

## **Chapter 14**

### **LIQUOR CONTROL**

- 14.01 Adoption of Liquor Control Act of 1934
- 14.02 Definitions
- 14.03 Liquor License Required
- 14.04 Liquor License Applications
- 14.05 Liquor License Restrictions
- 14.06 Liquor License Classifications; Fees
- 14.07 Classes and Maximum Number of Liquor Licenses Issued
- 14.08 Closing Hours
- 14.09 Disposition of License Fees
- 14.10 Insurance Requirements
- 14.11 License Renewal
- 14.12 Change of Location
- 14.13 Prohibited Activities by Licensees
- 14.14 Absence; Abandonment
- 14.15 Sale Restrictions
- 14.16 *Intentionally Left Blank*
- 14.17 Purchase or Acceptance of Gifts of Liquor by Persons Under the Age of 21; Identification Cards, Punishment; Exceptions
- 14.18 Sale, Gift, Delivery to Persons Under 21 Years of Age
- 14.19 Sale or Use of False Evidence of Age and Identity
- 14.20 Employee Server Restrictions
- 14.21 Sales of Intoxicated Persons, Habitual Drunkards, Spendthrifts and Mental Incompetence
- 14.22 Inspections and Enforcement
- 14.23 Acts of Agent or Employee; Liability of Licensee; Knowledge of Licensee
- 14.24 Owner of Premises Permitting Violation; Penalty
- 14.25 Police Training Events
- 14.26 BASSET Program
- 14.27 Revocation or Suspension of License; Fines; Notice; Hearing; Appeal
- 14.28 Video Gaming Terminals

#### **14.01           ADOPTION OF LIQUOR CONTROL ACT OF 1934**

In addition to the provisions of this Chapter, the Liquor Control Act of 1934 (Chapter 235 of the Illinois Compiled Statutes), as amended from time to time (“Act”), shall be incorporated herein by reference.

#### **14.02           DEFINITIONS, *Amended 609***

In addition to the terms defined in Appendix A of this Code and the Act, the following terms are defined as follows:

**Act:** The Liquor Control Act of 1934 (Chapter 235 of the Illinois Compiled Statutes).

**Alcoholic Liquor:** Any spirits, wine, beer, ale or other liquor, containing more than one-half of one percent of alcohol by volume, which is capable of being consumed as a beverage by a human being.

**Commissioner:** The Local Liquor Control Commissioner of the Village of Prairie Grove.

**Convenience Store:** Any public place kept, used, maintained, advertised and held out to the public as a place at which the primary purpose is to offer gasoline and/or limited groceries and sundries for sale, the retail sale of alcoholic liquors being incidental thereto. The area for display of alcoholic liquors shall be limited to not more than ten percent (10%) of the retail floor display area in such an establishment.

**Golf course:** A recreational area with or without club house facilities primarily for the use of members and their guests or the general public engaging in a form of recreation or game commonly known as golf.

**License:** A liquor license issued by the Village.

**Licensee:** The holder of a Village liquor license.

**Person:** Any natural person, firm, partnership, association or corporation.

**Premises:** Any permanent physical structure or building from which alcoholic liquors are sold.

**Restaurant:** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually 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.

**Retail sale:** The sale for use or consumption and not for resale in any form.

**Retailer:** A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

**Wine:** 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.

### **14.03 LIQUOR LICENSE REQUIRED**

It is unlawful to sell or offer for sale in the Village, any alcoholic liquor either without having a local license or in violation of the terms, conditions and restrictions of the license. A liquor license is purely a personal privilege. It is effective until the first or earliest of a) one year from the date of issuance; b) April 30 of the year following the date of issuance; c) suspension or revocation; or d) abandonment. All applicants shall be required to pay the full liquor license fee, whether the license is to be issued for a full or partial year. A separate license shall be required for each location, place or premises where the business or occupation is proposed to be carried on, whether or not under the same roof or in the same premises, or at the same street address.

