

TITLE VIII – ALCOHOLIC REGULATIONS

CHAPTER 1 ALCOHOLIC BEVERAGES

Section 1. DEFINITIONS.

For the purpose of this Chapter the following definitions shall apply:

LIQUOR

Includes any and all distilled or rectified spirits, alcohol, brandy, whiskey, rum, in or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, containing more than .5 of one percent of alcohol by weight.

WINE

Includes wine, both still and sparkling, and fruit juice containing more than 3.8 percent of alcohol by weight.

BEER

A beverage obtained by 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 life, containing more than .5 of one percent of alcohol by weight.

SELL AT RETAIL or SALE AT RETAIL

Refers to and means sales to a consumer, or to any person or any purpose other than for resale.

PERSON

Includes any individual, firm, partnership, corporation or club, or any other association of individuals.

ORIGINAL PACKAGE

Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to carry or convey any alcoholic liquor.

LICENSEE

Any person, firm, partnership, club, association or corporation who receives a license under this Chapter by original application, transfer or renewal.

RESTAURANT

Shall mean a place of business whose gross sales have more than 50% derived from selling prepared foods.

MINOR

Shall mean any person under the age of twenty-one (21).

POSSESSION

Shall include direct possession or in the control of a person whether direct possession or indirect (in a vehicle or other area where the person has access) [AND there is no person 21 years of age or older in the vicinity] or [when it can be determined the alcohol was NOT in the possession of a person at least 21 years of age]. A person is presumed to be in possession if the alcohol concentration is greater than .01 when measured by a portable breath screening device approved by the Department of State Police.

ALCOHOL CONCENTRATION

Shall mean grams of alcohol per 210 liters of breath; or grams of alcohol per 100 milliliters of blood.

Section 2. LICENSES.

Licenses issues by the Village shall be of the following classes, namely:

- Retailer's Class A License
- Retailer's Class B License
- Retailer's Class C License
- Retailer's Class D License
- Retailer's Class E License
- Retailer's Class F License
- Retailer's Class G License
- Retailer's Class H License
- Retailer's Class I License
- Retailer's Class Z License

Section 3. LICENSE TERM-FEE.

January 1st in each year and expire on the 31st day of December of the same year. The license fees provided for shall be reduced in proportion to the number of full calendar months which have expired in the official license year, prior to the issuance of such licenses, but the full license fee shall be charged for any license issued at any time in during the first month of such license year. No license shall be issued for any term less than the balance of the unexpired license year and all license fees shall be payable in advance semi-annually. Class C license holders, who also hold a State of Illinois video gaming license, shall pay a \$25.00 annual Village fee for each video gaming terminal (machine). This fee is payable in full before the video gaming machines are installed and then is payable in full before the start of the following licensing year (January 1st to December 31st.)

- 3.1 Retailer's Class A: The license shall be \$600.00 and shall entitle the licensee to sell, keep, or offer for sale at retail on the premises licensed, any liquor, wine or beer, whether the same is to be consumed on or off the licensed premises. The license shall not be construed to prohibit sales in the original package.
- 3.2 Retailer's Class B: The license shall be \$450.00 and shall entitle the licensee to sell, keep or offer for sale at retail, on the premises licensed, any liquor, wine or beer in the original package only, and only when the same is not to be consumed on the premises. This section shall not be construed to prohibit the holder of a

Retailer's Class B license from selling in wholesale lots in the original package.

