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City of St. Charles, Illinois

Ordinance No. 2015-M-14

Motion to approve an Ordinance Amending Title 5, Entitled " 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

March 2, 2015

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Nancy Garrison

City Clerk

(S E A L)

City of St. Charles, Illinois
Ordinance No. 2015-M-14

An Ordinance Amending Title 5, Entitled " 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:

SECTION 1: That Title 5 Entitled "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code is hereby amended by deleting this Chapter in its entirety and replacing the same and substituting the following therefore:

Chapter 5.08

ALCOHOLIC BEVERAGES[2]

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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 the Liquor Control Act of 1934, approved January 31, 1934, as amended (235 ILCS 5/1-1 et seq.) ("Liquor Control Act"), shall have the meanings 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. "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

B. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to any liquid or solid containing one-half of one percent, or less, of alcohol by volume.

C. "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.

D. "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 the Liquor Control Act, as amended.

E. "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.

F. "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. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.

G. "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 building or buildings, structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

H. "Intoxication" or "intoxicated" means that as a result of drinking alcoholic liquor there is an impairment of a person's mental or physical faculties so as to diminish the ability to think and act with ordinary care.

I. "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 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.

J. "Private function" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

K. "Resort Hotel" or "Resort Motel" means a hotel or motel, as described in Paragraph G above, which provides golfing and swimming.

L. "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant shall be the service of meals. No restaurant licensed as such shall sell alcoholic liquor unless its full kitchen, kitchen staff and serving staff are in operation providing the restaurant's full menu to its guests. Alcoholic liquor may be served from a service bar or in a holding bar. (Ord. 2012-M-30 § 1.)

M. "Restaurant and Tavern" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant and tavern shall be the service of meals. Provided, all tables at which food is served shall only be served alcoholic liquor by waitpersons from a service bar. Alcoholic liquor may be served from a holding bar, provided, a full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until eleven o'clock (11) p.m. Sunday through Thursday, and eleven o'clock (11) p.m. Friday and Saturday. After such times, in the event a full menu is not provided, a reduced menu, which includes only appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available, however provided in no event shall the kitchen cease operating sooner than one hour before closing.

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

O. "Sell at retail" and "Sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

P. "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.

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

R. "Tavern," "Bar" or "Saloon" means any place that engages in the retail sale of alcoholic liquor for consumption on the premises. No tavern, bar or saloon shall sell alcoholic liquor unless food/menu items are offered to its guests. In the event a full menu is not provided a reduced menu, which includes appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available. (Ord. 2012-M-30 § 2.)

S. "To sell" includes to keep or expose for sale and to keep with intent to sell.

T. "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."

(Ord. 2014-M-24 § 1; Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1996-M-53 § 13; Ord. 1977-M-28 § 1; Ord. 1976-M-5 (part): prior code § 24.001.)

5.08.020 Local Liquor Control Commission – Designated

A. Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be a member and shall be the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

B. Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council and two (2) members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.

(Ord. 2013-M-40 § 1; Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; 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 liquor licenses issued to persons or entities for premises within the City, and to impose fines as authorized in this chapter;

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 Liquor Control Act 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 subsection;

C. To receive complaints from any citizen within the City that any provision of the Liquor Control Act 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 liquor license fees and pay same to the City. The Local Liquor Control Commissioner also has the duty to notify the Secretary of State of any convictions or dispositions of court supervision for violation of Section 6-20 of the Liquor Control Act;

E. To examine or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee upon whom notice of revocation, suspension or fine 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 his agent to act on his behalf;

F. To notify the Secretary of State of Illinois where a club incorporated under the General Not for Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq., as amended) or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this chapter by selling or offering for sale at retail alcoholic liquors without a local liquor license pursuant to this chapter.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.003(A).)

5.08.035 Local Liquor Control Commission – Powers and Duties

The Local Liquor Control Commission shall perform such functions and duties as directed or requested by the Local Liquor Control Commissioner in relation to the regulation of license activities including but not limited to the following:

A. Upon the request of the Local Liquor Control Commissioner, the Local Liquor Control Commission shall review the applications and the investigations of applicants for liquor licenses, and submit its findings and recommendations to the Local Liquor Control Commissioner.

B. Conduct disciplinary hearings and submit findings and recommendations to the Local Liquor Control Commissioner setting forth its conclusions with respect to the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any.

C. Review and recommend changes in this Chapter to the Local Liquor Control Commissioner.

D. Keep written records of its meetings and proceedings, which shall be open for public inspection in accordance with the Freedom of Information Act (5 ILCS 140/1 *et seq.*)

E. Hold regular meetings at times and on days as designated by the Chairman of the Commission.

(Ord. 2013-M-40 § 2.)

5.08.040 License – Required – Term

It is unlawful to sell or offer for sale at retail in the City any alcoholic liquor without a local retail liquor license ("local liquor license"), or in violation of the terms of such license. Each local liquor license issued under this chapter shall terminate on April 30 following date of issuance.
(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.006.)

5.08.050 License – No Issuance to Debtor

No local liquor license shall be authorized for issuance and no initial local liquor license or renewal local liquor license shall be issued if the applicant, or any sole proprietor, partner, co-partner, member, officer, manager, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock thereof (either individually or in the foregoing capacities) is a debtor to the City for any reason whatsoever, regardless of whether the debt has been discharged such that the City can no longer collect such debt in any legal proceeding and regardless of whether such debt is owed by any of the foregoing:

A. individually/personally; or
B. in the capacity as a sole proprietor, partner, co-partner, member, officer, manager, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of any other legal entity, other than the applicant, that is a debtor to the City for any reason whatsoever, and regardless of whether the debt has been discharged such that the City can no longer collect such debt in any legal proceeding.

(Ord. 2010-M-29 § 1.)

5.08.060 License – Dram Shop Insurance Required Prior to Issuance

No local liquor 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. In addition, a copy of said insurance policy must be made available at all times for inspection and filed with the City Clerk.

Every licensee shall be required to provide the Local Liquor Commissioner with a copy of each renewal/new policy of dram shop insurance when applying for either a new or renewal license.

Any licensee failing to provide a copy of the renewal/new policy of dram shop insurance shall pay a late filing fee in the amount of $50.00. Further, said licensee shall be subject to a fine of not less than two hundred fifty dollars ($250.00) for their first offense of operating without Dram Shop insurance nor more than seven hundred fifty dollars ($750.00) for each subsequent offense. Further, said licensee may be subject to a fine, license suspension or license revocation as provided by this Chapter 5.08.
(Ord. 2012-M-30 § 3; Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1996-M-53 § 15; Ord. 1979-M-54 § 1(a); Ord. 1976-M-5 (part): prior code § 24.008.)

5.08.070 License – Application Requirements

A. Applications for a local 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 not an individual, 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 license 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 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, 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 Local Liquor Control 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 Local Liquor Control 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 with the advice and consent of the City Council.

C. There shall be an application fee of two hundred ($200.00) dollars, which shall be non-refundable and if a license is granted, applied to the first license fee. BYOB and Special Event license application fees shall be the cost of the license. Any outstanding fines and fees related said licensure owed to the City shall be satisfied before a license is granted. All monies paid to the City shall be delivered via a certified bank check, or cash. City will not accept credit cards or personal checks. At the discretion of the City Clerk, corporate checks may be accepted.

Any license that is issued in advance of the completion of the fingerprint background investigation may be rescinded by the Liquor Commissioner if the results of the investigation do not comply with section 5.08.080 of this Code.

(Ord. 2014-M-4 § 1; Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1999-M-21 § 1; Ord. 1980-M-25 § 1(a); Ord. 1976-M-5 (part): prior code § 24.004.)