A. Application for a liquor license shall be made to the Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the Commissioner. All applicants may be subject to a background check, which may be conducted by the Village through the Federal Bureau of Investigation, the Illinois State Police or other law enforcement agency. The Commissioner shall act to approve or deny the application and, if approved, to issue the license.

B. For any start-up business the applicant must make application not less than 90 days prior to the issuance date of the license to provide sufficient time for a background check.

C. An applicant applying for an annual liquor license shall first deposit the license fee and application fee, if applicable, with the Commissioner. There shall be no rebate of any portion of the license fee due to the fact that the application is made after the beginning of the license year. All applicants desiring a liquor license shall be required to pay the full license fee, whether the license is to be issued for a full or part year.

D. In the event there is a change of ownership in a licensed business, or change of managers, or partners in a partnership, or shareholders in a corporation who own more than 5 percent of the stock of a corporation, or members in a limited liability company, the Commissioner may issue the license prior to receiving the results of the background check. However, if the background check reveals information provided in the application is false, the license will be subject to immediate revocation, the applicant will be subject to a fine and there shall be no refund of any portion of the license fee.

E. An applicant shall allow at least six weeks for processing an application. In addition to the information required by the Act, the application shall include the following information, statements and attachments:

1. If a partnership, proprietorship or joint venture: the name, date of birth and address of all applicants, including all partners, general or limited, character of business in which applicant is engaged and for which the license is desired.

If a corporation: the name, corporate address, principal place of business; character of business; the names and addresses of the officers and directors; if a majority interest of stock in said corporation is owned by 1 person or his nominee, the name and address of the person; the name and address of the 2 largest shareholders of each class of stock in the corporation; the name and address of the person or persons owning controlling interest in the corporation; the name and address of the manager or person(s) in daily charge and control of the business operation; in the case of a copartnership, the persons entitled to share in the profits thereof; the name, date of birth and address of the party to be manager of the corporate facility for which the license is sought; a certified copy of the corporate charter; and a copy of by-laws, including the objects for which organized.

If a limited liability corporation: the name, date of birth and address of all members, character of business in which applicant is engaged and for which the license is desired; and the name and address of the manager or person(s) in daily charge and control of the business operation.

2. Citizenship of the applicant(s), respective places of birth, and if a naturalized citizen(s) of the United States, the date and place of the respective naturalization.
3. Length of time the applicant has been in business of that character; or if a corporation, whether the corporation is either a continuation or successor of a prior entity and if so, the character of the prior entity's business.
4. Amount of all goods, wares and merchandise on hand at the time application is made.
5. Location, general description and approximate square footage of the premises or place of business which is to be operated under the license, including a scaled drawing of the premises showing all ingress and egress locations, windows and location of bar.
6. A statement whether the applicant has made application for a similar or other license on premises other than described in the application, and the disposition of the application; a statement whether an application was filed or a similar license was issued in any other state, county or local municipality; the date of issuance, name and address of the governmental entity; the disposition of the application or license; and the reasons therefore.
7. On initial applications, or whenever there has been remodeling, photographs depicting the interior of the premises including all ingress and egress locations, windows and bar and service areas.
8. A statement that the applicant will allow neither gambling nor gambling devises on the premises except licensed raffles and "Las Vegas" type events, for which all necessary permits have been obtained and except for video gaming terminals permitted in Section 14.28 of this Liquor Code.
9. Whether a previous license issued by any municipality, state or subdivision thereof, or the federal government has been either revoked or suspended and the reasons therefore and date of the revocation or suspension. This includes, but is not limited to suspension and revocation of licenses held by any individual, partner, corporation, majority or controlling shareholder or manager of the applicant seeking a license hereunder.
10. A statement that the applicant has neither been convicted of a felony nor is disqualified to receive a license by reason of any matter or thing contained

in this Chapter, this Code or the laws of this State and the United States.

11. A statement that the applicant will not violate any laws of the State, the United States or any ordinance of the Village.
12. A complete set of fingerprints of all persons listed on the liquor license application shall be provided as part of the background investigation.
13. In the event the premises to be licensed are leased, a copy of the lease shall be included with the application.