- 3.3 Retailer's Class C: The license shall be \$1,000.00 and shall entitle the licensee to sell or offer for sale at retail on the premises licensed, any liquor, wine or beer, whether the same is to be consumed on or off the licensed premises. The license shall not be construed to prohibit sales in the original package.
- a. A licensee holding the Retailer's Class C license shall be permitted to have entertainment in the premises and shall be permitted to allow dancing, singing, vaudeville and music during business hours as long as the entertainment as described is conducted in a lawful manner and so long as it does not disturb the peace and quiet of the surrounding neighborhood.
 - b. A licensee holding the Retailer's Class C license and a State of Illinois Video Gaming License shall be assessed an annual Village fee of \$25.00 per video gaming terminal (machine). Said fee shall be payable to the Village prior to installation of any State of Illinois authorized video gaming devices, and then shall be payable in full prior to the start (January 1st) of each succeeding year.
 - c. A licensee holding a Retailer's Class C license shall be permitted to have entertainment outside and adjacent to the premises either on private or public property (having first obtained Village Board approval to use public property) and shall be allowed dancing, singing, and music during business hours but not to go past 12:00 am Midnight. The entertainment, as described, shall not be conducted in an unlawful manner, and so long as it does not disturb the peace and quiet of the surrounding neighborhood.
- 3.4 Retailer's Class D: The license shall be \$300.00 and shall entitle the licensee to sell, or offer for sale at retail on the premises of a retail food store of wine and beer, in the original packages only and not for consumption on the licensed premises. This license shall apply only to retail food stores.
- a. A separate license shall be required for and with respect to each location or premises at which or upon which any liquor, wine or beer is to be sold or offered for sale at retail.
- 3.5 Retailer's Class E License. The license shall be \$450.00 and shall entitle the licensee to sell or offer for sale, at retail, beer only by the drink, to be consumed on premises only of a restaurant; this license shall apply only to restaurants.
- 3.6 Retailer's Class F License. The license shall entitle the licensee to sell, keep, or offer wine or beer for sale at retail and consumption on the premises for a period up to ten (10) days. The fee for this license shall be \$10.00 for each day that sale and/or consumption of wine or beer is to occur.
- 3.7 Retailer's Class G License. The license shall entitle the licensee to sell, keep, or offer liquor, wine or beer for sale at retail and consumption on the premises for a period up to ten (10) days. The fee for this license shall be \$20.00 for each day that sale and/or consumption of liquor, wine or beer is to occur.
- 3.8 Retailer's Class H License. Caterer Retailer. The license shall entitle the licensee to serve alcoholic liquor for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food

service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. The license fee for a Class H License shall be \$200.00 per year.

- 3.9 Retailers Class I License. Outdoor Liquor Service Area. Only Class C license holders can obtain a Class I license. The license shall entitle the licensee to sell and serve alcoholic liquor for consumption outside on private or public property (having first obtained Village Board approval to use public property) adjacent to a Class C licensed premises. The Class I License shall be operational from 1 April to 1 November each calendar year. The license fee for a Class I License shall be \$500 per year and is not prorated.
- 3.10 Retailers Class Z License. Zoological Preserve or Park. The license shall be \$825.00 and shall entitle the licensee to sell or offer for sale at retail on the premises licensed, any liquor, wine or beer, to be consumed on the licensed premises. This License shall authorize licensee to the retail sale of alcoholic liquor in an establishment operated in conjunction with a zoological preserve or park. Class Z license shall be permitted to have entertainment on the premises and shall be allowed dancing, singing, and music during business hours but not to go past 12:00 am Midnight. The entertainment, as described, shall not be conducted in an unlawful manner, and so long as it does not disturb the peace and quiet of the surrounding neighborhood.

Section 4. RENEWAL.

A licensee may renew a license provided the licensee is qualified to receive a license and the premises for which the renewal license is sought are suitable for such purpose; provided that such renewal privilege shall only apply as long as the license in each case shall be kept in force continuously and uninterruptedly in the name of the licensee or his successor in interest, and nothing shall be construed as the vested right which shall in any case prevent the Village from decreasing the number of licenses to be issued.

Section 5. APPLICATION FOR LICENSE.

Before any retail licensees shall be issued, an application for such license under oath shall be filed with the Village President, or Administrator stating:

- a. The name and residence of the applicant.
- b. The applicants place of birth, and if a naturalized citizen, the time and place of naturalization.
- c. That the applicant has never been convicted of a felony.
- d. That the applicant has never been convicted of a felony.
- e. The location where the applicant proposes to sell at retail any liquor, wine or beer as herein defined.
- f. That the proposed location is not within 100 feet of any church, school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station.
- g. That the applicant is of good moral character.
- h. That the applicant will not violate any of the laws of the State of Illinois,

or of the United States, or any ordinances of the Village of Coal Valley, Illinois, in the conduct of the applicant's place of business.

