
THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2021-O-086

**ORDINANCE AMENDING CHAPTER 112 OF THE TINLEY PARK
MUNICIPAL CODE**
(Amending the Alcoholic Beverages Ordinance in its Entirety)

MICHAEL W. GLOTZ, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
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WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Village staff have undertaken an thorough review of Chapter 112 of the Village Code (the “Liquor Ordinance”) and have determined significant changes are necessary to allow for a more concise understanding of the rules and regulations for the sales and service of alcoholic beverages; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to amend the Tinley Park Municipal Code to amend Chapter 112, “Alcoholic Beverages”, of the Tinley Park Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of facts as if said recitals were fully set forth herein.

SECTION 2: That Chapter 112 (Alcoholic Beverages) of Title XI (Business Regulations) is deleted and replaced with **Exhibit A**, attached hereto and incorporated herein.

SECTION 3: Any policy, resolution or ordinance of the Village that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its adoption and approval.

SECTION 5: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 7th day of December, 2021.

AYES: Brennan, Mahoney, Mueller, Sullivan

NAYS: Brady, Galante

ABSENT: None

APPROVED THIS 7th day of December, 2021.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK

EXHIBIT A

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

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GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“ALCOHOL.” The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

“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.

“BEER.” A beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter, and the like.

“BEER GARDEN.” An outdoor beer garden permit shall, upon issuance, the license holder to sell alcoholic liquor as authorized by their primary classification, outside of the permanent structure of his/her premises under the conditions laid out in 112.20 (BG). A beer garden shall have a permanent fence, not less than three feet in height, made of wood or other similar material. The fencing shall be positioned between the area in which alcoholic liquor can be consumed outside and any adjoining residential or commercial property. Define so we can set up regulations for patios/beer gardens. Do we want to call patio, beer garden, etc?

“CLUB.” A group of persons or a corporation organized under the laws of this state, not for pecuniary profit, or organized solely for the promotion of some common object other than the sale of or consumption of alcoholic liquors, which is kept, used, and maintained by its members and owns, hires, or leases 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 is provided with suitable and adequate kitchen and dining room space and equipment. However, such a club shall file with the Local Liquor Control Commissioner at the time of its application for an original license or renewal thereof, a list of the names, resident addresses, and phone numbers of its officers and members. Its affairs and management shall be conducted by a board of directors, executive committee, or similar board chosen by the members at their annual meeting. No member or any officer, agent, or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club, the members of the club, or its guests introduced

by members, beyond the amount of such salary as may be fixed and voted on at an annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. A Club may engage in the retail sale of alcoholic liquor to members of the public for consumption on the premises designated at maximum three days a week.

“CONSUMPTION SALES.” The sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

“CRAFT COCKTAIL.” Cocktails made with spirits from a craft distillery that manufactures alcoholic liquor in quantities not greater than 100,000 gallons per calendar year or such quantities as may be permitted under the Illinois Liquor Control Act, as amended from time to time.

“DEDICATED EVENT SPACE.” A room or rooms or other clearly delineated space within a retail licensee’s premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

“INFUSION.” A spirit where ingredients, including, but not limited to, fruits, spices, or nuts, are added to naturally infuse flavor into the spirit.

“LICENSED TRUCK STOP ESTABLISHMENT.” A facility (i) that is at least a three-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (ii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. “COMMERCIAL MOTOR VEHICLES” has the same meaning as defined in ILCS Ch. 625, Act 5 §§ 18b-101. The requirement of item (iii) of this definition may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

“MEAL PACKAGE.” A food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

“ON-PREMISE.” Define—we run into issues here frequently for special events & whether or not it needs to be issued. Does parking lot/outdoor space count?

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

“PACKAGE SALES.” The sale or offering for sale at retail of alcoholic liquor in the original package and not to be consumed or in fact consumed in whole or in part on the premises where sold.

“PARTY PACKAGE.” A private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in ~~an~~ dedicated event space.

“PERSON.” A natural human being, or any applicant or licensee hereunder even if such applicant or licensee is a group of persons, a partnership, co-partnership, limited liability company or a corporation unless the context of its use clearly indicates it is limited to a natural human being.

“PREMISES.” The place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted

and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location where alcohol is not served on a regular and on-going basis.
Optional Language: Premise refers to the geographic location where alcohol is permitted to be consumed or sold as depicted and approved on a drawing or diagram which is submitted at the time of application for a liquor license.

“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, and whose primary business remains the service of food, and 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.

“RETAILER.” A person, group of persons, partnership, or corporation who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

“SALE.” 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 for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee, and further includes dispensing, pouring, mixing, giving away or otherwise serving alcoholic liquors.

“SELL OR SALE AT RETAIL.” “SELL AT RETAIL” and “SALE AT RETAIL” refer to and mean sales for use or consumption and not for resale in any form.

“SERVICE OF FOOD.” The service of meals for consumption only on the premises in an adequate and sanitary kitchen as defined in any appropriate health or food service ordinance of the village. The meals must consist of more than the service or sale of packaged foods such as potato chips, pretzels, peanuts, cheese and crackers, or frozen or premade foods, such as pizzas, hamburgers, or sandwiches which can be prepared by being heated or warmed in an oven. The meals must be actually and regularly served and eaten at tables and not only at a bar or counter.

“SPIRITS.” Any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whiskey, gin, vodka, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

“TO SELL.” Shall include keeping or exposing for sale and keeping with intent to sell.

“WINE.” Any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2015-O-034, passed 8-18-15; Am. Ord. 2019-O-073, passed 11-12-19)~~

§ 112.02 OTHER LAWS AND REGULATIONS MAY APPLY.

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 ordinances of the village or of the statutes of the state.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.03 ACTS OF AGENT OR EMPLOYEE DEEMED TO BE ACT OF LICENSEE.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by an officer, director, shareholder, associate, member, representative, agent, or employee of any licensee, shall be deemed and held to be an act of that employer or licensee and shall be punishable in the same manner as if the act or omission had been done or omitted by him or her personally.

(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)

§ 112.04 INAPPLICABILITY OF CHAPTER TO CERTAIN TYPES OF ALCOHOL.

(A) The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol; to any liquid or solid containing 0.5% or less of alcohol by volume; to flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations; or to food products unfit for beverage purposes. However, provisions of this chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products.

(B) The provisions of this chapter shall not apply to wine intended for use or used by any church or religious organization for sacramental purposes.

(C) The provisions of this chapter shall not prevent any duly licensed, practicing physician or dentist from possessing or using any alcoholic liquor in the strict practice of his or her profession; any hospital or other institution caring for sick and diseased persons from possessing alcoholic liquor for the treatment of bona fide patients of that hospital or other institution; or prevent any licensed pharmacist from possessing and using alcoholic liquors in the preparation of prescriptions written by duly licensed physicians.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

LICENSE REGULATIONS

§ 112.15 LICENSE REQUIRED.

No person, group of persons, partnership, or corporation shall sell or offer for sale at retail any alcoholic liquors within the village without first having obtained a liquor license as herein provided. Each separate place of business or location wherein alcoholic liquor shall be sold or offered for sale shall have a separate license.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.16 APPLICATION; INITIAL LICENSE APPLICATION FEE.

(A) License application. Every person, group of persons, partnership, co-partnership, limited liability company or corporation desiring to engage in the business of selling alcoholic liquor at retail shall make application for a liquor license in writing on forms furnished by the village. A separate application for each place of business or location shall be made, under oath, and shall be filed with the ~~Local Liquor Commissioner~~Village Clerk. Each applicant shall furnish under oath the following information:

(1) The applicant's name, sex, age, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, age, date of birth, social security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, member of any limited liability company, manager and any person who

owns 5% or more of the shares of the applicant business entity or parent corporations of the applicant business entity.

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

(3) In case of a limited liability company, corporation or a club, the object for which it was organized, a list of the names, resident address, and phone numbers of its officers, directors, shareholders, and members, and a certified copy of the articles of incorporation and/or charter.

(4) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; in the case of a limited liability company the date of its organization in Illinois under the Limited Liability Company Act; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983 to transact business in the State of Illinois.

(5) The name, character, and address of the business of the applicant.

(6) The location and description of the premises or place of business which is to be operated under the license, including the number of bars to be operated thereon.

(7) A statement whether the applicant has made any other application for a similar license on premises other than described in this application, and the disposition of that application. Such statement shall include any other application which the applicant was in any way involved with regardless of the name, structure, or the like of the business entity. If any license was denied the applicant shall include the reasons therefor.

(8) The number, date of issuance and date of expiration of the applicant's current local retail liquor license issued in either the village or issued by any county or other municipality.

(9) The name of the city, village, or county that issued the local retail liquor license (if other than the Village of Tinley Park).

(10) The name and address of the landlord of any premises that are leased in any other municipality of county in which the applicant has another local retail liquor license.

(11) The date of the applicant's first request for a state liquor license and whether it was granted, denied or withdrawn.

(12) The address of the applicant when the first application for a state liquor license was made.

(13) The applicant's current state liquor license number.

(14) The date the applicant began liquor sales at his or her place of business.

(15) The applicant's retailer's occupation tax (ROT) registration number.

(16) Whether the applicant is delinquent in the payment of the retailer's occupational tax (sales tax), and if so, the reasons therefor.

(17) Whether the applicant is delinquent under the cash beer law, and if so, the reasons therefor.

(18) In the case of a retailer, whether he or she is delinquent under the 30-day credit law, and if so, the reasons therefor.

(19) Whether the applicant possesses a current Federal Wagering Stamp, and if so, the reasons therefor.

(20) Whether the applicant, or any other person, directly in his or her place of business is a public official, and if so, the particulars thereof.

(21) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.

(22) A statement whether the applicant has ever been convicted of either a misdemeanor nor 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 other ordinances of the village, and if so the particulars thereof.

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

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

(25) The class of license desired by the applicant.

(26) Whether the applicant owns the premises for which a license is sought, and if he or she does not, the name of his or her landlord and the period of his or her lease. A complete and correct copy of the lease is to be attached to the application.

