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REFER TO:  
MINUTES 2-2-76  
PAGE 2-10-76

ORDINANCE NO. 1976-M-5

AN ORDINANCE AMENDING CHAPTER 24, ENTITLED  
"DEALERS IN INTOXICATING LIQUORS," OF THE  
MUNICIPAL CODE OF ST. CHARLES OF 1965,  
AS AMENDED BY AMENDING THE ENTIRE CHAPTER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST.

CHARLES, ILLINOIS:

That Chapter 24, entitled "Dealers in Intoxicating Liquors," of the Municipal Code of St. Charles of 1965, as amended, be and the same is amended in its entirety to read as follows:

"24.011 Definitions. All words and phrases used in this ordinance not otherwise defined herein, which are defined in "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended (Ill. Rev. Stat., 1973, Ch. 42, Sec. 94 et. seq.) shall have the meaning accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this ordinance shall be construed according to the definitions given below.

A. Alcoholic Liquor - Any alcohol, spirits, wine, beer, ale or other liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being.

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

C. Minor - Any person under 18 years of age.

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

E. Tavern (1) - Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises, with or without food, and where the sale and consumption of food predominates the sale and consumption of alcoholic liquors.

F. Tavern (2) - Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food and where the sale and consumption of liquor predominates the sale and consumption of food.

G. Hotel or motel - 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 for adequate pay to travelers and guests, whether transient, permanent or residential in which twenty-five or more rooms are used for the sleeping accommodation of such guests and having one or more public dining rooms, where meals are served to such guests and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

H. Resort Hotel or Motel - A hotel or motel which provides golfing and swimming.

I. Club-A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club in Chapter 43, Paragraph 95.24 of the Illinois Revised Statutes.

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

24.003 Local Liquor Control Commissioner. The Mayor of the City of St. Charles is hereby authorized to be the Local Liquor Control Commissioner and shall be charged with the administration of the Dram Shop Act, Chapter 43 of Illinois Revised Statutes, as amended, and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Mayor may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided for such local liquor control commissioner.

A. Powers, Duties and Functions. The Local Liquor Control Commissioner shall have the following powers, duties and functions with respect to local liquor licenses:

1. To grant and/or suspend for not more than thirty days or revoke for cause, all local licenses issued to person or entities for premises within the City of St. Charles.

2. To enter or to authorize any law enforcing officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the state law or city ordinance or any rules or regulations adopted by the City of St. Charles or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Local Liquor Control Commissioner pursuant to 24.003 shall have the powers given to the Local Liquor Control Commissioner by this subparagraph.

3. To receive complaints from any citizen within the City of St. Charles that any provision of the State law or of this ordinance have been or are being violated and to act upon such complaints in the manner provided by law.

4. To receive local license fees and pay same to the city.

5. To examine or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine or cause to be examined, the books and records of any such applicant or licensee; and to hear testimony and take evidence for his information in the performance of his duties, and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner

he may authorize an agent to act on his behalf.

B. Suspension and Revocation. The Local Liquor Control Commissioner may, in accordance with law and the provisions of The Dram Shop Act, Chapter 43 of Illinois Revised Statutes, 1973, as amended, revoke or suspend any license issued under his authority if he determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City of St. Charles or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. However, no such license shall be so revoked or suspended except after a public hearing by the Local Liquor Control Commissioner with a three day written notice to the Licensee, affording the licensee an opportunity to appear and defend such notice to begin the day following delivery by certified mail or by the St. Charles Police Department acting as agents.

If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order, stating the reason for such conclusions and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period except if the licensee is also engaged in

another business on the licensed premises such order shall not be applicable to such other business.

The Local Liquor Control Commissioner shall within five days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five days upon the licensee.

Sections 151, 153, 155 and 156 of Chapter 43, Illinois Revised Statutes, are incorporated herein by reference and made a part of this ordinance. Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 153 of Chapter 43, Illinois Revised Statutes.

24.004 Application. Applications for such licenses shall be made to the Local Liquor Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The full name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which it is organized, the names and addresses of the officers and directors, and if 5% or more in interest in the stock of such corporation is owned by a person or his nominee or nominees, the name and address of each such person or persons.

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

naturalization.

3. The character of business of the applicant.

4. The length of time said applicant has been in business of that character.

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

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

6a. If a leased premises, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.

6b. The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust.

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

8. A statement that applicant has never been convicted of a felony, or a misdemeanor opposed to decency or morality, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the State of Illinois or the ordinances of the City of St. Charles.

