

Chapter 2

LIQUOR CONTROL

3-2-1: 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: Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (0.5%) of alcohol by volume, which is fit for beverage purposes.

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 liquor.

COMMUNITY EVENT: A fair, fete, carnival, corn boil, or similar public gathering sponsored by government, or not for profit entity with home offices in Sugar Grove township.

HOTEL (FULL SERVICE): Any 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 for adequate pay to travelers and guests, in which twenty four (24) 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. Each sleeping room shall have an individually accessible, private full bathroom.

HOTEL (LIMITED SERVICE): Any building or other structure that meets all the requirements of the definition of "hotel (full service)" other than having a dining room or kitchen on the premises.

LICENSED PREMISES: Any building, portion of a building and secured enclosed area used by the licensee in the operation of said licensed premises.

ORIGINAL PACKAGE: Any container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

RESTAURANT: 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 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. Provided further that no restaurant licensed as such shall sell alcoholic liquor except with meals, and except as provided for in a class L license.

RETAIL SALES: The sale for use or consumption and not for resale. (Ord. 2004-06-15B, 6-15-2004)

3-2-2: LOCAL LIQUOR CONTROL COMMISSIONER:

A. Liquor Control Commissioner: The village president shall be the local liquor control commissioner of the village. The commissioner may appoint, with the advice and consent of the board, a person or persons to assist him/her in the exercise of the powers and the performance of the duties herein provided for such local liquor control commissioner.

When in this chapter the local liquor control commissioner shall be referred to, it shall include any committee or other agency appointed by such local liquor control commissioner.

B. Duties Of Commissioner: The local liquor control commissioner shall have the following powers, functions, and duties with respect to licenses: (Ord. 2004-06-15B, 6-15-2004)

1. To grant and revoke for cause all local licenses issued to persons for premises within the jurisdiction of the commissioner, subject to approval by the board of trustees; provided, that the local liquor control commissioner may grant class C and class O licenses without prior approval of the board of trustees in cases where their approval cannot be timely obtained and where all requirements for the issuance of said licenses have been met. (Ord. 2009-09-15A, 9-15-2009)
2. 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 state law relating to alcoholic liquor or any rules or regulations adopted pursuant thereto or any of the provisions of this chapter have been or are being violated and to act upon such complaints in the manner hereinafter provided.
3. To receive local license fees and pay the same forthwith to the village clerk.
4. 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 renewal thereof, or any licensee upon whom notice of revocation has been served in the manner hereinafter provided, 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 information in any manner from the applicant or licensee, pertaining to any part of his/her performance of his/her duties, and for any such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining information as allowed under this section, the local liquor control commissioner may authorize his/her agent to act on his/her behalf.

5. The local liquor control commissioner shall keep or cause to be kept a complete record of all such licenses issued by him/her, and shall furnish the clerk, treasurer and chief of police with copies thereof. Upon issuance of any new license or the revocation of an old license, the local liquor control commissioner shall give written notice of such action to each of these officers within forty eight (48) hours of such action.
6. The local liquor control commissioner may without notice or hearing, close an establishment upon the issuance of a written order in the event the public peace or welfare of the community is likely to be threatened or endangered by the keeping open of the establishment in accordance with the Illinois liquor control act. The chief of police shall also be given the power to close a premises if the premises constitutes a crime scene and such closing could prevent the loss or destruction of evidence and facilitate a police investigation or if the premises was the scene of a violent disturbance involving injury or threat to citizens. The chief of police will document such closing and the reasons therefor and submit a written report to the local liquor control commissioner. (Ord. 2004-06-15B, 6-15-2004)

3-2-3: LICENSE REQUIRED; COMPLIANCE WITH PROVISIONS; BYOB PROHIBITED:

- A. 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.
- B. No person shall allow alcoholic liquor to be brought into and/or consumed on the premises of a business open to the public without having a liquor license specifically allowing alcoholic liquor to be brought into and/or consumed on such premises; provided, however, nothing contained in this subsection shall prevent the possession and transportation of alcoholic liquor for the lawful, noncommercial use of the possessor, and his family and guests within the possessor's own property. (Ord. 2010-04-06A, 4-6-2010)

3-2-4: APPLICATION FOR LICENSE:

