

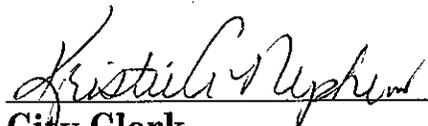
City of St. Charles, Illinois

Ordinance No. 2004-M-12

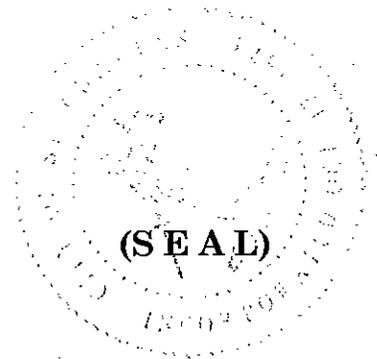
**An Ordinance Amending
Title 5, "Business Licenses and Regulations,"
Chapter 5.08, "Alcoholic Beverages," of the
St. Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
February 16, 2004**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, February 20, 2004**



City Clerk



DATE OF PUBLICATION <u>2/20/04</u>
NEWSPAPER <u>Pamphlet Form</u>

REFER TO:
MINUTES <u>2/16/04</u>
PAGE _____

ORDINANCE NO. 2004-M-12

AN ORDINANCE AMENDING TITLE 5, "BUSINESS LICENSES AND REGULATIONS," CHAPTER 5.08, "ALCOHOLIC BEVERAGES," OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the attached Exhibit A therefore.

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

3. This Ordinance shall be in full force and effect from and after its passage by a vote of the majority of the corporate authorities now holding office and approval in the manner provided by law.

PRESENTED to the City Council of the city of St. Charles, Illinois, this 16th day of February, 2004.

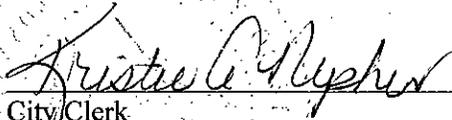
PASSED by the City Council of the City of St. Charles, Illinois, this 16th day of February, 2004.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of February, 2004.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 10
Nays: 0
Absent: 0

APPROVED AS TO FORM:



City Attorney

DATE: 2/16/04

Exhibit A

Chapter 5.08

Business Licenses and Regulations

Chapter Index

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5.08.010 DEFINITIONS

All words and phrases used in this chapter and not otherwise defined herein, which are defined in "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended (235 ILCS 5/1-2 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 chapter shall be construed according to the following definitions:

- A. "Alcoholic liquor" means any alcohol, spirits, wine, beer, ale and 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" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- C. "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors which conforms to the definition of a club in (235 ILCS 5/1-3.24).
- D. "Hotel" or "Motel" means 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 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 buildings or buildings, structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- E. "Minor" means any person under eighteen years of age.
- F. "Resort Hotel" or "Resort Motel" means a hotel or motel, as described in paragraph D above, which provides golfing and swimming.
- G. "Retail Sale" means the sale for use or consumption and not for resale in any form.
- H. "Tavern", "Bar" or "Saloon" means either of the following:
 - 1. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food service, and where the sale and consumption of food predominates the sale and consumption of alcoholic liquors;
 - 2. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food service and where the sale and consumption of alcoholic liquors predominates the sale and consumption of food.

- I. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.
- J. "Holding Bar" means an area within a restaurant where patrons awaiting food service may consume alcoholic liquors served by a bartender. The holding bar area shall be separated from the dining area by means of a partition wall. The number of seats or stools at the holding bar shall not exceed 10% of the total seats in such restaurant. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.
- K. "Service Bar" means a permanent or portable bar from which waitpersons pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. A service bar shall not have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons shall not be served from a service bar.
- L. "Live Entertainment" means the playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in Section 17.25.030 (91) of the zoning code of St. Charles, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital of poetry.
- M. "Halfway House" means premises located on a golf course in proximity of the ninth hole of an eighteen-hole golf course, where alcoholic liquor sales are incidental to the sale of food and snacks. All alcoholic liquors shall be served in other than glass containers.

5.08.020 LOCAL LIQUOR CONTROL COMMISSIONER - DESIGNATED

The Mayor of the City is authorized to be the Local Liquor Control Commissioner and shall be charged with the administration of the Liquor Control Act, (235 ILCS 5/1-1 et seq.), 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 or such Local Liquor Control Commissioner. (Ord. 1996-M-53 § 14; Ord. 1976-M-5 (part); prior code § 24.003 (part).)

5.08.030 LOCAL LIQUOR CONTROL COMMISSIONER - POWERS, DUTIES AND FUNCTIONS

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

- A. To grant and/or suspend for not more than thirty days or revoke for cause, all local licenses issued to persons or entities for premises within the City;
- B. 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 or City ordinance or any rules or regulations adopted by the City 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 Section 5.08.020 shall have the powers given to the Local Liquor Control Commissioner by this subdivision;

- C. To receive complaints from any citizen within the City that any provision of the state law or of this chapter have been or are being violated and to act upon such complaints in the manner provided by law;
- D. To receive local license fees and pay same to the City. Each local liquor control commissioner also has the duty to notify the Secretary of State of any convictions for violation of Section 6-20 of (235 ILCS 5/ et seq. Liquor Control Act).
- E. 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 purposes of obtaining any information desired by the Local Liquor Control Commissioner, he may authorize an agent to act on his behalf. (Ord. 1976-M-5 (part): prior code § 24.002.)

5.08.040 LICENSE REQUIRED

It is unlawful to sell or offer for sale at retail in the City any alcoholic liquor without a retail liquor dealer's license, or in violation of the terms of such license. (Ord. 1976-M-5 (part): prior code § 24.002.)