9. Whether a previous license by any State or subdivision thereof, or by the Federal Government has been issued, if so where and when, or if any such license has been revoked, the reasons therefor.

10. The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation.

11. 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 City in the conduct of his place of business.

12. Any applicant for a new City Liquor License, or any applicant for a renewal of a City Liquor License is to be fingerprinted whether said applicant be an individual or a partnership. Should the applicant be a corporation, the Commissioner may, within his discretion require the following to be fingerprinted:

The officers, manager or director thereof, or any stockholder or stockholders owning in the aggregate of more than 5% of the capital stock of said corporation.

All such fingerprinting shall be done by the City of St. Charles Police Department.

The Commissioner shall issue a written acceptance or rejection of such application within sixty (60) days of its receipt by the Local Liquor Commissioner or City Clerk in his behalf.

24.005 Restriction on Licenses. No such license shall be issued to:

1. A person who is not of good character and reputation in the community in St. Charles.
2. A person who is not a citizen of the United States.
3. A person who has been convicted of a felony under any Federal or State law if determined by the Local Liquor Commissioner such person has not been sufficiently rehabilitated to warrant the

public trust.

4. A person who has been convicted of being the keeper or is keeping a house of ill-fame.

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

6. A person whose license under this ordinance has been revoked for cause.

7. 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.

8. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

9. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five per cent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence in St. Charles.

10. A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

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

12. A person who has been convicted of a violation of any

Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

13. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

14. Any elected public official, law enforcing officer, the Mayor or member of the City Council of St. Charles, or employee, or member of any St. Charles Board or Commission, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

15. Any person, firm or corporation not eligible for a State Retail Liquor Dealer's License.

16. Any applicant who fails to obtain a State Liquor 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 any of subsections (a) (3) through (a) (10) of Section 18-1, or as proscribed by Section 28-3 of the Criminal Code of 1961, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replacing any of the aforesaid statutory provisions.

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

20. A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

21. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent 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.

23. In addition to other grounds specified in this Ordinance, the Local Liquor Control Commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupational Tax Act," approved June 28, 1933, as amended:

- A. Failure to make a tax return.
- B. The filing of a fraudulent return.
- C. Failure to pay all or part of any tax or penalty finally determined to be due.
- D. Failure to keep books and records.
- E. Failure to secure and display a certificate or sub-certificates or registration.
- F. Willful violation of any rule or regulation of the

Department relating to the administration and enforcement of tax liability.

24.006 Term of License. Each license issued hereunder shall terminate on April 30 following the date of issuance.

24.007 Record. The City 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 City Clerk shall immediately give written notice thereof to the Chief of Police.

24.008 Insurance.

1. Dram Shop Insurance. No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant against liability which such applicant may incur under the provisions of Section 135 of Chapter 43 of Illinois Revised Statutes (1971 Edition).

24.009 Transfer of License. A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable to transferable,

voluntarily or involuntarily or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

24.010 Change in Personnel.

1. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five per cent of the stock or ownership interest, or managers of establishments licensed under this ordinance, shall be reported in writing to the Liquor Control Commissioner within ten days of the change. All 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 Local Liquor Control Commissioner within thirty (30) days of the change.

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 five per cent 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.

24.011 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 is 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 regulation of this Chapter.

24.012 Renewal of License. Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued with the City.

24.013 Peddling. It shall be unlawful to peddle alcoholic liquor in the City.

24.014 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.

24.015 Employees. It shall be unlawful to employ in 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.

24.016 Location Restrictions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet of the real property 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, or to restaurants, 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 effective date of this article.

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

24.018 Election Days. Licensees may sell at retail any alcoholic liquor on the day of any national, state, county or municipal election, including primary election, including hours the polls are open, within the political area in which such election is being held.

24.019 Sales to Minors, Habitual Drunkards and Mental Incompetents.

1. No licensee or officer, associates, member, representative,

agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years, or in the case of beer and wine, under the age of nineteen, or to any intoxicated person, or to any person known by him 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 twenty-one (21) years or in the case of beer and wine, under the age of nineteen (19) years, except in the performance of a religious ceremony or service. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold.