#### **14.05 LIQUOR LICENSE RESTRICTIONS** *Amended, 519*

In addition to the liquor license restrictions contained in the Act, a license shall not be issued to a person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualification required by the licensee and resides within a 20 mile radius of Prairie Grove corporate limits.

#### **14.06 LIQUOR LICENSE CLASSIFICATIONS; FEES** *Amended, 647, 584, 419*

Liquor licenses shall be divided into the following classifications and fees:

1. Class A, which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form. Also permitted within this Class shall be the service and consumption of open alcohol either on the outdoor premises (not public sidewalks or rights of way) in which the business lawfully operates in conformity with 1) the requirements of applicable private covenants that apply the subject property, 2) rules of the Village Municipal Code and 3) written directions issued the Local Liquor Control Commissioner from time to time relative to issues including, but not limited to, hours, layout and maximum number of tables and seats, separation from general public by fencing or otherwise and pedestrian traffic flow. The fee for a Class A license shall be \$1,500.
2. Class B, which shall only permit a retail sale of alcoholic liquor in sealed containers, for consumption off the premises where sold and not for resale in any form and the principal source of sales is of goods and commodities other than alcoholic liquor. The fee for a Class B license shall be \$1,500.
3. Class C, which shall permit the retail sale of beer and wine for consumption only on the Premises where sold, but not on any Parking Area or Lot of the Premises, and not for resale in any form. The fee for a Class C license shall be \$1,500.
4. Special Permit: Upon written application being made to the Commissioner, setting forth the time, place, date and organization or applicant's name, the Commissioner may issue a special permit to any qualified person, firm, corporation or organization for the retail sale or

dispensing of alcoholic liquor within the Village. All requests for special permits shall be made not less than 1 week prior to the date being requested. The written application shall be the same application as required in this Chapter and all of the rules and regulations of this Chapter shall be applicable to the special permit. If the permittee does not own the premises from which the sale or dispensing of alcoholic liquor is made, a written statement executed and acknowledged by the owner of the premises shall be provided to the Commissioner stating that the permittee has permission to occupy the premises at the dates and time of and for the purposes set forth in the application. All permittees shall meet all the qualifications, requirements, restrictions and provisions of this Chapter.

5. Application Fee: A non-refundable application fee in the amount of \$500 shall be payable upon initial application for a liquor license issued under Classes A, B and C. A non-refundable application fee in the amount of \$50 shall be payable upon application for any Special Permit liquor license.

#### **14.07 CLASSES AND MAXIMUM NUMBER OF LIQUOR LICENSES ISSUED**

*Amended, 670, 609, 584, 419, 730*

- A. The maximum number of liquor licenses issued by the Village are as follows:

<u>Classes of Liquor License</u>	<u>Maximum Number Issued</u>
1. Class A	4
2. Class B	0
3. Class C	1

B. The number of liquor licenses and classes of liquor license grantable by the Commissioner shall be determined by motion from time to time by the Village Board and revisions to this section of the Village Code shall be made accordingly by the Village Clerk.

#### **14.08 CLOSING HOURS** *Amended, 419*

A. It shall be unlawful to sell or offer for sale at retail, give or knowingly permit the consumption of alcoholic liquors on any licensed premises pursuant to this Chapter, between the hours of 1 a.m. and 5 a.m. Mondays through Sundays.

B. After closing hours, no person shall be permitted to remain on any licensed premises pursuant to this Chapter except the owner of the licensed premises or his or her duly authorized employees. All entrances and exists shall be locked and shall remain locked during the hours within which the sale of alcoholic liquor is prohibited.

## **14.09 DISPOSITION OF LICENSE FEES**

Unless otherwise designated by the Village Board, all fees required by this Chapter shall be deposited in the Village's general corporate fund. In the event an application is denied, the fee less an administrative fee of \$250, shall be returned to the applicant.