5.08.080 License – Restriction on Issuance

No such license shall be issued to:

A. A person who is not a resident of the City of St. Charles;

B. A person who is not of good character and reputation in the community in which he resides or in St. Charles;

C. A person who is not a citizen of the United States;

D. A person who has been convicted of a felony under any Federal or State law, unless the Local Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

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

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

G. A person whose license under this chapter or the Liquor Control Act has been revoked for cause;

H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

I. A 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 hereunder for any reason other than residence in the City, unless residency is required by local ordinance;

J. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City;

K. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Local Liquor Control Commissioner shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;

L. 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;

M. 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;

N. 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;

O. 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;

P. Any person, firm or corporation not eligible for a state retail liquor dealer's license;

Q. Any applicant who fails to obtain a state liquor license;

R. A person who is not a beneficial owner of the business to be operated by the licensee;

S. A person who has been convicted of a gambling offense as proscribed by any of subsections (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;

T. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act;

U. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in the Liquor Control Act;

V. A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Local Liquor Control Commissioner shall determine if all provisions of this subsection (V) have been met before any action on the corporation's license is initiated;

W. In addition to other grounds specified in this chapter, the Local Liquor Control Commissioner shall refuse the issuance or renewal of a local liquor license, or suspend or revoke such license, for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:

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

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.005.)

5.08.085 Issuance of Licenses and Restrictions-Liquor Control Commissioner/City Council

The Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner and City Council deem necessary. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, permit entertainment as specifically authorized with the issuance of any license.

5.08.090 License – Classifications

Local liquor licenses for the retail sale of alcoholic liquor shall be divided into the following classes and sub-classes:

A. Class A – Packaged Alcoholic Liquor Licenses

Class A licenses shall authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises, except as permitted for the Class A-4 license. Class A licenses are 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. Such licenses shall not be authorized for gasoline filling stations. The primary purpose of the premises shall be the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand square feet (2,000'). (Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

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 the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000'), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1; Ord. 2008-M-71 § 1.)

A-2B. Class A-2B licenses shall authorize the retail sale of beer and wine only in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of beer and wine, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000'), and provided the square footage devoted to the retail sale of beer and wine is ten percent (10%) or less, of the gross square footage.
(Ord. 2012-M-30 § 4.)

A-3. Deleted in its entirety.
(Ord. 2012-M-30 § 5; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

A-4. Class A-4 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-4 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises where fermented on the premises.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

A-5. Class A-5 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor shall be incidental to non-alcoholic liquor retail sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, by the glass only, for consumption on the premises.
(Ord. 2010-M-52 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

(Ord. 2010-M-29 §1; Ord. 2008-M-80 § 1.)

B. **Class B – Restaurant Licenses**

Class B licenses shall authorize the retail sale of alcoholic liquors, beer, or wine, for consumption on the premises of a restaurant or tavern, whose primary purpose is that of a restaurant or restaurant and tavern as defined in this chapter. Live entertainment may be permitted as otherwise provided in this chapter. A restaurant licensed to sell alcohol under this Section may permit a patron to remove one, unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent,

one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is sealed in accordance with the provisions of this section and not tampered with shall not be in violation of section 5.08.290 while being transported in a motor vehicle.

B-1 Class B-1 licenses shall authorize the retail sale of alcoholic beverages for consumption on the premises of a restaurant and tavern.

B-2. Class B-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-2 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises, in conjunction and solely with a carry out order of one or more meals. The following additional application requirements apply to all Class B licenses:

1. Every application for a Class B license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following:
   a. the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof;
   b. the designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, rest rooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided.
   c. the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
2. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting same on the approved site drawing or as provided on the of the licensee.
   (Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)
3. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4. It shall be unlawful for any Class B licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

C. **Class C – Tavern; Bar; Saloon Licenses**

Live entertainment may be permitted as otherwise provided in this chapter for Class C licenses. A tavern, bar, or saloon licensed to sell wine under this Code may permit a patron to remove one, unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall be in violation of section 5.08.290 while being transported in a motor vehicle. Class C licenses are 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 of a tavern, bar, or saloon. Class C-1 licenses may authorize the sale of alcoholic liquor in outdoor sales areas provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

C-2. Class C-2 licenses shall authorize the retail sale of beer and wine only for consumption on the premises of a tavern, bar, or saloon.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

C-3. Class C-~~3~~ 3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-3 licenses may authorize the sale of alcoholic liquor in outdoor sales areas provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner. Class C-3 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises.
(Ord. 2010-M-52 § 5.)

The following additional application requirements apply to all Class C licenses:

1. Every application for a Class C license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale, showing the following:
   a. the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof,
   b. the designated use if each room or segregated area (e.g. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided (Class C-2 only with Local Liquor Control Commissioner approval), etc.).
   c. the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
2. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting same on the approved site drawing or as provided on the face of the license.
3. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4. It shall be unlawful for any Class C licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

D. **Class D – Specific Alcoholic Liquor Sales and Site Specific Licenses**

Class D licenses are 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 and shall be issued only to the operator of said resort hotel or motel. The licensee shall be permitted sales of alcoholic liquors as permitted by Class B and C licenses. 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. Class D-1 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house and from two (2) motorized food and beverage cars operating on the eighteen (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.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

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 and shall be issued only to the operator of said 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.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

D-3. Class D-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a golf club or any banquet hall at a golf club in conjunction with the service of sit down meals. One (1) or more portable or permanent bars are permitted, when the person who operates the banquet hall makes such retail sale of alcoholic liquor. Class D-3 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house and from two (2) motorized food and beverage cars operating on eighteen (18) hole and nine (9) hole golf courses 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 paths.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

D-4. Class D-4-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of any club, provided, that such club shall have been in existence for at least six (6) 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.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

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 (1) permanent location in the vestibule, one (1) service bar in the balcony, and up to two (2) other service bars as dictated by the event.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

D-6. Class D-6 licenses shall 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. Alcoholic liquor sales are 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 consent of the Local Liquor Control Commissioner.
(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

D-7 Class D7 licenses shall authorize the retail sale of wine and beer for consumption on the premises only for non-for-profit organization of such theatre located at 111 West Main Street. The sale of beer and wine shall be from one (1) permanent location in the vestibule and service will only be allowed when theatre events are being held on this premise.

E. **Class E – Temporary Licenses**

Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1, E-4 or E-5 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, issue two (2) or more Class E licenses so as to

authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function. Class E licenses are divided into the following sub-classes:

E-1. Class E-1 licenses shall authorize, at the Local Liquor Control Commissioner with advice and consent of the City Council, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 shall be issued for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner, with advice and consent of City Council, approves otherwise. There shall be no Class E-1 licenses issued beginning at 12:00 a.m. Friday, before Columbus Day and ending 12:00 a.m. Monday, on Columbus Day.
(Ord. 2012-M-30 § 6; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

E-2. Class E-2 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor licensees for special events or catered functions where the dispensing of food predominates. There shall be no Class E-2 licenses issued beginning at 12:00 a.m. Friday before Columbus Day and ending 12:00 a.m. Monday, on Columbus Day. Notwithstanding the restrictions on the issuance of Class E-2 licenses in the preceding sentence, Class E-2 licenses may be issued during said period subject to the following provisions:

1. A Class E-2 license may be issued only in the event the principal street access in front of the licensed premises is blocked due to road closure resulting from a festival taking place during said October period;
2. In addition to all other conditions and restrictions applicable to Class E-2 licenses, the Local Liquor Control Commissioner may impose such additional conditions and/or restrictions as he deems necessary; and
3. The Local Liquor Control Commissioner may, with the advice and consent of the City Council waive or vary any conditions and/or restriction applicable to a Class E-2 license, if deemed appropriate under the circumstances.