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

WARNING:

IF YOU ARE UNDER NINETEEN YEARS OF AGE YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCES OF THE CITY OF ST. CHARLES, IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

WARNING:

IF YOU ARE NINETEEN YEARS OF AGE, BUT NOT YET TWENTY-ONE, YOU MAY PURCHASE WINE OR BEER ONLY. YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCES OF THE CITY OF ST. CHARLES IF YOU PURCHASE DISTILLED SPIRITS, OR MISREPRESENT YOUR AGE FOR

THE PURPOSE OF PURCHASING OR OBTAINING DISTILLED  
SPIRITS,

3. It shall be unlawful for any holder of a liquor license or his or her agent or employee, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor, or to persons of the age of nineteen (19) years and upwards when the room or compartment in which said person or persons are or is located adjacent to or adjoining the room or place where the licensed premises is located if the only alcoholic beverages, sold, offered for sale or dispensed is beer and/or wine.

4. In addition to all other fines and penalties, the Local Liquor Control Commissioner may suspend or revoke the liquor dealer's license for any violation of the above paragraph.

5. It shall be unlawful for any parent or guardian to knowingly permit any minor child of which he or she be parent or guardian to violate any provisions of this section.

6. It shall be unlawful for any minor to tend bar.

7. It shall be unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises.

24.020. Purchase or Acceptance of Gift of Liquor by Person of non-age; Identification Cards.

1. Any person to whom the sale, gift or delivery of

alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

2. If a licensee or his agents or employees believe, has reason to believe or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification (containing proof of age) issued by a public officer in the performance of his official duties. Reasonable care in compliance with the provisions of this paragraph shall be competent evidence and may be considered in prosecution, revocation or suspension for the violation of any section of this chapter relating to non-age but shall not act as a defense or bar to prosecution, revocation or suspension for the violation of any other provision of this chapter.

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 twenty-one (21) is forbidden, except for consumption of beer and wine by persons of the age of nineteen (19) years and upwards.

5. The possession and dispensing, or consumption by a person under the age of twenty-one of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under the age of twenty-one under the direct supervision and approval of the parents or parent of such under-age person in

the privacy of a home, is not prohibited.

24.021 Gambling. It shall be unlawful to permit any gambling except as may be authorized by the State of Illinois on any premises licensed to sell alcoholic liquor.

24.022. 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, except in original packages.

24.023. Solicitation. It shall be unlawful for any licensee, his 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 person nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or non-alcoholic liquor for said person, or any other person therein; nor shall any female, whether employee, entertainer, or otherwise, solicit any patron or customer therein to purchase alcoholic or non-alcoholic liquor for herself or himself or any other person therein; provided, however, that nothing herein contained shall prohibit any adult manager, bartender or waitress 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 or waitress.

24.024 Quantity Sales for On Premises Consumption. It shall be unlawful for any licensee, other than a hotel offering restaurant service or regularly organized club or restaurant within

the meaning of that term as defined in the Illinois act entitled "an Act Relating to Alcoholic Liquors", approved January 31, 1934, as amended, 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 except in individual servings not exceeding thirteen fluid ounces.

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

24.026 Use of Premises After Revocation. When any license shall have been revoked for any cause, no license shall be granted to said licensee for the 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.

24.027 Possession of Alcoholic Liquor in Motor Vehicle. No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle, except in the original package and with the seal unbroken.

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

24.029 License Classes and Fees. An initial license fee of double the fee charged in the class applied for shall be paid by any new applicant for a liquor license. Licenses to sell alcoholic liquor retail are hereby divided in the following classes:

1. Class "A" licenses shall authorize the retail sale of alcoholic liquors in packages and not for consumption on the premises. Curb service or sale is prohibited. The annual license fee for such license shall be \$1,000.00.

2. Class "B" licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern (1) for consumption on the premises. The annual license fee for such licenses shall be \$500.00.

3. Class "C" licenses shall authorize the retail sale of alcoholic liquors on the premises of any tavern (2) for consumption on the premises. The annual license fee for such license shall be \$500.00.

4. Class "D" license shall authorize the retail sale of alcoholic liquors on the premises of any resort hotel or motel for consumption on the premises when such retail sale is made by the person who operates the resort hotel or motel. The annual license fee shall be \$1,500.00. A supplemental late hour license fee of \$500.00 shall be paid before any resort hotel or motel shall exercise the privilege contained in Section 24.033 sub-paragraph B, entitled "Special Hours for Resort Hotels or Motels."

5. Class "E" licenses shall authorize the retail sale of alcoholic liquors on the premises of any hotel or motel for consumption on the premises when such retail sale is made by the person who operates the hotel or motel. The annual license fee for such licenses shall be \$1,000.00.

6. Class "F" licenses shall authorize the retail sale of alcoholic liquors on the premises of any club for consumption on the premises provided that such club shall have been in existence for at least six months prior to the filing of an application for a

license hereunder and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. The annual license fee for such licenses shall be \$500.00.

