

# **TITLE 3: Business and License Regulations**

## **CHAPTER 3: Liquor Control**

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### **3-3-1: INTERPRETATION**

#### **3-3-1-1: Construction**

This Chapter shall be liberally construed to the end that the health, safety, and welfare of the people of Lincolnshire may thereby be protected, and, to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

#### **3-3-1-2: Definitions**

All words and phrases used in this Chapter, which are defined in the Illinois Liquor Control Act Illinois Compiled Statues, Chapter 235, entitled "An act relating to alcoholic liquors" enacted January 31, 1934, and in effect July 1, 1934, shall have the same meanings herein as they have in said Act, except for the following words and phrases which shall be defined as follows:

#### **ALCOHOLIC LIQUOR**

Includes alcohol, spirits, wine, 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 Act shall not apply to alcohol used in the manufacture of the denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less, of alcohol by volume. All alcoholic liquor must conform to the standards set forth in the Illinois Liquor Control Act.

#### **BEER**

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.

#### **CLUB**

A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owing, hiring or leasing a building

or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, such club files with the local Liquor Commissioner at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members of their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

**DINING AREA**

The seating area where patrons or customers are to be seated at tables or a counter primarily for service of meals.

**HOTEL or MOTEL**

Every building or other structure kept, used maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for sleeping accommodations of such guests where alcoholic liquor may be served and/or stored in separate liquor service or lounge areas which are adjacent to food service areas, where live entertainment may be provide in connection with said service or meals and/or alcoholic liquor. The sleeping accommodations, dining rooms and liquor service area shall be in the same building or buildings, and such building or buildings, structure or structures shall be provided with adequate and sanitary dining room and kitchen equipment and capacity.

**LEGAL AGE**

The minimum age designated by law of a person to whom it is lawful to sell, give, or deliver and/or possess particular type of alcoholic liquor.

**LICENSEE**

Any person, firm, corporation, partnership, or club holding a

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	license under the provisions of this Chapter.
<b>LOUNGE AREA</b>	The seating or standing area where patrons or customers are to be served primarily alcoholic liquor.
<b>ORIGINAL PACKAGE</b>	Any 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.
<b>PATRON BAR</b>	The bar area where patrons or customers will be seated on stools or standing immediately adjacent to the bar primarily for the service of alcoholic liquor.
<b>RESTAURANT</b>	Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are 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.
<b>SALE</b>	Any transfer, exchange, or barter in any manner, or by any means whatsoever including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.
<b>SELL AT RETAIL and SALE AT RETAIL</b>	Refer to and mean sales for use or consumption and not for resale in any form. (Ord. 86-868-05)
<b>SERVICE BAR</b>	A fixed facility or area where alcoholic beverages and supplies are stored and displayed solely for the licensee's employees to mix and serve alcoholic beverages to patrons seated or standing in a lounge or dining area. (Ord. 87-946-32)
<b>TO SELL</b>	Includes to keep or expose for sale and to keep with intent to sell.
<b>VILLAGE</b>	As used in this Chapter shall be taken to mean and include all territory within the geographical limits of the Village of Lincolnshire, State of Illinois which is presently incorporated in the Village of Lincolnshire, and that territory which may from time to time be annexed to the Village of Lincolnshire.

**WINE** Any alcoholic beverage obtained by the fermentation of the nature contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. (Ord. 86-868-05)

### **3-3-2: Classification of Licenses:**

#### **3-3-2-1: Liquor License Classes**

Retail liquor licenses shall be divided into the following classes:

- Class A (Not-for-profit clubs and organizations)  
Issued only to such civic, benevolent, fraternal, patriotic, social, recreational, or other organizations that qualify as a not-for-profit corporation under the General Corporations Not-for-Profit Act of the State of Illinois, and shall permit the sale of alcoholic liquor by the drink only and for consumption on the premises only; (Ord. 86-868-05)
- Class B (Restaurant – full liquor)  
Issued to authorize the sale of alcoholic liquor in conjunction with the sale of food and service of food, for consumption on the premises only
- Class C (Restaurant – beer and wine only)  
Issued to authorize the sale of beer and wine only in conjunction with the sale of food only. No bar shall be permitted.
- Class D (Hotel-motel)  
Issued to authorize the sale, consumption, or delivery of alcoholic beverages to patrons, of a hotel or motel defined as and consisting of: guests, overnight guests, invitees of those guests and invitees of the hotel or motel, so long as those patrons are using the dining, banquet or conference facilities of the hotel or motel in conjunction with the offering, service or sale of food. Issued to authorize the sale of alcoholic liquor for consumption on the premises by hotel patrons or within common areas of the hotel designated for consumption of food/beverages, or for “room service”.
- Class E (Bar or lounge – hotel/motel only)  
Issued to authorize the sale of alcoholic liquor at a bar or lounge located in a hotel or motel only.
- Class F (Golf courses and private clubs for profit)  
Issued to authorize the sale of alcoholic liquor at golf courses at the club house or from carts on the course. Issued to authorize the sale of alcoholic liquor at private clubs to members and guests of the members only.
- Class G (One day license)  
Issued for twenty-four (24) hours, and shall only permit the sale of alcoholic liquor by the drink and for consumption on the premises. (Ord. 86-868-05)

All applications for a one-day Class G liquor license must be submitted at least fifteen (15) days prior to the date of issuance of such license. No person, firm, corporation, partnership, club, or association shall be entitled to the issuance of more than three (3) one-day Class G liquor licenses within a period of twelve (12) months. No more than six (6) one-day Class G liquor licenses shall be issued within a period of twelve (12) months for the same location or premises. (Ord. 88-1016-48)

**Class H** (Package liquor)  
Issued to authorize the sale of alcoholic liquor only in the original package and only for consumption off the premises.