(27) Whether or not the applicant intends to manage and conduct the business in person, and if not, the name of the manager or agent who is to conduct the business to be carried on the premises for which the license is sought.

(28) A statement that the applicant will be required to and shall require all officers, agents, and employees of the applicant to testify (subject to constitutional limitations) at any hearing that may be called by the village or any of its committees, commissions, boards, or agencies, or the Local Liquor Control Commissioner, relating, directly or indirectly, to any events or occurrences of which they may have knowledge arising out of their position as officer, agent, or employee of the licensee. In addition, a statement that the applicant has so informed all officers, agents, and employees, and has made the same a condition of employment for all employees.

(29) In addition to the foregoing information, the application shall contain such other information as the Local Liquor Control Commissioner may prescribe.

(B) In case the application is made by a partnership, all partners must sign the application and the information required by this chapter shall be furnished as to each partner.

(C) In case the applicant is a corporation, the application shall be signed by the president and secretary of the corporation, and the corporate seal shall be affixed.

(D) In case the applicant is a limited liability company, the application shall be signed by the manager of the limited liability company and, if the manager is not also a member, then the application must also be signed by a member.

(E) Every application for a license, whether new or renewal, where the real estate title of the premises is in a trustee, shall be accompanied by the sworn affidavit of the land trustee or a beneficiary of the trust, disclosing the names, residence addresses, and beneficial interest of each beneficiary of the land trust.

(F) Every application for a license, whether new or renewal, shall be accompanied by a copy of the applicant's policy of dram shop insurance written by a responsible insurance company authorized and licensed to do business in this state insuring such applicant against liability as required under ILCS Ch. 235, Act 5, § 6-21, as amended from time to time. The applicant shall keep the policy of insurance in full force and effect during the term of the license (and any renewals), or shall provide a suitable substitute policy. Each such policy shall contain a provision that it cannot be cancelled without ten days' prior written notice to the Local Liquor Control Commissioner of the village. Each such policy shall provide coverage in the minimum amount of \$1,000,000, or such higher amounts as may be required by law.

(G) By making application hereunder, the applicant agrees that the Local Liquor Control Commissioner shall cause to be conducted a background search and credit check on the applicant, and applicant further agrees to cooperate fully regarding the same, including but not limited to identifying and authorizing the release of relevant credit information.

(H) The applicant must also provide a letter of intent indicating the type and nature of the applicant's business, and the types of activities to be conducted on the licensed premises. Any basic change in the activities to be conducted or the type and nature of the premises or business must be submitted to the Local Liquor Control Commissioner for approval.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.17 APPROVAL, DENIAL OF APPLICATION.

(A) All applications for license under this chapter shall be delivered ~~by the Village Clerk~~ to the Local Liquor Control Commissioner ~~or his/her designee~~. It shall be the duty of the Local Liquor Control Commissioner to investigate and consider the application. For this purpose the Local Liquor Control Commissioner may enlist the aid of the Chief of Police and any other village officials or employees that he or she deems necessary to complete the investigation. The investigation shall include a background search ~~via fingerprinting to be completed at the Tinley Park Police Department. The investigation may also include~~ ~~and~~ credit check ~~and review of any outstanding fees owed to the Village~~. At any time during the pendency of an application the Local Liquor Control Commissioner shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the Local Liquor Control Commissioner, are material to the determination of whether the applicant is qualified to receive a license under the provisions of this code, or whether the premises sought to be licensed are suitable for such purposes. The Local Liquor Control Commissioner shall also have the right to require the applicant to answer any charges made in any objection to the issuance of the license made by the Chief of Police, a prosecuting official, or by the sheriff or prosecuting attorney of the county relative to the same. The failure of any applicant to appear at the time and place fixed by the Local Liquor Control Commissioner for his or her examination or to produce books and records when requested, unless for good cause shown, shall be deemed to be an admission that the applicant is not qualified to receive a license and, therefore, a basis for denial of the license.

(B) Upon completion of the investigation, the Local Liquor Control Commissioner shall approve or disapprove the issuance of a license based on the application, provided, in the case of approval, that there exists an available license as set forth in § 112.22.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

~~Cross-reference:~~

~~—Hearing upon denial of license application, see §§ 112.76 and 112.77~~

~~—Appeals, see § 112.78~~

§ 112.18 PERSONS INELIGIBLE FOR LICENSE.

No license shall be issued to:

~~(A) A person who is not a resident of the village; provided, however, a special event license may be issued to a person who is a non-resident.~~

(~~AB~~) A person who is not of good character and reputation in the community in which he or she resides.

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

(~~CD~~) A person who has been convicted of a felony or misdemeanor under federal or state law, if the Local Liquor Control Commissioner determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust and to have issued to him or her a license. The burden of proof of sufficient rehabilitation shall be on the applicant.

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

(~~EF~~) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality or involving moral turpitude.

(~~FG~~) A person who has been convicted of a felony or misdemeanor under any federal or state law dealing with or regulating alcoholic liquor, drugs, cannabis sativa, or any controlled substances as defined under any such law.

(~~GH~~) A person whose license issued under this chapter has been revoked for cause, or any person who applies as an individual but who was a partner in a partnership or an officer, manager, director, or shareholder with at least a 5% ownership interest in a corporation which corporation or partnership is ineligible for a license or has previously had a license revoked.

(~~HI~~) A person who has had a license issued by any other unit of government which has been revoked for cause.

(~~IJ~~) A person who has had a license issued under this chapter or by any other unit of government which has been suspended, if the Local Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust and to have issued to him or her a license. The burden of proof of sufficient rehabilitation shall be on the applicant.

(~~JK~~) A partnership, unless all of the members of the partnership are qualified to obtain a license. A co-partnership, if any general partner thereof, or any limited partnership thereof, owning more than 5% of the aggregated limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason.

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

(~~LM~~) A corporation or limited liability company, unless it is incorporated in Illinois, or unless it is a foreign corporation or limited liability company which is qualified under the Illinois Business Corporation Act or the Limited Liability Company Act to transact business in Illinois.

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

(~~NO~~) 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 has forfeited his or her bond to appear in court to answer charges for any such violation.

(~~OP~~) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(~~PQ~~) Any law-enforcing public official of the village, including the Local Liquor Control Commissioner, the President, and the Village Trustees. No such official shall be interested in any

way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the village, if the issuance of such a license is approved by the State Liquor Control Commission. However, a license may be granted to any member of the Village Board of Trustees in relation to premises that are located within the village if:

- (1) The sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
- (2) The issuance of the license is approved by the State Commission;
- (3) The issuance of the license is in accordance with all applicable village ordinances; and
- (4) The official granted a license does not vote on alcoholic liquor issued pending before the Board to which the license holder is elected.

~~(QR)~~ A person who is not a beneficial owner of the business to be operated by the licensee.

~~(RS)~~ A person who has been convicted of a gambling offense under the laws of this state as heretofore or hereafter amended.

~~(SF)~~ A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for a prior or current tax period.

~~(TU)~~ A partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for a prior or current tax period, unless the person or entity is eligible to be issued a license under the State Raffles Act (ILCS Ch. 230, Act 15 §§ 0.01 et seq.) or the Illinois Pull Tabs and Jar Games Act (ILCS Ch. 230, Act 20 §§ 1 et seq.)

~~(UV)~~ A corporation or limited liability company, if any officer, manager, member or director thereof, or any stockholder owning in the aggregate more than 5% of the stock of that corporation, has been issued a federal gaming device stamp or a federal wagering stamp for a prior or current tax period.

~~(VW)~~ Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the period within which the license is to be effective.

~~(WX)~~ A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in the minimum amount of \$1,000,00 per occurrence, or such higher amounts as may be required by law.

~~(XY)~~ Any person intending to use the license in a premise smaller than 2,000 square feet.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2013-O-013, passed 4-23-13)~~

§ 112.19 LICENSING PREMISES WHERE PREVIOUS LICENSE REVOKED.

When any license hereunder has been revoked for any cause, no license shall be granted to any person, group of persons, partnership, firm, limited liability company or corporation for the period of one year thereafter for the conduct of the sale of alcoholic liquor in the premises described in the revoked license.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.20 LICENSE CLASSIFICATION; ~~FEE SCHEDULE.~~

Liquor licenses issued pursuant to the provisions of this chapter are hereby divided into 259 classes, as follows (for each class of license the terms “retail sale,” “selling,” “sale,” “sell,” and/or

“offer to sell” shall include dispensing, pouring, mixing, giving away or otherwise serving any alcoholic liquor):

(A) (1) Class A License. Shall authorize the retail sale of alcoholic liquor by the drink only on the premises designated therein for consumption on such premises or the retail sale of alcoholic liquor to be consumed off the premises, provided that such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. Drive-in or drive-up sales are prohibited. ~~The annual fee for this license shall be \$1,500. Holders of a Class A license may be allowed to have extended hours pursuant to § 112.21 hereof, if approved by the Local Liquor Control Commissioner. The annual fee for the extended hours shall be \$1,000.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class A licensed premises.

(2) Class AV License. Shall authorize the retail sale of alcoholic liquor by the drink only on the premises designated therein for consumption on such premises or the retail sale of alcoholic liquor to be consumed off the premises, provided that such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. Drive-in or drive-up sales are prohibited. ~~The annual fee for this license shall be \$1,500. Holders of a Class AV license may be allowed to have extended hours pursuant to § 112.21, if approved by the Local Liquor Control Commissioner. The annual fee for the extended hours shall be \$1,000.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(3) Class AV-1 License. Shall authorize the retail sale of alcoholic liquor by the drink only on the premises designated therein for consumption on such premises or the retail sale of alcoholic liquor to be consumed off the premises, provided that such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. Drive-in or drive-up sales are prohibited. Holders of a Class AV-1 license shall be allowed to have extended hours pursuant to § 112.21. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(B) Class B License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein, but not for consumption on the premises where sold, provided that such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. Drive-in or drive-up sales are prohibited. ~~The annual fee for this license shall be \$1,200.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class B licensed premises.