7. Class "G" Special Restricted License which shall authorize the retail sale of alcoholic liquor for consumption solely on the premises in conjunction with the operation of Arthur Andersen and Co. In addition to the regular restrictions and penalties, this license is further subject to the following restrictions:

A. Restricted hours: Liquor may be sold only between the hours of 11:00 A.M., and 1:00 A.M., and further limited to sales to individuals who are participating in the executive training center for business and professional personnel and their invited guests.

B. Restricted Term and Renewal: This license and classification will expire and terminate on the cessation of operation by Arthur Andersen and Co. of an executive training center for business and professional personnel at the location authorized by the local liquor control commissioner.

C. Fee: \$1,000.00 shall be the annual license fee.

D. Number of Licenses: There shall be issued only one Class "G" license in any license year.

E. Change of Location: License is not to be removed from the location of 1405 North Fifth Avenue, St. Charles, Illinois, without the approval of the City Council and the consent of the local liquor control commissioner.

8. Class "H" Special Restricted License shall authorize the retail sale of alcoholic liquor for consumption solely on the premises in conjunction with food service and the catering of private parties. In addition to the regular restrictions and penalties, this license is further subject to the following

restrictions:

A. Restricted Term and Renewal: This license and classification will automatically expire on the cessation of the Hotel Baker Corporation a wholly owned subsidiary of the Lutheran Welfare Services, Inc., and its operations at the Hotel Baker located at 100 West Main Street, St. Charles, Illinois.

B. Fee: \$1,000.00 annual license fee.

C. Number of Licenses: There will be only one class H(1) license in any license year.

D. Change of location: License is not to be removed from the location at 100 West Main Street, St. Charles, Illinois, without the approval of the City Council and the consent of the Local Liquor Control Commissioner.

E. Restricted Services: This classification does not permit a general service bar where patrons may stand or sit in order to purchase, accept, drink or receive alcoholic liquor. Only a restricted service bar or bars will be permitted. A restricted service bar is a permanent or portable bar which contains alcoholic liquor, mixes and related paraphernalia which are used in the preparation of alcoholic drinks. A restricted service bar further, does not and shall not have seats or stools or other places for persons to sit or stand while drinking an alcoholic beverage. A restricted service bar is solely to be used for the preparation and disbursement of drinks at the food service tables or other locations away from the bar.

9. Class "I" Special Restricted License shall authorize the retail sale of beer for consumption sold on the premises in conjunction with food service.

In addition to the regular restrictions and penalties, this license is further subject to the following restrictions:

A. Restricted Term and Renewal: This license and classification will automatically expire on the cessation of the Aurora Pizza Hut, Inc., an Illinois corporation, a subsidiary of Pizza Hut, Inc., a Kansas corporation, or its operations at 2125 West Main Street in the City of St. Charles, Kane County, Illinois.

B. Fee: \$1,000.00 annual license fee.

C. Number of Licenses: There will be only one Class "I" license in any one license year.

D. Change of Locations: The license is not to be removed from the location of 2125 West Main Street in the City of St. Charles, Kane County, Illinois, without the approval of the City Council and consent of the Local Liquor Control Commissioner.

E. Restricted Service: This classification does not permit a general service bar where patrons may stand or sit in order to accept, purchase, drink or receive beer. Only a restricted service bar will be permitted. A restricted service bar is a permanent or portable bar which contains beer. A restricted service bar further does not and shall not have seats, stools, or other places for persons to sit or stand while drinking beer. A restricted service bar is solely to be used for the preparation and disbursement of beer at the food service tables.

10. Class "J" licenses shall authorize the holders of Class "C" licenses to receive a Class "J" license for the fee of \$400.00, which will permit them to have the privileges granted to Class "A" license holders.

24.030 Number of Licenses. There shall be issued not more than a maximum of four Class "A", four Class "B", ten Class "C", one

Class "D", two Class "E", three Class "F", and permitted supplementary license for class "D" in any license year, plus one license for each of the Special Restricted Classes.

24.031 Signs. No person licensed to sell alcoholic liquor shall use the words "saloon" or "bar" in any sign or advertisement. No license shall be issued to any applicant applying therefore who has upon the building any sign advertising any brand name of liquor or beverage that shall extend more than twelve inches over the sidewalk.