- A. Statements And Information Required: Applications for such licenses shall be made to the local liquor control commissioner, on forms to be provided by the village clerk 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 and address of the applicant in the case of an individual; in the case of a copartnership, 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 shareholders with a five percent (5%) or more interest.
2. A statement that if a copartnership, all members of the copartnership shall be qualified to obtain a license.
3. A statement that if a corporation, all officers and directors and shareholders with a five percent (5%) or more interest are eligible to receive a license hereunder for every reason other than residence.
4. The citizenship of the applicant, applicant's place of birth, and if a naturalized citizen, the time and place of such naturalization.
5. The character of business of the applicant.
6. The length of time said applicant has been in business of this character, or in the case of a corporation, the date when its charter was issued.
7. A statement that the applicant does beneficially own the premises for which a license is sought, or does have a lease thereon for the full period for which the license is to be issued.
8. A statement that the applicant is not a law enforcing public official, village president, or member of the board of trustees of the village of Sugar Grove, and that no such official has any interest in any way, either directly or indirectly, in the sale, manufacturing or distribution of alcoholic liquor.
9. A statement that the applicant has not been convicted of being the keeper or is keeping a house of ill fame and has not been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
10. A statement that if the business is conducted by a manager or agent, said manager or agent possesses the same qualifications required of the licensee.
11. A statement that the business premises are not within one hundred feet (100') of any church, school, hospital, home for the aged or indigent person or for veterans, their wives or children, any military station or undertaking establishment or mortuary.
12. A statement that a majority of the customers are not or will not be minors and that the principal business does not consist of selling school books, supplies, food, lunches or drinks for such minors.
13. The location and description of the premises or place of business, which is to be operated under such license.
14. A statement whether applicant has made application for a similar or other license of premises other than described in the application, and the disposition of such application.

15. 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 this state, or the ordinances of this village.
16. A statement whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.
17. 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.
18. All applicants for a liquor license shall be fingerprinted whether said applicant is an individual or a partnership. Should the applicant be a corporation the president, vice president, secretary and treasurer shall be subject to the fingerprinting provision.

All fingerprinting shall be done by the village police department. Said fingerprints shall be submitted to the appropriate state or federal agency for processing as available. The cost of fingerprinting shall be recoverable from the applicant. (Ord. 2004-06-15B, 6-15-2004)

19. All applicants for a new liquor license for classes A, B, C, D, E, F, G, H, I, J, K, L, N, O shall be subject to a five hundred dollar (\$500.00) initial processing fee. The initial processing fee for a class M license shall be one hundred dollars (\$100.00). This fee shall not apply to renewals. (Ord. 2011-05-03, 5-3-2011)

B. Incomplete Applications:

1. Application for licenses, which are incomplete, inaccurate or fail to contain the statements or information required by this chapter, shall be rejected by the local liquor commissioner. The commissioner shall issue a written rejection of such application setting forth the deficiency in said application within sixty (60) days of its receipt by the village clerk, in their behalf. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application.
2. Administrative or legal expenses incurred in reviewing incomplete or inaccurate liquor 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 application, which shall be paid by the applicant together with the annual license fee prior to the issuance of such license. (Ord. 2004-06-15B, 6-15-2004)

3-2-5: RESTRICTIONS ON ISSUANCE OF LICENSE:

No such license shall be issued to:

- A. A person who is not a resident of the village or to a corporation that does not have its registered address within the village.
- B. A person who is not of good character and reputation in the community in which he/she resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony.
- E. A person who has been convicted of being the keeper or is keeping a house of ill fame.
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- G. A person whose license under this chapter has been revoked for cause.
- H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- I. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license.
- J. A corporation, if any officer, manager or director thereof, or any stockholder having a five percent (5%) or more interest would not be eligible to receive a license hereunder for any reason other than residence.
- K. 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.

- L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his/her bond to appear in court to answer charges for any such violation.
- M. 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 issued.
- N. Any law enforcing public official, village president or member of the board of trustees of Sugar Grove and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- O. Any person not eligible for a state retail liquor dealer's license. (Ord. 2004-06-15B, 6-15-2004)

3-2-6: LICENSE CLASSIFICATIONS:

There shall be the following classifications of license:

A. Class A-Tavern:

1. Sale Of Liquor By The Drink: A class A license authorizes the licensee to sell to the general public alcoholic liquor by the drink only, excepting vinous beverages which may be served by the bottle or carafe, or beer or margaritas which may be served by the pitcher of a capacity not to exceed sixty (60) ounces, for consumption on the premises where sold, and not for resale in any form.
2. Presence Of Minors Restricted: It shall be unlawful for any person under the age of twenty one (21) years to be present in a class A tavern during the times that alcoholic liquor is sold. If the license is issued for a business which is not predominantly for the sale of alcoholic liquor, such as hotels or bowling alleys, this subsection shall only apply to the room or area set aside for the sale and consumption of alcoholic liquor; provided, that persons under the age of twenty one (21) years may be present in said licensed premises during times at which a meal is being served as long as they are accompanied by a parent, guardian, or spouse twenty one (21) years of age or older.
3. After Hours: No person, except peace officers in the performance of law enforcement duties, the licensee and licensee's employees or agents actually working, shall be

present in a class A tavern between the hour of closing and the hour of opening as established in this chapter; provided, that the license is issued for a business which is not predominantly for the sale of alcoholic liquor such as hotels or bowling alleys, this subsection shall apply only to the room or area set aside for the sale and consumption of alcoholic liquor.