(BG) Class BG License: Beer Garden. The Class BG license shall become effective January 1, 2023. It shall serve as a supplement license for existing license holders who operate or wish to operate an outdoor beer garden area. A Class BG license shall designate on a site or patio plan an area immediately adjoining the licensee’s indoor establishment, which contiguous area shall be

used for the purposes of the license, and which area will hereinafter be referred to as a beer garden. The beer garden may not exceed 50% of the establishment interior occupancy, and shall have its boundaries clearly marked with the appropriate enclosure as determined by the Liquor Commissioner or designees. The beer garden must be enclosed by at minimum, a three-foot barrier on all sides, as a means of separating the beer garden from pedestrians. The Liquor Commissioner, in his or her sole and absolute discretion, shall approve the location of a beer garden or where the zoning ordinance regulates the use will supersede the Liquor Commissioner's discretion.

(1) It shall be the responsibility of the establishment to ensure staff periodically observe the beer garden to enforce all applicable requirements.

(2) Such sale and consumption of liquor shall be limited to the designated beer garden.

(3) Adequate area for pedestrian flow through the beer garden shall be maintained at all times.

(4) Emergency ingress and egress and access by and to fire apparatus in the beer garden shall be subject to review and approval of the Fire Department.

(5) The beer garden shall be maintained in a clean and sanitary condition and shall be kept from debris at all times.

(6) All trash containers located in the beer garden shall be lidded at all times and all refuse shall be regularly removed.

(7) Licensees shall obtain all licenses, certifications, permits, and other approvals required for the legal operation of the beer garden.

(8) Licensees shall comply with all other requirements applicable to the beer garden in the code and other applicable codes, ordinances, and regulations.

(9) It shall be unlawful to sell, offer, give away or permit to be sold, offered or given away, at retail, in or upon a licensed beer garden, any liquor between the hours of 12:00 a.m. and 9:00 a.m. on all days of the week.

(10) Following the closing times and prior to the opening times set forth in of this section of the city code, every non-licensee person located in the beer garden area shall relocate indoors or otherwise leave the outdoor premises, which shall be closed and remain closed.

(11) All doors directly opening into or out of such location, place or premises for ingress thereto or egress therefrom shall be securely locked during the time that sales in the beer garden are prohibited.

(C) (1) Class C License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein solely for the consumption on the premises by a club as defined in this chapter. Drive-in or drive-up sales are prohibited. ~~The annual fee for this license shall be \$75.~~ Video gaming as defined under the Illinois Video Gaming Act, Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class A licensed premises.

(2) Class CV License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein solely for the consumption on the premises by a club as defined in this chapter. Drive-in or drive-up sales are prohibited. ~~The annual fee for this license shall be \$75.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall

be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

~~(3) Class CC License. The holder of a Class C or CV license may, in addition, obtain a Class CC license. A holder of a Class CC license shall be subject to all regulations relative to holders of Class C and CV licenses, provided that holders of Class CC licenses may on one day of each week engage in the retail sale of alcoholic liquor to the general public for consumption on the premises designated. Drive-in or drive-up sales are prohibited. The annual fee for this license shall be \$75, in addition to the annual fee paid for a Class C License.~~

(D) (1) Class D License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption by the drink on such premises only. Further, the sale of alcoholic liquor shall be restricted to sales made in conjunction with the licensee's operation of a restaurant on the premises. The sale of alcoholic liquor on the premises is restricted to service of alcoholic liquor at tables or booths only. Drive-in or drive-up sales are prohibited. A current menu must be attached to the licensee's liquor license application; any substantial deviation from this menu must be reviewed and approved by the Liquor Commissioner to ensure that the primary purpose of the business remains the service of food. No bar stools or bar shall be allowed other than a service bar for the wait staff. ~~No music of any type—live or jukebox—is permitted.~~ Appropriate background music for dining is permitted. No dancing of any type shall be allowed. Servers of alcohol must meet Illinois age requirements. ~~Package (take-out) sale of any alcoholic beverages is prohibited; provided, however, notwithstanding any other provision of this chapter, a restaurant may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall not be deemed an unsealed container. Appropriate village departments must approve any outdoor dining together with the approval of the Liquor Commissioner before making final determination.~~ Violation of any of the above will constitute grounds for termination of the liquor license. ~~The annual fee for this license shall be \$1,000.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class D licensed premises.

(2) Class DV License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption by the drink on such premises only. Further, the sale of alcoholic liquor shall be restricted to sales made in conjunction with the licensee's operation of a restaurant on the premises. The sale of alcoholic liquor on the premises is restricted to service of alcoholic liquor at tables or booths only. Drive-in or drive-up sales are prohibited. A current menu must be attached to the licensee's liquor license application; any substantial deviation from this menu must be reviewed and approved by the Liquor Commissioner to ensure that the primary purpose of the business remains the service of food. No bar stools or bar shall be allowed other than a service bar for the wait staff. ~~No music of any type—live or jukebox—is permitted.~~ Appropriate background music for dining is permitted. No dancing of any type shall be allowed. Servers of alcohol must meet Illinois age requirements. ~~Package (take-out) sale of any~~

~~alcoholic beverages is prohibited; provided, however, notwithstanding any other provision of this chapter, a restaurant may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall not be deemed an unsealed container. Appropriate village departments must approve any outdoor dining together with the approval of the Liquor Commissioner before making final determination. Violation of any of the above will constitute grounds for termination of the liquor license. The annual fee for this license shall be \$1,000.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(E) (1) Class E License. Shall authorize the retail sale of wine and beer only on the premises designated therein for consumption by the drink on such premises only. Further, the sale of wine and beer shall be restricted to sales made in conjunction with the licensee's operation of a restaurant on the premises. The sale of wine and beer on the premises shall be further restricted to service of such wine and beer at tables or booths only. Drive-in or drive-up sales are prohibited. A current menu must be attached to the licensee's liquor license application; any substantial deviation from this menu must be reviewed by the Liquor Commissioner to ensure that the primary purpose of the business remains the service of food. No bar stools or bar shall be allowed other than a service bar for the wait staff. ~~No music of any type—live or jukebox—is permitted.~~ Appropriate background music for dining is permitted. No dancing of any type shall be allowed. Servers of alcohol must meet Illinois age requirements. ~~Package (take-out) sale of any alcoholic beverages is prohibited; provided, however, notwithstanding any other provision of this chapter, a restaurant may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall not be deemed an unsealed container. Appropriate village departments must approve any outdoor dining together with the approval of the Liquor Commissioner before making final determination.~~ Violation of any of the above will constitute grounds for termination of the liquor license. ~~The annual fee for this license shall be \$1,000.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class E licensed premises.

(2) Class EV License. Shall authorize the retail sale of wine and beer only on the premises designated therein for consumption by the drink on such premises only. Further, the sale of wine

and beer shall be restricted to sales made in conjunction with the licensee's operation of a restaurant on the premises. The sale of wine and beer on the premises shall be further restricted to service of such wine and beer at tables or booths only. Drive-in or drive-up sales are prohibited. A current menu must be attached to the licensee's liquor license application; any substantial deviation from this menu must be reviewed by the Liquor Commissioner to ensure that the primary purpose of the business remains the service of food. No bar stools or bar shall be allowed other than a service bar for the wait staff. ~~No music of any type—live or jukebox—is permitted.~~ Appropriate background music for dining is permitted. No dancing of any type shall be allowed. Servers of alcohol must meet Illinois age requirements. ~~Package (take-out) sale of any alcoholic beverages is prohibited; provided, however, notwithstanding any other provision of this chapter, a restaurant may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall not be deemed an unsealed container. Appropriate village departments must approve any outdoor dining together with the approval of the Liquor Commissioner before making final determination.~~ Violation of any of the above will constitute grounds for termination of the liquor license. The annual fee for this license shall be \$1,000. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(F) Class F License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption by the drink on such premises only, when premises are owned by any park district organized under “The State Park District Code,” provided the park district provides or causes to be provided dram shop liability insurance in maximum insurance coverage limits as provided by state law so as to save harmless the village and park district from all financial loss, damage, or harm. The park district shall fully comply with all provisions of the “State Park District Code” and “An Act in Relation to Alcoholic Liquors” of the state. If an event is being conducted on park property by a legal entity other than the park district, the entity conducting the event shall first receive approval from the park district to conduct the event and sell alcoholic liquor, and shall then apply for a license hereunder. Any such entity shall be required to provide the necessary insurance coverage or shall be, by agreement with the park district, covered by the park district's policies of insurance. The annual fee for this license shall be \$15. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class F licensed premises.

(G) (1) Class G License. Shall authorize the retail sale of beer and wine only on the premises designated therein, provided the beer and wine are sold only in their original package and not for consumption on the premises where sold. Effective January 1, 2022, the minimum square footage requirement for a Class G license shall be 3,500 square feet ~~The annual fee for this license shall~~

~~be \$1,200.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class G licensed premises.

~~—(2) Class G-1 License. Shall authorize the licensee to sell at retail wine by the glass at wine tasting events on the licensed premises for consumption on the licensed premises. The license fee for a G-1 license shall be \$200. Nothing in the issuance of a Class G-1 license pursuant to this division (G) shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the sale of alcoholic beverages, and all applicable business and other regulations of the village. No licensee shall be allowed to have more than four events per year. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class G-1 licensed premises.~~

~~—(H) Class H License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein, but not for consumption on the premises where sold, provided that such alcoholic liquor shall at the time it leaves the premises be sealed in its original container as part of a gift or fruit basket, and further provided that such alcoholic liquor be incidental to said gift or fruit basket. The value of the alcoholic liquor shall not exceed 75% of the total value of the fruit or gift basket. Drive-in or drive-up sales are prohibited. The annual fee for such license shall be \$300. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class H licensed premises.~~

(I) Class I license. Shall authorize the retail sale of alcoholic liquor on the premises designated therein at concession stands. This license shall be available only to concessionaires at outdoor music theaters and similar facilities. Notwithstanding the provisions of § 112.18, the applicant for (and holder of) a Class I liquor license need not own or be the beneficial owner of the subject premises, nor need it be a lessee of the subject premises. Nevertheless, such holder shall hold a Class I liquor license as an agent for the owners of the subject premises. Further, the sale of such alcoholic liquor shall be also restricted as follows:

(1) No one under the age of 21 shall be allowed to serve, mix, or sell or give away any alcoholic liquor under a Class I liquor license.