5.08.050 LICENSE - APPLICATION REQUIREMENTS

- A. Applications for a retail liquor dealer's license shall be made to the local liquor control 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. In the case of an individual, the full name, age and address of the applicant; 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 five percent 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;
 - a. 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 sought.
 - b. 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 or the ordinances of the City;
 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 reason therefore;
 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, or of the United States, or any ordinance of the City in the conduct of his place of business;
 12. Any applicant for a newly created City liquor license or any applicant for a renewal of a City liquor license is to be fingerprinted whether said applicant is 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 the aggregate of more than five percent of the capital stock of said corporation. The City police department shall do all such fingerprinting. There shall be a fingerprint fee of fifty (\$50) dollars per application to be paid at time of application and non-refundable.
- B. The commissioner shall issue a written acceptance or rejection of such application within sixty days of its receipt by the local liquor control commissioner or City clerk in his behalf.
- C. There shall be an application fee of two hundred (\$200) dollars, which shall be non-refundable, and if a license is granted applied to the first license fee. (Ord. 1; Ord. 1980-M-1 (a); Ord. 1976-M-5 (part): prior code § 24.004.)

5.08.060 LICENSE - RESTRICTION ON ISSUANCE

No such license shall be issued to:

- A. A person who is not of good character and reputation in the community of St. Charles;
- B. A person who is not a citizen of the United States;
- C. A person who has been convicted of a felony under any Federal or State law if determined by the Local Liquor Control Commissioner that such person has not been sufficiently rehabilitated to warrant the public trust;
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame;
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- F. A person whose license under this chapter has been revoked for cause;
- G. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application;
- H. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this chapter for any reason other than residence in the City, unless residency is required by local ordinance;
- I. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason other than citizenship and residence in the City;
- J. A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act of 1983 to transact business in Illinois;
- K. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee;
- 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 bond to appear in court to answer charges for any such violation;
- M. 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;
- N. An elected public official, law enforcing officer, the Mayor or member of the City council of the City, or employee, or member of any City 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;

- O. Any person, firm or corporation not eligible for a state retail liquor dealer's license;
- P. Any applicant who fails to obtain a state liquor license;
- Q. A person who is not a beneficial owner of the business to be operated by the licensee;
- R. A person who has been convicted of a gambling offense as proscribed by any of subsection (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, approved July 18, 1961, or as proscribed by a statute replacing any of the aforesaid statutory provisions;
- S. A person or entity to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- T. A co-partnership to which 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 wagering stamp by the federal government for the current tax period;
- U. 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 wagering stamp for the current tax period;
- V. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period;
- W. In addition to other grounds specified in this chapter, the local liquor control commissioner shall 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:
 - 1. Failure to make a tax return,
 - 2. The filing of a fraudulent return,
 - 3. Failure to pay all of any tax or penalty finally determined to be due,
 - 4. Failure to keep books and records,
 - 5. Failure to secure and display a certificate of registration,
 - 6. Willful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability. (Ord. 1976-M-5 (part): prior code § 24.005.)

5.08.070 LICENSE - DRAM SHOP INSURANCE REQUIRED PRIOR TO ISSUANCE

No license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local 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 insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. The insurance policy shall have a May 1st. renewal date. The City shall be given at least ten days' written notice from such insurance carrier prior to cancellation, termination or amendment of any such dram shop insurance policy. (Ord. 1996-M-53 § 15; Ord. 1979-M-54 § 1 (a); Ord.1976-M-5 (part): prior code § 24.008.)

5.08.080 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. Any new application for a liquor license received on or after October 1st of any given fiscal year shall be prorated on a monthly basis to the end of the fiscal year ends April 30th. There shall be a late payment fee of \$50 (fifty dollars) for each renewal license fee, which is not paid on or before May 1st. for the liquor license year and for which the completed application and the insurance requirements of Section 5.08.070 have not been satisfied. Licenses to sell alcoholic liquor at retail are divided into the following classes:

Class A - Package Alcoholic Liquor Licenses

A. Class A licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. Class A licensed alcoholic liquor sales shall be limited to the hours of: 7:00 A.M to 10:00 P.M. Monday through Saturday, and 12:00 noon to 10:00 P.M. on Sunday. Unless otherwise defined, the annual license fee for all Class A licenses shall be One Thousand Six Hundred Dollars (\$1,600.00). Class A licenses shall be additionally divided into the following sub-classes:

A-1. Class A-1 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. Curb service or sale is prohibited. Sales of alcoholic liquors are prohibited on premises defined as gasoline filling stations. The premises for Class A-1 shall have the primary purpose of retail alcohol liquor sales, and have a gross area of not less than 2,000 sq. ft.

A-2. Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of Class A-2 premises shall be for retail sales other than the sale of alcoholic liquors, such as food store, drug store or mass merchandiser, provided the gross square footage of such premises is 10,000 sq. ft. or larger, and provided the retail alcoholic liquor sales area is 10% or less, of the gross square footage. The alcoholic liquor sales area shall be confined to an area, which is separated from the other retail sales area by a permanent partition wall not less than 72" high as measured from the floor to ceiling. The alcoholic liquor sales area shall include means of locking the access during prohibited sales hours.