(Ord. 2012-M-30 § 6; Ord. 2010-M-29 § 1; Ord. 2009-M-60 § 1; Ord. 2008-M-80 § 1.)

E-3. The Class E-3 license shall authorize the retail sale of beer and wine for consumption on the premises only. The Class E-3 license shall be issued solely to the Kane County Fair Board for the conduct of the annual Kane County Fair during July of each year. The Class E-3 license shall be valid only for the scheduled dates of the Kane County Fair as determined by the Local Liquor Control Commissioner.
(Ord. 2010-M-29 § 1.)

E-4. Class E-4 licenses shall authorize at the Local Liquor Control Commissioner's discretion, and subject to prior approval by the City Council, either the sale or delivery of beer and wine, or alcoholic liquors, for consumption on City owned property, including but not by way of limitation, 1st Street Plaza. There shall be no Class E-4 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.
(Ord. 2010-M-29 § 1.)

E-5. Class E-5 licenses shall authorize, at the Local Liquor Control Commissioner, with advice and consent of the City Council, either the sale or delivery of beer and wine or alcoholic liquors, for consumption on the premises only. The Class E-5 license shall be issued solely for the conduct of not more than twenty (20) days of events that the Local Liquor Control Commissioner, City Council and Chief of Police deem licensable per calendar year at specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said

events and major festivals or events occurring in the City, including, but not limited to, Flea Market held at the Kane County Fairgrounds, Riverfest, Scarecrow Festival, and the St. Patrick's Day Parade. Such license shall be issued solely for specific premises that is open to the public and kept, used, maintained, advertised and held out to the public as a place where retail business activities or operations are conducted, other than the sale of alcoholic liquor. Events shall be permitted solely on such dates and during such times as are set forth in any Class E-5 license issued.
(Ord. 2012-M-30 § 6.)

E-6. Class E-6 Temporary License Permits shall authorize the retail sale of beer and wine or the retail sale of alcoholic liquor for consumption on the premises only until 1:00 a.m. or 2:00 a.m. on a specified date. This license shall be issued to Class B and C license holders only for special events or catered functions with the dispensing of food. The issuance of the Class E-6 Temporary License Permit shall be at the discretion of the Local Liquor Control Commissioner, with advice and consent of City Council. Application for a Class E-6 Temporary License Permit shall be submitted 45 days in advance of a scheduled date. No more than four (4) permits shall be issued to any licensee per fiscal year. A license permit is per event during a 24-hour period. There shall be no Class E-6 Temporary License permits issued during the second full week of October beginning 12:00 a.m. on Friday and ending 12:00 a.m. on Monday.
(Ord. 2014-M-5 § 1.)

E-7. Class E-7 Temporary License Permits shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-7 licenses shall be issued to only Class A-2 and A-2B liquor licenses for special events or catered functions where the dispensing of food predominates. The issuance of the Class E-7 Temporary License Permit shall be at the discretion of the local Liquor Control Commissioner, with advice and consent of City Council. No more than four (4) permits shall be issued to any one licensee per fiscal year. Application for a Class E-7 Temporary License Permit shall be submitted at least 45 days prior to a scheduled event. The hours of service for beer and wine under the E-7 Temporary License Permit shall be restricted to the hours of 12:00 p.m. – 9:00 p.m., Monday through Sunday."

In the event any Class E license (with respect to any Class E-5 license, if required in whole or in part by the Local Liquor Control Commissioner, City Council or Chief of Police) is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

1. The license shall rope off or fence the licensed premises.
2. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 or Class E-4 license) consumption to the roped off or fenced area shall be prominently displayed by licensee at all times.
3. The license shall provide for the pickup of all litter and trash.
4. The Local Liquor Control Commissioner, with the advice and consent of the City Council, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all

compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If said deposit does not cover actual amount due, licensee is responsible for any balance due.

5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, permit minors to be present in a licensed premises where food is also served.
(Ord. 2012-M-30 § 6.)

F-1 Class F-1 Carry-In License shall authorize the carry-in of beer or wine (spirits are not permitted) to a commercial business or place of public accommodation that does not sell alcoholic beverages in which food preparation and service of food is the principal business conducted for consumption on the premises subject to the following limitations:

1. The beer or wine is carried and unopened;
2. No more than one bottle of wine not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron;
3. At the licensee's discretion, the licensee may require the beer or wine to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
4. The beer or wine may only be consumed by persons who are served a meal;
5. The beer or wine may be served only during the hours that food is being served;
6. Proof of dram shop insurance;
7. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
8. Carry-in licensees are prohibited from storing alcohol on the premises, unless the licensee also has an appropriate license allowing the retail sale of alcoholic liquors on the premises;
9. Patrons may remove one, unsealed and partially consumed bottled of wine for off-premise consumption and any sealed bottles/cans of beer provided that the patron has purchased a meal and consumed a portion of the bottle of wine/beers with the meal on the restaurant premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag;
10. Carry-in licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;
11. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
12. The hours of operation for a class F-1 license holder are the same as those prescribed for a Class A license holder in Section 5.08.130A of this chapter.

F-2 Class F-2 Carry-In/Store on Premise License shall authorize the carry in of beer, wine or spirits into a commercial business and place of public accommodation in which social interaction takes place (social club) that does not sell alcoholic beverages and the aforementioned items can either be securely stored on the premises in a secured locker or carried away subject to the following limitations:

1. The beer, wine, or spirits are carried and unopened;
2. No more than one bottle of wine/spirits not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron at any one time;
3. At the licensee's discretion, the licensee may require the beer, wine or spirits to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
4. Proof of dram shop insurance;
5. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
6. Patron may remove one, unsealed and partially consumed bottled of wine/spirits for off-premise consumption and any sealed bottles/cans of beer. Partially consumed bottles of wine/spirits or sealed bottles/cans of beer must be removed from the premises securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag or stored away in a secured locker and not for public distribution or consumption;
7. Carry-in/store licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;
8. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
9. The hours of operation for a Class F-2 license holder are the same as those prescribed for a Class A license holder in Section 5.08-130A of this chapter.

(Ord. 2012-M-30 § 6; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)
(Ord. 2012-M-30 § 6; Ord. 2011-M-37 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

F. Deleted. (Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)
(Ord. 2010-M-29 § 1;Ord. 2008-M-80 § 1; Ord. 2008-M-16 § 1; Ord. 2007-M-46 § 1; Ord. 2007-M-27 § 1; Ord. 2006-M-67 § 1; Ord. 2006-M-37 § 1; Ord. 2006-M-28 § 1; Ord. 2004-M-23 § 1; Ord. 2004-M-20 § 1; Ord. 2004-M-19 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-96 § 1; 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; 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; 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-67 § 1; Ord. 1991-M-51 § 1; Ord. 1991-M-30 § 1; 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-36 § 1; Ord. 1984-M-37 § 1 and 2; 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.)

5.08.095 Late Night Permit

A. The late night permit is issued as a condition of a Class B-Restaurant License and Class C-Tavern; Bar; Saloon Licenses and authorizes the holder of a Class B or Class C license to apply for either a 1:00 a.m. or 2:00 a.m. late night permit. The City Council may modify the number of Late Night Permits upon the application, revocation, surrender, expiration without renewal or abandonment of a Class B, Class C or Late Night Permit. Class B and C licenses, absent a Class E-6 Temporary License Permit or Late Night Permit, will be permitted to operate until either 1:00 a.m. or 2:00 a.m. immediately following the day of the City of St. Charles sponsored St. Patrick's Day Parade, the Wednesday before Thanksgiving, and New Year's Eve.