(2) Concession stands may be located in the concourse, on norther and southern portions of the grassy hill area along the fence line, as well as in the parking lot of an outdoor music theatre when contained within a fenced in area as described in division (I)(3) below.

(3) Service of alcohol may be permitted in expanded areas of the premises enclosed via fencing subject to the following restrictions:

(a) An expanded area extending out from Gate 4 may be constructed, to be enclosed by metal fencing, and alcohol may be sold at concession stands or via mobile vendors within said area on dates when an event which will have an attendance of at least 23,000 people occurs.

(b) An expanded area consisting of a separate fenced in enclosure located within the parking lot may be constructed, to be enclosed by metal fencing, and alcohol may be sold at concession stands or via mobile vendors within said area on dates when an event which requires the construction of an additional stage within the parking lot occurs.

(c) Expanded areas of the premises enclosed by fencing may be accessed by patrons only after going through standard ticketing and security checkpoints.

(d) Notice must be provided to the village of an event which the licensee will be adding service in an expanded area under this division (I)(3) no less than 60 days prior to the event which requires the construction of the expanded area.

(e) Expanded areas enclosed via fencing are subject to all of the requirements outlined in division (I)(7) below. Expanded areas enclosed via fencing are subject to all the ongoing inspection requirements outlined in division (I)(11) below and must be approved by any such inspectors prior to the event date.

(4) There shall be no tailgating or possession of any kind of alcoholic liquor in the parking lots or any other location other than as expressly approved herein. "TAILGATING" shall mean persons driving to the facility and commencing to consume food and/or beverages brought with them.

(5) There shall be no dispensing of alcoholic liquor in their original containers, nor in bottles or cans of any kind whatsoever, except that beer may be served in aluminum cans. All drink containers must be either plastic or paper, and must be made of either recyclable and/or biodegradable products, or aluminum cans.

(6) The maximum size drink to be dispensed for beer shall be 25 ounces, for wine shall be 8 ounces, and for wine coolers shall be 12 ounces, and for alcoholic liquor shall be 2 ounces. Full bottles of wine, up to but not exceeding 750 milliliters, may be served but only in plastic decanters. When a full bottle of wine is served no other alcoholic liquor may be served during that transaction.

(7) The Village Police Department as agents for and/or the Local Liquor Commissioner reserve the right to prohibit the sale of or to stop all sales of alcoholic liquor or to restrict the number of drinks sold to any one individual, if and when the public health, welfare and safety so requires.

(8) Any holder of a Class I liquor license shall submit its training program for its employees regarding dispensing of alcoholic liquor to review and approval by the Police Department of the village, and the Police Department of the village shall take an active part in such training program.

(9) The sale, dispensing or giving away of alcoholic liquor at the concession stands or via mobile vendors shall be allowed to begin at the time the parking lot gates are open for the specific concert or event; provided, however, if the gates are open more than two hours prior to the scheduled start of the concert or event, no sale, dispensing or giving away of beer and wine can be made more than two hours before the scheduled start unless otherwise approved by the Local Liquor Commissioner.

(10) All selling, giving away or dispensing of alcoholic liquor shall cease promptly at 10:30 p.m.; provided, however, if the scheduled start of the concert or event is prior to 8:00 p.m., then all selling, giving away or dispensing of beer and wine shall cease one-half hour before the scheduled end of the concert or event (for purposes of this provision, the end of the concert or event shall be when the performers quit performing on stage). Anyone standing in line at 10:30 p.m. (or earlier cut-off time as above indicted) shall not be allowed to obtain any alcoholic liquor, and the holder of the liquor license shall be required to make certain that the line for alcoholic liquor is cut off at a sufficient time to ensure that all sales will cease at 10:30 p.m. (or earlier cut-off time as above indicated).

(11) All of the concession stands, including portable stands, stands within fenced in areas, or mobile vendors, shall be subject to review and approval by the Building, Fire, Health and Police Departments of the village, and no liquor license shall be issued without such approval. Also, such concession stands shall be subject to continuing inspection by the said Building, Fire, Health and Police Departments, and if such structures are not in compliance with all village codes, the liquor license shall be suspended by appropriate proceedings until such time as such structures are brought into conformance.

(12) Easily readable signs shall be posted in conspicuous and prominent areas within all concession stands indicating that anyone under the age of 30 years will be subject to an identification check, and the holder of the liquor license will insist upon at least one picture identification to prove the person's age. A student identification card shall not be accepted by the holder to prove the person's age.

(13) The holder of the liquor license shall provide employees, other than employees working in the concession stands, around the concession stand area to be on the lookout for underage drinking, and also will have such persons scattered throughout the entire facility to prevent underage drinking and any other problems such as fights and the like.

(14) The holder of the Class I liquor license shall also be governed by and comply with the "Policies Governing Responsible Alcohol Service" as published by the First Midwest Bank Amphitheater of this village, which is on file and available for public inspection at the Village Hall during regular village business hours. A copy of such "Policies" will be provided to the holder of the Class I license, and regardless of whether it is provided by the village, the holder of such license shall be required to comply with all of the provisions thereof and shall be deemed to have knowledge of all such provisions.

(15) The sale of beer shall be permitted via mobile vendors within the lawn areas.

~~(16) The annual fee for this license shall be \$10,000.~~

(17) Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40 §§ 1 et seq., shall not be allowed in a class I licensed premises.

(J) Class J License. Shall authorize the retail sale of alcoholic liquor only on the premises designated therein, and shall be available only for outdoor music theatres and similar facilities. Notwithstanding the provisions of § 112.18, the applicant for (and holder of) a Class J liquor license need not own or be the beneficial owner of the subject premises, nor need it be a lessee of the subject premises. Nevertheless, such holder shall hold a Class J liquor license as an agent for the owners of the subject premises. In addition, the sale of alcoholic liquor shall be further restricted as follows:

(1) No one under the age of 21 shall be allowed to serve, mix, or sell or give away any alcoholic liquor under a Class J liquor license.

(2) There shall be no tailgating or possession of any kind of alcoholic liquor in the parking lots or any other location other than as expressly approved herein. "TAILGATING" shall mean persons driving to the facility and commencing to consume food and/or beverages brought with them.

(3) The Village Police Department as agents for and/or the Local Liquor Commissioner reserve the right to prohibit the sale of or to stop all sales of alcoholic liquor or to restrict the number of drinks sold to any one individual, if and when the public health, welfare and safety so requires.

(4) Except as indicated below, there shall be no dispensing of alcoholic liquor in original containers, nor in bottles or cans of any kind whatsoever, except that beer may be served in aluminum cans. All containers must be either plastic or paper, and must be made of either recyclable and/or biodegradable products, or aluminum cans.

(5) The maximum size drink to be dispensed for beer shall be 25 ounces, for wine shall be 8 ounces, and for wine coolers shall be 12 ounces, and for alcoholic liquor shall be 2 ounces. Full bottles of wine, up to but not exceeding 750 milliliters, may be served but only in plastic decanters. When a full bottle of wine is served no other alcoholic liquor may be served during that transaction.

(6) Any holder of a Class J liquor license shall submit its training program for its employees regarding dispensing of alcoholic liquor to review and approval by the Police Department of the village, and the Police Department of the village shall take an active part in such training programs.

(7) All of the facilities shall be subject to review and approval by the Building, Fire, Health and Police Departments of the village, and no liquor license shall be issued without such approval. Also, such facilities shall be subject to the continuing inspection by the said Building, Fire, Health and Police Departments, and if such structures are not in compliance with all village codes, the liquor license shall be suspended by appropriate proceedings until such time as such structures are brought into conformance.

(8) The sale, dispensing or giving away of alcoholic liquor under this license shall be allowed to begin at the time the parking lot gates are open for the specific concert or event; provided, however, if the gates are open more than two hours prior to the scheduled start of the concert or event, no sale, dispensing or giving away of alcoholic liquor can be made more than two hours before the scheduled start unless otherwise approved by the Local Liquor Commissioner.

(9) (a) The selling, dispensing or giving away of alcoholic liquor under this license shall be allowed in the following areas at a music theatre facility:

1. Tent areas;
2. Skybox areas;
3. Club rooms;
4. Golden boxes.

(b) The specific restrictions in connection with each of the aforesaid areas are as set forth below.

(10) In the tent areas, alcoholic liquor must be served by the drink only, and shall only be served in conjunction with the service of catered dinners. Alcoholic liquor can be taken out of the tent area, and consumed throughout the venue. The tent areas shall be restricted to private parties only, and the holder of the liquor license must provide sufficient security to make certain that entrance to the tent areas is restricted to invitees only.

(11) In the skybox areas (skyboxes are private boxes located at the upper levels of the facilities with restricted access and are purchased on a yearly basis), the sale, dispensing or giving away of all alcoholic liquor must terminate at the end of the concert (when the performers cease performing on stage). Alcoholic liquor can be sold in original containers, provided that the maximum original container for beer must be 12 ounces, the maximum original container for wine must be 750 milliliters, and the maximum original container for spirits must be 750 milliliters. Spirits may be sold in their original container in the skybox areas only and in no other area of the licensed premises. The owner of the Class J liquor license shall provide adequate security personnel and concierges to prevent underage drinking in the skyboxes and at the skybox levels, and such personnel shall be present at all times on the skybox levels to monitor drinking at the skybox levels. There has to be at least one adult above the age of 25 years present in the skybox before access to alcoholic liquor shall be allowed. Identification will be checked by employees or agents of the license holder within the first 30 minutes of the concert to determine whether there are any underage persons in the skybox and adequate provisions will be made to prevent underage drinking in the skyboxes. Only individuals with skybox tickets will be allowed in the skybox areas, and there must be sufficient security on hand to make certain that entrance is limited only to those with skybox tickets. Also, prominent signs will be posted in the skybox areas prohibiting any consumption of alcoholic liquor by anyone under the age of 21 years of age. Finally, the holder of

such liquor license shall make certain that there are adequate personnel available to ~~monitor drinking~~monitor drinking in the skyboxes throughout the concert.