B. Class B-Package Liquor:

1. Sale For Consumption Off Premises: A class B license authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption off of the premises where sold.
2. Tasting: Liquor tasting may be permitted by a class B licensee as a promotional procedure once a month for a period not to exceed three (3) days. This privilege is subject to a fee of fifty dollars (\$50.00) per day in addition to the prescribed fee, except that no licensee shall give or offer to give away alcoholic liquors as a gift, gratuity, or any item with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products. (Liquor tasting under this subsection shall be limited to beer, wines and liqueurs only and in compliance with 235 Illinois Compiled Statutes 5/6-31.) An application must be received at least twenty one (21) days prior to the event. The permit must be displayed during the event in a prominent location.

C. Class C-Temporary:

1. A class C license authorizes the licensee to sell alcoholic liquor to be consumed on the premises where sold and not for resale in any form at a banquet, picnic, bazaar, fair, celebration, or similar private or public assembly and not containing more than six percent (6%) of alcohol by weight.
2. Such temporary license shall be granted to local not for profit organizations legally chartered as such or governmental entities, for community events.
3. Such license authorizes the retail sale and/or consumption of alcoholic beverages containing not more than six percent (6%) alcohol on municipally or other governmentally owned property. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner. The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities to protect the public health, safety, welfare and morals of the residents of the village, and shall restore premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this chapter.
4. The license issued shall be limited to the premises specified in the license, which premises shall be: a) entirely enclosed in a walled tent or b) entirely enclosed by a double fence with at least four feet (4') separating each fence row.

5. Payment shall be made to the village for the actual costs incurred by the village in providing additional police personnel necessitated by improper conduct or control by the licensee on the specific premises. Each licensee who is to be held responsible for additional charges shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the liquor control commissioner, and shall thereafter promptly pay any such additional charge determined by the commissioner to be due the village.
6. Such license shall be authorized on a day to day basis, but for not more than five (5) consecutive days.

D. Class D-Club:

1. Consumption On Premises: A class D license authorizes the licensee to sell alcoholic liquor for consumption on the premises, when sold only to the members and the invited guests of the members.
2. Availability Of License: The license shall only be available to clubs, fraternal societies or lodges which have been in existence in the state continuously for a period of three (3) years prior to making application for a license and shall have at least fifty (50) members regularly paying dues.
3. Salaries: No member or officer of the organization shall be paid a salary or other compensation from the proceeds from the distribution or sale of alcoholic liquor or from the general revenues of the organization.
4. Membership List: With the application and renewal of a class D license, there shall be filed a true and complete list, in duplicate, containing all the names and addresses of the members of the club.
5. Purpose Of Club: No class D license shall be issued until the local liquor control commissioner has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor.

E. Class E-Restaurant:

1. Sale Of Liquor By The Drink: A class E license authorizes the licensee to sell to the general public alcoholic liquor by the drink only, excepting vinous beverages which may be served by the bottle or carafe, or beer or margaritas which may be served by the pitcher of a capacity not to exceed sixty (60) ounces for consumption on the premises where sold, and not for resale in any form.
2. Time Of Sale Restricted: Service of alcoholic liquor shall only be during times that food prepared on the premises is available to be served and a full menu is in effect; except and unless the time during which food is prepared and available to be served is

outside of the times specified for the service of alcoholic liquor as set forth in this chapter.

3. Availability Of License: The license shall only be available for premises defined as a "restaurant" herein that has a minimum seating capacity of one hundred twenty five (125) seats on the same floor or level.

F. Class F-Beer And Wine Restaurant:

1. Sale Of Beer And Wine: A class F license authorizes the licensee to sell to the general public beer and wine by the glass, bottle, carafe or which may be served by the pitcher of a capacity not to exceed sixty (60) ounces for consumption on the premises; provided, that such sales shall be in conjunction with the sale of food for consumption on the premises so long as such sales are during the hours prescribed in this chapter for the sale of alcoholic liquor.
2. Bars Prohibited: All liquor service shall be at tables or booths. No bar shall be available for customer use.

G. Class G-Golf Course:

1. Sale Of Liquor By The Drink: A class G license authorizes the licensee to sell to the general public alcoholic liquor by the drink for outdoor consumption on the premises where sold, and not for resale in any form.
2. Time Of Sale Restricted: Outdoor golf course service of alcoholic liquor shall only be during times specified and for a class G license that the golf course is open to the general public.