B. The City Council may, but is not limited to, consider the following criteria in reviewing and recommending the issuance of the **late night permit** to the Liquor Control Commissioner.
   1. The surrounding land uses,
   2. The business concept,
   3. The proximity to other liquor establishments,
   4. The applicant's prior business experience,
   5. The public's health, safety and welfare,
   6. Public Safety resources,
   7. Market conditions,
   8. Any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.

C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a **late night permit**, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the **late night permit** term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or **late night permit** application may result in a delay in issuing said license and permit by May 1 of that year.

D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
   1. Chief of Police
   2. Fire Department
   3. Finance Department
   4. Community Development Department

E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a recommendation from the Chief of Police on whether the **late night permit** shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.

F. Any application and recommendation for a new or renewal of a **late night permit**, shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a **late night permit** shall have the opportunity to be present and provide input on said application, prior to

the Liquor Control Commission making a recommendation. Late night permits and renewals of late night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.

G. Any new liquor license application where a new **late night permit** is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.

H. **Notice of Violation Process-Late Night Permit**. If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a **late night permit** and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor licensee with the **late night permit** shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.

I. **Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit**. In the event that a liquor license holder, has applied for or been issued a **late night permit**, and has demonstrated circumstances giving reason to review whether that **late night permit** shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
   1. Finance Department as it relates to unpaid fees, utilities or city taxes;
   2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
   3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
   4. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
   5. Other departments with applicable information.

J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.

K. The Liquor Control Commission may recommend the issuance or denial of a requested **late night permit** for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.

L. In the event a late night permit, due to a violation, is revoked or the hour for closing is reduced, there shall be no reimbursement of the later night permit fee.

(Ord. 2014-M-4 § 2.)

5.08.100 License Fees; Late Night Permit Fees; Fees Established

A. Fees Established. The fees for the various Classes of local liquor licenses authorized in this chapter shall be as follows:

Class License	Annual License Fee	Comments
A-1	$1,600.00	Package Liquor Stores Only
A-2	1,600.00	Grocery Stores
A-2B	1,600.00	Wine/Beer Sales Only
A-4	1,600.00	Brewery Sales
A-5	1,800.00	Wine by Glass & Bottle Sales
B-1	1,200.00	Basic Restaurant Liquor License

B-2	1,800.00	Purchase Wine w/Takeout
C-1	1,200.00	Basic Tavern Liquor License
C-2	1,200.00	Beer/Wine Only
C-3	1,800.00	Sale of Bottled Wine
D-1	4,000.00	Pheasant Run
D-2	2,000.00	Hotels
D-3	2,000.00	Banquet Halls/Country Clubs
D-4	1,000.00	Moose/Clubs
D-5	2,000.00	Arcada
D-6	2,000.00	Q-Center
D-7	500.00	Steele Beam Theatre
E-1	50.00 per day	Not for Profit
E-2	100.00 per day	Special Events B/C licensees
E-3	50.00 per day	Kane County Fair
E-4	100.00 per day	City Owned Premises
E-5	500.00 annual	Harley Davidson
E-6	100.00 per day	Special Late Night Permit Event
E-7	100.00 per day	Special Events A-2/A-2B licensees
F-1	100.00	BYOB Beer and Wine Only
F-2	250.00	BYOB Beer, Wine, and Spirits

NOTE: Initial license fee is doubled for all first time Class A, B, C, D license applicant fees.
(Ord. 2014-M-25§ 2; Ord. 2014-M-5 § 2; Ord. 2014-M-4 § 3; Ord. 2012-M-30 § 7; Ord. 2010-M-52 § 7.)

Late Night Permit	**Fee**	**Renewal**
Late Night Permit – 1 (1:00 a.m.)	$800.00	$800.00
Late Night Permit – 2 (2:00 a.m.)	$2,300.00	$2,300.00

(Ord. 2014-M-25 § 2; Ord. 2014-M-4 § 3.)

B. Proration: There shall be no proration of local liquor license fees or late night permit fees for any reason. Notwithstanding the foregoing, if an initial license is issued after November 1, the initial license fee shall be one-half (1/2) of the "Initial License Fee" set forth above.

C. Forfeiture of License Fee: Whenever any local liquor license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for said local liquor license.

(Ord. 2014-M-4 § 3; Ord. 2011-M-37 § 2; Ord. 2010-M-29 § 1;Ord. 2008-M-80 § 1; Ord. 2008-M-16 § 1; Ord. 2007-M-46 § 1; Ord. 2007-M-27 § 1; Ord. 2006-M-67 § 1; Ord. 2006-M-37 § 1; Ord. 2006-M-28 § 1; Ord. 2004-M-23 § 1; Ord. 2004-M-20 § 1; Ord. 2004-M-19 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-96 § 1; 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; 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; 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-67 § 1; Ord. 1991-M-51 § 1; Ord. 1991-M-30 § 1; 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-36 § 1; Ord. 1984-M-37 § 1 and 2; 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.)

5.08.110 Number of Licenses

At no time shall the maximum number of licenses in each class exceed the actual number of licenses issued except as amended from time to time by actions of the City Council.

(Ord. 2014-M-25§ 3; Ord. 2014-M-5 § 2. Ord. 2013-M-27 § 1; Ord. 2012-M-31 § 1; Ord. 2011-M-37 § 3; Ord. 2010-M-29 § 1; Ord. 2010-M-1 § 1; Ord. 2009-M-66 § 1; Ord. 2009-M-42 § 1; Ord. 2009-M-39 § 2; Ord. 2008-M-65 § 1; Ord. 2008-M-18 § 1; Ord. 2008-M-12 § 1; Ord. 2006-M-23 § 1; Ord. 2004-M-74 § 1; Ord. 2004-M-72 § 1; Ord. 2004-M-60 § 1; Ord. 2004-M-50 § 1; Ord. 2004-M-30 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-89 § 1 ; Ord. 2003-M-86 § 1 ; Ord. 2003-M-69 § 1 ; Ord. 2003-M-57 § 1; Ord. 2003-M-47 § 1; Ord. 2003-M-35 § 1; Ord. 2002-M-89 § 1; Ord. 2002-M-85 § 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. 2000-M-82 § 1; Ord. 2000-M-78 § 1; Ord. 2000-M-23 § 1; Ord. 1998-M-66 § 1; Ord. 1998-M-45 § 1; Ord. 1997-M-120 § 1; 1997-M-109 § 1; 1997-M-97 § 1; 1997-M-88 § 1; 1997-M-81 § 1; 1997-M-38 § 3; 1997-M-14 § 1; 1997-M-13 § 1; 1996-M-61 § 1; 1996-M-39 § 1; 1995-M-53 § 4; 1995-M-11 § 1; 1993-M-29 § 1; 1992-M-40 § 1; 1992-M-35 § 2; 1991-M-70 § 1; 1991-M-51 § 2; 1991-M-30 § 2; 1991-M-16 § 1; 1991-M-8 § 1; 1991-M-8 § 1; 1990-M-94 § 3; 1990-M-51 § 1; 1989-M-61 § 1; 1989-M-20 § 2; 1988-M-74 § 1; 1984-M-34 § 2; 1984-M-37 § 3; 1982-M-23 § 1; 1982-M-18 § 1; 1981-M-30 § 1; 1981-M-7 § 2; 1980-M-49 § 1; 1979-M-54 § 1(c); 1979-M-14 § 1; 1978-M-36 § 1; 1978-M-11 § 1; 1977-M-41; 1977-M-3; 1976-M-10; 1976-M-9; 1976-M-5: prior code § 24.030.)