- A-3. Class A-3 licenses shall authorize the retail sale of alcoholic liquors both on the premises and off the premises; further, off premise sales to be in original packages only. Open hours for original package sales shall be the same as described in Class A above. Class A-3 licenses shall meet the requirements of Section 5.08.010 (H-1 and H-2) above. Live entertainment and supplemental late hours shall not be permitted. There shall be three Class A-3 licenses issued. No additional Class A-3 licenses shall be issued. Fees for a Class A-3 license shall be Two Thousand (\$2000.00) dollars per year.
- A-4. Class A-4 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only, not for consumption on the premises. The open hours for original package sales of alcoholic liquor shall be as described in Class A above. Curb service or sale is prohibited. The retail sale of alcoholic liquor shall be incidental to other retail sales, and shall not exceed 25% of the annual gross sales of such Class A-4 licensee.
- A-5. Class A-5 licenses shall authorize the retail sale of beer for consumption on or off the premises where brewed on the premises, provided the retail sale of beer for consumption off the premises shall be in original packages only. Class A-5 licenses shall also authorize the retail sale of wine in original packages only for consumption off the premises where fermented on the premises. Class A-5 licenses shall authorize the tasting of wines in connection with the bonafide sale of wines in the original package. Wine tasting shall be confined to samples of not more than one ounce in conjunction with the anticipated sale of wine. The sample shall be provided without compensation for the sample. Sampling shall be under the supervision of the license holder and be conducted in a manner, which will confine the consumption on the premises only. Wine tasting shall not be permitted after 8:00 P.M. Curb service or sale is prohibited. The open hours for original package sales of alcoholic liquor shall be as described in Class A above.

Class B - Restaurant Licenses

- B. Class B licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises, whose primary purpose shall be for sit-down service of food. Class B licenses shall authorize the sale of alcoholic liquors in outdoor sales areas, provided such sales are in conjunction with food service only, and provided such outdoor sales areas meet the requirements of Section 17.20.010 (A4) and Section 17.25.030 (90) of the zoning code of St. Charles. Closing hours for sales of alcoholic liquors under the Class B licenses shall be from 1:00 A.M. to 7:00 A.M. of any weekday, and between the hours of 1:00 A.M. and noon of any Sunday. Class B licenses shall authorize the retail sale of wine only, including champagne from 10:00 A.M. until noon on Sunday, in the dining room only, of the licensee's restaurant in conjunction with and incidental to the purchase of a sit-down meal; further, Class B licenses are permitted to sell alcoholic liquors at retail on New Year's Day, January 1st between the hours of midnight, December 31st and 3:00 A.M. on January 1st. Class B licenses shall be additionally divided into the following sub-classes:

- B-1. Class B-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, provided such premises shall have a seating capacity of 500 persons or less, and provided that alcoholic liquors be served only from a waitperson service bar, as defined in Section 5.08.010 (K) above. Fees for a Class B-1 license shall be One Thousand Two Hundred (\$1,200.00) dollars per year.
- B-2. Class B-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, provided such premises shall have a seating capacity of 500 persons or less, and provided that alcoholic liquors may be served at a holding bar as described in Section 5.08.010 (J) above. All food service tables shall be served alcoholic liquors by a waitperson from a service bar, as defined in Section 5.08.010 (K) above. Fees for a Class B-2 license shall be One Thousand Four Hundred (\$1,400.00) dollars per year.
- B-3. Class B-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, provided such premises shall have a seating capacity of more than 500 persons, and provided that alcoholic liquors may be served at one or more holding bars as described in Section 5.08.010 (J) above. All food service tables shall be served alcoholic liquors by a waitperson from a service bar, as defined in Section 5.08.010 (K) above. Fees for a Class B-3 license shall be One Thousand Six Hundred (\$1,600) dollars per year.
- B-4. Class B-4 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, and that alcoholic liquors may be served at a holding bar as described in Section 5.08.010 (J) above. All food service tables shall be served alcoholic liquors by a waitperson from a service bar, as defined in Section 5.08.010 (K) above. Class B-4 licenses shall permit live entertainment as described in Section 5.08.010 (L) Definitions above, provided such live entertainment meets the requirements of Section 17.20.010 (A5) and Section 17.25.030 (91) of the zoning code of St. Charles. The live entertainment shall be permitted in the enclosed portion of the premises only, on any Friday night until 2:00 A.M. Saturday and any Saturday night until 2:00 A.M. Sunday, except that outdoor live entertainment shall be prohibited between the hours of 10:00 P.M. and noon of the following day. Additionally, the sound level of any amplified outdoor entertainment shall not exceed 60 decibels at the property line of any residential district. The fees for a Class B-4 license shall be Two Thousand Six Hundred (\$2,600.00) dollars per year.
- B-5. Class B-5 licenses shall authorize the retail sale of beer and wine only for consumption on the premises described on license application only and shall not permit relocation. Class B-5 licenses shall authorize the sale of beer and wine during the hours of 11:00 A.M. and 11:00 P.M. of any weekday except Friday and Saturday; the sale of beer and wine on Friday and Saturday shall be 11:00 A.M. to 11:59 P.M.; the sales of beer and wine on Sunday shall be Between the hours of noon and 10:00 P.M. There shall be only four Class B-5 licenses issued during any one-year period. The fee for a Class B-5 license shall be One thousand two hundred (\$1,200.00) dollars. Additional restrictions for Class B-5 licenses shall be as follows:

- B-5-1. License number B-5-1 is not to be removed from the location of 2125 West Main St. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner,
- B-5-2. License number B-5-2 is not to be removed from the location of 105 North Second Ave. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner. The licenses at 105 North Second Ave. permits outdoor service only in the fenced-in west patio as shown in the site plan attached hereto as Exhibit A and not in the east patio. Further, license number B-5-2 shall be allowed to serve wine and champagne for consumption on the premises only in conjunction with food services between the hours of 10:00 A.M. and noon on Sunday.
- B-5-3. License number B-5-3 is not to be removed from the location of 1554 East Main St. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner.
- B-5-4. License number B-5-4 is not to be removed from the location of 3895 East Main St. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner.