(12) Consumption of alcoholic beverages in the club rooms (private rooms located on all levels) is limited to guests holding a ticket to the club room, and sufficient security must be provided to restrict entrance to invitees only. Alcoholic liquor may be taken out of the club rooms and consumed throughout the venue. The sale, dispensing or giving away of alcoholic liquor in the club rooms must cease at the end of the concert.

(13) Consumption of alcoholic liquor in the floor boxes (box seating located behind the lower level pavilion reserved seating) shall be by the drink only. There shall only be waiter or waitress service to the floor boxes. Service to the floor box area shall cease at 10:30 p.m. or at the time sales cease at the concession stands at the music theatre, whichever first occurs.

(14) Easily readable signs shall be posted in conspicuous and prominent areas within all club rooms indicating that anyone under the age of 30 years will be subject to an identification check, and the holder of the liquor license will insist upon at least one picture identification to prove the person's age. A student identification card shall not be accepted by the holder to prove the person's age.

(15) The holder of the Class J liquor license shall also be governed by and comply with the "Policies Governing Responsible Alcohol Service" as published by the First Midwest Bank Amphitheater of this village which is on file and available for public inspection at the Village Hall during regular village business hours. A copy of such "Policies" will be provided to the holder of the Class J license, and regardless of whether it is provided by the village, the holder of such license shall be required to comply with all of the provisions thereof and shall be deemed to have knowledge of all such provisions.

(16) Notwithstanding the foregoing time limits, the performers featured at the concert shall be allowed to have a party after the concert in any one of the club rooms, but consumption of alcoholic liquor at any such party shall cease no later than two hours after the end of the concert. The holder of the liquor license shall notify the Police Department when such an entertainer party is to occur.

(17) The sale of beer shall be permitted via mobile vendors within the lawn area.

~~—(18) The annual fee for this license shall be \$10,000.~~

(19) Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class J licensed premises.

(K) (1) Class K License. Shall authorize the retail sale of alcoholic liquor only on the premises designated therein, and shall be available only for banquet hall facilities. Such facilities must be unconnected with any restaurant, theatre, or nightclub, or similar business, and shall occupy the entire building in which the facilities are located. If the banquet facility is contained within a building occupying other facilities, specifically including the Metra Train Station, approval of the Local Liquor Commissioner is required. The banquet hall facilities must have seating for at least ~~250-75~~ persons for full sit-down dinners, and sale of alcoholic liquor shall be limited to sales in conjunction with banquets or other planned events only. ~~The annual fee for this license shall be \$600 if the facility has a maximum seating capacity of 275 or less, and \$1,500 if the facility has a seating capacity in excess of 275.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class K licensed premises.

~~—(2) Class K-1 License. Shall authorize the retail sale of alcoholic liquor only on the premises designated therein, and shall be available only for use in conjunction with banquet functions. Such banquet facilities must be unconnected with any restaurant, theater or nightclub, or similar business, and may not have seating for more than 250 persons. Such facilities may be contained within a building occupying other facilities, specifically including Metra train station facilities. The annual fee for this license shall be \$200. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class K-1 licensed premises.~~

(L) Class L License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein, when premises are owned or operated by any religious not-for-profit organization, for consumption of the drink on such premises only. Further, the sale of alcoholic liquor shall be restricted to sales made in conjunction with a special event sponsored by such religious not-for-profit organization, but not to exceed six such special events per calendar year. ~~The license shall authorize the sale of alcoholic liquor only between the hours of 11:00 a.m. and 12:00 midnight.~~ Such sales shall take place only in enclosed structures (including tents), but consumption may take place in the open air on property owned or leased by the not-for-profit organization. Drive-in and drive-up sales are prohibited. ~~The annual fee for such license shall be \$50.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class L licensed premises.

~~—(M) Class M License. Shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption of the drink on such premises only. This license shall be available only for commercial facilities which run or lease their facilities on a limited basis for private business outings or picnics. The number of such outings or picnics shall not exceed 15 events per year, unless a greater number is authorized by the Village President. Such events must be contained in a designated portion of the facilities of the liquor licensee, which designated area must be approved in advance for each activity by the Chief of Police or his or her designee. Such events must be limited to invitees of the business only, and may not be open to the general public, or anyone unrelated to the business holding the event. The serving of liquor shall be done solely by professional bartenders, and neither the licensee nor the company holding the event can utilize their own employees as bartenders. No one under the age of 21 years shall be served, and a prominent sign must be posted in the designated area so indicating. The annual fee for this license shall be \$1,500. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class M licensed premises.~~

(N) Class N License. Shall authorize a hotel to serve complimentary beer and wine on the premises designated therein for consumption of the drink on such premises ~~for two hours each day, seven days per week,~~ and also to operate a pantry selling packaged beer and wine for the convenience of guests staying at the hotel. ~~The hours and location in the hotel where the beer and wine will be served are subject to the approval of the Village President (the Local Liquor Commissioner).~~ The holder of a Class N license may only provide complimentary beer and wine and sell packaged beer and wine to individuals age 21 and over and who are guests of the hotel. A “GUEST” is defined as an individual renting a room in the hotel at the time of service. A sign shall be posted in the area of the hotel where the beer and wine are served stating the age and guest requirement. Hotel guests, prior to service, must provide proof that they are at least 21 years of age and guests of the hotel. ~~The annual fee for this license shall be \$400.~~ Video gaming as defined

under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class N licensed premises.

(O) (1) Class O License: Micro Brewery. Shall authorize the licensee to manufacture beer products on the licensed premises and to make sales at retail of the manufactured beer products, for consumption on or off the licensed premises. Nothing in the issuance of a Class O license pursuant to this division (R) shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of beer products, and all applicable business and other regulations of the village. ~~The license fee for a Class O license shall be \$500.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class O licensed premises.

(2) Class OV License: Micro Brewery. Shall authorize the licensee to manufacture beer products on the licensed premises and to make sales at retail of the manufactured beer products, for consumption on or off the licensed premises. Nothing in the issuance of a Class OV license pursuant to this division (O) shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of beer products, and all applicable business and other regulations of the village. ~~The license fee for a Class OV license shall be \$500.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(P) Class P License: Bring Your Own Beer or Wine. Shall authorize any restaurant to allow its customers to bring their own beer and/or wine to the restaurant premises for consumption on the premises only. Such consumption shall be solely in conjunction with the licensee's operation of the restaurant ~~and is further restricted to consumption only at tables or booths at which meals are served.~~ A current menu must be attached to the licensee's liquor license application and any substantial deviation from the menu must be reviewed and approved by the Local Liquor Control Commissioner to ensure that the primary purpose remains the service of food. ~~The license fee for a Class P license shall be \$250.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class P licensed premises.

(Q) Class Q License: Special Event License. Shall allow the licensee to sell and offer for sale, at retail, alcoholic liquor use or consumption, but not for resale in any form and only at the location and on the specific date(s) designated for the special event in the license. An applicant for a special event retailer license must submit with the application proof of a valid state special use permit license. An applicant for a special event retailer license must also submit with the application proof satisfactory to the Liquor Control Commissioner that the applicant will provide dram shop liability insurance in the maximum limits. A Class Q license may be issued to either a resident or non-resident and to either a profit or not-for-profit organization or groups. The Liquor Control Commissioner can impose conditions as he or she deems appropriate on any such license. A special use permit license may be granted for the following time periods: one day or less; two or more days to a maximum of 15 days per location in any 12-month period. An applicant for a special use permit license must also submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum

limits. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class Q licensed premises.

(R) (1) Class R License: Craft Beers. Shall authorize the licensee to sell craft beer, cider, beer and wine products on the licensed premises and to make sales at retail of craft beer products and cider products only for consumption on or off the licensed premises, provided that such beer and/or cider shall at the time it leaves the licensed premises be sealed in its original container. In addition, the licensee shall be authorized to make sales at retail of craft cocktails containing alcoholic liquor for consumption on the premise. Furthermore, ~~in~~ addition, the licensee shall be authorized to make sales at retail of other beer, ~~and~~ wine and craft alcoholic liquor products for consumption off the premises only. A craft beer means beer brewed by a craft brewer as that term is defined in the Illinois Liquor Control Act. Nothing in the issuance of a Class R license pursuant to this division (R) shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of beer products, and all applicable business and other regulations of the village. ~~The license fee for a Class R license shall be \$500.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class R licensed premises.

(2) Class RV License: Craft Beers. Shall authorize the licensee to sell craft beer, cider, beer and wine products on the licensed premises and to make sales at retail of craft beer products and cider products only for consumption on or off the licensed premises, provided that such beer and/or cider shall at the time it leaves the licensed premises be sealed in its original container. In addition, the licensee shall be authorized to make sales at retail of craft cocktails containing alcoholic liquor for consumption on the premise. Furthermore, ~~in~~ addition, the licensee shall be authorized to make sales at retail of other beer, ~~and~~ wine and craft alcoholic liquor products for consumption off the premises only. A craft beer means beer brewed by a craft brewer as that term is defined in the Illinois Liquor Control Act. Nothing in the issuance of a Class RV license pursuant to this division (R) shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of beer products, and all applicable business and other regulations of the village. ~~The license fee for a Class RV license shall be \$500.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

(S) (1) Class S License: Brew Pubs. "Brew Pub" means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year. A brew pub license shall allow the licensee (i) to manufacture beer only on the premises specified in the license, (ii) to make sales of the beer manufactured on the premises or, with the approval of the State Liquor Commission, beer manufactured on another brew pub licensed premises that is substantially owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) to store the beer upon the premises, and (iv) to sell and offer for sale at retail

from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year. The primary purpose of any holder of a brew pub license shall be the service of food. A current menu must be attached to the licensee's liquor license application; any substantial deviation from this menu must be reviewed and approved by the Liquor Commissioner to ensure that the primary purpose of the business remains the service of food. Any sale of beer for off premises consumption shall be in a sealed container. ~~The license fee for a Class license shall be \$500.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall not be allowed in a class R licensed premises.