5.08.120 Temporary License

Notwithstanding any provision of this chapter to the contrary, and provided that an applicant has otherwise fully complied with the requirements of this chapter and is eligible to receive a local liquor license, including the payment of the applicable local liquor license fee, the Local Liquor Control Commissioner may issue a temporary local liquor license, pending a receipt of the results of the fingerprint(s) record search for said applicant.

A temporary local liquor license shall be valid for a period of two (2) months, unless sooner terminated, as hereinafter provided.

A temporary local liquor license shall terminate upon the first of the following to occur:

1. The expiration of two (2) months after the issuance of such temporary local liquor license;
2. The receipt of satisfactory results with respect to the fingerprint(s) record search for the applicant and the issuance of the local liquor license otherwise provided for by this chapter;
3. The receipt of results with respect to the fingerprint(s) record search for the applicant which would give the Local Liquor Control Commissioner grounds not to issue the local liquor license otherwise provided for by this chapter.

The Local Liquor Control Commissioner may issue no more than two (2) temporary local liquor licenses with respect to a particular application. Any applicant requesting and receiving a temporary local liquor license does so at his own risk. Under no circumstances shall the local license fee paid be prorated or refunded, even if no local liquor license is issued.
(Ord. 2010-M-29 § 1.)

5.08.130 License – Hours of Sale

A. It shall be unlawful for any person holding a Class A-1, A-2, A-2B, A-4, A-5, F-1, & F-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7:00 a.m. and after the hour of 10:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and prior to the hour of 10:00 a.m. and after the hour of 10:00 p.m. on Sunday except where December 24 or December 31 occurs on a Sunday, then alcoholic liquor sales shall be unlawful prior to the hour of 8:00 a.m. and after the hour of 10:00 p.m.
(Ord. 2012-M-30 § 8.)

B. It shall be unlawful for any person holding a Class B-1 or B-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and between the hours of 12 midnight and 10:00 a.m. on Sunday.
(Ord. 2013-M-55 § 1; Ord. 2012-M-30 § 8.)

C. It shall be unlawful for any person holding a Class B-1, B-2, C-1, C-2, or C-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 12:00 midnight and 10:00 a.m. on Sunday.
(Ord. 2014-M-4 §4; Ord. 2013-M-55 § 2; Ord. 2012-M-30 § 8.)

D. It shall be **lawful** for any person holding a B-1, B-2, C-1, C-2 or C-3 license issued pursuant to this chapter to sell, offer for sale, in or upon any licensed premises, any alcoholic liquor until 2:00 a.m. on January 1.
(Ord. 2014-M-5 § 3; Ord. 2014-M-4 § 4.)

E. It shall be unlawful for any person holding a Class D-1 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; between the hours of 3:00 a.m. and 7:00 a.m. on Saturday; and between the hours of 3:00 a.m. and 10:00 a.m. on Sunday.
(Ord. 2012-M-30 § 8.)

F. It shall be unlawful for any person holding a Class D-2, D-4, D-5, D6 or D7 license issued pursuant to this liquor chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
(Ord. 2012-M-30 § 8.)

G. It shall be unlawful for any person holding a Class D-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday.
(Ord. 2012-M-30 § 8.)

H. It shall be unlawful for any person holding a Class E-1 or E-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 11:00 p.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, except as otherwise authorized by the City Council.
(Ord. 2012-M-30 § 8.)

I. It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor

between the hours of 12:00 midnight and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
(Ord. 2012-M-30 § 8.)

J. It shall be unlawful for any person holding a Class E-5 license issued pursuant to this chapter to sell or deliver, in or upon any licensed premises, any alcoholic liquor, except during those hours as specifically set forth in said Class E-5 license.
(Ord. 2012-M-30 § 8.)

K. It shall be **lawful** for any person holding a Class E-6 Temporary License Permit issued pursuant to this chapter to sell, offer for sale in or upon any licensed premises, any alcoholic liquor until 1:00 a.m. or 2:00 a.m. (on specified date as stated on approved permit by City Council).
(Ord. 2014-M-5 § 3.)

L. It shall be unlawful for any person holding a Class E-7 Temporary License Permit issued pursuant to this chapter to sell, offer for sale, or give away for consumption on the licensed premises any beer or wine between the hours of 9:01 p.m. – 11:59 a.m. on the specified date as stated on approved permit by City Council.
(Ord. 2014-M-25 § 4)

(Ord. 2014-M-25 § 4; Ord. 2014-M-5; Ord. 2014-M-4 § 4; Ord. 2011-M-37 § 4; Ord. 2010-M-52 § 8; Ord. 2010-M-29 § 1.)

5.08.140 License – Renewal Deadline

Any licensee may renew his local liquor license at the expiration thereof; provided, that he is then qualified to receive a local liquor license and the premises for which such renewal local liquor 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 local liquor licenses to be issued within the City. A liquor licensee shall file an application for renewal of a local liquor license, accompanied by the applicable local liquor license fee and all required documentation, including dram shop insurance coverage, on or before April 1, in any given year. There shall be a late payment fee of fifty dollars ($50) for failure to comply with the foregoing.
(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.012.)

5.08.150 License – Cessation of Business – Revocation of Licenses – Reduction in Licenses

In the event the licensee ceases to do business at the licensed premises, whether voluntarily or involuntarily (including revocation of licensee's local liquor license), other than temporarily for a period of not to exceed thirty (30) successive days, for purposes of remodeling, or for purposes other than remodeling but with the prior written approval of the Local Liquor Control Commissioner, the local liquor license of such licensee shall be deemed forfeited and the number of authorized local liquor licenses in the particular class shall automatically be reduced by one as of the date the licensee ceases to do business. If any licensee desires to close the business or place of business for more than thirty (30) successive days, said licensee shall so notify the Local Liquor Control Commissioner in writing, including the reasons therefore and requesting an extension, and the Local Liquor Control Commissioner may grant such an extension on a showing of good cause. The Local Liquor Control Commissioner shall notify in writing the City Clerk and City Council of any cessation of business by a licensee, in excess of thirty (30) days.
(Ord. 2010-M-29 § 1.)

5.08.160 License – Licensed Premises – Change of Location

A local liquor license issued under this chapter shall permit the sale of alcoholic liquor only in the premises described in the application and local liquor 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.011.)

5.08.170 License – Change in Name

A liquor licensee that changes the name of the establishment but does not change the location or ownership shall within 30 days of the change notify the Local Liquor Control Commissioner and pay a fee of $50. The Local Liquor Control Commissioner shall issue a local liquor license in the new name, cause the new local liquor license to be available, and shall take possession of the local liquor license made out in the old name upon the turning over of the new local liquor license to the licensee.
(Ord. 2010-M-29 § 1.)

5.08.180 License – 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 local 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. All owners and managers in charge of a local liquor licensed establishment shall at all times be declared with such person(s) or entity(s) names being on record with the Local Liquor Control Commissioner and Chief of Police.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1980-M-25 § 1(e); Ord. 1976-M-5 (part): prior code § 24.010.)

5.08.190 License – Transfer

A license shall be purely a personal privilege, good for a period not to exceed one year after issuance, unless sooner revoked as in this chapter provided, 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 not descend by the laws of testate or intestate devolution, but it shall cease upon death of the licensee, 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 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 no longer than six months after the death, bankruptcy, or insolvency of such license. No refund shall be made of that portion of the local

liquor license fee paid for any period in which the licensee shall be prevented from operating under such local liquor license in accordance with provisions of this section.
(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1980-M-25 § 1(c); Ord. 1976-M-5 (part): prior code § 24.009.)

5.08.200 License – Use of Licensed Premises After Revocation

When any license shall have been revoked for any cause, no local liquor license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only and the new licensee is not related to the revoked licensee.
(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.026.)