**Class I** (Package beer and wine only)  
Issued to authorize the retail sale of beer and wine only, in their original packages only, and only for consumption off the premises.

**Class J** (Catering)  
Issued to authorize license holders operating within the village limits to cater food and alcoholic beverages off site. "Off Site" catering means the preparation of food at one location for service at another.

**Class K** (Brew Pub – full liquor)  
Issued to authorize the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail.

Issued to authorize the sale of alcoholic liquor in conjunction with the sale of food only.

**Class L** (Salon/Day Spas)  
Issued to authorize the retail sale of alcoholic liquor, for consumption on the specified premises, as a secondary and accessory use to a principal salon/day spa business, as such business is defined in Title 6 of the Village Code.

Customers and patrons shall: (a) not be served alcoholic beverages except for the period of time during which the customer receives salon/day spa services from the license holder; and (b) not be served more than three (3) alcoholic beverages during such period of time.

No live entertainment of any nature shall be permitted on the specified premises.

No sign or any other external indicia shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale at the specified premises.

Hours for the sale and/or consumption of alcoholic liquor shall be in accordance with section 3-3-3-1 of the Code, but in no case shall the sale or consumption of alcoholic liquor take place outside the normal business hours of the salon/day spa. (Ord. 14-3311-37)

**Class M**

(Movie Theaters)

Issued to authorize the retail sale of alcoholic liquor, for consumption on the licensed premises as a secondary and accessory use to a principal movie theater business.

Service of alcoholic beverages shall be limited to a designated lobby bar area.

Service of alcoholic beverages may be made only to persons purchasing a movie ticket and wearing a tamper-resistant wristband approved by the Village. The wristband shall be valid only for the date on which it is obtained from the movie theater. A wristband may only be issued by theater personnel who meet the requirements of Section 3-3-6 of this Chapter.

Alcoholic beverages may be consumed in the movie theater auditoriums, but may not be delivered or served in any movie theater auditorium.

The containers in which alcoholic beverages are served must be of a different color, size, and design than those in which non-alcoholic beverages are served.

No more than one alcoholic beverage may be delivered to a customer in any one trip to the bar, and no customer shall be served more than three (3) alcoholic beverages on any day. The number of alcoholic beverages served to a customer each day shall be recorded on that customer's wristband.

There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day, except for private rentals and events. (Ord. 14-3336-63)

**Class N**

(Banquets)

Issued to authorize the retail sale of alcoholic liquor for consumption on the licensed premises only in connection with a private function, in association with a rental or 3<sup>rd</sup> party contract, not open to the general public.

All new liquor licenses issued and all liquor licenses renewed after the effective date of this amendment shall be in compliance with the above classes and shall accurately reflect the nature of the licensee's actual business. (Ord. 86-868-05)

The number of licenses authorized herein for each class shall remain at the number set forth in this Chapter; provided, however, that any license in said classes which is forfeited, revoked, or not issued shall automatically reduce the number of authorized licenses of the particular class by the total number of forfeited, revoked, or non-issued licenses in the particular class. In addition,

the local Liquor Commissioner shall notify in writing the Village Clerk and Board of Trustees of any revocation or non-issuance of any authorized license within ten (10) days of such occurrence. (Ord. 86-868-05; Ord. 89-1069-36; Ord. 89-1107-74; Ord. 15-3363-90)

### **3-3-2-2: Liquor License Class Requirements:**

#### Restaurant Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s).

The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s).

The total seating in the lounge area(s) must be less than thirty-three percent (33%) of the seating in the dining area(s).

The total square footage of the lounge area(s) (not including the total square footage of the patron bar(s)/service bar(s)) must be less than thirty-three percent (33%) of the total square footage of the patron bar(s)/lounge area(s) and dining area(s) combined.

#### Hotel/Motel Restaurant Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be less than ten percent (10%) of the total square footage of the dining area(s).

The total seating in the patron bar(s) must be less than ten percent (10%) of the total seating in the dining area(s).

The total square footage of the lounge area(s), not including the square footage of the patron bar(s)/service bar(s), must be less than thirty-three percent (33%) of the total square footage of the patron bar(s)//lounge area(s) combined.

#### Hotel/Motel Bar or Lounge Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, may not exceed twenty percent (20%) of the total square footage of the patron bar(s)/service bar(s) and lounge area(s) combined.

The seating at the patron bar (bar stools) may not exceed thirty-three percent (33%) of the total seating in the lounge area(s). (Ord. 87-946-32)

#### Brew Pub Requirements

The total square footage of the patron bar(s)/service bar(s), measured corner to corner, must be no greater than fifteen percent (15%) of the total square footage of the dining area(s).



The total seating at the patron bar(s) must be less than fifteen percent (15%) of the total seating in the dining area(s).