(2) Class SV License: Brew Pubs. "Brew pub" means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year. A brew pub license shall allow the licensee (i) to manufacture beer only on the premises specified in the license, (ii) to make sales of the beer manufactured on the premises or, with the approval of the State Liquor Commission, beer manufactured on another brew pub licensed premises that is substantially owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) to store the beer upon the premises, and (iv) to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year. The primary purpose of any holder of a brew pub license shall be the service of food. A current menu must be attached to the licensee's liquor license application; any substantial deviation from this menu must be reviewed and approved by the Liquor Commissioner to ensure that the primary purpose of the business remains the service of food. Any sale of beer for off premises consumption shall be in a sealed container. ~~The license fee for a Class SV license shall be \$500.~~ Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited.

~~(T) (1) Class TV Video Gaming Hall. A "video gaming hall" means an establishment whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act (ILCS Ch. 230, Act 40, § 5) and in which alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises which is subsidiary to the operation of the video gaming terminals. In determining whether an establishment's primary purpose is video gaming, the considerations include but are not limited to:~~

~~— (a) A seating area for video gaming terminals being greater than the seating area for food and beverage service or merchandise sales;~~

~~— (b) The absence of a full service kitchen;~~

~~— (c) An estimated net revenue of at least 40% or more derived from video gaming terminals, and~~

~~— (d) An overall size of 2,000 square feet or less. Fraternal establishments and veteran establishments as defined by the Illinois Video Gaming Act (ILCS Ch. 230, Act 40, § 5) are exempt from this definition.~~

~~— (2) A class TV license shall authorize the retail sale of wine and beer only on the premises designated therein for consumption by the drink on such premises only. The annual fee for this~~

license shall be \$1,000. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, § 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited. The premises in which a video gaming hall is located must be at least 2,000 square feet. A video gaming hall shall not be located on any street in which is solely owned by the village or within 500 feet of any church, school, day care center, or another video gaming hall.

~~—(U) (1) Class U licenses. A class U license shall authorize the following for licensed truck stop establishments:~~

~~—(a) “LICENSED TRUCK STOP ESTABLISHMENT” means a licensed truck stop establishment as defined by the Illinois Video Gaming Act (ILCS Ch. 230, Act 40 § 5). Alcoholic liquor sold at licensed truck stop establishments must be sold in the original package as defined in ILCS Ch. 235, Act 5 § 1-3.06, and such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. No alcoholic liquor, except in the original package, shall be sold upon any premises licensed as a truck stop establishment. There shall be no consumption whatsoever of alcoholic liquor on the premises of a licensed truck stop establishment. The annual fee for this license shall be \$1,000.~~

~~(2) Class UV licenses. A class UV license shall authorize the following for licensed truck stop establishments:~~

~~(a) —(a) A “LICENSED TRUCK STOP ESTABLISHMENT” means a licensed truck stop establishment as defined by the Illinois Video Gaming Act (ILCS Ch. 230, Act 40 § 5). Alcoholic liquor sold at licensed truck stop establishments must be sold in the original package as defined in ILCS Ch. 235, Act 5 § 1-3.06, and such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. No alcoholic liquor, except in the original package, shall be sold upon any premises licensed as a licensed truck stop establishment. There shall be no consumption whatsoever of alcoholic liquor on the premises of a licensed truck stop establishment. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40 §§ 1 et seq., shall be authorized so long as the licensee also has a video gaming license issued by the Illinois Gaming Board and the Village of Tinley Park in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board and the village; and the operation of video gaming terminals shall not be permitted during the hours alcoholic liquor sales are prohibited. The annual fee for this license shall be \$1,000.~~

~~(2) Class UV-2 licenses. A class UV-2 license shall authorize the following for licensed truck stop establishments:~~

~~(a) A “LICENSED TRUCK STOP ESTABLISHMENT” means a licensed truck stop establishment as defined by the Illinois Video Gaming Act (ILCS Ch. 230, Act 40 § 5). Alcoholic liquor sold at licensed truck stop establishments must be sold in the original package as defined in ILCS Ch. 235, Act 5 § 1-3.06, and such alcoholic liquor shall at the time it leaves the premises be sealed in its original container. No alcoholic liquor, except in the original package, shall be sold upon any premises licensed as a licensed truck stop establishment. There shall be no consumption whatsoever of alcoholic liquor on the premises of a licensed truck stop establishment. Video gaming as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40 §§ 1 et seq., shall be authorized so long as the~~

licensee also has a video gaming license issued by the Illinois Gaming Board and the Village of Tinley Park in accordance with the provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board and the village. The operation of video gaming terminals for a Class UV-2 shall be permitted 24/7.

~~—(V) Samples—Giving Away. Nothing in this section shall be construed to prohibit the holder of a Class B, Class G, Class G-1, Class Q or Class R from giving away free samples of alcoholic liquor under the following conditions:~~

~~—(1) Not more than two samples of any type may be given away to any one individual;~~

~~—(2) No sample may be less than one ounce nor more than two ounces;~~

~~—(3) The licensee gives advance notice to the Local Liquor Control Commissioner detailing when such free sampling is to be provided and receives written approval by the Local Liquor Control Commissioner;~~

~~—(4) Such free sampling shall not occur more than 12 days in any given calendar year.~~

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 88-0-092, passed 10-25-88; Am. Ord. 90-0-040, passed 5-15-90; Am. Ord. 91-0-010, passed 3-5-91; Am. Ord. 94-0-098, passed 11-15-94; Am. Ord. 96-0-033, passed 6-18-96; Am. Ord. 99-0-029, passed 6-1-99; Am. Ord. 2000-O-063, passed 9-5-00; Am. Ord. 2003-O-086, passed 9-16-03; Am. Ord. 2005-O-002, passed 1-25-05; Am. Ord. 2006-O-030, passed 6-27-06; Am. Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2014-O-006, passed 4-29-14; Am. Ord. 2014-O-017, passed 6-17-14; Am. Ord. 2015-O-021, passed 6-16-15; Am. Ord. 2015-O-033, passed 8-18-15; Am. Ord. 2016-O-045, passed 6-21-16; Am. Ord. 2019-O-020, passed 5-7-19; Am. Ord. 2019-O-073, passed 11-12-19; Am. Ord. 2020-O-086, passed 12-15-20)~~

CLASS XX: BEER GARDEN. Shall designate on a site or patio plan an area immediately adjoining the licensee's indoor establishment, which contiguous area shall be used for the purposes of the license, and which area will hereinafter be referred to as a beer garden. The beer garden may not exceed 50% of the establishment interior occupancy, and shall have its boundaries clearly marked with the appropriate enclosure as determined by the Liquor Commissioner or designees. The beer garden must be enclosed by at minimum, a three foot barrier on all sides, as a means of separating the beer garden from pedestrians. The Liquor Commissioner, in his or her sole and absolute discretion, shall approve the location of a beer garden or where the zoning ordinance regulates the use will supersede the Liquor Commissioner's discretion.

—(3) Such sale and consumption of liquor shall be limited to the designated beer garden.

—(5) Adequate area for pedestrian flow through the beer garden shall be maintained at all times.

—(6) Emergency ingress and egress and access by and to fire apparatus in the beer garden shall be subject to review and approval of the Fire Department.

—(7) The beer garden shall be maintained in a clean and sanitary condition and shall be kept from debris at all times.

—(8) All trash containers located in the beer garden shall be lidded at all times and all refuse shall be regularly removed.

~~— (9) Licensees shall obtain all licenses, certifications, permits, and other approvals required for the legal operation of the beer garden.~~

~~— (10) Licensees shall comply with all other requirements applicable to the beer garden in the code and other applicable codes, ordinances, and regulations.~~

~~— (11) It shall be unlawful to sell, offer, give away or permit to be sold, offered or given away, at retail, in or upon a licensed beer garden, any liquor between the hours of 12:00 a.m. and 9:00 a.m. on all days of the week.~~

~~— (12) Following the closing times and prior to the opening times set forth in of this section of the city code, every non-licensee person located in the beer garden area shall relocate indoors or otherwise leave the outdoor premises, which shall be closed and remain closed.~~

~~— (13) All doors directly opening into or out of such location, place or premises for ingress thereto or egress therefrom shall be securely locked during the time that sales in the beer garden are prohibited.~~

§ 112.21 HOURS.

(A) It shall be unlawful to keep open to the public or to permit to be opened in the village any place where alcoholic liquor is sold for consumption on the premises between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday, or between the hours of 4:00 a.m. and 6:00 a.m. on New Year's Day, or between the hours of 2:00 a.m. and 9:00 a.m. on Sunday. However, licensees operating a golf course within the village shall be prohibited from selling alcoholic liquor between the hours of 2:00 a.m. and 8:00 a.m. on Sunday. ~~If approved by the Local Liquor Control Commissioner and upon payment of the annual fee, h~~ Holders of a Class AV-1 license shall be allowed to remain open to the public until 3:00 a.m. on Saturday and Sunday. Extended hours allowed pursuant to this section may be revoked by the Local Liquor Control Commissioner for any violations of state law or this chapter. It shall be unlawful to sell, offer to sell, dispense, mix, pour, give away or otherwise serve any alcoholic liquors during such hours. It shall be further unlawful to allow anyone to consume alcoholic liquors on any licensed premises during such hours.

(B) It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold for consumption on the premises during the hours within which the sale of such liquor is prohibited. However, in the case of restaurants or mercantile establishments holding a liquor license, such establishments may be kept open, but no alcoholic liquor may be sold, offered for sale, dispensed, mixed, drawn, poured, given away or otherwise served or consumed by any person during such hours.