5.08.210 License – 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.028.)

5.08.220 License – Multiple Locations

Where two (2) or more locations, places or premises are under the same roof or at one street address, a separate local liquor license shall be obtained for each such location, place or premise; provided that nothing herein contained shall be so construed as to prevent any hotel or motel operator licensed under the provisions of this chapter from serving alcoholic liquor to his registered guests in any room or part of his hotel or motel, if such liquor so served shall be kept in and served from a licensed location, place or premises in said hotel or motel.
(Ord. 2010-M-29 § 1.)

5.08.230 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 currently holds a local liquor license issued by the City; 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1990-M-69 § 1; Ord. 1976-M-5 (part): prior code § 24.016.)

5.08.240 Stores Selling School Supplies or Food to Underage Persons

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 persons under the age of 21years or where the

principal business transacted consists of school books, school supplies, food, lunches, dancing, games or other amusements or drinks for such persons under the age of 21 years.
(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.017.)

5.08.250 Regulations Applicable Generally

A. False Statement.
It shall be a violation of this chapter for any licensee or any officer, associate, member, representative, agent, or employee of any licensee to make a false statement of fact to the Local Liquor Control Commissioner, his agent or any police officer with respect to any application for a local liquor license or investigation of any alleged violation of this chapter or law.

B. Compliance with law.
All licenses, licensees and licensed premises shall be subject to all of the provisions of the Liquor Control Act, all applicable federal and state statutes, and ordinances of the City.

C. Compliance with State Liquor Commission Rules.
All licensees shall be subject to the Rules and Regulations of the Illinois Liquor Control Commission, as amended (11 Ill. Admin. Code Part 100), specifically including, but not limited to the following:

1. No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
2. No licensee, individual, partnership or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (1) of this section. This includes, but is not limited to, advertisements using the words "free" or "complimentary" with alcoholic liquor.
3. Subsection (1) shall not apply to wine tasting when permitted by this chapter.

D. BASSET Training.
It shall be the duty of every licensee to require their officers, associates, members, representatives, agents or any employee who sells, gives, oversees (bouncers/doormen), or delivers 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 local liquor licenses. It shall be the duty of the City of St. Charles Liquor Control Commissioner to notify all present licensed holders and persons making application for a liquor license of this requirement. Furthermore, BASSET verification must be made available upon request and files indicating BASSET training shall be maintained on-site of every licensee.
Any not-for-profit corporation who applies for a Class E temporary license shall be exempt from the BASSET training and certification requirements under the following conditions:

1. That the applicant has not been found in violation of any of the ordinances of the City of St. Charles within the past three years;
2. That uniformed St. Charles police officers are present during all times that alcohol is being served. The Local Liquor Control Commissioner shall determine the required number of officers which shall be present;
3. That at least one representative of the applicant organization is BASSET trained and certified;
4. That the BASSET certified representative provide and instruct BASSET training principles to all persons who will be serving alcohol pursuant to the Class E license.

5. That the Class E license holder is required to provide a bond, letter of credit or some type of surety to the City in the amount of $1,000 prior to issuance of the license. The surety will be returned to the license holder within 30 days after the event, provided no offenses occurred during the event. In the event the license holder is charged with any type of violation during the course of the event, the surety will be retained by the City and used to cover hearing and other related costs.

(Ord. 2010-M-29 § 1; Ord. 2004-M-44 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-97 § 1; Ord. 2001-M-56 § 1; Ord. 1980-M-25 § 1(f).)

E. Warning to Underage Persons.

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

"WARNING TO UNDERAGE PERSONS –

You are subject to a fine of up to seven hundred fifty ($750) dollars under the Ordinances of the City of St. Charles if you purchase alcoholic liquor or misrepresent your age for the purposes of purchasing or obtaining alcoholic liquor."

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-95 § 1; Ord. 1976-M-5 (part): prior code § 24.031.)

F. Warning to Pregnant Women.

Every licensee shall display at all times a printed sign, which shall be framed and hung in plain view reading as follows:

"Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects."

G. Sanitary Conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor or such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with all applicable laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.014.)

H. Athletic Amusements, Contests, Demonstrations, Entertainment, Activities, Events and Exhibitions on the Licensed Premises Prohibited – Exceptions.

1. The following athletic amusements, contests, demonstrations, entertainment, activities, events and exhibitions are prohibited at all establishments licensed by this chapter:
   i. Races between persons, animals or vehicles.
   ii. Baseball games.
   iii. Boxing, kickboxing, wrestling, hand-to-hand combat and martial arts.
   iv. Ultimate fighting, including, without limitation, physical combat between two (2) or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques or any combination thereof.
   v. Any other such athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition.
2. Notwithstanding the forgoing, the Local Liquor Control Commissioner, in his sole discretion, may approve, in writing, any athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition prohibited by this section, subject to the prior consent of the City Council pursuant to a resolution. In the event of approval, as provided herein, the licensee shall secure a permit for such athletic

amusement, contest, demonstration, entertainment, activity, event and/or exhibition, as appropriate and as required by this Code.

3. The licensee shall provide sufficient members and equipment of the police department and the fire department, including paramedic personnel, as the City Council determines necessary in its resolution consenting to such athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition. The licensee shall be responsible for all fees, payments and salaries of such members and personnel. The licensee shall be required to post a cash deposit to secure the payment of estimated fees, payments and salaries of such members and personnel. If said deposit does not cover the actual amount due, licensee is responsible for any balance due.

(Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)

I. 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.021.)

J. 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.022.)

K. 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 person, 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 such manager, bartender or waitress.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.023.)

L. Quantity 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.024.)

M. 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.018.)

N. Happy Hour Regulations.
No licensee shall violate the "happy hour" regulations set forth in 235 ILCS 5/6-28, as amended from time to time. Notwithstanding the foregoing, the following further and more restrictive prohibitions shall apply to all licensees:
1. No licensee, employee or agent shall serve more than one (1) drink of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person.
2. No licensee, employee or agent shall serve more than two (2) drinks of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person and one (1) other person; and
3. No licensee, employee or agent shall serve more than two (2) drinks of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person and two (2) or more other persons.

(Ord. 2010-M-29 § 1; Ord. 2008-M-16 § 2; Ord. 2004-M-12 § 1.)

O. After Hour Occupancy of Establishment.
1. 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.
2. 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.
3. 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 this chapter, including, but not limited to the licensee, its officers, agents and employees.

(Ord. 2010-M-29 §1; Ord. 2004-M-12 § 1 ; Ord. 2000-M-104 § 1; Ord. 1995-M-53 § 5 & 6; Ord. 1995-M-22 § 1; Ord. 1988-M-73 § 1; Ord. 1988-M-72 § 1; Ord. 1987-M-34 § 2; Ord. 1986-M-32 § 1; Ord. 1985-M-32 § 2; Ord. 1984-M-69 § 1; Ord. 1984-M-36 § 3; Ord. 1984-M-37 § 4; Ord. 1982-M-49 § 1; Ord. 1976-M-42 (part); Ord. 1976-M-14 § 2; Ord. 1976-M-5 (part): prior code § 24.033 & 24.034.)

P. Employment of Underage Persons.
1. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty-one (21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of

this subsection shall not be construed to prevent the employment of persons who are at least eighteen (18) years of age as waiters or waitresses for the purpose of serving food and alcoholic liquor on the licensed premises.

2. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell any alcoholic liquor in any licensed premises.

(Ord. 2010-M-29 § 1; Ord. 2004-M-43 § 1; Ord. 2004-M-12 § 1.)

Q. Licenses – Curb/Drive-Through Service.

No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curb service, drive-through window, or any other similar methodology. All such sales, gifts or deliveries are prohibited.