The total seating in the lounge area(s) must be less than fifty percent (50%) of the seating in the dining area(s). The total square footage of the lounge area(s) (not including the total square footage of the patron bar(s)/service bar(s)) must be less than thirty-three percent (33%) of the total square footage of the patron bar(s)/service bar(s) lounge area(s) and dining area(s) combined. (Ord. 96-1423-07)

**3-3-2-3: License Fees and Number:**

The number of liquor licenses authorized to be issued in the Village shall be limited to the number below. No new or additional liquor licenses may be issued in the Village unless and until the Mayor and Board of Trustees adopts an ordinance increasing the number of one or more of the following classes. Fees for each license may be found as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (Ord. 88-1026-58, Ord. 98-1550-12)

<b>Class</b>	<b>Description</b>	<b>Number of Liquor Licenses Authorized to be Issued in the Village of Lincolnshire</b>
A	Not-for-profit clubs and organizations	1
B	Restaurant – full liquor	12
C	Restaurant – beer and wine only	0
D	Hotel/motel	4
E	Bar or lounge – hotel/motel only	2
F	Golf courses and private clubs for profit	2
G	One day license	Unlimited
H	Package liquor	2
I	Package beer and wine only	4
J	Catering	0
K	Brew pub – full liquor	1
L	Salon/Day Spas	1
M	Movie Theaters	1
N	Banquets	3

Ord. 86-880-17; Ord. 87-962-48; Ord. 89-1054-21; Ord. 89-1069-36; Ord. 89-1081-48; Ord. 89-1086-53; Ord. 89-1107-74; Ord. 89-1113-80; Ord. 94-1348-32, 08/08/94; Ord. 96-1423-07, 02/12/96; Ord. 96-1424-08, 02/12/96; Ord. 96-1425-09, 02/12/96; Ord. 96-1429-13, 03/11/96; Ord. 96-1458-42, 09/09/96; Ord. 98-1550-12, 04/13/96; Ord. 98-1604-66, 10/12/98; Ord. 00-1709-17, 05/08/00; Ord. 00-1742-50, 12/11/00; Ord. 01-1767-25, 06/11/01; Ord. 01-1784-42, 10/08/01; Ord. 01-1790-48, 12/10/01; Ord. 02-1792-02, 02/11/02; Ord. 02-1814-24, 08/12/02; Ord. 03-1836-13, 04/14/03, Ord. 03-1834-14, 04/14/03; Ord. 03-1845-22, 05/12/03; Ord. 03-1854-31, 07/14/03; Ord. 04-1915-31, 08/23/04; Ord. 05-1946-10, 02/14/05; Ord. 05-1949-13, 02/14/05; Ord. 05-1950-14, 02/28/05, Ord. 05-1951-15, 02/28/05; Ord. 05-1952-16, 02-28-05; Ord. 05-1961-25, 03/28/05; Ord. 05-1962-27, 04/11/05; Ord. 05-1966-30, 04/25/05; Ord. 05-1968-33, 05/23/05; Ord. 05-1975-

39, 06/13/05; Ord. 05/1991/55, 09/12/05; Ord. 05-2005-69, 11/14/05; Ord. 05-2006-70, 11/28/05; Ord. 06-2016-07; Ord. 06-2018-09, Ord. 06-2019-10, 02/27/06; Ord. 06-2033-25, 05/08/06; Ord. 06-2045-37, 07/10/06; Ord. 06-2962-54, 11/13/06; Ord. 06-2965-57, 11/27/06; Ord. 07-2975-03, 02/20/07; Ord. 07-3003-31, 09/24/07; Ord. 08/3027/10, 02/25/08; Ord. 08-3055-38; Ord. 08-3056-39, 08/25/08; Ord. 10-3129-06, 03/08/10; Ord. 10-3169-46, 11/08/10; Ord. 11-3179-01, 01/10/11; Ord. 11-3211-33, 08/29/11; Ord. 12-3234-04, 01-23-12; Ord. 12-3247-17, 05/29/12; Ord. 13-3287-13, 05/13/13; Ord. 13-3289-15, 08/28/13; Ord. 14-3315-41, 02-24-14; Ord. 14-3324-50, 03/10/14; Ord. 14-3330-57, 06-23-14; Ord. 15-3348-75, 01/25/16; Ord. 15-3349-76, 01/26/15; Ord. 15-3363-90, 04/27/15, Ord. 15-3367-94, 05/11/15; Ord. 15-3368-95, 05/26/15; Ord. 15-3371-98, 07/13/15; Ord. 15-3380-107, 11/23/15; Ord. 16-3397-124, 02/22/16, Ord. 16-3410-137, 07/25/2016; Ord. 16-3413-140, 08/22/2016; Ord. 17-3429-157, 01/09/2017; Ord. 17-3433-161 & 17-3434-162, 02/27/2017; Ord. 17-3740-168, 03/20/17; Ord. 17-3741-169, 04/12/17; Ord. 18-3779-207, 08/06/18; Ord. 18-3791-221, 11/26/18; 05/09/19

### **3-3-3: ADMINISTRATION:**

#### **3-3-3-1: Liquor Commissioner:**

The Mayor of the Village shall be the Liquor Commissioner and shall be charged with the administration of the appropriate provisions of this Chapter and other ordinances of the Village relating to alcoholic liquors.