Class C -Tavern; Bar; Saloon Licenses

C. Class C licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, the premises defined as tavern, bar or saloon. The premises shall meet requirements as described in Section 5.08.010 (H-1 and/or H-2.) Class C licenses shall authorize the sale of alcoholic liquors in outdoor sales areas provided such sales are in conjunction with food service only as described in 5.08.010 (H-1) above and provided such outdoor sales areas meet the requirements of Section 17.20.010 (A4) and Section 17.25.030 (90) of the zoning code of St. Charles. Unless otherwise defined, closing hours for sales of alcoholic liquor under Class C licenses are between the hours of 1:00 A.M. and 7:00 A.M. of any weekday, and between the hours of 1:00 A.M. and noon of any Sunday, further, Class C licenses are permitted to sell alcoholic liquors at retail on New Year's Day, January 1st between the hours of midnight, December 31st and 3:00 A.M. on January 1st. Class C licenses shall be additionally divided into the following sub-classes:

C-1. Class C-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only. The premises shall meet requirements as described in Section 5.08.010 (H-1 and H-2.) Class C licenses shall authorize the sale of alcoholic liquors in outdoor sales areas provided such sales are in conjunction with food service only, as described in 5.08.010 (H-1) above and provided such outdoor sales areas meet the requirements of Section 17.20.010 (A4) and Section 17.25.030 (90) of the zoning code of St. Charles. Live entertainment and supplemental late hours shall not be permitted. Fees for Class C-1 licenses shall be One Thousand Three Hundred (\$1,300) dollars.

- C-2. Class C-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only. The premises shall meet requirements as described in Section 5.08.010 (H-1 and H-2.) Class C-2 licenses shall permit live entertainment as described in Section 5.08.010 (L) Definitions above, provided such live entertainment meets the requirements of Section 17.20.010 (A5) and Section 17.25.030 (91) of the zoning code of St. Charles. The live entertainment shall be permitted in the enclosed portion of the premises only, on any Friday night until 2:00 A.M. Saturday and any Saturday night until 2:00 A.M. Sunday, except that outdoor live entertainment shall be prohibited between the hours of 10:00 P.M. and noon of the following day. Additionally, the sound level of any amplified outdoor entertainment shall not exceed 60 decibels at the property line of any residential district. The fees for a Class C-2 license shall be Two Thousand Six Hundred (\$2,600.00) dollars per year.
- C-3. Class C-3 licenses shall authorize the retail sale of beer and wine only for consumption on the premises described on license application only and shall not permit relocation. The premises shall meet requirements as described in Section 5.08.010 (H-1 and/or H-2.) The fees for Class C-3 licenses shall be One Thousand Two hundred (\$1,200.00) dollars.

Class D - Specific Alcoholic Liquor Sales and Site Specific Alcoholic Liquor Sales Licenses

- D. Class D licenses shall authorize the retail sale of specific alcoholic liquor sales and/or specific location sales. Class D licenses shall be for consumption of alcoholic liquors on the premises only, Class D licenses may permit sales of alcoholic liquors as described in Class B and Class C above, as specified on licensee's application. Class D licenses shall be additionally divided into the following sub-classes:
- D-1. Class D-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any resort hotel or motel only, as described in Section 5.08.010 (D) Definitions in this chapter, such retail sale to be made by the person who operates the resort hotel or motel. Additionally, each of the residence rooms of the resort hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors without violating the provisions of Sections 5.08.260, 5.08.270 and 5.08.280 of this chapter. Class D-1 licenses shall authorize the sale of alcoholic liquors from one halfway house as described in Section 5.08.010 (M) Definitions. Further, Class D-1 licenses shall authorize the sale of alcoholic liquors from two motorized food and beverage cars operating on the 18 hole golf course for consumption on said golf course only, subject to the following restrictions: All alcoholic liquors shall be served in other than glass containers; All cars shall only operate on designated golf cart paths; Class D-1 licenses shall have the same restrictions as Class B-3 licenses. Closing hours for Class D-1 licensees shall be as follows:

1. Between the hours of 1:00 A.M. and 7:00 A.M. on Mondays;
2. Between the hours of 2:00 A.M. and 7:00 A.M. on Tuesday through Friday;
3. Between the hours of 3:00 A.M. and 7:00 A.M. on Saturdays;
4. Between the hours of 3:00 A.M. and noon on Sunday except that restaurants located at such resort hotel or motel shall be authorized to sell alcoholic liquors at retail after 10:00 A.M. on Sunday and before noon on Sunday, but only for consumption in the dining facilities of the licensee's restaurants in conjunction with and incidental to the purchase (for fair consideration) and consumption of a sit-down meal.
5. The exception to the foregoing hours will be that on New Year's Day, January 1st. it is lawful to keep open any premises where alcoholic liquors is permitted to be sold for consumption on the premises, between the hours of midnight, December 31st. and 3:00 A.M. January 1st.

The fees for Class D-1 shall be Four Thousand (\$4,000.00) dollars per year.

- D-2. Class D-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any hotel or motel only, as described in Section 5.08.010 (D) Definitions in this chapter, such retail sale to be made by the person who operates the hotel or motel. Additionally, each of the residence rooms of the hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors without violating the provisions of Sections 5.08.260, 5.08.270 and 5.08.280 of this chapter. The fees for Class D-2 licenses shall be Two Thousand (\$2,000.00) dollars per year.
- D-3. Class D-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any banquet hall in conjunction with the service to sit down meals. One or more portable or permanent bars are permitted, when the person who operates the banquet hall makes such retail sale of alcoholic liquor. The fees for Class D-3 shall be Two Thousand (\$2,000.00) dollars per year.
- D-4. Class D-4 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of any club as described in Section 5.08.010 (C) Definitions, provided, that such club shall have been in existence for at least six months prior to the filing of an application for a license under this chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. The fees for a Class D-4 license shall be One Thousand (\$1,000.00) dollars per year.

