

**ORDINANCE NO. 259.10**

**AN ORDINANCE RELATING TO ALCOHOLIC LIQUORS AND BEER**

BE IT ORDAINED by the President and Board of Trustees of the Village of Mendon, Adams County, Illinois, as follows:

**SECTION 1:** All Ordinances pertaining to alcoholic liquors and beer and all Amendments thereto are hereby deleted and there shall be substituted therefor the following:

**SECTION 2: Definitions.** Unless the context otherwise requires, the following terms as used in the Ordinance shall be construed according to the definitions given below.

“Alcoholic Liquor”: Any spirits, wine, beer, ale or other liquid containing more than one-half of One Percent of alcohol by volume, which is fit for beverage purposes.

“Retail Sale”: The sale for use or consumption and not for resale.

“Sale”: Any transfer, exchange or barter in any manner or by means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

**SECTION 3: License Required.** It shall be unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license.

**SECTION 4: Application.** Applications for such licenses shall be made to the mayor in writing, signed by the applicant, if an individual, or by at least two members of a partnership, if the applicant is a partnership or by the president and secretary thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, the name and address of any person owning more than 5% of the stock, and the name and address of the person who will manage the public place.

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

(3) The character of business of the applicant and in case of a corporation, the objects for which it was formed.

(4) The length of time said applicant has been in business of that character, or in the case of a corporation the date when its charter was issued.

(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.

(7) A statement whether applicant has made application for a similar or 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 and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the village.

(9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.

(10) A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the village in the conduct of his place of business.

**SECTION 5: Restriction on Licenses.** No such license shall be issued to:

(1) A person who is not a resident of the village.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under the laws of any state.

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

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.

(7) A person whose license under this chapter has been revoked for cause.

(8) 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.

(9) A co-partnership unless all of the members of said co-partnership shall be qualified to obtain a license.

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

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

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not 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 issued.

(14) Any law enforcing public official, any mayor, any president of the Village board of trustees, any member of the Village board of trustees; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the Village of Mendon, if the issuance of such license is approved by the State Liquor Control Commission, and, except that a license may be granted, in the Village of Mendon, to a member of the Village board of trustees of the Village of Mendon if: (a) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; (b) the issuance of the license is approved by the State Commission; (c) the issuance of the license is otherwise in accordance with all applicable local ordinances in effect where the premises are located; and (d) the official granted a license does not vote on alcoholic liquor issues pending before the board to which the license holder is elected.

(15) Any person, firm or corporation not eligible for a state retail liquor dealer's license.

(16) The mayor, through the office of chief of police and village attorney, will ascertain the qualifications of prospective applicants. Any change in managers, corporation officers, directors or stockholder(s) owning over five percent (5%) of the stock would require a background investigation of the new manager, officers, directors, or stockholder(s) before the issuance of any license. All such changes will be reported to the office of the mayor of the village of Mendon within five (5) days of their occurrences.

(17) Any person who knowingly shares in any manner a beneficial interest with anyone convicted of a felony within the last ten years including but not limited to the rental or lease payment by a licensee or proposed licensee to anyone convicted of a felony within the last

ten years.

**SECTION 6: License Required.** It shall be unlawful to sell, barter, transport, deliver, furnish, possess, keep or offer for sale at retail any alcoholic liquor, or engage in or conduct a retail liquor business, or conduct any place for the sale of alcoholic liquor within the corporate limits of the village without having a retail liquor dealer's license, or in violation of the terms of such license.

**SECTION 7: Classification.** Subject to the limitations, conditions and restrictions herein set forth, three classes of licenses may be issued, one in each class, pursuant to the terms of this section, and they shall be designated as Class A "retail liquor dealer's license for sale and consumption on premises", Class B "retail liquor dealer's license for package sale only" and Class C "Special Event retailer's license". A retail liquor dealer's license—consumption on premises shall authorize and entitle a licensee to sell at retail alcoholic liquor on the premises licensed for consumption on the premises as well as other retail sales of such liquor. A retail liquor dealer's license—package sales shall entitle a licensee to sell at retail alcoholic liquor which shall not be consumed on the premises and which is designated "package sales". No more than three (3) Retail Liquor Dealers License for Sale and Consumption on Premises shall be issued at one time, and no more than two (2) Retail Liquor Dealers License for Package Sales shall be issued at one time.