H. Class H-Hotel (Full Service):

1. Sale Of Liquor By The Drink: A class H license authorizes the licensee to sell alcoholic liquor to the general public by the drink, for consumption on the premises where sold, not for resale in any form, and only as provided in subsections H2 through H4 of this section.
2. Locked Minibars Permitted: A class H license authorizes the licensee to place small, locked refrigerated units containing alcoholic beverages (commonly referred to as "minibars") in the guestrooms. Keys for said units may only be provided to hotel guests who are at least twenty one (21) years of age.
3. Time Of Sale In Dining Room Restricted: Service of alcoholic liquor in the dining room of said hotel shall only be during times that food prepared on the premises is available to be served in the dining room and a menu is in effect; except and unless the time during which food is prepared and available to be served is outside of the times

specified for the service of alcoholic liquor as set forth in this chapter. Said menu must consist of, but not be limited to, hot appetizers, hot or cold sandwiches, and other hot entrees prepared on the premises.

4. Time Of Sale In Lounge Restricted: Service of alcoholic liquor in the lounge of said hotel shall only be during times that food prepared on the premises is available to be served in the dining room and a menu is in effect; except and unless the time during which food is prepared and available to be served is outside of the times specified for the service of alcoholic liquor as set forth in this chapter. Said menu must consist of, but not be limited to, hot appetizers prepared on the premises.
5. Availability Of License: The license shall only be available for premises defined as a "hotel (full service)" herein.

I. Class I-Hotel (Limited Service):

1. Consumption On Premises: A class I license authorizes the licensee to sell alcoholic liquor to registered guests of the hotel only (and only as provided in subsection I3 of this section), for consumption on the premises where sold, and not for resale in any form.
2. Drink Charges: A class I license authorizes the licensee to charge by the drink or cover the drink charges under the hotel fees.
3. Locked Minibars Permitted: A class I license authorizes the licensee to place small, locked refrigerated units containing alcoholic beverages (commonly referred to as "minibars") in the guestrooms. Keys for said units may only be provided to hotel guests who are at least twenty one (21) years of age.
4. Availability Of License: The license shall only be available for premises defined as a "hotel (limited service)" herein.

J. Class J-Specialty Basket:

1. Sale For Consumption Off Premises: A class J license authorizes the licensee to sell wine to the general public in original packages only, for consumption off the premises where sold, in conjunction with sales of floral arrangements or specialty baskets only.
2. Value Of Baskets: The value of said floral arrangements and basket contents must be greater than the value of the wine being sold with the arrangement or basket.
3. Availability Of License: This license shall only be available for floral or specialty basket shops whose primary purpose is the sale of floral arrangements or specialty baskets.

K. Class K-Catering:

1. Sale Of Alcoholic Liquor: A class K license authorizes the licensee to sell alcoholic liquor in connection with the operation of a catering business within the village.
2. Sale Of Liquor In Original Packages: A class K license authorizes the licensee to sell to the general public alcoholic liquor in original packages only, for consumption at a private party when the licensee caters the food for said party.
3. Availability Of License: The license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business with headquarters within the village.
4. Licensed Premises: All food and beverage sales made by the licensee shall be made at the registered office of the licensee, which shall be deemed the licensed premises. Such sales shall be subject to all applicable taxes.

L. Class L-Restaurant And Tavern:

1. A restaurant and tavern license authorizes the retail sale, on the premises specified, of alcoholic liquor by the drink for consumption on the premises.
2. All such liquor service shall be by the drink only, excepting vinous beverages which may be served by the bottle or carafe, or beer or margaritas which may be served by the pitcher of a capacity not to exceed sixty (60) ounces.
3. A full menu shall be available at all times alcoholic beverage sales are being conducted until ten o'clock (10:00) P.M. Sunday through Thursday and eleven o'clock (11:00) P.M. on Friday and Saturday. After such times in the event a full menu is not provided a reduced menu, which may include only appetizers, sandwiches, snacks, hors d'oeuvres, or other similar foods, shall be available. (Ord. 2004-06-15B, 6-15-2004)

M. Class M-Temporary Seasonal Market:

1. A class M license authorizes the retail sale of wine or fruit wines during the operation of a seasonal market for consumption off the premises where sold and consumption on the premises as provided below for winetasting.
2. The term "seasonal market" shall be defined as a lawfully established community event and public market at which vendors sell or offer for retail sale produce and other goods directly to the consumers.
3. This license shall authorize the licensee to conduct product tasting of wine or fruit wines conducted at a freestanding booth utilized by the licensee. All product tasting shall be consumed in the area immediately adjacent to said freestanding booth. Winetasting shall be limited to an individual serving of two (2) ounces of wine or fruit wine. Said product tasting shall be limited to three (3) such servings by any individual person on any given day of the seasonal market. The chief of police is hereby

delegated the right to create additional rules and regulations to ensure that said limitation can be verified and enforced at any such seasonal market. The licensee must provide adequate dramshop liability insurance as required by the Illinois liquor control act, as it is now or may hereafter be amended.