- i. A statement that the applicant is not a manufacturer, bottler, jobber or wholesaler of liquors, wine or beer; and the further statement that no manufacturer, bottler, jobber, or wholesaler of liquor, wine or beer, nor any agent nor any person, other than the applicant directly or indirectly supplied, furnished, gave or paid, or lent money, for any furnishing, fixtures, or equipment on the premises or place of business or license of the applicant; that no manufacturer, bottler, jobber or wholesaler of liquor, wine or beer or any agent thereof, or any person other than the applicant is directly or indirectly interested in the ownership, conduct or operation of the business of such applicant.
- j. A statement that the applicant agrees to permit any police officer or other official of the Village free and unrestricted access to the licensed premises for the purpose of inspecting the same.
- k. That any licensee will not, nor any agent or servant for the licensee permit any dancing singing or theatricals or exhibition of any nature whatsoever on the premises sought to be licensed, except in the case of the licensee having a Retailer's Class C Liquor License.
- l. That the applicant will abide by and obey the rules and regulations of the Village governing health and sanitation.

That the applicant has all of the qualifications necessary to receive a retail license from the State Department pursuant to requirements of Section 2 of Article VI of an Act of the Illinois General Assembly relating to alcoholic liquors.

Proof of Dram Shop insurance. All applicants shall provide a certificate of dram shop insurance with the following limits:

Bodily injury, one person	\$ 30,000.00
Bodily injury, one occurrence	\$300,000.00
Injury to means of support	\$100,000.00
Property damage	\$100,000.00

Prior to issuance/renewal of any license, with said certificate to cover the period of the license issued. Any licensee failing to maintain dram shop liability insurance on a current basis, with proof thereof filed with the Village of Coal Valley, shall be subject to prosecution for a violation of this Ordinance, with a fine of seventy five dollars (\$75.00) for each day the violation continues.

- 5.1 Partnership or Corporation. In the case of a partnership or corporation, the information required from the applicant shall be furnished as to each partner and the principal officers of the corporation.
- 5.2 Revocation of License. The making of any false statement in the application or the violation by the applicant of any of the agreements or stipulations entered into in the application shall be sufficient ground for the revocation of any license granted, and shall further be deemed a violation of this Chapter and subject the person so offending to the penalties provided for.

Section 6. LOCATION.

No Retail Class A license or Retail Class B license shall be granted to any applicant for any premises within the corporate limits of the Village where the same is located in any block in the Village which, at the time of application, is devoted exclusively to residential purposes. For the purpose of the foregoing provisions, "block" shall be construed to mean the space from the intersection to intersection on the side of the street which the proposed location fronts.

Section 7. BOND.

Each person to whom a Retailer's license is about to be issued, under the provisions of this Chapter, shall execute a penal bond in form and with sureties acceptable to the President of the Village, in the sum of \$200.00, conditioned upon the faithful performance and observance of the provisions of the laws of Illinois, and of this Chapter, and further conditioned upon the prompt payment of any fine which may be levied or assessed against any license for the violation of any of the penal provisions of the laws of Illinois, and this Chapter, and such bond shall upon approval be filed in the office of the Village President.

Section 8. INVESTIGATION - APPROVAL OF LICENSE.

All applications for retailer's licenses shall be filed with the Village President or Village Administrator. The Village President or Village Administrator shall investigate all the statements contained in each application, and if upon investigation he shall be satisfied that the matters and things contained in the application are true, and that the applicant is of good moral character and entitled to a license, and that applicant has complied with all the requirements of this Chapter, he shall approve the application. Upon receipt of the required license fee, the Village President or Village Administrator shall issue a license in accordance with the provisions of this Chapter.

Section 9. POSTING LICENSE.

Every person licensed in accordance with the provisions of this Chapter shall immediately post and keep posted while in force, in a conspicuous place on the premises, the issued license. Whenever a license shall be lost or destroyed, a duplicate shall be issued in lieu by the Village President or Village Administrator, upon application made by the licensee, who also shall make a verified statement of such loss or destruction.

Section 10. CERTAIN ACTS AND PRACTICES PROHIBITED.

10.1 Unobstructed View. The following requirements pertain to premises upon which the sale of alcoholic liquor for consumption is licensed:

- a. No screen, blind, curtain, partition, article or thing shall be permitted in the windows, upon the doors, or inside which shall prevent a clear view into the interior from the street, road or sidewalk at all times.
- b. No booth, screen, partition, or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior which shall prevent a full view of the entire interior from the street, road or sidewalk.
- c. Premises must be located so there shall be a full view of the entire interior from the street, road or sidewalk.
- d. All rooms where liquor is sold for consumption shall be continuously

lighted during business hours by natural light or artificial white light so that all parts of the interior shall be clearly visible.