#### **3-3-3-2: Powers of Liquor Commissioner:**

The Mayor, as local Liquor Commissioner, shall be charged with the administration within the Village of the appropriate provisions of this Chapter, of such ordinances and resolutions relating to alcoholic liquor as may be enacted by the Village Board from time to time, and of such other legislation, including applicable administrative regulations and State or Federal laws which may become applicable within the village with respect to the sale of alcoholic liquor.

The Mayor may appoint one or more persons to assist in the exercise of the powers and the performance of Liquor Commissioner duties. The Liquor Commissioner shall also have the following powers, functions and duties with respect to the licenses granted hereunder:

- A. To grant and/or suspend for not more than thirty (30) days, or revoke for cause, all licenses issued under this Chapter in the manner and under the procedures provided hereinafter. (Ord. 74-348-24)

In lieu of suspension or revocations, the Liquor Commissioner may instead levy a fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1 on the licensee for such violations. The proceeds from such fines shall be paid into the general corporate fund of the Municipal Treasury. (Ord. 86-868-05; Ord. 10-3131-08, 03/22/10)

- B. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this Chapter in order to determine whether any of the provisions of State or Federal laws or of this Chapter or other ordinances or codes of the Village or any rules or regulations adopted by the Liquor Commissioner or the State Commission have been or are being violated and at such time to

examine said premises of said licensee in connection therewith.

- C. To receive complaints from any citizen within the Village that any of the provisions of State or Federal laws or of this Chapter or other codes or ordinances of the Village or any rules or regulations adopted in connection with the control of the sale of alcoholic liquors have been or are being violated and to act upon such complaints in the manner provided below.
- D. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Liquor Commissioner may, upon issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.
- E. To deny any application for the issuance or renewal of a license to an applicant he has determined to be ineligible therefore. (Ord. 74-348-24)
- F. To require that all licensed premises be maintained and operated in a sanitary condition, and in compliance with all applicable rules or regulations of the Health Department of the County of Lake, State of Illinois, and in compliance with all building and zoning regulations of the Village.
- G. To require that any licensee secure and file with his office a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the county of Lake, State of Illinois, and a certificate of approval from the Community Development Department of the Village, showing compliance with all applicable rules and regulations of the Community Development Department of the Village.
- H. To serve notice of hearing upon any licensee to consider suspension or revocation of a license under circumstances which involve repeated reports of law enforcement officers of violations of the law upon the premises (real estate) adjacent to, and surrounding the structure in which alcoholic liquors are served pursuant to a license issued in compliance with this Chapter and where said violations are in relation to the use of offensive language, loud music, affrays, assaults, or other breaches of the peace amounting to nuisance.
- I. The Liquor Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or, any licensee upon whom a notice of revocation or suspension has been served, and, to examine or cause to be examined, the books and records of any such applicant or licensee. The Liquor Commissioner, in conducting such examination, may hear testimony and receive proof for his information in the performance of his duties, and in connection with such examination may issue subpoenas which shall be effective in any part of the State. In conducting such examinations, the Liquor

Commissioner may authorize a designee.

- J. The Liquor Commissioner of the Village shall recommend to the Board of Trustees such further regulations and restrictions regarding the issuance of, and operations under local licenses, not inconsistent with law, as the public good and convenience may require. (Ord. 86-868-05)

### **3-3-3-3: Inspections:**

It shall be the duty of the Liquor Commissioner or an authorized agent(s) to inspect and examine the premises wherein retail liquor business is carried on, for the purpose of ascertaining whether or not all codes, ordinances and regulations of the Village or other governmental bodies having jurisdiction thereof, relative to the carrying on of such business are being complied with at such premises. It shall be the duty of every such person licensed under the provisions of this Chapter to permit such inspection to be made and to exhibit the premises to such persons making such inspection and failure to so permit shall be sufficient cause to revoke or suspend the license for any such person.

### **3-3-3-4: Suspension and Revocation Procedures:**

The Liquor Commissioner shall have the right to proceed by citation and notice of hearing to require any licensee under this Chapter to appear at a time and place specified in said notice to show cause why the license issued under this Chapter to said licensee by the Liquor Commissioner should not be suspended or revoked for violations of the provisions of this Chapter, rules or regulations adopted pursuant hereto or other applicable law.

- A. All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to be violated and the facts in detail upon which such allegation is based and shall be signed by the Liquor Commissioner.
- B. The licensee against whom complaint has been filed shall be entitled to be served with a copy of the complaint or citation and shall be given notice of the time and place set for the hearing of said complaint. (Ord. 74-348-24)
- C. Said citation and notice of hearing shall be served on the licensee named therein pursuant to and in accordance with the provisions of Illinois Compiled Statutes, Chapter 235, § 5/1. (Ord. 86-868-05)
- D. Said licensee named in said citation and notice of hearing shall appear at the time and place designated in said citation and notice of hearing and at such hearing shall have all protections and rights allowed under law from time to time

Different or additional procedures from those provided by this Section may be established from time to time governing citations and hearings provided for herein upon being instituted by the Liquor Commissioner, or the corporate authorities of the Village, and approved by the corporate authorities of the Village. (Ord. 74-348-24)

**3-3-4: LICENSE REQUIREMENTS:****3-3-4-1: License Required:**

- A. It shall be unlawful to sell, manufacture, bottle, blend, possess on the premises, or offer for sale in the Village any alcoholic liquor without having obtained a retail liquor license, or in violation of the terms of such license.
- B. It shall be unlawful for any person licensed to sell liquor under any license issued by the Liquor Commissioner to sell, give away, or otherwise dispose of alcoholic liquor at any place other than the place specifically described in the license obtained by the establishment.
- C. It shall be unlawful for patrons of licensed restaurants, patron bars, or lounges to bring upon such licensed premises alcoholic beverages to be served or consumed by said patrons.