## **14.10 INSURANCE REQUIREMENTS**

No license shall be issued under the provisions of this Chapter until the applicant has filed with the Village a certificate or other evidence issued by an insurance company licensed to do business in the State, certifying that the applicant, and the owner of the premises housing the establishment from where the liquor will be sold, has in full force and effect, for a term concurrent with the term of the license to be issued, liquor liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate and general liability insurance in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. "Host" insurance shall not satisfy the terms of this Section.

Any certificate of insurance shall provide that the insurance coverage may not be cancelled unless written notice is given to the Village at least 15 days prior to the effective date of cancellation. The failure of the licensee to have insurance coverage in full force and effect at any time during the term of the license shall be cause for the revocation of the license.

## **14.11 LICENSE RENEWAL**

Not less than 6 weeks before a liquor license is scheduled to expire and after a renewal notice is provided by the Village to the licensee, the licensee may submit an application for renewal provided the applicant a) is then qualified to receive a license and b) the premises for which the renewal license is sought is suitable for these purposes. The renewal privilege provided herein shall not be construed as a vested right and the Commissioner reserves the absolute right to determine the number of licenses to be issued within the Village. In the event a renewal application is submitted less than 6 weeks before a liquor license expires, and after a 10-day written notice is mailed by the Village to the licensee, the applicant shall be subject to an additional renewal application fee of \$500.

## **14.12 CHANGE OF LOCATION**

The location of the license may be changed only upon the receipt of written permission from the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Chapter. The written permission of change shall be posted with the license as provided for in this Chapter.

## **14.13 PROHIBITED ACTIVITIES BY LICENSEES** *Amended, 609, 389*

A. No person holding a license issued by the Village shall, in the conduct of the licensed business or upon the licensed premises, either directly or through the agents or employees of the licensee:

1. Violate or permit a violation of any federal law, State statute or regulation related to the control of liquor.

2. Violate or permit a violation of any provision of this Code regulating the sale of alcoholic liquor or relating to the eligibility of the licensee to hold a liquor license.
3. Violate or permit a violation of any rule or regulation of the Illinois Liquor Control Commission as amended from time to time.
4. Permit the sale and/or consumption of any alcoholic beverages outdoors absent a specific permit issued by the Village.
5. Allow fighting, disorderly conduct or excessive noise constituting a nuisance or tumultuous conduct of patrons and/or employees of the licensee, as defined in this Code, to take place on the licensed premises or on, about and/or adjacent to the licensed premises.
6. Allow patrons to serve or distribute alcoholic beverages to minors on the licensed premises or allow minors to drink alcoholic beverages on the licensed premises.
7. Fail to call the Village Police Department upon the violation of any provision of this Code or State law relating to fighting, disorderly conduct or excessive noise constituting a nuisance or tumultuous conduct of patrons and/or employees on the licensed premises.
8. Submit to the Village an application for a license containing a false or misleading statement.
9. Permit any gambling on any licensed premises, except video gaming terminals permitted under Section 14.28 of this Liquor Code.
10. Permit the sale, delivery or give any alcoholic liquor to any intoxicated person.
11. Permit or allow the following activity, as defined in *An Ordinance Establishing an Adult Business License for the Village of Prairie Grove*, adopted March 21, 2006, by the Village, to be conducted on the premises: adult business; adult entertainment center; adults-only activity, bookstore, motion picture theater, nightclub, sauna; nudity; obscene activity; rap parlor; sadomasochistic activity or sexual conduct activity.
12. To sell, distribute or permit beer or alcoholic beverages on any premises defined as an adult business pursuant to *An Ordinance Establishing an Adult Business License for the Village of Prairie Grove*, adopted March 21, 2006, by the Village.
13. Violate any section of this Chapter.

B. CAUSE FOR REVOCATION: Proof before the Commissioner of the facts which

establish a violation of any federal law, State statute, this Code or rule of the Illinois Liquor Control Commission shall be sufficient cause for revocation, suspension and fine of any licensee, irrespective of whether or not a conviction has been obtained in any court. In addition, the licensee shall be obligated to reimburse the Village for all attorney's fees incurred as a result of the prosecution of the offending licensee.