R. 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.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.036.)

S. Prohibited Sales.

1. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give, deliver, or allow the consumption of alcoholic liquor to any person under the age of twenty-one (21) 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.
2. For the purpose of preventing the violation of this section, any licensee, or his agent or employee, shall refuse to sell, deliver, serve, or allow the consumption of alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is twenty-one (21) years of age or older.
3. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or a 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 licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this section is an affirmative defense in any proceeding to enforce this section or to any proceedings for the suspension or revocation of any local liquor license based thereon.
4. It is unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of 21 years 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 such person under the age of 21 years who is accompanied by his or her agent or guardian; or
    a. That portion of any licensed premise which derives its principal business from the sale of service or commodities other than alcoholic liquor; or
    b. 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 except as otherwise prohibited for Class B and Class C licenses, as hereinafter provided in this chapter; or

c. 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

d. Any licensed premise 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 premise.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1995-M-1 § 1; Ord. 1988-M-14 § 1; Ord. 1987-M-81 § 1; Ord. 1980-M-25 § 1(g); Ord. 1976-M-5 (part): prior code § 24.020.)

T. B.Y.O.B. (Bring Your Own Bottle) Prohibited in Licensed Premises.

It is unlawful for any licensee, or his or her agent or employee, to permit any person to consume any alcoholic liquor on the licensed premises that was not purchased from the licensee.

U. Prohibited Entertainment.

It shall be unlawful to permit the following conduct on licensed premises:

1. Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual acts.
2. The actual or simulated touching caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.
3. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
4. Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, pubic hair, genitals, vulva or anus.

V. Teen Club/Teen Dance Club Prohibited.

It is unlawful to permit or operate a teen club/teen dance club at any time on any premises licensed to sell alcoholic liquor. For purposes of this subsection V, a teen club/teen dance club is defined as follows:

Any premises open to the public, all or any constituent part of which is restricted to the admission of, and which caters and/or is promoted to, patrons between the ages of thirteen (13) and twenty (20), inclusive, irrespective of whether admission is with or without an admission fee or charge, where patrons enjoy dancing, live and recorded music and entertainment, video or arcade games or other games or devices related to amusement or entertainment, or where videotape presentations are shown. "Teen Club/Teen Dance Club" does not include places operated by government entities, schools, religious institutions or any other non-commercial organization which might occasionally host or sponsor entertainment or activities for teenagers incidental to the organization's principle purpose.

(Ord. 2012-M-30 § 9.)

W. Payment of Taxes, Fees, Charges and Other Monies to City when Due.

It is the obligation of every licensee to pay to the City, **ON OR BEFORE THE DUE DATE**, each and every tax (including, but not limited to the St. Charles Alcohol Tax), fee, charge or other monetary obligation imposed by and/or owed to the City by said licensee.

The failure of a licensee to make any required payment, **ON OR BEFORE THE DUE**

DATE, shall subject the licensee to a Citation being issued to determine if the licensee shall be fined or having its license suspended or revoked.
THERE IS A ZERO TOLERANCE POLICY. THE CITATION SHALL BE PROSECUTED TO ITS CONCLUSION, REGARDLESS OF WHETHER THE PAYMENT IS SUBSEQUENTLY MADE AFTER THE DUE DATE.
(Ord. 2012-M-30 § 9.) (Ord. 2010-M-29 § 1.)

5.08.260 Regulations Applicable to Certain Licenses Only

A. Class A Licenses - Single Serving Sales Prohibited.
Beer in containers of 16 ounces or less shall not be sold to any person in quantities of less than six cans or bottles for consumption. The above provision shall not be applicable to the permitted sale of beer for consumption on the premises when brewed on the premises of a Class A-4 license.

B. Class A, Class D-1 and Class E Licenses - Wine and Beer Tasting.
Class A and D-1 local liquor license holders may conduct on premise wine and beer tasting, but only in connection with the bona fide sale of wine or beer in the original package for consumption not on the premises. Wine and beer tasting shall be confined to samples of not more than one ounce (1 oz.) of wine and two ounces (2 oz.) of beer in conjunction with the anticipated sale of wine and beer. The sample shall be provided without compensation. Class E local liquor license holders may conduct such wine and beer tasting, but only with the written approval of the Local Liquor Control Commissioner.

C. Class B, Class C, Class D-1 and Class E Licenses - Live Entertainment.
Class B, C and D-1 local liquor licenses may permit live entertainment as defined in this chapter and as regulated by this chapter and the City's zoning ordinance. Live entertainment may be permitted during the hours that alcoholic liquor may be sold. Notwithstanding the foregoing, outdoor live entertainment is expressly prohibited every day between the hours of 10:00 p.m. and noon the following day. Further the sound level of any amplified outdoor entertainment shall not exceed sixty (60) decibels at the property line of any residential district.
Class E licenses shall permit live entertainment only as expressly permitted in the approval of any such Class E license.

D. Class B and Class C Licenses – Underage Persons Prohibited in Licensed Premises at Certain Times.
Notwithstanding any provision of this chapter to the contrary, no Class B or Class C licensee shall permit any person under the age of twenty-one (21) years to enter or remain upon the licensed premises after the hour of 11:00 p.m., unless such person is accompanied by his or her parent or legal guardian at all times.
From and after the hour of 11:00 p.m. until closing, every Class B and Class C licensee shall verify that each person entering or remaining on the licensed premises is at least twenty-one (21) years of age, unless such person is accompanied by his or her parent or legal guardian at all times. This restriction shall not apply to private gatherings within an establishment, the location of which has been segregated from the general public within said establishment.
From and after the hour of 11:00 p.m. until closing, every Class B and Class C licensee shall have an employee or agent posted, at all times, at each entrance to the licensed premises who shall be responsible for verifying that each person entering the licensed

premises is at least twenty-one (21) years of age, unless accompanied by his or her parent or legal guardian.

Notwithstanding the foregoing, the provisions of this subsection D shall not be applicable to any person under the age of twenty-one (21) years lawfully employed at the licensed premises, provided that such person is on duty, working and being compensated therefore. (Ord. 2010-M-52 § 9.)

E. Class B and Class C Licenses – Sale/Consumption of Alcoholic Liquor on Licensed Premises Only – Defined.

Class B and Class C licenses authorize the retail sale of alcoholic liquor for consumption solely on the licensed premises. Class B and Class C licenses shall not engage in the sale of alcoholic liquor nor suffer or permit the consumption of alcoholic liquor, except on the licensed premises. For purposes of this prohibition, "premises" means the interior of the building governed by a Class B or C license. "Premises" specifically excludes sidewalks, streets, parking areas and grounds adjacent to any such building, regardless of whether such sidewalks, streets, parking areas and grounds adjacent to any such building are under the ownership or control of the licensee.

Notwithstanding the foregoing, a patio, deck or similar area may be specifically authorized and designated as being included in a Class B or Class C licensee's licensed premises, if the Local Liquor Control Commissioner, in his sole discretion, approves the sale and/or consumption of alcoholic liquor, in such patio, deck or similar area, on the site plan required for each Class B and Class C license.

F. Class B Licenses – Holding Bar

Class B licensed premises are permitted to have a holding bar on said premises, provided that said holding bar shall not contain seating in excess of 20% of the total number of seats approved for said premises.

(Ord. 2012-M-30 § 10.) (Ord. 2010-M-29 § 1.)

5.08.270 Underage Persons

A. 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, except in the performance of a religious ceremony or service.

B. No person shall sell, give, or furnish to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or Photostatted 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 (21) years evidence of age and identification of any other person.

C. No person under the age of twenty-one (21) 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.

D. No person under the age of twenty-one (21) 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 (21) years or consumption in the performance of a religious ceremony or service.

E. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of the order of his or her parent or

in pursuance of his or her employment.