**3-3-4-2: Applications for License:**

- A. Applications for such licenses shall be made to the Liquor Commissioner in writing and completed in its entirety (including any other requested documents) under oath, and signed by the applicant. If said application is made on behalf of a club or corporation, then the same shall be signed by a duly authorized agent; if made on behalf of a partnership, then the same shall be signed by the persons entitled to share in the profits thereof
- B. All liquor license applications and applicants applying for liquor licenses in the Village of Lincolnshire will demonstrate and comply with the requirements outlined in the Liquor Contract Act of 1934 under section 235 ILCS 5/6-2 titled, "Issuance of license to certain persons prohibited."
- C. Any misrepresentation, omission or false statement on an application for a liquor license, or in regard to any information requested during the application process, shall constitute grounds for the denial of a liquor license or rejection of the application. If such misrepresentation, omission or false statement, as mentioned above, is discovered after a liquor license has been granted, said misrepresentation, omission or false statement shall constitute grounds for the revocation of said liquor license. (1984 Code)
- D. Before any action is taken upon any initial application as provided in this Chapter, the applicant shall pay to the Village the sum as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, no part of which shall be refundable, to cover the Village's costs in reviewing and investigating such applicant. Provided, however, that in the event the new license is created by the Board of Trustees and the Liquor Commissioner grants the applicant a license the initial application fee, as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code shall be credited toward said license fee.

- E. The applicant for a liquor license under the provisions of this Chapter must pay the balance of the license fee for such license within fourteen (14) days from the adoption of the ordinance creating the appropriate license and authorizing its issuance to the applicant. In the event any applicant fails to pay the license fee within said fourteen (14) day period, such license shall be forfeited and the number of authorized licenses of the particular class involved is automatically reduced by one.
- F. Each such license shall terminate on April 30 next following its issuance date, and renewals thereof shall be paid on or before May 1 of each ensuing year.
1. The fee to be paid shall be reduced by half for the cost of the initial license only for licenses issued during the period November 1 to April 30. The fee for any additional licenses issued to the same premises shall be the entire amount as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.
  2. Nothing herein shall be construed to permit the payment of only a single license fee (including additional amounts for separate bars) and the granting of a single license for any building or buildings under a single ownership where the real parties seeking the permission to sell alcoholic liquors are separate corporate entities who are not parents, subsidiaries, or affiliates of the owner of such building or buildings. (Ord. 86-8880-17; Ord. 98-1550-12, 04/13/98)
- G. No person shall be allowed to file an application for the issuance of a new liquor license more than once during any twelve (12) month period. (Ord. 86-868-05)

**3-3-4-3: Ineligible Applicants:**

No license shall be issued to persons who do not meet the requirements set forth in the Illinois Compiled Statutes Chapter 235, Section 5/6-2 titled, "Issuance of licenses to certain persons prohibited."

**3-3-4-4: Dram Shop Insurance Requirements:**

No license shall be granted to any applicant until such applicant furnishes evidence satisfactory to the Liquor Commissioner that the applicant maintains dram shop insurance which complies with this Chapter. This includes a copy of the policy or policies that such applicant is covered by a policy of dram shop insurance written by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such applicant against liability for any injury or death or loss of support which such applicant may incur under the provisions of Chapter 235, § 5/6-21, of the Illinois Compiled Statutes. Said limits for insurance coverage are subject to change whenever the maximum liability provisions in the aforementioned Chapter 235 of the Illinois Compiled Statutes are changed, it being required that insurance coverage be maintained in the same amount as the maximum liability stated in said Chapter 235. (Ord. 98-1549-11)

**3-3-4-5: Issuance of License:**

All applications for licenses shall be kept on file in the office of the Liquor Commissioner, and fees for all licenses shall be paid to the Village Clerk or designee who shall certify to the Liquor Commissioner the names and addresses of all licensees paying fees to him together with the class of license for which payment is made and thereupon said Liquor Commissioner shall issue the license provided for in this Chapter to all applicants who have complied with all the requirements of this Chapter.

Provided, however, no license shall be issued to any person ineligible to receive the same under the laws of the State of Illinois or the provisions of this Chapter, as from time to time amended. (Ord. 74-348-24)

### **3-3-4-6: Renewal Privileges:**

Any licensee may renew a license at the expiration thereof provided the licensee is qualified to receive a license, and the business, club, or organization is in good standing at the time of renewal, and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Board of Trustees from increasing or decreasing the number of licenses to be issued within the Village.