4. If selling or offering to sell wine or fruit wine on village owned property, the licensee shall indemnify and hold harmless the village from all financial loss, damage and harm arising from the retail sale of wine or fruit wine and product tasting during the operation of the seasonal market. The village staff shall promulgate forms for said indemnification required hereunder.
5. The license issued shall be limited to the premises specified in the license, which premises shall be only property specified in subsection [3-2-12E1](#) of this chapter. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner; however, such license shall be authorized for not more than five (5) consecutive days. A single license can cover multiple regularly recurring days throughout a season (example: each Sunday from 9:00 A.M. to 2:00 P.M. from May through October). The licensee shall maintain the premises in a neat, orderly and safe condition, shall provide such traffic control and sanitation facilities to protect the public health, safety, welfare and morals of the residents of the village, and shall restore premises after expiration of the license to its prior condition, including the removal of trash, rubbish and garbage. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this chapter.
6. Payment shall be made to the village for the actual costs incurred by the village in providing additional police personnel necessitated by improper conduct or control by the licensee on the specific premises. Each licensee who is to be held responsible for additional charges shall receive an itemized invoice therefor, shall be given an opportunity to review the charges with the liquor control commissioner, and shall thereafter promptly pay any such additional charge determined by the commissioner to be due the village. (Ord. 2011-05-03, 5-3-2011)

N. Class N-Private Country Club:

1. Sale Of Alcoholic Liquor: A class N license authorizes the licensee to sell alcoholic liquor for consumption on the premises, when sold only to the members and the invited guests of the members and/or the club. Liquor service shall be available from bars, at tables/booths, and from golf carts. Alcoholic liquor may be served by the glass, pitcher, or in original containers. Liquor sold may not be removed from the premises.
2. Availability Of License: The license shall only be available to private country clubs which have been in existence in the state continuously for a period of three (3) years prior to making application for a license.
3. Premises: For purposes of this license classification only, "premises" shall be defined as the internal and external portions of the country club (located within the village of Sugar Grove), including indoor dining rooms (which must have seating for at least 75

persons), outdoor patios and decks, lodging throughout the country club, and the golf course itself.

4. Purpose Of Club: No class N license shall be issued until the local liquor control commissioner has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor. (Ord. 2008-07-01A, 7-1-2008)

O. Class O-Temporary Governmental Special Events:

1. A class O license authorizes the retail sale of wine during the operation of a governmental special event for consumption off the premises where sold and consumption on the premises as provided below for wine tasting.
2. The term "governmental special event" shall be defined as a community event specifically authorized by resolution of the governmental entity holding said event and sponsored primarily for the benefit of the governmental entity. Sale of alcohol shall not be the primary reason for the event, but shall be ancillary to the main purpose of the event (as reasonably determined by the village staff).
3. This license shall authorize the licensee to conduct product tasting of wine conducted at the governmental special event. All product tasting shall be consumed on the premises. Wine tasting shall be limited to an individual serving of two (2) ounces of wine. Said product tasting shall be limited to three (3) such servings by any individual person on any given day of the event. The chief of police is hereby delegated the right to create additional rules and regulations to ensure that said limitation can be verified and enforced at any governmental special event. This license shall also authorize the licensee to sell wine in original packages only, for consumption off the premises. The licensee must provide adequate dramshop liability insurance as required by the Illinois liquor control act, as it is now or may hereafter be amended.
4. The license issued shall be limited to the premises specified in the license. Such temporary license shall only be granted to governmental entities for a governmental special event. The boundaries of the licensed premises and the duration of the license shall be established by the local liquor commissioner; however, such license shall be authorized for not more than five (5) consecutive days. No alcoholic liquor shall be brought onto the premises or consumed on the premises other than that provided by the licensee under the terms and conditions of this chapter. (Ord. 2009-09-15A, 9-15-2009)

P. Class P-Wine And Beer Specialty Shop:

1. A class P license shall authorize the retail sale of bottled wines and premium beer only in the original package and not for consumption on the licensed premises, and the sale of wine and premium beer by the glass for consumption on the licensed premises.

2. Seating for customers ordering wine or premium beer by the glass for consumption on the licensed premises, inclusive of outdoor seating, shall not exceed thirty (30) seats.
3. This license classification shall also allow the delivery of alcoholic liquor, without a charge, by such a licensee in small and limited amounts for sampling purposes only in conjunction with sales promotional efforts occurring on the licensed premises. The sampling shall be attended and supervised by a full time employee and only in a designated area on the licensed premises, and shall be subject to such further regulation as deemed necessary by the local liquor control commissioner.
4. Only products registered with the state liquor commission may be tasted in the following amounts: wine, one ounce and beer, two (2) ounces. Limited to six (6) tastings per customer.
5. A class P license also authorizes the sale of alcoholic liquor related accessories, fine food related accessories, small gourmet foods which shall be limited to cold sandwiches, appetizers, tapas or other similar foods, and drink products. A class P license shall not allow the sale of quick preparation foods, general supermarket foods or household products. (Ord. 2012-07-17A, 7-17-2012)