- D-5. Class D-5 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of the theater premises located at 105 East Main St. The sale of alcoholic liquors shall be from one permanent location in the vestibule, one service bar in the balcony and up to two other service bars as dictated by the event; provided, however, that unless employed by the licensee, no person under the age of 21 years shall be present on the premises during the exhibition of motion pictures for commercial profit while alcoholic liquor is being served. The fees for a Class D-5 license shall be Two Thousand (\$2,000.00) dollars per year.
- D-6. Class D-6 licenses shall be authorize the retail sale of alcoholic liquors for consumption on the premises only in conjunction with the operation of the Q Center located on the premises at 1405 North Fifth Ave. In addition, the following restrictions shall apply: Alcoholic liquor may be sold only between the hours of 11:00 A.M. and 1:00 A.M. and further shall be limited to individuals and their guests who are participating in events under the direct control of the licensee. The license shall not be removed from the location at 1405 North Fifth Ave. without the approval of the City Council and the consent of the Local Liquor Control Commissioner. The fees for a Class D-6 license shall be Two Thousand (\$2,000.00) dollars per year.
- D-7. Class D-7 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises located at 8 North 2nd Avenue only, further, such retail alcoholic liquor sales shall be limited to the lower floor clubroom and further such premises shall be as described in Section 5.08.010 (C) Definitions, provided, that such club shall have been in existence for at least six months prior to the filing of an application for a license under this chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. Alcoholic liquor sales shall be restricted to club members and their invited guests only, and for events sponsored by the licensee only. The fee for a Class D-7 license shall be five (\$500.00) dollars per year.

Class E - Temporary Licenses

- E. Class E licenses shall authorize the retail sale of beer and wine for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. In the event such license is for an out of doors function, the licensee shall rope off the licensed premises, shall provide for pickup of litter and trash, shall hand-stamp each patron being served after checking the identification of such patron, and shall provide no more than one plastic glass of beer or wine per patron per order. There shall be five liquor supervisors for each one hundred patrons during hours of the license. The liquor supervisors shall be members of the organization to which the license issued. A sign limiting beer and wine consumption to the roped off premises shall be prominently displayed at all times. Class E licensees shall obtain a separate permit or license from the Illinois Liquor Control Commission each special event or catered function. Evidence of adequate dram shop insurance and liability insurance issued by an insurance carrier approved by the Local Liquor Control Commissioner shall accompany any application for a license. Class E license shall be additionally divided into the following sub-classes:

E-1. Class E-1 licenses shall authorize the retail sale of beer and wine for consumption on the premises only and for a period of twenty-four hours or less. Class E-1 licenses shall be issued to not for profit applicants only for special events or catered functions, where the dispensing of food predominates. Application for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless prior City Council approval and the consent of the Local Liquor Control Commissioner are submitted with the application for Class E-1 licenses, and shall not be issued for more than three times within any three hundred sixty five-day period. Closing hours for Class E-1 licenses shall be between the hours of midnight and 7:00 A.M. and between the hours of 11:00 P.M. and midnight. No more than two Class E-1 licenses will be issued for any twenty-four hour period. There shall be no Class E-1 licenses issued during the second full week of October, beginning 12:00 A.M Friday and ending 12:00 A.M. Monday. The fees for a Class E-1 license shall be fifty (\$50.00) dollars per day; the initial license fee of double the fee shall not be applicable.

E-2. Class E-2 licenses shall authorize the retail sale of beer and wine for consumption on the premises only and for a period of twenty-four hours or less. Class E-2 licenses shall be issued to only Class B and Class C licensees for special events or catered functions, where the dispensing of food predominates. Application for Class E-2 licenses shall be limited to St. Charles licensees and shall not be issued for more than three times within any three hundred sixty five-day period. Closing hours for Class E-2 licenses shall be midnight to noon. No more than two Class E-2 licenses will be issued for any twenty-four hour period. There shall be no Class E-2 licenses issued during the second full week of October, beginning 12:00 A.M Friday and ending 12:00 A.M. Monday. The fees for a Class E-2 license shall be One Hundred (\$100.00) dollars per day; the initial license fee of double the fee shall not be applicable.

(Ord. 2003-M-1 § 1; Ord. 2002-M-76 § 1; Ord. 2001-M-59 § 1; Ord.2000-M-27 § 1; Ord. 1998-M-98 § 1; Ord. 1997-M-38 § 1 & 2; Ord. 1997-M-37 § 1; Ord. 1997-M-14 § 2; Ord. 1996-M-40 § 1; Ord. 1995-M-53 § 1; Ord. 1995-M-52 § 1; Ord. 1995-M-51 § 1; Ord. 1994-M-60 § 1; Ord. 1994-M-42 § 1; Ord. 1994-M-19 § 1; Ord. 1993-M-10 § 1; Ord. 1992-M-35 § 1; Ord. 1992-M-14 § 1; Ord. 1991-M-82 § 1; Ord. 1991-M-61 § 1; Ord. 1991-M-51 § 1; Ord. 1991-M-30 § 1; Ord. 1990-M-94 § 1 & 2; Ord. 1990-M-51 § 1; Ord. 1989-M-20 § 1; Ord. 1988-M-71 § 1; Ord. 1988-M-70 § 1; Ord. 1987-M-34 § 1; Ord. 1985-M-81 § 1; Ord. 1985-M-32 § 1; Ord. 1984-M-37 § 1 & 2; Ord. 1984-M-36 § 1; Ord. 1984-M-2 § 1; Ord. 1981-M-36 § 1; Ord. 1981-M-30 § 1; Ord. 1981-M-7 § 1; Ord. 1981-M-6 § 1; Ord. 1981-M-3 § 1; Ord. 1980-M-25 § 1(b),(h); Ord. 1979-M-54 § 1 (b); Ord. 1978-M-1 § 1; Ord. 1977-M-39 § 1; Ord. 1977-M-28 § 2; Ord. 1976-M-42 (part); Ord. 1976-M-5 (part); prior code § 24.029.)