### **3-3-4-7: Transfer and License:**

- A. A retail liquor license shall be a purely personal privilege, good for a period not to exceed one year after issuance (unless sooner forfeited, revoked, or terminated as herein 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.
- B. Such license shall cease and terminate upon the death of the licensee, and shall not descend by the laws of the state of intestate succession. However the executor or administrator 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 under the order of a court of competent jurisdiction, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendant, or such insolvency or bankruptcy, until the expiration of such license, but in no event for a period longer than six months after the death, bankruptcy or insolvency of such licensee. The executor or administrator of the estate or a business representative of any deceased owner, partner or shareholder owning five percent or more of a licensed business shall immediately notify in writing the liquor and license commission of such death, and indicate what changes in ownership and/or management will result from the death.
- C. When the licensee is a corporation, the license shall terminate whenever fifty percent (50%) or more of the ownership interest therein changes from that shown on the original license application. In such event, the corporation, through its officers, must make application for the issuance of a new license as provided herein. Provided, however, that the provisions of this subsection D shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned fifty percent (50%) or more of the ownership interest of such corporation at the time the original license application was filed

with the Village.

- D. When the licensee is a partnership or corporation, no change in ownership from that shown on the original application involving the withdrawal of any partner or shareholder owning in the aggregate more than five percent (5%) of the stock of such corporation shall be made without reporting such change in ownership in writing to the local Liquor Commissioner within ten (10) days of any such change in ownership. Any such change in ownership made without complying with the terms hereof shall constitute grounds for suspension of the liquor license issued to such partnership or corporation. (Ord. 86-868-05)

**3-3-4-8: Change of Location, Upgrading of License, Sale of Business:**

- A. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed at no additional fee provided a written request is completed, there is no change in ownership, and the request is approved by the Board of Trustees.
- B. A licensee, where no change in ownership is involved, may apply for an upgrade of his liquor license and, if approved by the Board of Trustees, shall pay to the Village the difference between the new license and the fee for the initial license. If the change in liquor license classification results in a lower fee, the licensee shall not be entitled to a refund of the difference.
- C. When a licensee is selling or has sold the premises for which the license was issued, and the buyer applies for a liquor license from the Village, if the Mayor and Board of Trustees find that said application conforms to the requirements of local and State law, they may authorize the reissuance of the current license to such buyer, upon the buyer's payment to the Village as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

**3-3-4-9: Change in Personnel:**

- A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Liquor Commissioner within ten (10) days of the change. A change in on-site manager requires completion of a new manager/agent form, and that person must also submit to a fingerprint background check. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Liquor Commissioner.
- 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, shareholders of more than five percent (5%) of the stock or



managers 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 becomes or is no longer eligible for a license, said license shall terminate.

### **3-3-4-10: Cessation of Business:**

Any licensee who ceases to do business or closes his place of business for a period of more than thirty (30) successive days shall be subject to having his license declared forfeited and lapsed by order of the Liquor Commissioner. If any licensee desires to close the business or place of business for more than thirty (30) successive days, he shall so notify the Liquor Commissioner in writing, including the reasons therefor and requesting an extension, and the Liquor Commissioner may grant such an extension on a showing of good cause. (Ord. 74-348-24)

### **3-3-4-11: Licensing of Premises for which License is Revoked:**

When any license hereunder shall have been revoked for any cause at the discretion of the Liquor Commissioner, no license shall be granted to any person for the period of one year thereafter for the conduct of the sale of alcoholic liquor in the premises in such revoked license. (Ord. 74-348-24)

## **3-3-5: EMPLOYEE REQUIREMENTS:**

### **3-3-5-1: Employment of Minors:**

- A. It shall be unlawful for any licensee, manager, or agent to employ any persons under seventeen (17) years of age in the licensed premises where alcoholic beverages are drawn, poured, missed, served, or consumed; provided, however, the employment of minors between the age of fourteen (14) and seventeen (17) to perform bus-boy, wait staff and kitchen duties, not otherwise prohibited, when in connection with the service of meals at any private club, fraternal organization or veteran's organization shall be permitted.
- B. It shall be unlawful to employ any persons under the age of twenty-one (21) years for the purpose of drawing, pouring, or mixing any alcoholic liquor. However, a person less than twenty-one (21) years of age, but at least eighteen (18) years of age, may be employed as a waiter or waitress and may serve or deliver alcoholic liquor when in the presence of or under the direct supervision and control of the owner or manager/agent who is of at least twenty-one (21) years of age. Class H and I license holders must employ a person twenty-one (21) years of age or older for the purpose of selling package liquor. (Ord. 05-2005-69)

### **3-3-5-2: Training:**

- A. A licensee must only employ persons for the purpose of selling, serving, drawing, pouring or mixing any alcoholic liquor, or checking evidence of age for the purchase of alcoholic beverages, who have completed a state-certified beverage

alcohol sellers and servers education and training (BASSET) program within 90 days of commencing employment.