3-2-7: NUMBER OF LICENSES AND FEES:

- A. Maximum Number Allowable: The maximum number of allowable licenses in each classification shall be determined by resolution by the board of trustees. In addition, the board of trustees may regulate the number of licenses by geographical areas within the village.
- B. Fees: The fee for each class of license shall be set and determined from time to time by the board of trustees of the village by resolution by said board of trustees.
- C. When Payable: The annual fee hereinabove designated for said liquor license shall be due and payable prior to the expiration of the current year's license.
- D. Proration Of Fee: The fee hereinabove designated for the liquor license shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of a new license.

E. Refunds Prohibited: No part or portion of any fee paid under this section shall be refundable for any purpose. (Ord. 2004-06-15B, 6-15-2004)

3-2-8: INSURANCE REQUIREMENTS:

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, certifying that the applicant has in force and effect the insurance required by statute. 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 and shall specifically designate the village of Sugar Grove as additional insured. (Ord. 2004-06-15B, 6-15-2004)

3-2-9: TERM OF LICENSE:

All licenses issued under the provisions of this chapter shall be for a term of one year, to begin on May 1 and to end on April 30 of each year; provided, that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof, upon the payment of a proportionate part of the annual fee which shall be payment for the unexpired portion of that particular license year. (Ord. 2004-06-15B, 6-15-2004)

3-2-10: DISPOSITION OF FEES:

All liquor license fees shall be paid to the local liquor control commissioner at the time application is made, and shall be forthwith turned over to the village clerk. (Ord. 2004-06-15B, 6-15-2004)

3-2-11: RENEWAL OF LICENSES:

Any licensee may renew his/her license at the expiration thereof, provided that licensee is then qualified to receive a license and the premises for which such renewal license is sought is 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 local liquor commissioner from decreasing the number of licenses to be issued within his/her jurisdiction. (Ord. 2004-06-15B, 6-15-2004)

3-2-12: RESTRICTIONS:

- A. Location Restrictions: No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter. No person shall hereafter engage in the business as a retailer of any alcoholic liquor within one hundred feet (100') of any undertaking establishment or mortuary.
- B. 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 or sale of food for human consumption.
- C. Stores Selling School Supplies, Lunches, Etc.: No license shall be issued to any person for the sale at retail 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 schoolbooks, school supplies, food, lunches, or drinks for such minors.
- D. View From Street: In the 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, 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, and 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 areas 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 premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee or by licensee wilfully 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 subsection, 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. (Ord. 2004-06-15B, 6-15-2004)

E. Sale, Delivery And Consumption On Village Property:

1. Sale Prohibited; Exception: It shall be unlawful for any person, organization, group of individuals or any entity or group of any type or kind to sell, deliver or consume alcoholic liquors on any village property, building, or park, except that alcoholic liquors may be sold and consumed at the village hall parking lot located at 10 Municipal Drive, Sugar Grove, IL 60554.
2. Allowable Sale And Consumption: Such sale and consumption of alcoholic liquors will be allowed only in conjunction with the use of the village hall parking lot by those entities specified in subsection [3-2-6M5](#) of this chapter, and not to be allowed otherwise. This section shall not legalize the sale and consumption of alcoholic liquors in village hall at any place other than those stated herein and such sale or consumption must be in conjunction with the use of the village hall parking lot for community events only. Sale and consumption of alcoholic liquors at village hall, except as otherwise provided herein, shall be unlawful.
3. Application For Use Of Village Hall Parking Lot: Any person, group, organization, or entity, which desires to sell or consume alcoholic liquors at the village hall parking lot during its use of same, must so indicate on its application for use of the village hall. Village staff is authorized to develop appropriate forms for said application. (Ord. 2007-12-04A, 12-4-2007)

F. Alcoholic Liquor In Territory Annexed To Village:

1. Petition For Change Of Status: Upon the filing of a verified petition, in conformance with 235 Illinois Compiled Statutes 5/9-9 et seq., as amended, with the board of trustees of the village, the board of trustees by ordinance may provide that the status of the area annexed into the village be changed so as to allow the sale of alcoholic liquor within said annexed area, subject to the same restrictions, rules, regulations and laws in effect on all other land within the village.
2. Information Required: In addition to any requirements of the above referenced statute with respect to the form of petition to be submitted to the village, said petition must contain the following information:
 - a. The legal description of such territory;
 - b. The date of annexation;
 - c. A statement under oath as to whether there are any legal voters residing within said area, and if in fact there are legal voters residing within the area, the number of legal voters residing therein;
 - d. A request for an ordinance authorizing the change in status for said territory.
3. Finding By Board: Upon a finding by the board of trustees that the statements contained in said petition are true and that said petition conforms in all respects with this subsection and with the liquor control act of the state, the board of trustees may

enact an ordinance authorizing the sale of alcoholic liquor within said annexed area. Such change in status shall allow the sale of alcoholic liquor within said annexed area, subject to the rules, regulations, ordinances and laws of the village affecting all other land within the village. Further, no specific sale of alcoholic liquor shall be authorized unless the village therefor has issued a license.