5.08.090 LICENSE - NUMBER TO BE ISSUED

There shall be issued no more than a maximum of seventeen Class A; Thirty-nine Class B; seven Class C; nine Class D.

(Ord. 2003-M-89 § 1; Ord. 2003-M-86 § 1; Ord. 2003-M-69 § 1; Ord.2003-M-57 § 1; Ord. 2003-M-35 § 1; Ord. 2002-M-77 § 1; Ord. 2002-M-23 § 1; Ord. 2001-M-47 § 1; Ord. 2001-M-16 § 1; Ord. 2001-M-1 § 1; Ord. 2000-M-100 § 1; Ord. 1997-M-109 § 1; Ord. 1997-M-97 § 1; Ord. 1997-M-88 § 1; Ord. 1997-M-81 § 1; Ord. 1997-M-38 § 3; Ord. 1997-M-14 § 1; Ord. 1997-M-13 § 1; Ord. 1996-M-61 § 1; Ord. 1996-M-39 § 1; Ord. 1995-M-53 § 4; Ord. 1995-M-11 § 1; Ord. 1993-M-29 § 1 & 2; Ord. 1992-M-40 § 1; Ord.

1992-M-35 § 2; Ord. 1991-M-70 § 1; Ord. 1991-M-51 § 2; Ord. 1991-M-30 § 2; Ord. 1991-M-16 § 1; Ord. 1991-M-8 § 1; Ord. 1990-M-94 § 3; Ord. 1990-M-51 § 1; Ord. 1989-M-61 § 1; Ord. 1989-M-20 § 21; Ord. 1988-M-74 § 1; Ord. 1984-M-34 § 2; Ord. 1984-M-37 § 3; Ord. 1982-M-23 § 1; Ord. 1982-M-23 § 1; Ord. 1982-M-18 § 1; Ord. 1981-M-30 § 1; Ord. 1981-M-7 § 2; Ord. 1980-M-49 § 1; Ord. 1979-M-54 § 1©; Ord. 1979-M-14: § 1; Ord. 1978-M-36 § 1; Ord. 1978-M-11 § 1; Ord. 1977-M-41; Ord. 1977-M-3; Ord. 1976-M-10; Ord. 1976-M-9; Ord. 1976-M-5: prior code § 24.030.)

5.08.100 LICENSE - TERM

Each license issued under this chapter shall terminate on April 30th following the date of issuance. (Ord. 1976-M-5 (part): prior code § 24.006.)

5.08.110 LICENSE - RECORDKEEPING BY CITY CLERK

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 to the Chief of Police. (Ord. 1976-M-5 (part): prior code § 24.007.)

5.08.120 LICENSE - TRANSFERABILITY

- A. A license shall be a purely personal privilege, good for a period not to exceed April 30th following issuance unless sooner revoked as provided in this chapter, and shall not constitute property; nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution; provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death, bankruptcy or insolvency of such licensee.
- B. When the licensee is a corporation, the license shall terminate whenever fifty percent or more of the ownership interest therein changes from that shown on the original license application. In such event, the corporation, through its officers, must make applications for the issuance of a new license as provided herein; provided, however, that the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned fifty percent or more of the ownership interest of such corporation at the time the original application was filed with the City. (Ord. 1980-M-25 § 1 (c); Ord. 1976-M-5 (part): prior code § 24.009.)

5.08.130 LICENSE - RENEWAL

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 provided for in this section 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. (Ord. 1976-M-5 (part): prior code § 24.012.)

5.08.140 LICENSE - REVOCATION OR SUSPENSION - HEARING PROCEDURE

- A. The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend any license issued under his authority if he or she 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 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 City Police Department acting as agents.

In addition to or in lieu of a suspension, the local liquor control commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000.00 for each violation; each day on which a violation continues shall constitute a separate violation. Not more than \$10,000.00 in fines under this section may be imposed against any licensee during the period of the license issued. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury.

Further, 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 City the following: 1) reasonable attorney's fees incurred by the City, the Chief of Police and the local liquor control commissioner; and 2) reasonable costs, including but not limited to, the costs of court reporter fees and witness fees incurred by reason of the hearing.

- B. 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 or she may, upon the issuance of a written order stating the reason for such conclusions and without notice of 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.
- C. The Local Liquor Control Commissioner shall within five (5) days after such hearing, if he or she 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 five (5) days upon the licensee.

- D. Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Liquor Control Compiled Statutes.

(Ord. 2001-M-23 § 1; Ord. 1995-M-53 § 7; Ord. 1076-M-5 (part): prior code §24.003(B).)

5.08.150 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 a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Local Liquor Control 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 (48) hours from the time of any such action or actions. Notice shall also be given to the Illinois Liquor Control Commission of the revocation of any and all such licenses. (Ord. 1976-M-5 (part): prior code § 24.0035.)

5.08.160 FORFEITURE OF FEES UPON LICENSE REVOCATION

Whenever any license under this chapter has been revoked, as provided for in this Chapter, the license shall incur a forfeiture of all moneys that have been paid for said license. (Ord. 1976-M-5 (part): prior code § 24.025.)