24.032 View from the Street. In premises in which the sale of alcoholic liquor for consumption on the premises is licensed other than in restaurants, hotels or clubs or any bowling alley other than one situated on the first ground floor, 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 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 and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk. All rooms where alcoholic liquor is served for consumption on the premises shall be continually lighted during business hours by natural or artificial light so that all parts of the interior shall be clearly visible. IN case the view into any such licensed premises required by the foregoing provision shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided. In order to enforce the provisions of this section, the Local Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and

photographs showing the clearance of the view as above required.

24.033 Closing Hours. It shall be unlawful to keep open or permit to be open any place where alcoholic liquor is sold for consumption on the premises as follows:

A. All establishments licensed hereunder other than Resort Hotel or Motel and Class "A" and Class "J" license holders:

(1) Between the hours of one A.M. and seven A.M. of any weekday.

(2) Between the hours of one A.M. and noon of any Sunday.

(3) The exception to the foregoing hours will be that on New Year's Day, January 1, it shall be lawful to keep open any place where alcoholic liquor is sold for consumption on the premises between the hours of midnight, December 31, and three A.M. on January 1.

B. Special hours for Resort Hotels or Motels: It shall be unlawful to keep open or permit to be open any place where alcoholic liquor is sold for consumption on the premises as follows:

(1) Between the hours of one A.M. and seven A.M. on Mondays.

(2) Between the hours of two A.M. and seven A.M. on Tuesday through Friday.

(3) Between the hours of three A.M. and seven A.M. Saturday.

(4) Between the hours of three A.M. and noon Sunday.

(5) The exception to the foregoing hours will be that on New Year's Day, January 1, it shall be lawful to keep open any place where alcoholic liquor is sold for consumption on the premises between the hours of midnight, December 31, and three A.M.

on January 1.

24.034 Open Hours for Package Sales. Class "A" and Class "J" license holders shall limit the sale of packaged liquors from the hours of seven A.M. to ten P.M. except Sunday, on which day hours of sale shall be limited from 12 noon to 10 P.M.

24.035 List of Licenses and Revocations. The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all licenses issued by him and shall furnish the Clerk, Treasurer and Chief of Police with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Local Liquor Commissioner shall give written notice of such action to each of said officers, and in case of revocation a written notice shall be given to the licensee whose license has been revoked; all notices provided for in this section shall be given forty-eight hours from the time of any such action or actions. Notice shall also be given to the Illinois Liquor Commission of the revocation of any and all such licenses.

24.036 Additional Regulations. No licensee under the provisions of this Ordinance shall either individually or through agents or employees:

(1) Harbor or permit any intoxicated person or persons to loiter on the premises described in the license or permit any conduct which shall tend to disturb the peace and quiet of the neighborhood.

(2) Permit any minor from drawing, pouring or mixing any alcoholic liquor as an employee of any retail licensee.

24.037 Repealer. All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

24.038 Separability. The repeal of the ordinance

or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinance or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of the passage of this ordinance. It is the intention of the City Council that this ordinance, and every provision of this ordinance shall not effect the validity of any other portion of this ordinance. If any part or provision of this Chapter or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined by its operation to the controversy in which it was mentioned and shall not affect or invalidate the remainder of this Chapter or the application thereof to any other person or circumstance and to this end the provisions of this Chapter are declared severable.

24.039 Penalty. Any person, firm or corporation violating any provisions of this Chapter shall be fined not less than \$25,00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

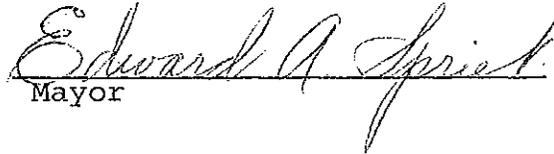
That all ordinances, resolutions and orders or parts thereof, in conflict of the provisions of this ordinance are to the extent of such conflict hereby repealed.

This ordinance shall be in full force and effect from and after April 30, 1976 and after its passage, approval and publication according to law.

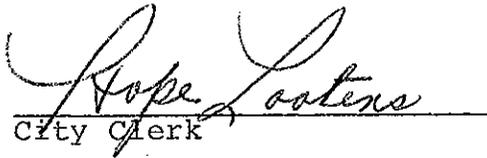
PRESENTED to the City Council of the City of St.  
Charles, Illinois, this 10th day of February, 1976.

PASSED by the City Council of the City of St.  
Charles, Illinois, this 10th day of February, 1976.

APPROVED by the Mayor of the City of St. Charles,  
Illinois, this 10th day of February, 1976.

  
Mayor

ATTEST:

  
City Clerk

Council Vote: Aye- Unanimous