A special event retailer's license shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor and shall allow the licensee to sell and to offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific, limited, dates designated for the special event in the license. In addition to such other requirements as may hereafter be specified, a Class C license shall be subject to the following conditions: The application for the "Special Event License" shall identify the purpose of the special event, the location where the alcoholic liquor is to be distributed for use or consumption, the duration for which the license is sought, and other information as is required by the Village President. An applicant for the special use permit license must also submit with the application proof satisfactory to the Village President that the applicant will provide dram shop liability insurance to the maximum limits (235 ILCS 5/5-1) required for licenses issued by Illinois Liquor Control Commission.

**SECTION 8: Fees.** The semi-annual license fee for a Class A or a Class B license shall be Two Hundred Fifty Dollars (\$250.00). A license fee for a Class C license shall be Fifty Dollars (\$50.00) per special event. All licenses shall be signed by the mayor and village clerk. No person shall, in the village, engage in any business or occupation or exercise any privilege mentioned or referred to in this article without first having obtained a license therefor; and a license is hereby expressly required for so engaging in any business or occupation or for the exercising of such privilege; and each person, firm, partnership, club, association, hotel or corporation engaged in any business or occupation or exercising any privilege for which a license is required under this article shall pay to the village for such license the semi-annual fee herein required for that particular kind of business, occupation or privilege.

**SECTION 9:** License Year. The semi-annual license period, under this article, shall commence on the first day of January and the first day of July in each year and all licenses shall expire on the thirtieth day of June and the thirty-first day of December the next succeeding. All fees shall be due and payable in advance of the first day of each license period.

**SECTION 10:** Original Package. No person excepting a manufacturer or a distributor or importing distributor shall fill or refill in whole or in part any original package of alcoholic liquor, and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in the original package. The phrase "original" shall mean any bottle, flask, jug, can, cask, barrell, keg, hogshead or any other receptacle or container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

**SECTION 11:** Transportation. No person shall transport, carry possess or have any alcoholic liquor in or about any motor vehicle except in the original package and with the seal unbroken.

**SECTION 12:** Disposition of Fees. All such license fees shall be paid to the mayor at the time application is made and shall be forthwith by him turned over to the village treasurer. In the event that the license applied for is denied, the fee shall be returned tot he applicant; if the license is granted, then the fee shall be deposited in the General Corporate Fund or in such other funds as shall be designated by the village council by proper action.

**SECTION 13:** Record of Licenses. The mayor shall keep a complete record of all such licenses issued by him under this article and shall furnish the village clerk and chief of police each with a copy thereof.

**SECTION 14:** Transfer of License. A license shall be purely a personal privilege good for not to exceed six months after issuance unless sooner revoked as in this article 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 cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution provided that executors or administrators or the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall not be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating except in the case of entry into the armed forces or death of the licensee.

**SECTION 15:** Renewal of License. Any licensee may renew his license at the

expiration thereof provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the mayor from decreasing the number of licenses to be issued without his jurisdiction.

**SECTION 16: Change of Location.** A retail liquor dealer's license of either class heretofore described shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinance of the village.

**SECTION 17: Peddling.** It shall be unlawful to peddle alcoholic liquor in the village.

**SECTION 18: Sanitary Conditions.** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for sale shall be kept in full compliance with the ordinances regulating the condition of premises for the storage and sale of food for human consumption.

**SECTION 19: Employees.** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

**SECTION 20: Closing Hours.** No person or licensee holding a retail liquor dealer license-consumption on premises, shall sell or offer for sale any alcoholic liquors or furnish or give away or allow or permit the same to be consumed on the licensed premises, or any other premises under the control, directly or indirectly, of the licensee, between the hours of 1:00 a.m. and 5:00 a.m. on Mondays through Saturdays, and between the hours of 1:00 a.m. and 11:00 a.m. on Sundays.