C. OFFICIAL RECORD: Pursuant to 235 ILCS 5/7-9, all appeals from the decision of the Commissioner shall be limited to a review of the official record of the proceedings.

D. LICENSING AFTER REVOCATION: If a license is permanently revoked, no license shall be granted to any person for a period of one year thereafter for the conduct of a business selling alcoholic liquors in the premises described in the revoked license.

#### **14.14 ABSENCE; ABANDONMENT**

A. LEAVE OF ABSENCE: If a licensee leaves the Village for more than 4 consecutive weeks, the licensee shall designate an agent, who is a Village resident, for service of notice and the leave shall be reported to the Commissioner, in writing, with the name and address of the designated agent.

B. ABANDONMENT: If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for a period of 60 consecutive days, (except as hereafter set forth) or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation. If said discontinued operation is due to fire or other damage wherein the Building Inspector deems the premises uninhabitable, said 60-day period shall be stayed only until occupancy is granted by the Building Inspector.

#### **14.15 SALE RESTRICTIONS, *Amended 609***

A. PREMISES CATERING TO MINORS: 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 the customers are minors or where the principal business transacted consists of school books, school supplies, food, lunches or beverages for minors.

B. FIRST FLOOR OF PREMISES: No license shall be issued for the sale of any alcoholic liquor to any person, firm or corporation whose place of business is located or designated to be in a basement or in any story of any building other than the first floor of the building.

C. SCHOOLS, ETC.: No liquor license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, day care center or other business or institution whose primary function is the custodial care of children, the aged or infirmed.

Exempt from the prohibitions of this Section are hotels offering restaurant services, regularly organized clubs, restaurants, food shops or other places of business where the sale or delivery of alcoholic liquor is not the principal business being conducted on said premises.

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 sales are limited to periods when groups are assembled on the premises solely for the promotion for some common object other than the sale or consumption of alcoholic liquor.

**14.16**            *Intentionally left blank, Amended, 715*

**14.17            PURCHASE OR ACCEPTANCE OF GIFTS OF LIQUOR BY PERSONS UNDER THE AGE OF 21; IDENTIFICATION CARDS, PUNISHMENT; EXCEPTIONS**

A.     PURCHASE OR ACCEPTANCE: It shall be unlawful for any person under the age of 21 to purchase, obtain, accept delivery of, accept a gift of, consume, or have in his or her possession alcoholic liquor except as otherwise provided herein.

B.     WARNING PLACARD: In every place in the Village where alcoholic liquor is sold or offered for sale, there shall be displayed at all times, in a prominent place, a printed card, which shall read substantially as follows:

Warning to Persons Under 21 Years of Age

You are subject to a fine up to One Thousand Dollars (\$1,000.00) under the Liquor Control Ordinance of the Village of Prairie Grove if you purchase, obtain, accept delivery of, accept a gift of, consume or have in your possession alcoholic liquor, or misrepresent either your age or identity for the purpose of the aforementioned.

Said card shall be displayed together with the license issued for the premises.

C.     It shall be unlawful for any holder of a retail liquor license, or his or her agent or employee, to permit any under aged person to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where the licenses premises is located; provided that this Section shall not apply to any under aged person who is accompanied by his or her parent or guardian, or any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor.

D.     EXEMPTIONS: The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in a performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent, guardian or spouse of the minor in the privacy of a home, is not prohibited by this Chapter.

E.     PENALTY: Whoever violates any provision of this Section shall be fined not less than \$500 nor more than \$2,500.

**14.18            SALE, GIFT, DELIVERY TO PERSONS UNDER 21 YEARS OF AGE**

A.     SALE BY LICENSEE: It shall be unlawful for either a licensee or any officer, associate, member, representative, agent or employee of the licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years except as otherwise provided herein.

B. SALE BY OTHER PERSONS: It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver the alcoholic liquor to another person under the age of 21 years, except as otherwise provided herein.

