liquor for consumption, but not in the original package on the premises specified in the license. The annual fee for the license shall be \$300. The annual fee shall be payable in two installments, namely \$150 on December 31 of each year and \$150 on June 30 of each year.

(4) A Class P "Package" license shall be issued only to a package store, and shall entitle the licensee to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for the license shall be \$800. The annual fee shall be payable in two installments, namely \$400 on December 31 of each year and \$400 on June 30 of each year.

(5) A Class R-1 "Restaurant 1" license shall be issued only to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for the license shall be \$600. The annual fee shall be payable in two installments, namely \$300 on December 31 of each year and \$300 on June 30 of each year.

(6) A Class R-2 "Restaurant 2" license shall be issued only to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises. A restaurant holding a Class R-2 license must be located in an area zoned for restaurants and is not to be considered a "tavern" under the Zoning Ordinance of the Village. The annual fee for the license shall be \$800. The annual fee shall be payable in two installments, namely \$400 on December 31 of each year and \$400 on June 30 of each year.

(7) A Class SE Special Event License shall authorize the sale at retail during a special event on the premises specified, and during the time specified therein, of alcoholic liquor by a special event retailer. The fee for the license shall be \$10 per day; the term of the license shall not exceed 5 days.

(8) A Class T "Tavern" license shall entitle the licensee to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package for consumption off the premises where sold. The annual fee for the license shall be \$1,000. The annual fee shall be payable in two installments, namely \$500 on December 31 of each year and \$500 on June 30 of each year.

The number of licenses issued by the Village shall be as follows:

There may be one Class C license;

There may be one Class G license;

There may be one Class N license;

There may be two Class P licenses;

There may be one Class R-1 license;

There may be one Class R-2 license;

There may be one Class SE license outstanding at any time;

There may be two Class T licenses

**SECTION 11: TERM OF LICENSE; RENEWALS.**

Each license issued hereunder shall terminate on December 31 following the issuance thereof. Any licensee may renew such license at the expiration thereof, provided that it is then

qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village Board from decreasing or limiting the number of classes of licenses to be issued within the Village.

**SECTION 12:      TRANSFER OF LICENSE.**

(A) A license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as provided herein, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable for 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 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.

(B) A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with this section.

**SECTION 13:      INCOMPLETE APPLICATIONS.**

(A) Applications for liquor licenses which are incomplete or fail to contain the statements of information required by Section 4 shall be rejected by the Liquor Commissioner. The Commissioner shall issue a written rejection of such application setting forth the deficiencies in said application within 60 days of its receipt by the Liquor Commissioner or by the Village Clerk. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application in accordance with Section 4.

(B) Administrative or legal expenses incurred in reviewing incomplete liquor license applications, advising the applicant of such deficiencies, and rejecting such applications shall be paid by the applicant. A bill or invoice shall be submitted to the applicant specifying the additional administrative or legal

expenses incurred in processing the applicant's incomplete liquor license application, which shall be paid by the applicant together with the annual license fee prior to the issuance of such liquor license.

**SECTION 14: DISPOSITION OF FEES.**

All such fees shall be paid to the Village Treasurer at the time application is made. In the event the license applied for is denied, the fee shall be returned to the applicant, except for the nonrefundable fee set forth in Section 12. If the license is granted, then the fee shall be deposited as set forth above, and no portion thereof shall be refunded.

**SECTION 15: CONDITIONS OF LICENSE.**

(A) Closing Hours. It shall be unlawful for the holder of any license issued under this Ordinance to sell or offer for sale at retail any alcoholic liquor in the village between the hours of 12:00 midnight and 8:00 a.m. It shall be unlawful for a holder of any license to sell or offer for sale any alcoholic liquor in the village on Sundays, except between the hours of 12:00 p.m. and 10:00 p.m. The licensee shall cause all customers to vacate the licensed premises within one-half hour after the time at which sales of alcoholic liquor are required by this section to be terminated, and shall not permit the consumption of alcoholic liquor by any person on the licensed premises after the time customers are required to vacate and before the time the licensee may next commence sales under this Section. Provided, however, that on January 1 of any year when the holders of a license, regardless of classification, shall be permitted to sell or offer for sale at retail alcoholic liquor in the village from 12:00 a.m. until the hour of 1:00 a.m.