G. Change Of Location: A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the local liquor control commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this section.

H. Drive-Through Service Prohibited: No licensee shall sell alcoholic liquor at a drive-through facility where the customer or purchaser can purchase or receive delivery of alcoholic liquor without exiting a motor vehicle or without entering such building or structure where alcoholic liquor is sold.

I. Miscellaneous Provisions:

1. Entertainment:

a. Entertainment shall be allowed for all licenses that allow for consumption of alcoholic liquor on the premises.

b. Any live entertainment shall conform to the following provisions:

(1) Live entertainment shall be confined to a designated stage area, which is separate from the audience.

(2) Dancing by patrons and customers shall be allowed only in areas specifically designated for dancing.

(3) Entertainers at class A tavern establishments shall be at least twenty one (21) years of age.

2. Lingerie; Explicit Clothing: No licensee shall allow the sale, modeling or display of lingerie or sexually explicit clothing on the licensed premises.

3. Prohibited Conduct: The following kinds of conduct are prohibited:

a. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual acts.

- b. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals.
 - c. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
 - d. The permitting, by a licensee, of any person to remain in or upon the licensed premises who exposes to public view his or her entire breasts, genitals, vulva or anus.
 - e. The displaying of moving pictures or photographic slide presentations depicting intercourse, masturbation, sodomy, bestiality, oral copulation, or any sexual act.
4. Sound Amplification: It shall be unlawful for any licensee to permit or allow any sound amplification outside the bounds of a structure or the licensed premises between the hours of ten o'clock (10:00) P.M. and ten o'clock (10:00) A.M. (Ord. 2004-06-15B, 6-15-2004)

3-2-13: CONDITIONS OF LICENSE:

A. Hours Of Operation:

1. Licensees that hold a class B - package liquor or a class G - golf course may conduct operations in accordance with this chapter and the laws of the state only between the hours of six o'clock (6:00) A.M. and two o'clock (2:00) A.M.
2. All other licensees may conduct operations in accordance with this chapter and the laws of the state only between the hours of eight o'clock (8:00) A.M. and two o'clock (2:00) A.M.
3. It shall be unlawful to sell or offer for sale, at retail, or to give any alcoholic liquor away or to admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon the licensed premises at times other than as above specified. Violation of this provision shall constitute cause for suspension or revocation of licenses issued pursuant to this chapter. (Ord. 2014-06-17A, 6-17-2014)

- B. State License: When a licensee has obtained a local license, licensee must make application to the Illinois liquor control commission in conformity with the liquor control act of 1934.

- C. Compliance With State And Federal Statutes: All licensees under the terms hereof shall at all times fully comply with the provision of all federal and state laws and statutes pertaining to the business of such licensees. (Ord. 2004-06-15B, 6-15-2004)

3-2-14: EMPLOYEES:

- A. Requirements: It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person 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, and it shall be unlawful for any person who has not attained twenty one (21) years of age to serve, sell, draw, pour or mix alcoholic liquors in any establishment licensed under this chapter.

For purposes of this section "to sell" shall be defined as the act of allowing customers to acquire alcoholic liquors wherein the employee, contractor or other party or entity acting under authority of the licensee participates directly in the transaction or occurrence wherein the alcoholic liquors are given in exchange for legal tender or other consideration, and shall include such acts whether they be in connection with the sale of package goods of any and all types and kinds or for the sale of alcoholic liquors for consumption on the premises.

- B. Training Requirements: Every owner, manager, assistant manager as well as every bartender, agent and employee who dispenses, sells, delivers or serves alcoholic liquor shall provide evidence of successful completion of a beverage alcoholic sellers and servers education training program (BASSET) at a facility approved under the Illinois Compiled Statutes. Persons holding a class C (temporary) or class K (catering) shall have at least one person who has successfully completed the training program and shall be at the location where alcoholic liquor is being served at all times during the event. Such person(s) shall have supervisory authority over and be responsible for the actions of all employees or volunteers not having the required training.
- C. Supervisory Requirements: Notwithstanding subsection A of this section and subsection [3-2-15A5](#) of this chapter, a person eighteen (18) years of age and over may serve alcoholic beverages within an establishment holding a class E, class F or class L liquor license granted under this chapter, if said service is in the dining area (but excluding a bar area of the premises, regardless of whether food is served in the bar area) of the establishment during times in which meals are being served, in which case persons eighteen (18) years of age and over may serve said beverages in said area. However, if persons eighteen (18) years of age to twenty one (21) years of age serve said beverages, each such establishment shall have, on duty at all times, supervising