Any person violating this section shall be fined two-hundred fifty dollars ($250.00) for the first offense nor more than seven hundred fifty dollars ($750.00) for each subsequent offense.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1995-M-1 § 1; Ord. 1988-M-14 § 1; Ord. 1987-M-81 § 1; Ord. 1980-M-25 § 1(g); Ord. 1976-M-5 (part): prior code § 24.020.)

5.08.280 Peddling Alcoholic Liquor in City Prohibited

It is unlawful to peddle alcoholic liquor in the City.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.013.)

5.08.290 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5(part): prior code § 24.027.)

5.08.300 Sale, Delivery, Consumption and Possession of Alcoholic Liquor on Public Property

It is unlawful for any person to sell, deliver, consume or possess, except in original packages with seals unbroken, any alcoholic liquor upon any streets, 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 issued pursuant to this chapter.

Notwithstanding the foregoing, alcoholic liquor may be sold, delivered, consumed and possessed on the public right-of-way adjacent to Class B licensed premises located within the First Street TIF District (described below), subject to: (a) approval of the City Council, (b) the premises obtaining a Sidewalk Café permit pursuant to Section 12.04.102 of this Code and (c) strict compliance with the site drawing (including conditions imposed by the Local Liquor Control Commissioner thereon) approved in conjunction with the issuance of the Class B license for said premises.

Any person violating this section shall be fined not less than one hundred dollars ($100.00) for the first offense nor more than two hundred fifty dollars ($250.00) for each subsequent offense.

(Ord. 2010-M-67 § 1; Ord. 2010-M-36 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-43 § 1; Ord. 2007-M-75 § 1; Ord. 2004-M-12 § 1; Ord. 1982-M-62 § 1; Ord. 1976-M-5 (part): prior code § 24.039.)

5.08.310 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 (21) years to remain on such premise while in the possession of alcoholic liquor or while consuming alcoholic liquor in violation of this chapter.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1995-M-1 § 1; Ord. 1982-M-48 § 1.)

5.08.320 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 of 1934 (235 ILCS 5/1-1 et seq.), 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 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. 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 One Thousand ($1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred ($1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred ($2,500) Dollars for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand ($15,000) Dollars in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspended and no license shall be fined 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. Further, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this chapter, he 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 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 determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the 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 Compiled Statutes.

(Ord. 2010-M-29 § 1; Ord. 2007-M-72 § 1; Ord. 2004-M-12 § 1; Ord. 2001-M-23 § 1; Ord. 1995-M-53 § 7; Ord. 1976-M-5 (part): prior code § 24.003(B).)

5.08. 330 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.007.)

5.08.340 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. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.025.)

5.08.350 Owner of Premises Permitting Violation

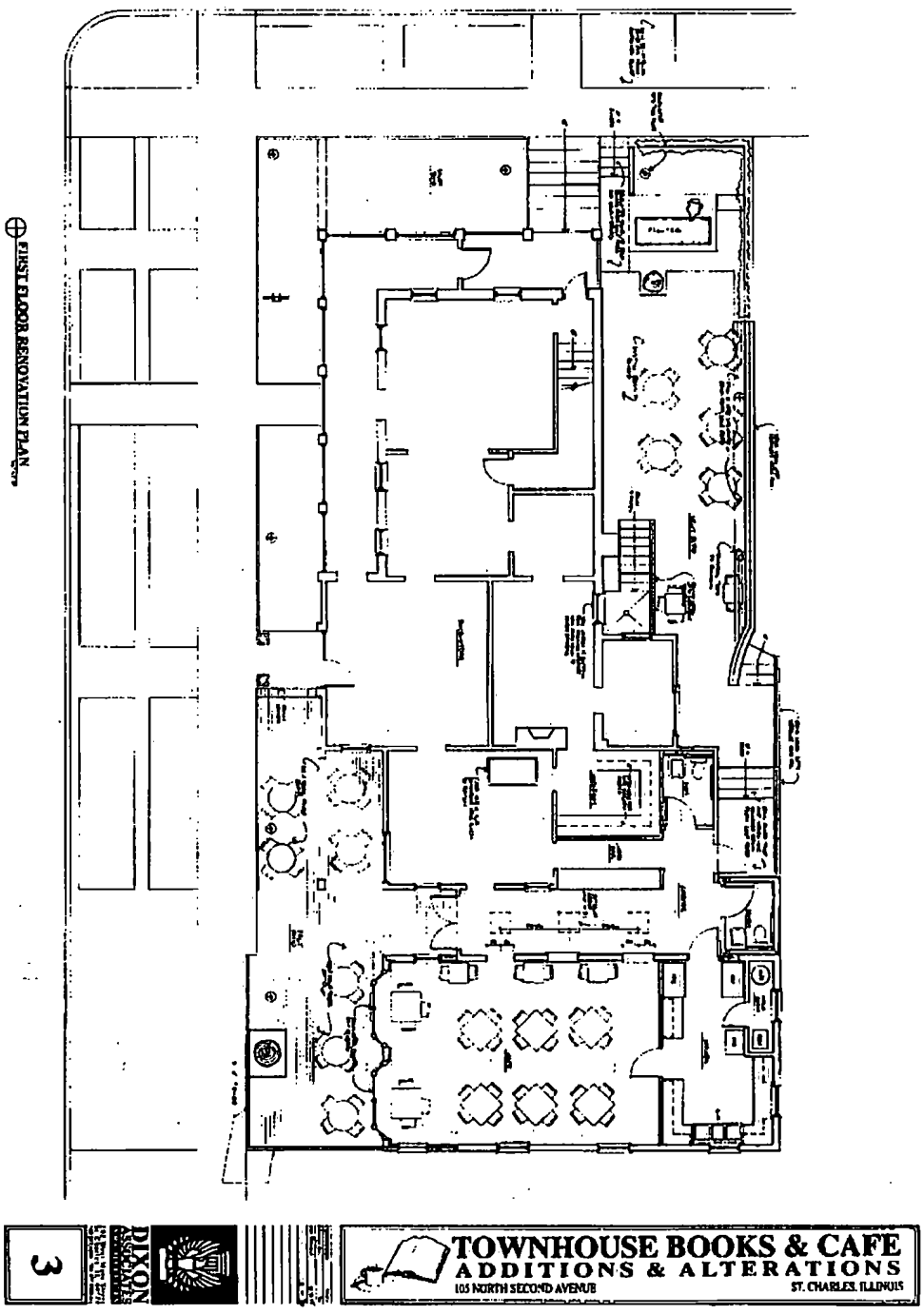
If the owner of the licensed premises or a person from whom the license derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment.
(Ord. 2010-M-29 § 1.)

5.08.360 Acts of Agent or Employee; Liability of Licensee; Knowledge

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.
(Ord. 2010-M-29 § 1.)

5.08.370 Violation - Penalty

Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be fined not less than one hundred dollars ($100.00) for the first offense and up to seven hundred and fifty dollars ($750.00) for each subsequent offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1982-M-62 § 2.)



(Ord. 1997-M-14 § 2.)

SECTION 2. That after the adoption and approval hereof, this 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.

SECTION 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 2nd day of March, 2015.

PASSED by the City Council of the city of St. Charles, Illinois, this 2nd day of March, 2015.

APPROVED by the Mayor of the city of St. Charles, Illinois, this 2nd day of March, 2015.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:
Ayes : 10
Nays : 0
Absent : 0
Abstain : 0

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

Certificate

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

I further certify that on March 2, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-M-14, entitled

"Motion to approve an Ordinance Amending Title 5, Entitled " 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. 2015-M-14, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 6, 2015, 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 2nd

day of March, 2015.

(S E A L)

Nancy Garrison
Municipal Clerk