5.08.170 LICENSED PREMISES - USE AFTER REVOCATION OF LICENSE

When any license has 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. (Ord. 1976-M-5 (part): prior code 24.026.)

5.08.180 LICENSED PREMISES - DISPLAY OF LICENSE REQUIRED

Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (Ord. 1976-M-5 (part): prior code § 24.028.)

5.08.190 LICENSED PREMISES - WARNING TO MINORS

Every licensee shall display at all times a printed sign, which shall read substantially as follows:

WARNING TO MINORS

You are subject to a fine of up to five hundred (\$500.00) dollars 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.

5.08.210 LICENSED PREMISES - SANITARY CONDITIONS REQUIRED

All premises used for the retail sale of alcoholic liquor, or for the storage of such alcoholic liquor for sale, shall be kept in full compliance with the ordinances regulating the conditions of premises used for the storage or sale of food for human consumption. (Ord. 1976-M-5 (part): prior code § 24.014.)

5.08.220 LICENSED PREMISES - EMPLOYING PERSONS AFFLICTED WITH DISEASE PROHIBITES

It is unlawful to employ in premises used for resale sale of alcoholic liquor any person who is afflicted with, or is a carrier of, any contagious, infectious or venereal disease; and it is 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 alcoholic liquor. (Ord. 1976-M-5 (part): prior code § 24.015.)

5.08.230 LICENSED PREMISES - CHANGE IN PERSONNEL

- A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the local liquor control commissioner within ten days of the change. All new personnel shall meet all the standards of this Chapter 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 days of the change.
- B. 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.
- C. When a license has been issued to a corporation and a change takes place in officers, directors, managers or shareholders of more than five percent 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.
- D. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.
- E. Owner and manager in charge of an alcoholic liquor licensed establishment shall at all times be declared with such person's or persons' names being of record with the local liquor control commissioner and Chief of Police.
(Ord. 1980-M-25 § 1 (e); Ord. 1976-M-5 (part): prior code § 24.010.)

5.08.240 LICENSED PREMISES - CHANGE OF LOCATION

A license issued under this Chapter 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 regulations of this Chapter. (Ord. 1976-M-5 (part): prior code § 24.011.)

5.08.250 LICENSED PREMISES - LOCATION RESTRICTIONS

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval 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 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 the ordinance codified in this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or education programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (Ord. 1990-M-69 § 1; Ord. 1976-M-5 (part); prior code § 24.016.)

**5.08.260 STORES SELLING SCHOOL SUPPLIES OR FOOD TO MINORS -
LICENSE ISSUANCE PROHIBITED**

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 minors. (Ord. 1976-M-5 (part); prior code § 24.017.)

5.08.270 SALES TO HABITUAL DRUNKARDS AND MENTAL INCOMPETENTS

- A. No licensee or officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years, 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 years except in the performance of a religious ceremony or service. It is 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.
- B. It is 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 any compartment adjoining or adjacent to or situated in the room or place where such licensed premise is located; provided, that this subsection shall not apply to any minor who is accompanied by his or her agent or guardian or:
 - 1. That portion of any licensed premise which derives its principal business from the sale of service or commodities other than alcoholic liquor; or

2. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises where the sale and consumption of food predominates the sale and consumption of alcoholic liquor; or
 3. A picnic, bazaar, fair, festival, wedding or similar assembly where food is dispensed and only where the dispensing of food predominates for a period from 12:00 noon to midnight and subject to the other applicable provisions as set forth in this Code; or
 4. Any licensed premises which, for a period of at least 30 minutes prior to the admission of minors and for at least 30 minutes after the departure of minors, does not dispense or sell any alcoholic liquor to any person on the premises.
- C. 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 Subsection C of this Section.
- D. It is unlawful for any parent or guardian to knowingly permit any minor child of whom he or she is parent or guardian to violate any provisions of this Section.
- E. It is unlawful for any minor to tend bar.
- F. It is unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises.
- G. Effective May 1, 2004, it shall be the duty of every licensee to require their officers, associates, members, representatives, agents or employees who sell, give or deliver alcoholic liquor or beverages to be trained and certified by the Beverage Alcohol Sellers and Servers Education and Training program (BASSET) licensed and administered by the State of Illinois Liquor Control Commission (ILCC). Further, BASSET training and certification shall be a prerequisite to the issuance of liquor licenses issued by the Liquor Commission effective May 1, 2004. It shall be the duty of the City of St. Charles Liquor Commission to notify all present licensed holders and persons making application for a liquor license of this requirement.

(Ord. 2001-M-56 § 1; Ord. 1980-M-25 § 1 (f).)

5.08.280 SALES TO AND POSSESSION BY PERSONS UNDER TWENTY- ONE, INTOXICATED PERSON, PERSON UNDER LEGAL DISABILITY OR IN NEED OF MENTAL TREATMENT - PROOF OF IDENTITY AND AGE - GATHERINGS WHERE ONE OR MORE PERSON ARE UNDER EIGHTEEN

- A. No licensee nor any officer, associate, 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 to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.
- B. 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 years, except in the performance of a religious ceremony or service.