(B) Election days. Subject to subsection (A), licensees may sell at retail any alcoholic liquor on the day of any national, state, county, or village election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

(C) Refilling original packages. No person licensed under this Ordinance 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; 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, unless in original packages, except vinous beverages and pitchers of beer as permitted elsewhere herein.

(D) Quantity sales for on-premises consumption. It shall be unlawful for any licensee, to sell, give away, or permit to be sold, served, or given away for consumption on the licensed premises any distilled spirits except by the glass, in individual servings not exceeding three fluid ounces.

(E) Displaying license. Every licensee shall cause the license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

**SECTION 16: LOCATION RESTRICTIONS.**

(A) No license shall be issued for the sale or retail of any alcoholic liquor 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; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or restaurants or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business or use so exempted is established for such purposes prior to the establishment of any such church, school, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet since of any church or school, where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(B) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor, if any such sales are limited to period when groups are assembled on the premises solely for the promotion of some common object other than sale or consumption of alcoholic liquor.

(C) No such 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 books, school supplies, food, lunches, or drinks for such minors.

(D) 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 Commissioner. No change of location shall be



permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

**SECTION 17:        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 any and all village and county ordinances regulating the condition of the premises used for the storage or sale of food for human consumption.

**SECTION 18:        VIEW FROM STREET.**

(A) In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than a restaurant, hotel, or club) no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road, or sidewalk at all times. No booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road, or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.

(B) In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee, or be permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Village President shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required.

**SECTION 19:        PREMISES RESTRICTIONS.**

No licensed premises shall be operated or occupied in violation of any building, fire, health or safety code, rule, regulation, occupancy, or capacity limitation established or adopted by the Village, the State, the County, or if applicable, the Fire Protection District for the Village.

**SECTION 20: PERSONNEL RESTRICTIONS.**

**(A) Change in Personnel.**

(1) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than 5% of the stock or ownership interest, managers or assistant managers of establishments licensed under this ordinance shall be reported in writing to the Liquor Commissioner within ten days of the change. All such new personnel shall meet all the standards of this ordinance and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Liquor Commissioner.

(2) 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.

(3) When a license has been issued to a corporation, and a change takes place in officers, directors, managers, or shareholders of more than 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.

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

(B) Employees. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any persons who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease; and it shall be unlawful for any persons who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor. No employee, agent, or manager, while on duty within the premises, shall use or consume any illegal drugs or alcoholic liquor, or be under the influence of illegal drugs or alcoholic liquor.

(C) Supervision. A license which operates with a manager or assistant manager shall have on duty at all times such manager or assistant manager when the license is in effect.

**SECTION 21: PROHIBITED ACTS AND CONDITIONS.**

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

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

(C) Solicitation. It shall be unlawful for any licensee, manager, or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ, or permit the engagement or employment of any persons, nor shall any person be permitted to remain on said premises who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor or sexual favors or services for herself, himself, or any other person; nor shall any person, whether employer, entertainer, or otherwise, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for herself, himself, or any other person therein. However, nothing herein contained shall prohibit any adult manager, waitress or waiter who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, waitress or waiter.

SECTION 22: SALES TO MINORS, DRUNKARDS, AND THE LIKE.

(A) No licensee or officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to any person known to be an habitual drunkard, 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 another person under the age of 21 years except in the performance of a religious ceremony or service. It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the village where alcoholic liquor is sold.

(B) In every 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 read substantially as follows:

WARNING TO PERSONS  
UNDER THE AGE OF 21 YEARS

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

(C) It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any persons under the age of 21 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 shall not apply to any person under the age of 21 who is accompanied by a parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale or service of commodities other than alcoholic liquor.

(D) It shall be unlawful for any parent or guardian to knowingly permit any person of which he or she is the parent or guardian to violate any provision of this Section.

(E) It shall be unlawful to sell, give, or deliver alcoholic liquor to any person under the age of 21.

(F) It shall be unlawful for any person under the age of 21 years to draw, pour or mix any alcoholic liquor in any licensed retail premises. It shall be unlawful for persons under the age of 18 to be employed as waiters and waitresses to deliver to customers alcoholic liquor drawn, poured or mixed by another. It shall be unlawful for any person under the age of 18 years to dispense, sell or deliver any alcoholic liquor in the original package, bottle, or case for consumption off the premises of any licensed establishment.

**SECTION 23: PURCHASE OR ACCEPTANCE OF GIFT BY MINORS;  
IDENTIFICATION CARDS.**

(A) Purchase of possession of alcoholic liquor by a person under 21 years of age.