~~(C) It shall be unlawful to sell, dispense, mix, draw, pour, give away or otherwise serve any alcoholic liquor in any premises having a Class B or a Class G retail liquor license between the hours of 2:00 a.m. and 7:00 a.m. on any weekday, Saturday, or Sunday.~~

~~(D) It shall be unlawful to sell, mix, draw, dispense, pour, give away or otherwise serve any alcoholic liquor in any premises having a Class K License between the hours of 2:00 a.m. and 10:00 a.m. on any weekday, Saturday, or Sunday.~~

(C) Class UV-2 License holders are permitted to operate video gaming 24 hours a day, seven days a week.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 91-0-010, passed 3-5-91; Am. Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2020-O-023, passed 5-19-20; Am. Ord. 2020-O-069, passed 11-17-20) Penalty, see § 112.99~~

§ 112.22 PERMITTED NUMBER OF LICENSES^[HL1].

(A) There shall be in force the following:

Class of License	Permitted Number
A	20 18
AV	18 6
AV-1	9
B	15 20
C	0 4
CV <u>CVG</u>	3 4
D	1 5
DV	3
E	7 8
EV	10
F	1
G	3 4
I	1
J	1
K	4 3
L	3
M	1
N	3 4
O	2 3
OV	1
P	1
Q	N/A
R	1
S	1
UV	1 3
<u>UV-2</u>	<u>1</u>

(B) No license shall be issued in excess of the above limitations.

(Ord. 85-0-001, passed 1-22-85; Am. Ord. 88-0-052, passed 5-24-88; Am. Ord. 88-0-059, passed 7-27-88; Am. Ord. 88-0-063, passed 8-2-88; Am. Ord. 88-0-092, passed 10-25-88; Am. Ord. 90-0-040, passed 5-15-90; Am. Ord. 91-0-010, passed 3-5-91; Am. Ord. 91-0-076, passed 11-26-91; Am. Ord. 92-0-027, passed 4-28-92; Am. Ord. 92-0-074, passed 11-3-92; Am. Ord. 93-0-014, passed 3-2-93; Am. Ord. 94-0-058, passed 8-2-94; Am. Ord. 94-0-063, passed 8-23-94; Am. Ord. 94-0-074, passed 9-27-94; Am. Ord. 94-0-098, passed 11-15-94; Am. Ord. 96-0-033, passed 6-18-96; Am. Ord. 97-0-026, passed 4-22-97; Am. Ord. 97-0-058, passed 8-26-97; Am. Ord. 97-0-063, passed 9-16-97; Am. Ord. 98-0-002, passed 1-20-98; Am. Ord. 99-0-019, passed 4-20-99; Am. Ord. 99-0-029, passed 6-1-99; 99-0-062, passed 10-5-99; Am. Ord. 2000-O-039, passed 6-27-00; Am. Ord. 2000-O-061, passed 9-5-00; Am. Ord. 2000-O-062, passed 9-5-00; Am. Ord. 2000-O-063, passed 9-5-00; Am. Ord. 2000-O-091, passed 10-17-00; Am. Ord. 2001-O-005, passed 3-20-01; Am. Ord. 2001-O-015, passed 3-27-01; Am. Ord. 2001-O-022, passed 4-17-01; Am. Ord. 2002-O-050, passed 9-17-02; Am. Ord. 2002-O-077, passed 11-19-02; Am. Ord. 2003-O-003, passed 1-21-03; Am. Ord. 2003-O-008, passed 1-28-03; Am. Ord. 2003-O-020, passed 6-24-03; Am. Ord. 2003-O-058, passed 7-1-03; Am. Ord. 2004-O-053, passed 8-3-04; Am. Ord. 2004-O-059, passed 8-24-04; Am. Ord. 2004-O-064, passed 9-21-04; Am. Ord. 2004-O-088; Am. Ord. 2006-O-008, passed 2-21-06; Am. Ord. 2006-O-030, passed 6-27-06; Am. Ord. 2006-O-072, passed 11-21-06; Am. Ord. 2007-O-013, passed 3-27-07; Am. Ord. 2007-O-019, passed 4-3-07; Am. Ord. 2007-O-053, passed 9-18-07; Am. Ord. 2008-O-014, passed 4-22-08; Am. Ord. 2008-O-032, passed 7-22-08; Am. Ord. 2009-O-004, passed 2-24-09; Am. Ord. 2009-O-047, passed 10-20-09; Am. Ord. 2009-O-059, passed 11-24-09; Am. Ord. 2009-O-073, passed 11-24-09; Am. Ord. 2010-O-007, passed 3-2-10; Am. Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2011-O-053, passed 12-6-11; Am. Ord. 2012-O-056, passed 1-8-13; Am. Ord. 2013-O-025, passed 7-16-13; Am. Ord. 2013-O-035, passed 8-20-13; Am. Ord. 2013-O-057, passed 12-17-13; Am. Ord. 2014-O-006, passed 4-29-14; Am. Ord. 2014-O-017, passed 6-17-14; Am. Ord. 2015-O-033, passed 8-18-15; Am. Ord. 2015-O-059, passed 12-1-15; Am. Ord. 2016-O-004, passed 2-2-16; Am. Ord. 2016-O-015, passed 4-19-16; Am. Ord. 2016-O-027, passed 6-21-16; Am. Ord. 2016-O-038, passed 7-5-16; Am. Ord. 2016-O-050, passed 8-2-16; Am. Ord. 2016-O-061, passed 11-15-16; Am. Ord. 2016-O-070, passed 12-6-16; Am. Ord. 2017-O-005, passed 1-17-17; Am. Ord. 2017-O-019, passed 4-3-17; Am. Ord. 2017-O-038, passed 5-16-17; Am. Ord. 2017-O-045, passed 7-11-17; Am. Ord. 2017-O-046, passed 7-11-17; Am. Ord. 2017-O-049, passed 8-15-17; Am. Ord. 2017-O-050, passed 8-15-17; Am. Ord. 2018-O-024, passed 5-1-18; Am. Ord. 2018-O-054, passed 10-2-18; Am. Ord. 2018-O-055, passed 10-2-18; Am. Ord. 2018-O-074, passed 12-4-18; Am. Ord. 2019-O-004, passed 2-5-19; Am. Ord. 2019-O-005, passed 2-5-19; Am. Ord. 2019-O-006, passed 2-5-19; Am. Ord. 2019-O-028, passed 6-4-19; Am. Ord. 2019-O-029, passed 6-18-19; Am. Ord. 2019-O-030, passed 6-4-19; Am. Ord. 2019-O-031, passed 6-4-19; Am. Ord. 2019-O-046, passed 8-20-19; Am. Ord. 2019-O-062, passed 10-15-19; Am. Ord. 2019-O-063, passed 10-15-19; Am. Ord. 2019-O-083, passed 12-17-19; Am. Ord. 2020-O-011, passed 2-18-20; Am. Ord. 2020-O-030, passed 6-9-20; Am. Ord. 2020-O-031, passed 6-9-20; Am. Ord. 2020-O-047, passed 8-18-20; Am. Ord. 2020-O-048, passed 8-18-20; Am. Ord. 2020-O-070, passed 11-17-20; Am. Ord. 2020-O-087, passed 12-15-20; Am. Ord. 2021-O-005, passed 2-2-21; Am. Ord. 2021-O-009, passed 3-2-21; Am. Ord. 2021-O-013, passed 3-16-21)

§ 112.23 PAYMENT OF LICENSE FEES.

(A) In addition to the individual license fees provided for in § 112.3220, each licensee shall pay at the time of filing an initial application for a liquor license a separate initial application fee in the

amount of \$~~400~~²⁵⁰. ~~The cost of fingerprinting for the purpose of conducting a background check is included in the application fee. As part of the application fee, all applicants will pay \$26.25 for fingerprinting costs.~~ No application shall be processed until such application fee is paid.

(B) All license fees provided in § 112.20 shall be paid in advance on an annual basis on or before the last day of December each year (or in the event of a new license, issued as of a date other than January 1, in full on or before the time of issuance of the license). In the event that any license fee is not paid when due, such license fee shall be increased \$200 if paid within the first week after the date it was due, \$250 if paid in the second week after the date it was due and \$500 if paid any time thereafter. No license shall be issued until the license fee and this later fee are paid in full. If after six months the annual installment has not been paid, the licensed premises shall be closed and not re-opened until the license fee and late fee are paid in full, unless the Local Liquor Control Commissioner determines that there are sufficient reasons existing to allow the licensed premises to remain open for a stated period of time.

(C) Every license shall expire on December 31 following its issuance. In the event a license is revoked or abandoned prior to December 31, there shall be no refund of any license fee.

(D) All license fees shall be paid ~~to the Village at the office of the Village Clerk.~~

(E) All license fees collected by the ~~Finance Department Village Clerk~~ shall be forthwith paid to the Village Treasurer and the ~~Local Liquor Commissioner or his/her designee Village Clerk~~ shall keep a record of all licenses issued.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2020-O-018, passed 4-21-20)~~

LICENSE FEE SCHEDULE

§ 112.24 LICENSE AS PERSONAL PRIVILEGE; EXPIRATION AND RENEWAL.

(A) Any license issued hereunder shall be purely a personal privilege to expire not later than December 31 next after issuance unless sooner revoked as provided in this chapter. Such license shall not constitute property; be subject to attachment, garnishment, or execution; be alienable or transferable, voluntarily or involuntarily; nor shall it be subject to being encumbered or hypothecated.

(1) Such license shall not descend by the laws of testate or intestate devolution, but it shall cease and terminate upon the death of the licensee. Such license shall also cease and terminate upon the insolvency or bankruptcy of any licensee.

(2) However, the executor or administrator of the estate of any deceased licensee or the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale at retail of such alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased, insolvent, or bankrupt licensee after the death of the decedent or insolvency or bankruptcy until the expiration of the license but no longer than six months after the death, bankruptcy, or insolvency of the licensee.