C. PROOF OF IDENTITY AND AGE: Any licensee, associate, member, representative, agent or employee of said licensee, may refuse to sell, serve, give or deliver alcoholic beverages to any person who is unable to produce adequate written evidence of both identity and of the fact that the person is over the age of 21 years. Adequate written evidence of age and identity of the person is a document issued by a federal, State, county or municipal government, or 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.

D. PENALTY: Whoever violates any provision of this Section shall be fined not less than \$200 nor more than \$2,500. In addition to all other fines and penalties, the Commissioner may either suspend or revoke the local liquor license for any violation of this Section.

#### **14.19 SALE OR USE OF FALSE EVIDENCE OF AGE AND IDENTITY**

A. It shall be unlawful for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photo static evidence of either the age or identity of the person or to sell, give or furnish to any person under the age of 21 years evidence of either age or identification of any other person.

B. It shall be unlawful for any person under the age of 21 to present or offer to any licensee, associate, member, representative, agent or employee of said licensee, any written, printed or photo static evidence of either age or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage.

C. It shall be unlawful for any person to possess any false or fraudulent written, printed or photo static evidence of either age or identity.

D. PENALTY: Whoever violates any provision of this Section shall be fined not less than \$100 nor more than \$1,000.

#### **14.20 EMPLOYEE SERVER RESTRICTIONS**

A. It shall be unlawful for any person under the age of 21 years to draw, pour or mix any alcoholic liquor or in any way tend bar as an employee of any retail licensee for consumption on or off said premises. This shall not prevent persons 18 years of age and over, as employees of licensed premises, from delivering alcoholic liquor for consumption on the licensed premises. Except as otherwise provided in this Section, no person under the age of 21 years shall be permitted to sell at retail any alcoholic liquor for consumption either on or off the premises.

B. It shall be unlawful for any person to consume, partake of or be under the influence of either any alcoholic liquor or drug while either tending any bar, drawing, pouring,

mixing any alcoholic liquor for consumption on or off the licensed premises or selling or delivering any alcoholic liquor in its original unopened container for consumption on or off the licensed premises.

#### **14.21 SALES TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENCE**

No licensee, associate, member, representative or agent or employee of the licensee, shall sell, give or deliver alcoholic liquor either to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, feeble minded or distracted, mentally ill, mentally deficient or in need of mental treatment.

No licensee, officer, member, representative or agent or employee of the licensee, shall harbor or permit any intoxicated persons to either loiter on the licensed premises or permit any conduct which shall tend to disturb the peace or quiet of either the neighborhood or the premises.

#### **14.22 INSPECTIONS AND ENFORCEMENT**

Any law enforcing officer of the Village may enter at any time upon any licensed premises hereunder to determine whether any of the provisions of this Chapter or State statutes have been or are being violated and at such time may examine the premises of the licensee in connection therewith.

The Commissioner may receive complaint from any citizen within the jurisdiction of the Village that any of the provisions of this Chapter or any rules or regulations adopted by the President and Village Board or by the State or the Illinois Compiled Statutes have been or are being violated, and may act upon the complaints in the manner provided.

The Commissioner shall have authority to make and establish rules and regulations of procedure concerning notice of hearings and all other matters as may from time to time be necessary, and to appoint a Local Liquor Control Commission.

It shall be unlawful to refuse to grant admittance to the licensed premises at any time upon the verbal request of any police officer or any other legally authorized person.

#### **14.23 ACTS OF AGENT OR EMPLOYEE; LIABILITY OF LICENSEE; KNOWLEDGE OF LICENSEE**

Every act or omission of whatever nature constituting a violation of any of the provisions of federal law, State statutes, rules and regulations of the Illinois Liquor Control Commission and ordinances or resolutions of the Village by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of the 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 for the purposes of these regulations.

#### **14.24 OWNER OF PREMISES PERMITTING VIOLATION; PENALTY**

If the owner of a licensed premises, or any person from whom the licensee derives the right to possession of the premises, or the agent of the owner or person, shall knowingly permit the

licensee to use the licensed premises in violation of the terms of this Code, the owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as the licensee and be subject to the same penalties.