(1) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor of have alcoholic liquor in his or her possession.

(2) If a licensee or such licensee's agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent or employee 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 division shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter relating to revocation or suspension for the violation of any other provision of this Ordinance.

(3) No person shall transfer, alter or deface such an 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. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Section.

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

(B) Nothing in this Section shall be construed to prohibit 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.

**SECTION 24: VIOLATION OF RETAILERS' OCCUPATION TAX ACT;  
CITIZEN COMPLAINTS.**

(A) In addition to other grounds specified in this Ordinance, the Liquor Commissioner, upon the complaint of the State Department of Revenue, may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act", approved June 28, 1933, as amended:

- (1) Failure to make a tax return.
- (2) The filing of a fraudulent return.
- (3) Failure to pay all of part of any tax or penalty finally determined to be due.
- (4) Failure to keep books and records.
- (5) Failure to secure and display a certificate or subcertificates of registration.
- (6) Wilful violation of any rule or regulation of the State Department of Revenue relating to the administration and enforcement of tax liability.

(B) Complaint of violation; hearing. Any five residents of the Village shall have the right to file a complaint with the Liquor Commissioner that a licensee has been or is violating the provisions of this Ordinance or the Liquor Control Act or the rules or regulations issued pursuant thereto. Such complaint shall be in writing in the form prescribed by the Liquor Commissioner and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve

notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

**SECTION 25:            REVOCATION OR SUSPENSION OF LOCAL LICENSE;**  
**FINES; NOTICE; HEARING; APPEAL.**

The Liquor Commissioner may revoke or suspend any license if he or she determines that the licensee has violated any of the provisions of this Act or of any valid ordinance or resolution enacted by the Village board or any applicable rule or regulations established by the Liquor Commissioner or the State Commission which is not inconsistent with law. In lieu of suspension or revocation, the Liquor Commissioner may instead levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1000 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such finds shall be paid into the general corporate fund of the Village.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Liquor Commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he or she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The Liquor Commissioner shall within 5 days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee.

The licensee after the receipt of such order of suspension or revocation shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the State Commission for a decision

sustaining, reversing, or modifying the order of the Liquor Commissioner. If the State Commission affirms the Liquor Commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the Liquor Commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts.

**SECTION 26: FORFEITURE OF FEES.**

Whenever any license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for the license.

**SECTION 27: USE OF PREMISES AFTER REVOCATION.**

When a license has been revoked for any cause, no license shall be granted to any person for a period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor in the premises described in such revoked license.

**SECTION 28: PENALTY.**

(A) Any person other than a licensee violating any provision of this Ordinance, shall, upon conviction, be fined not less than \$100 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) A licensee violating any provision of this Ordinance may be fined by the Local Commission in lieu of suspension or revocation. The fine shall not exceed \$1,000 for each such violation. Each day on which the violation occurs shall constitute a separate violation. Not more than \$10,000 in fines under this Section may be imposed against any licensee during the period of the licensee's license.

(C) Proceeds of fines imposed by the Liquor Commissioner shall be paid into the Village Treasury.

**SECTION 29: EFFECTIVE DATE; REPEALER; PUBLICATION; TRANSITION**

(A) Except as provided in subsection (C), this Ordinance shall become effective on June 15, 1994. The Clerk is directed to publish this Ordinance in pamphlet form and to mail a copy thereof to each current liquor licensee in the Village.

(B) Except as provided in subsection (C), Ordinance No. 73-10, as amended, pertaining to liquor control, is hereby repealed.

(C) Section 11 hereof, pertaining to classifications and fees, shall become effective for existing licenses on January 1, 1995. Until January 1, 1995, the classifications and fees set forth in Ordinance 73-10, as amended, shall remain in effect as to existing licensees. Between June 15, 1994 and January 1, 1995, the Liquor Commissioner may, however, issue the new class "P" license provided by this Ordinance, at the fee established by this Ordinance.

(D) Existing licensees renewing their licenses on January 1, 1995 shall be redesignated into the new license classification which best describes the licensee's actual business operation as of the date of passage of this Ordinance.

PASSED this 24<sup>th</sup> day of May, 1994.

Linda Kester  
VILLAGE PRESIDENT

ATTEST:

Renny Mooney  
Village Clerk

AYES: 5

NAYS: 0

PASSED: 5-24-94

APPROVED: 5-24-94

ABSENT: 1