- B. Prior to completing a BASSET program, all new employees shall work under the supervision of an employee who has completed the BASSET program.
- C. The original or renewal license application shall be accompanied with proof of completion of BASSET training for the manager of the licensee.
- D. The licensee shall be required to maintain records demonstrating proof of completion of BASSET training for each applicable employee for the term of their employment and a period of one year thereafter, in a manner that will allow inspection, upon demand, by any authorized representative of both state and local liquor control authorities.
- E. It shall be unlawful for any employee of a licensee, to sell, serve, draw, pour or mix any alcoholic liquor, or check evidence of age for the purchase of alcoholic beverages, unless such employee either has completed the BASSET program or is working under the supervision of an employee who has completed the BASSET program.
- F. A BASSET program must comply with and be no less comprehensive than the requirements outlined in 77 Ill. Adm. Code 3500. (Ord. 15-3363-90, Amd. Ord. 16-3405-132, eff. 07/01/2016)

### **3-3-6: RESTRICTIONS AND CONDITIONS OF LICENSE:**

#### **3-3-6-1: Display of License:**

Every licensee shall cause his Village liquor license and State of Illinois liquor license to be displayed in a prominent place in the licensed premises where it may be viewed by the general public. In the event that the licensee shall hold more than one liquor license issued to his business, the State license shall be displayed adjacent to the primary liquor license issued to each Village licensed liquor establishment.

#### **3-3-6-2: Books and Records Maintained:**

It shall be the duty of all licensees hereunder to keep books and records of the licensed business at the licensed premises at all times for the purpose of investigation and control.

- A. For such licensees who are maintaining records on the cash basis, the following books and records shall be kept at the licensed premises at all times:
  - 1. A record of cash receipts from all sources. This record must be kept in accordance with the rules and procedural requirements of the Illinois Department of Revenue.

2. A record of all cash disbursements for payment of merchandise purchases. This record must be documented by paid invoices or receipts.
  3. A record of all cash disbursements for operating expenses (including rent, salaries, light, power and heat, payroll, and other taxes) and all other expenses. This record shall show to whom payment was made and for what purpose.
  4. Monthly or quarterly statements must be available for inspection disclosing cash receipts, cash disbursements for merchandise purchases and cash disbursements for operating expenses, and all other expenses, which will reflect the licensee's gross profit, net profit or net loss, and the person or persons sharing directly or indirectly in the said net profit or loss. Where physical inventories are not taken quarterly, it will be permissible to determine gross profit on the basis of deducting purchases from sales.
  5. A record must also be maintained of cash on hand and cash in the bank. Bank statement and canceled checks must also be on file.
- B. For such licensees who maintain records on an accrual basis, their method of record keeping must be one conforming to the rules and regulations of the Illinois Department of Revenue. The records of such licensees shall be documented in the same manner as those of licensees on a cash basis, and, in addition, they shall maintain records supporting entries made for accruals of income and expenses. (Ord. 74-348-24)

### **3-3-6-3: Hours of Sale:**

Except as hereinafter provided, no alcoholic liquor shall be sold, given away or offered for sale or consumed on the licensed premises: (Ord. 13-3294-20, 07/22/13)

- A. No person shall sell or offer for sale alcoholic liquor in the original package for consumption off the premises between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. on each day of the week.
- B. No person shall sell or offer for sale alcoholic liquor for consumption on the premises between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on each day of the week.
- C. No person shall keep open for business or admit the public to any premises on which alcoholic liquor is sold at retail during the hours within which the sale of such alcoholic liquor is prohibited; provided, however, the establishment may be kept open during such hours but no alcoholic liquor may be sold to or consumed by the public or the membership during such hours.

### **3-3-6-4: Location Restrictions:**

No license shall be issued for the sale at retail of any alcoholic liquor on any premises

- A. In violation of the zoning or building ordinances of this Village,
- B. Within one hundred feet (100') 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. Such proximity prohibition shall not apply to renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license; nor the 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 in such place of business. The distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries, but in other cases it shall be measured property line to property line. The Liquor Commissioner may grant exemptions from the setback requirements as described in 235 ILCS 5/6-11 (a-5).

**3-3-6-5: Clear View of Inside of Premises:**

A clear view of the inside of the licensed premises shall be provided as follows:

- A. In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels, motels or clubs, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or on the door of such licensed premises, nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from street, road or sidewalk at all times, and no booth, screen, partition or other obstruction, nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises. The entire space used by the public must be so located that there shall be a full view of the entire interior of such premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk.
- B. All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours so that all parts of the interior of the premises shall be clearly visible.
- C. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided.
- D. In order to enforce the provisions of this Section, the Liquor Commissioner shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the view as above required.

**3-3-6-6: Warning to Minors:**

All liquor license holders shall display, at all times in a prominent place, a printed card obtained from the Illinois Liquor Control Commission, which shall read "Be prepared to show PROOF OF AGE." It is the responsibility of the entity to update the year on the printed card as necessary.

**3-3-6-7: Schedule of Prices of Alcoholic Drinks:**

All liquor license holders shall maintain a schedule of the prices that they charge for all alcoholic drinks to be served and consumed on the licensed premises. This schedule shall be current and made available upon demand by any duly authorized representative of the Village or by any patron. (89-1105-72)

**3-3-6-8: HEALTH AND SANITARY REQUIREMENTS:**

- A. It shall be the duty of every person licensed to carry on a business under the provisions of this Chapter to at all times keep the premises, where such business is carried on, clean and in proper sanitary conditions in full compliance with all applicable rules or regulations of the Health Department of the County of Lake, State of Illinois, and in full compliance with the Lincolnshire Village Code and the ordinances regulating the condition of premises used for the storage or sale of food for human consumption, and it shall be unlawful to do otherwise. (Ord. 86-868-05)
- B. In addition to the above, it shall be the duty of each licensee dispensing draught beer to have coils and other equipment used in drawing draught beer cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the required cleaning was done. This record must be signed by the person who actually performed the work of cleaning. (Ord. 74-348-24)

**3-3-6-9: Sealing and Removal of Open Wine Bottles from a Restaurant**

At a patron's request, a licensee may seal a partially consumed bottle of wine in a transparent, one-time use, tamper-proof bag for removal from the licensee's premises.