No person or licensee holding a retail liquor dealer license-package sales, shall sell or offer for sale any alcoholic liquors or furnish or give away or allow or permit the same to be sold or given away between the hours of 12:00 o'clock midnight and 5:00 a.m. on Mondays through Sundays.

**SECTION 21: Music and Audible Sounds.** No licensee hereunder shall permit any music, live or recorded, or other sound which is audible outside of a licensed premises between the hours of 9:00 p.m. and 8:00 a.m. on the following day. No licensee hereunder shall permit any live music within the licensed premises between the hours of midnight and 8:00 a.m. on the following day.

**SECTION 22:** Description of the Premises. Every licensee shall state the legal numerical block description of the premises in which the licensee shall operate under such license and every licensee shall confine his operations strictly to such licensed premises; and no alcoholic liquor shall be sold or delivered by him or his agents or employees outside of said licensed premises.

**SECTION 23:** Lighting. All premises and/or rooms where liquor is sold for consumption on the premises and any rooms accessible to the patrons thereof shall be reasonable lighted to afford patrons safe movement while therein. While at times natural lighting may afford sufficient lighting as herein required the premises and all parts thereof accessible to the patrons shall be equipped with electrical lighting which shall be turned on to provide for safe movement when natural light do not provide for the patron save movement therein. In addition to the above, all premises as herein described must be able to be fully lighted in the case of an emergency or for inspection by law enforcement authorities.

**SECTION 24:** Posting. Every licensee shall cause his license to be hung in plain view in a conspicuous place on the licensed premises.

**SECTION 25:** Sale to Intoxicated Persons. It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any liquor to an intoxicated person.

**SECTION 26:** Attendance at Bar. It shall be unlawful for any person under twenty-one (21) years of age to attend bar or to draw, pour or mix any alcoholic liquor in any licensed retail premises.

Any person eighteen (18) years of age or over, however, may serve alcoholic liquor as a waiter or waitress in any licensed retail premises, and may also sell packaged liquor in any retail store properly licensed.

**SECTION 27:** Revocation - Suspension. The mayor may revoke or suspend any retail liquor dealer's license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor.

**SECTION 28.** Sale to Persons Under 21 Years of Age. It shall be unlawful for any person under 21 years of age to drink, purchase or possess alcoholic liquor, or to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold.

It shall be unlawful to sell, give, or deliver alcoholic liquor to any person under 21 years of age or to permit any persons under 21 years of age to consume alcoholic liquor.

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of a military identification card

or driver's license issued by a competent authority containing proof of age and a photograph.

The identification card shall be laminated and shall contain the following information: name, address, date of birth, and a colored photograph and signature of applicant.

No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card of any kind, or obtain an identification card by means of false information.

If a licensee or his agents or employees sells or delivers alcoholic liquor to a person of non-age after examining the identification card bearing proof of age and a photograph, or a military service card bearing proof of age and an photograph, or a valid driver's license issued by a competent authority and bearing proof of age and a photograph, and believes from said examination the person is of legal age, proof of such examination by a licensee or his agents or employees then charged with violation of this section, shall be a valid legal defense to said charge.

**SECTION 29:** Reporting to Police. All licensees, their agents or employees shall immediately report to the village police, any altercations which shall include any physical abuse of another, or threats of physical abuse or violence, that occurs on the premises and shall further immediately report to the village police if any patron of the premises, other than a law enforcement official, known to be in possession of a gun, knife or other deadly weapon.

**SECTION 30:** Appeal From Order of Local Commissioner. In the event an appeal is taken from an order or action of the local liquor control commissioner, the appeal shall be limited to a review of the official record of the proceedings of said local liquor control commissioner.

**SECTION 31:** Consuming Alcoholic Liquor on Public Areas. It shall be unlawful for any person to consume or drink alcoholic beverages while upon any public street, public parking lot, public sidewalk, or public alley within the jurisdiction of the village.

**SECTION 32:** Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be fined not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs on continues. Said fine may be in addition to a revocation or suspension as heretofore provided in this ordinance.

**SECTION 33:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 34:** This ordinance shall go into effect and be in force from and after its passage, approval and publication as provided by law.



PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Board of Trustees

APPROVED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Village Clerk

PUBLISHED: \_\_\_\_\_