#### **14.25 POLICE TRAINING EVENTS**

Except as provided herein and upon approval of the President, the Police Department may serve alcoholic liquor in conjunction with Police Department sanctioned training events held in the Village Hall. Presidential approval shall be required for each training event. All participants shall be required to sign a waiver, release and hold harmless agreement in a form approved by the Village Attorney.

#### **14.26 BASSET PROGRAM, *Amended 609***

Commencing July 1, 2016, the Beverage Alcohol Sellers and Servers Education Training (BASSET) program is required for all licensees and all persons serving alcohol within 120 days of the alcohol server beginning his or her employment. In the event a licensed premises is found to be in violation of any provision of this Chapter or the Liquor Control act of 1934 (235 ILCS 5/1-1 *et seq.*), the Commissioner, within his sole discretion, may require the licensee and/or the manager of the licensed premises, to attend and successfully complete the BASSET program. A photocopy of a certificate of completion of the BASSET program shall be maintained by the licensee in a manner that will allow inspection, upon demand, by the Commissioner or a member of the Police Department.

#### **14.27 REVOCATION OR SUSPENSION OF LICENSE; FINES; NOTICE; HEARING; APPEAL**

The Commissioner may revoke or suspend any local retail liquor license if it is determined that the licensee has violated any provision of this Chapter or any valid ordinance or resolution enacted by the Village Board or any applicable rule or regulation established by the Commissioner or the State Liquor Control Commission which is not inconsistent with law. In addition to said revocation or suspension or in lieu of suspension or revocation, the Commissioner may levy a fine on the licensee for the violation. The fine imposed shall not exceed \$1,000 for the first violation within a 12-month period, and \$1,500 for a second violation within a 12-month period and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the license period. Fine proceeds shall be paid into the Village's general corporate fund.

The license shall be either revoked or suspended and fines levied only after a public hearing before the Commissioner with a 3-day written notice to the licensee affording the licensee an opportunity to appear and defend. All hearings shall be open to the public and the Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village he may, upon the issuance of a written order stating the reason for the conclusion and without notice or hearing, order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if the licensee shall also be engaged in the conduct of another business or businesses on the licensed premises the order shall not be applicable to the other

business or businesses.

The Commissioner shall, within 5 days after the hearing, state the reason or reasons in a written order served upon the licensee, for either the fine, suspension, revocation, or a combination thereof. The amount of the fine, the period of the suspension or the declaration of revocation of said license, and all costs shall be clearly set forth in the order. All costs of the public hearing incurred by the Village shall be charged to the licensee upon a determination of a violation and the issuance of an order setting forth a fine, suspension, revocation or any combination thereof.

Any order or action of the Commissioner may, within 20 days after notice of the order or action, be appealed. The appeal shall be limited to a review of the official record of the proceedings of the Commissioner. A certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the Commissioner within 5 days after notice of the filing of the appeal, if the appellant licensee pays for the cost of the transcript.

#### **14.28** VIDEO GAMING TERMINALS, *Amended 645, 592*

**License Required:** No person shall have or keep a video gaming terminal or device in any place of public resort unless same is licensed by the Village, pursuant to this Section 14.28

Applications for licenses, as provided herein, shall be made to the Village Clerk and all applicants shall conform to the applicable provisions of the Village Code and rules and regulations of the State of Illinois, through the Illinois Gaming Board, and the Illinois Video Gaming Act and the rules and regulations implemented thereto.

**Annual License Fee:** The annual license fee payable to the Village shall be \$300 for each video gaming terminal or device and shall be payable no later than April 30<sup>th</sup> each following year after first issuance.

**Replacement of License:** Whenever a licensed video gaming terminal is replaced during the fiscal year a replacement license must be purchased; the licensee will pay a new license fee equal to the annual license fee.

**Issuance:** The applicant must obtain federal and state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Section 14.28 upon approval of the application by the State of Illinois and payment of the license fee in accordance with this Section 14.28, the Village shall issue one license for each video gaming terminal.

*Z:\P\PrairieGroveVillageof\Code\Chapter.014.Feb2024.doc*