**3-3-7: PROHIBITED ACTS, CONDITIONS:**

**3-3-7-1: Sales to Unfit Persons:**

No licensee, officer, associate, member, representative, agent, manager, or employee shall sell, give, or deliver alcoholic liquor to any person who is noticeably intoxicated or otherwise impaired or exhibiting disorderly behavior. Intoxicated, impaired, or disorderly persons shall not be allowed to congregate on the licensed premises after such condition is known to the person selling or serving alcohol.

**3-3-7-2: Minors:**

No licensee, officer, associate, member, representative, agent, manager, or employee shall sell, give, or deliver alcoholic liquor to any person under twenty-one (21) years of age.

**3-3-7-3: Misrepresentation of Alcoholic Beverages or Containers:**

It shall be unlawful for any person to sell or offer for sale, dispense, pour or mix, or have in his possession on such licensed premises:

- A. Any original package of alcoholic liquor which contains any kind or quality of alcoholic liquor other than that which has been sealed and labeled by the manufacturer of such alcoholic liquor.
- B. Any original package of alcoholic liquor to which there has been added any water or other substance.
- C. Any bottles, casks, or other containers containing alcoholic liquor which contains any deleterious, contaminated, filthy, putrid substance or insects.
- D. Any alcoholic liquor which is represented, by label or otherwise, to be of given brand name when same is not of such brand.
- E. Any alcoholic liquor which is represented to be of certain ingredients when it does not in fact contain all such ingredients in the quantities represented.
- F. All glasses or other receptacles used for the selling, dispensing, pouring, or mixing of alcoholic drinks for consumption on the premises shall be of at least one ounce in capacity, and the same must indicate clearly by a line or otherwise the point at which such one ounce is reached or determined. (Ord. 74-348-24)

**3-3-7-4: Prohibited Entertainment:**

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

- A. Performances of:
  - a. Acts or simulated acts of sexual intercourse or otherwise sexual in nature.
  - b. The actual or simulated touching, caressing or fondling of the breasts, buttocks, or genitals.
  - c. The actual or simulated display of the breasts, buttocks, or genitals.
- B. Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, or genitals.
- C. It is unlawful for any licensee to conduct or to permit on the licensed premises any lingerie or fashion show or exhibit of any contest, show, or exhibit involving the removal, alteration, or wetting of any clothing.
- D. Gambling shall be prohibited except by a local not-for-profit organization holding a valid state gambling license for special events upon the approval of the Liquor Commissioner.
- E. It is unlawful for any licensee to conduct or to permit on the licensed premises any contest, exhibition, demonstration, competition, activity, or amusement that poses a threat to the health or safety of the participants or any other person, including without limitation, wrestling or boxing matches, arm wrestling, throwing, rolling, or

otherwise propelling objects or any person, activities involving animals, and activities involving running, jumping, or leaping.

Movie theaters holding a liquor license shall be allowed to show motion pictures or films depicting the aforementioned entertainment as long as the motion pictures or films have been classified by the Motion Picture Industry.

### **3-3-7-5: General Prohibitions:**

It shall be unlawful:

- A. For any person to sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes, except as specifically provided in the Illinois Compiled Statutes, Chapter 235 (Liquor Control Act), and the provisions of this Chapter. (Ord. 86-868-05)
- B. For a licensee, his agent or employees, to allow, permit, or suffer to remain on his premises any person who shall solicit for themselves or for others for prostitution, or solicit any patron to purchase alcoholic beverages. (Ord. 87-960-46)
- C. For any person to drink any alcoholic liquor in any public street, public parkway, public driveway, or public parking lot in the Village.
- D. For any licensee, officer, associate, member, representative, agent, manager, or employee to operate the licensed premises other than in compliance with all applicable statutes and ordinances.
- E. For any licensee, officer, associate, member, representative, agent, manager, or employee to operate the licensed premises so as to allow assaults, fights, and disorderly conduct to occur on or about the licensed premises. (Ord. 87-960-46)

### **3-3-7-6: Acts of Agent or Employee:**

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, if said act is committed or omission is made with the authorization, knowledge or approval of the licensee shall be deemed and held to be an act of such employer of licensee and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or committed by him personally. (Ord. 74-348-24)

### **3-3-7-7: Permitted Happy Hours:**

- A. It shall be unlawful for any licensee to operate a happy hour which does not comply with Section 6-28.5 of the Liquor Control Act of 1934. (Ordinance 17-3740-168, 03/20/17)

### **3-3-8: APPLICABILITY AND PENALTY PROVISIONS:**

- A. Nothing in this Chapter shall excuse or relieve the owner, proprietor, or person in charge of any place within the Village where alcoholic liquor is sold from the restrictions and requirements of any other Chapters of this Code or other

ordinances of the Village or of the statutes of the State or of the United States government. (Ord. 74-348-24)

- B. Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1.