- C. For the purpose of preventing the violation of this Section, any licensee or his agent or employee, may refuse to sell or serve alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one years.
- D. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or the subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this Section is competent evidence and may be considered in any proceeding to enforce this Section or to any proceedings for the suspension or revocation of any license based thereon.
- E. No person shall sell, give, or furnish to any person under the age of twenty-one years any false or fraudulent written, printed or photostated evidence of the age and identity of such person nor shall anyone sell, give or furnish to any person under the age of twenty-one years evidence of age and identification of any other person.
- F. No person under the age of twenty-one years shall present or offer to any licensee, his agent or employee, any written, printed or Photostatted evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic liquor, nor shall any person have in his possession any false or fraudulent written, printed or Photostatted evidence of age and identity.
- G. No person under the age of twenty-one years shall have any alcoholic liquor in his possession nor shall any such person consume any alcoholic liquor. This Section does not apply to possession by a person under the age of twenty-one years or consumption in the performance of a religious ceremony or service. (Ord. 1995-M-1 § 1.)
- H. No person shall knowingly permit gathering at a residence, which he or she occupies of two or more persons where any one or more of the persons is under the age of eighteen years and the following factors also apply:
1. The person occupying the residence knows that any such person under the age of eighteen years is in possession of or is consuming any alcoholic liquor; and
 2. The possession or consumption of the alcoholic liquor by the person under the age of eighteen years is not otherwise permitted by the St. Charles Municipal Code; and
 3. The person occupying the residence knows that the person under the age of eighteen years leaves the residence in an intoxicated condition.

For the purposes of this Subsection (H) where the residence has an owner and a tenant or lessee, there is a refutable presumption that the residence is occupied only by the tenant or lessee.

(Ord. 9188-M-14 § 1; Ord. 1987-M-81 § 1; Ord. 1980-M-25 § 1 (g); Ord. 1976-M-5 (part): prior code § 24.020.)

5.08.285 RESPONSIBILITY OF THE OWNER OR OCCUPANT OF PREMISES

Except under the direct supervision and approval of the parents or parent, it is unlawful for any owner or occupant of any premises located within the City to knowingly allow a person under the age of twenty-one years to remain on such premise while in the possession of alcoholic liquor or while consuming alcoholic liquors in violation of the St. Charles Municipal Code. (Ord. 1995-M-1 § 1; Ord. 1982-M-48 § 1.)

5.08.290 GAMBLING ON LICENSED PREMISES PROHIBITED

It is unlawful to, permit any gambling except as may be authorized by the state on any premises licensed to sell alcoholic liquor. (Ord. 1976-M5- (part): prior code § 24.021.)

5.08.300 REFILLING ORIGINAL PACKAGES

No person licensed under this Chapter 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 is 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. (Ord. 1976-M-5 (part): prior code § 24.023.)

5.08.310 SOLICITATION ON LICENSED PREMISES PROHIBITED

It is 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 contained in this Section 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 manager or waitress. (Ord. 1976-M-5 (part): prior code § 24.023.)

5.08.320 QUANTTIY SALES FOR ON PREMISES CONSUMPTION

It is 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 in individual servings not exceeding thirteen fluid ounces. (Ord. 1976-M-5 (part): prior code § 24.024.)

5.08.330 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. (Ord. 1976-M-5 (part): prior code § 24.018.)

5.08.340 MINORS PROHIBITED FROM SERVING ALCOHOLIC LIQUOR

No licensee under the provisions of this chapter, either individually or through agents or employees shall permit any employee or other person under the age of twenty-one years to pour, mix sell or serve any alcoholic liquors

5.08.355 AFTER HOUR OCCUPANCY OF ESTABLISHMENT

- A. It is unlawful for any person to sell or offer for sale, at retail, or to give away, in or upon any licensed premises, any alcoholic liquor during the hours in which sale of such alcoholic liquors is prohibited. It is unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which sale of such alcoholic liquor is prohibited. Establishments at which the primary purpose of the premises shall be for retail sales other than the sale of alcoholic liquors, such as food store, drug store mass merchandiser, clubs, hotels and motels may remain open for business during such hours, but no alcoholic liquor may be sold or consumed during such hours. The licensee and any of its employees and no other persons shall be allowed to remain on or about the licensed premises to clean up or perform maintenance on the premises.
- B. All premises in which alcoholic liquors are sold at retail for consumption on the premises and which are located below ground level shall have visible access to the interior for purposes of police inspection and the after hours safety of the occupants. Such visible access may be through an exterior door with a window measuring not less than eight inches by eight inches.
- C. It is unlawful for any person to consume any alcoholic liquor on any premises licensed under the provisions of this chapter during the hours when the sale of such alcoholic liquor is prohibited by ordinance. (Ord. 1982-M-49 § 1.)

5.08.360 HARBORING INTOXICATED PERSONS

No licensee under the provisions of this chapter, either individually or through agents or employees shall harbor or permit any intoxicated person or persons to loiter on the premises, or to permit any conduct, which shall tend to disturb the peace and quiet of the neighborhood.

5.08.370 PEDDLING ALCOHOLIC LIQUOR IN CITY PROHIBITED

It is unlawful to peddle alcoholic liquor in the City. (Ord. 1976-M-5 (part): prior code § 24.013.)

5.08.380 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. (Ord. 1976-M-5 (part): prior code § 24.027.)

**5.08.390 CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR ON
PUBLIC PROPERTY**

It is unlawful for any person to possess, except in original packages with seals unbroken, any alcoholic liquor upon any street, sidewalk, alley or other public right-of way and City property. However, upon approval of the City Council and the consent of the Local Liquor Control Commissioner this section shall not apply to the premises of a Class E license pursuant to this chapter. (Ord. 1982-M-62 § 1; Ord. 1976-M-5 (part): prior code § 24.039.)

5.08.400 VIOLATION - PENALTY

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$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. (Ord. 1982-M-62 § 2.)

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting Municipal Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on February 16, 2004, the Corporate Authorities of such municipality passed and approved Ordinance No. 2004-M-12, entitled

"An Ordinance Amending Title 5," Business Licenses
and Regulations," Chapter 5.08, "Alcoholic Beverages,"
of the St. Charles Municipal Code,"

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

The pamphlet form of Ordinance No. 2004-M-12, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 20, 2004, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 16th day of February.



Municipal Clerk