10.2 Revocation of License. In case the view into a licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured, or in any manner obstructed, then such license shall be subject to revocation in the manner provided in this Chapter.

10.3 Plans Filed. In order to enforce the provisions of this section, the Village President or Village Administrator shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

10.4 Age limit. No person licensed under this Chapter shall sell, permit to be sold or give any liquor to any person under the age of 21 years or any person notoriously addicted by habit to abnormal use of same.

a. No person under the age of 21 years shall purchase, accept as a gift, be in possession of, or consume any liquor, wine or beer as defined herein.

It shall be prima facie evidence that the minor was in possession of alcohol if the preliminary breath screening test using a portable device approved by the Department of State Police indicates blood alcohol concentration of the minor at the time alleged in excess .02.

b. No person under the age of 18 years shall be permitted by and Licensee or agent, in that portion of the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Ordinance.

c. Proof of Age Required: If a licensee pursuant to this chapter or agent thereof shall believe that a sale or delivery of alcoholic liquor is prohibited because of the minority of the prospective recipient, he or she shall before making such sale or delivery demand presentation of some form of acceptable identification containing proof of age. The acceptance must be made in reasonable reliance that the person presenting the identification is in fact of legal age and the same person pictured on the ID. The following types of identification are acceptable forms of identification for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; state photo identification card for non-drivers; passport or visa.

d. Proof of Age; Refusal to Produce: No person when on premises licensed under this chapter shall refuse to show proof of his or her age when asked to do so by a police officer, the licensee, or agent thereof. Any person who fails to produce positive proof of age when so requested shall immediately be advised to leave the licensed premises.

e. Falsification of Proof of Age Prohibited: With respect to any identifying document containing proof of age issued by a public officer in the performance of official duties, no person shall:

Alter or deface such identifying document; or present identifying documents belonging to another person as his or her own; or carry or use a false or forged identification document; or obtain any document establishing identity by means of false information.

- 10.5 Gambling. There shall be no illegal card games or illegal gambling allowed on any premises licensed to sell alcoholic beverages, except for video gaming as authorized by the Illinois Legislature and as licensed by the Illinois Gaming Board, which shall be allowed.
- 10.6 Employees age. No person licensed under this Chapter shall employ any person under the age of 18 years as a waitress, bartender, barmaid, cashier or entertainer, whose duties would require his or her presence in that portion of the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Chapter.

Section 11. DANCING, MUSIC, EXHIBITIONS PROHIBITED.

No person granted a Retailer's Class A or B license shall knowingly allow, suffer or permit any dancing, singing, vaudeville or any loud music of any nature whatsoever on or in and about the licensed premises. No person granted a license shall knowingly or unknowingly violate any ordinances of the Village of Coal Valley, Illinois, governing nuisances or public peace.

Section 12. REVOCATION OF LICENSE.

The Village President or Village Administrator may suspend or revoke any license issued under any one or more of the following circumstances:

- 12.1. When the Village President or Village Administrator is satisfied that the licensee has violated any of the provisions of this Chapter, or of any valid resolution enacted by the Board of Trustees, or any applicable rule or regulation established by the Village President or Village Administrator that is consistent with law.
- 12.2. The violation by the licensee of any law of the State of Illinois relating to the regulation of the sale of liquor.
- 12.3. The willful making of any false statement by the licensee as to a material fact in an application for a license hereunder.

Section 13. OPENING AND CLOSING TIME.

No place, establishment or business authorized to sell at retail under its license shall be open for business before six (6:00) o'clock A.M., or remain open for business after three (3:00) o'clock A.M.

Section 14. SHIFTING DEVICES PROHIBITED.

The giving away of any liquor, wine or beer, or other shift or device to evade the provisions of this Chapter, shall be deemed to be an unlawful selling and shall be punished as such.

Section 15. FINES.

Any person violating the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense in the discretion of the Village President or Village Administrator, the license may be revoked. For the second offense, the Village President or Village Administrator shall revoke the license issued.