personnel not under the age of twenty one (21) years to make the verification required under section [3-2-15](#) of this chapter for any person being served by an employee under twenty one (21) years of age. Such person(s) shall have supervisory authority over, and be responsible for the actions of all such employees eighteen (18) years of age to twenty one (21) years of age who serve said beverages. Prior to allowing servers eighteen (18) years of age to twenty one (21) years of age, any such establishment seeking to operate under this subsection shall submit a sketch plan of the premises delineating the area designated for dining to be approved by the liquor commissioner. (Ord. 2006-02-07E, 2-7-2006)

3-2-15: SALES TO CERTAIN PERSONS PROHIBITED; MINORS:

A. Underage Persons; Prohibited Acts; Penalty:

1. No person engaged in the retail sale of alcoholic liquor, or any other person, shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years.

It shall be unlawful for any holder of a retail liquor license or his or her agent or employee to suffer or permit any person under the age of twenty one (21) years to be or remain in any room compartment adjoining or adjacent to or situated in the room or place where such alcoholic liquors are sold or consumed; provided, that this subsection A1 shall not apply to any person under the age of twenty one (21) years who is accompanied by his or her parent or guardian or spouse, who is over the age of twenty one (21), or to any licensed premises which derives its principal business from the sale of service or other commodities other than alcoholic liquor.

2. It shall be unlawful for any person under the age of twenty one (21) years to purchase or misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor. Upon conviction for the violation of this subsection, a fine of up to two hundred dollars (\$200.00) may be imposed.
3. 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 be supplied by the village clerk and which shall read substantially as follows:

Warning to Persons Under the Age of Twenty-One: You are subject to a fine up to \$200 under the Ordinance of the Village of Sugar Grove if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

4. It shall be unlawful for any person under the age of twenty one (21) years to attend any bar.

5. It shall be unlawful for any person under the age of twenty one (21) to sell, draw, pour, or mix any alcoholic liquor in any licensed retail premises¹.
6. In addition to all other fines and penalties therein provided, the local liquor control commissioner may suspend or revoke the retail liquor dealer's license for any violation of this subsection.

B. Sale To Intoxicated Person; 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/her to be a habitual drunkard, spendthrift or insane, feeble minded or distracted person. (Ord. 2004-06-15B, 6-15-2004)

3-2-16: 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 the local liquor commissioner or any police officer, fire inspector or village inspector authorized by the local liquor control commissioner for the purpose of making an inspection of such premises, or any part thereof. (Ord. 2004-06-15B, 6-15-2004)

3-2-17: LIST OF LICENSES KEPT:

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. (Ord. 2004-06-15B, 6-15-2004)

3-2-18: PEDDLING:

It shall be unlawful to peddle alcoholic liquor in the village. (Ord. 2004-06-15B, 6-15-2004)

3-2-19: REVOCATION OR SUSPENSION OF LICENSE:

- A. Violation: The local liquor control commissioner, with approval of the trustees, 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 the laws of the state pertaining to the sale of alcoholic liquor.
- B. Written Order: If the local liquor control commissioner has reason to believe that any continued operation of a premises will immediately threaten the welfare of the community, the commissioner may, upon issuance of a written order stating the reason for such conclusion and without notice of hearing, order the licensed premises closed for not more than seven (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.
- C. Notice And Hearing: No license shall be revoked or suspended except after a public hearing by the local liquor control commissioner with a five (5) day written notice to the licensee affording licensee an opportunity to appear and defend.
- D. Order Of Revocation Or Suspension: The local liquor control commissioner shall within five (5) days after such hearing, if the commissioner determines after such hearing that license should be revoked or suspended, state the reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within five (5) days upon licensee. (Ord. 2004-06-15B, 6-15-2004)

3-2-20: PENALTIES:

- A. In the event that the local liquor control commissioner shall find a licensee guilty of violating any provision of this chapter, he or she may order the licensee to pay to the village any one or more of the following:
1. A fine as provided for in the Illinois liquor control act.
 2. Reasonable attorney fees incurred by the village and/or the local liquor control commissioner (and commission).
 3. Reasonable costs, including court reporter fees, incurred at the hearing.

- B. The aforesaid remedies shall be in addition to all other remedies and penalties available to the village or the local liquor control commissioner, both at law or in equity and not in lieu thereof.

- C. Any penalties, costs or fees assessed under this section shall be payable upon the order of the local liquor control commissioner unless notice of appeal has been filed by the licensee, in which case, payment is stayed until the final decision of a court of competent jurisdiction. (Ord. 2004-06-15B, 6-15-2004)