(B) Any licensee may renew his or her license at the expiration thereof provided he or she is then qualified to receive a license and further provided that the premises for which the renewal license is sought meets all applicable health requirements, contains no building or fire/safety violations or other violations of any applicable laws and ordinances, and otherwise meets with the approval of the Local Liquor Control Commissioner in the lawful exercise of his or her powers and duties. Further, 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 decreasing or increasing the number of licenses to be issued within the village.

(1) ~~Liquor License renewals will be issued by the Local Liquor Commissioner or his/her designee in advance of December 31st. Renewal payments must be made prior to December 31st. Application for renewal of a license shall be filed with the Village Clerk on or before November 15 preceding the expiration thereof.~~ Application for renewal shall be made under oath and shall be upon an application blank prepared by the village.

(2) Each application for renewal shall be treated and considered in the same manner as provided for in § 112.16.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.25 IMPOSITION OF CONDITIONS, RESTRICTIONS ON INDIVIDUAL LICENSE.

The Local Liquor Control Commissioner may, as a condition to the issuance of any liquor license, impose such conditions and restrictions upon each license as he or she may deem necessary to ensure that operation of the liquor establishment shall not be harmful to the safety, morals, and welfare of the community. The conditions imposed upon each liquor license shall be enumerated upon the license, shall be displayed at all times in a prominent place in the establishment, and shall reiterate in detail such conditions.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.26 SALE OR DISCONTINUANCE OF BUSINESS.

In the event any licensee shall sell the business or discontinue operation for a period of more than 30 days (except closing for remodeling and repairs), or any partnership or corporation or limited liability company shall be dissolved, the license shall terminate forthwith. However, other than in the case of the termination of a partnership or the dissolution of a corporation or limited liability company, a licensee may continue the license in full force and effect, provided the Local Liquor Control Commissioner is notified by the licensee within 40 days from the date of the sale of the business or its discontinuance of a desire to maintain the license, the licensee otherwise complies with all applicable provisions of this chapter, and the licensee designates a location within the village acceptable to the Local Liquor Control Commissioner as the address or location of the license.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.27 CHANGE OF LOCATION.

A retail liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. This location may be changed only upon written application to make such a change and approval thereof issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the licensee files with the State Liquor Control Commission and the Local Liquor Control Commissioner a request in writing and a statement under oath which shows the proposed new location complies with all requirements of state law and is a proper one for retail sale of alcoholic liquor under the laws of this state and ordinances of the village.

(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99

§ 112.28 CHANGE IN OWNERSHIP.

Any changes in partners; members; officers; directors; persons holding directly, beneficially, or through any form of indirect or concealed ownership or control more than 5% of the stock or ownership interest of any licensee or premises for which a license has been issued or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All such new individuals shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes shall be subject to review by the Local Liquor Control Commissioner.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.29 LICENSE, WARNING TO MINORS TO BE POSTED ON PREMISES.

(A) Every licensee shall cause his or her license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

(B) In every tavern or other place in the village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed warning which shall read substantially as follows:

“WARNING - You are subject to a fine of up to Five Hundred Dollars (\$500.00) under the ordinances of the Village of Tinley Park if you purchase alcoholic liquor when under the age of 21 years, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.30 TRAINING REQUIREMENTS.

(A) Within 90 days of the effective date of Ord. 2010-O-024 and thereafter, managers for establishments holding any class of liquor license shall, upon demand, show proof of completion of a state-certified Beverage Alcohol Sellers and Servers Education and Training Program (BASSET) or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter XVI, Part 3500.

(B) Within 90 days of the effective date of Ord. 2010-O-024 and thereafter, all persons employed by an establishment holding a Class A, D, E, G-1, I, J, K, K-1, M or O license, who serve or sell alcoholic beverages shall, and all “bouncers” and security personnel, upon demand, show proof of completion of a state-certified Beverage Alcohol Sellers and Servers Education and Training Program (BASSET) or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter XVI, Part 3500.

(C) Within 90 days of the effective date of Ord. 2010-O-024 and thereafter, each holder of a Class Q or R license shall have on premises at all times a person designated to manage the selling and/or serving of alcoholic beverages. That person shall, upon demand, show proof of completion of a state-certified Beverage Alcohol Sellers and Servers Education and Training Program (BASSET) or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter XVI, Part 3500.

(D) New employees or managers of a licensee who are required to complete such training shall, within 90 days after the beginning of their employment with the licensee, complete the BASSET program or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter XVI, Part 3500, and shall, until completion of the program, work under the supervision of a person who has completed the program.

(Ord. 2010-O-024, passed 5-25-10)

§ 112.31 DRIVE THROUGH SALES PROHIBITED.

Under no circumstances may any licensee or licensed establishment sell or deliver any alcoholic beverage through any drive-through or drive-up window.

(Ord. 2010-O-024, passed 5-25-10)

§ 112.32 ~~DRIVE THROUGH SALES PROHIBITED~~ DELIVERY OF ALCOHOL.

Delivery of alcoholic beverages by any licensee or licensed establishment is subject to the provisions of 235 ILCS 5/5-1(d).

§ 112.323 FEE SCHEDULE.

<u>CLASS</u>	<u>LICENSE TYPE</u>	<u>CURRENT FEE</u>	<u>FEE EFF. 1/1/2022</u>
<u>A</u>	<u>Bar</u>	<u>\$1,500</u>	<u>\$2,250</u>
<u>AV</u>	<u>Bar (Video Gaming)</u>	<u>\$1,500</u>	<u>\$2,250</u>
<u>AV-1</u>	<u>Bar (Video Gaming) – Extended Hours</u>	<u>\$2,500</u>	<u>\$3,000</u>
<u>B</u>	<u>Liquor Store</u>	<u>\$1,200</u>	<u>\$2,000</u>
<u>BG</u>	<u>Beer Garden – (Supplemental)</u>	<u>N/A</u>	<u>\$500 (eff. 1/1/23)</u>
<u>C</u>	<u>Club</u>	<u>\$75</u>	<u>\$75</u>
<u>CV</u>	<u>Club (Video Gaming)</u>	<u>\$75</u>	<u>\$75</u>
<u>D</u>	<u>Sit Down Dining</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>DV</u>	<u>Sit Down Dining (Video Gaming)</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>E</u>	<u>Sit Down Dining - Beer & Wine</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>EV</u>	<u>Sit Down Dining - Beer & Wine (Video Gaming)</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>F</u>	<u>Park District</u>	<u>\$15</u>	<u>\$100</u>
<u>G</u>	<u>Liquor Store – Beer & Wine</u>	<u>\$1,200</u>	<u>\$1,800</u>
<u>I</u>	<u>Amphitheatre</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>J</u>	<u>Amphitheatre</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>K</u>	<u>Banquet</u>	<u>\$600</u>	<u>\$2,000</u>
<u>L</u>	<u>Churches / Non-for-profit</u>	<u>\$50</u>	<u>\$50</u>
<u>N</u>	<u>Hotel</u>	<u>\$400</u>	<u>\$1,200</u>
<u>O</u>	<u>Micro Brewery</u>	<u>\$500</u>	<u>\$1,000</u>
<u>OV</u>	<u>Micro Brewery (Video Gaming)</u>	<u>\$500</u>	<u>\$1,000</u>
<u>P</u>	<u>BYOB</u>	<u>\$250</u>	<u>\$500</u>
<u>Q</u>	<u>Special Event</u>	<u>\$25 / \$50</u>	<u>\$125 / \$150</u>
<u>R</u>	<u>Craft Brews</u>	<u>\$500</u>	<u>\$1,000</u>
<u>RV</u>	<u>Craft Brew (Video Gaming)</u>	<u>\$500</u>	<u>\$1,000</u>
<u>S</u>	<u>Brew Pub</u>	<u>\$500</u>	<u>\$1,000</u>
<u>SV</u>	<u>Brew Pub (Video Gaming)</u>	<u>\$500</u>	<u>\$1,000</u>
<u>UV</u>	<u>Truck Stop</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>UV-2</u>	<u>Truck Stop 24/7</u>	<u>\$1,000</u>	<u>\$2,000</u>

SALES

§ 112.40 SALE TO MINORS, CERTAIN OTHER PERSONS PROHIBITED.

(A) No licensee nor any officer, shareholder, associate, member, representative, agent, or employee of a licensee shall sell, give, or deliver alcoholic liquor, beer, or wine to any person under the age of 21 years, to any intoxicated person, or to any person known by him or her to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service.

(B) Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor nor have alcoholic liquor in his or her possession.

(C) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he or she shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(D) No person shall transfer, alter, or deface any identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor using an identification card in violation of this section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(E) The possession and dispensing to, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony is not prohibited by this section.

(F) It shall be unlawful for any holder of a retail liquor dealer's license, his or her agent, representative, or employee, or an officer of the license holder, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where the licensed premises is located. However, this shall not apply to any person under the age of 21 who is accompanied by his or her parent or guardian, or as to minors to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor, provided that in no event shall any minors, with or without a parent or guardian, be permitted in any bar area in such business' licensed premises.

(G) In addition to all other fines and penalties which may be authorized by law, the Local Liquor Control Commissioner may suspend or revoke the retail dealer's license for any violation of this section.

(H) It shall be unlawful for any person to sell, give, serve or deliver alcoholic liquor to minors, except as authorized by this chapter.

(I) Nothing herein contained shall be construed to prohibit anyone between the age of 18 years and the age of 21 years from serving, mixing, or selling alcoholic liquor as an employee of a retail liquor license holder.

(J) It shall be unlawful to have any functions, events, parties, dances or any other type of gathering in any licensed premises which are specifically intended for persons under the age of 21 years such as teen nights or teen dance parties; provided, however, this provision shall not apply to planned events (such as weddings, school sponsored dances, etc.) to be located in the non-bar area of a licensed premises.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.41 PARENTAL RESPONSIBILITY.

(A) No person under the age of 21 years shall purchase, receive, or accept as a gift, nor consume any alcoholic liquor, nor have any alcoholic liquor in his or her possession within the village. However, the possession, dispensation, or consumption by a person under the age of 21 years of alcoholic liquor in the performance of a religious service or ceremony is not prohibited by this chapter.

(B) It shall be unlawful for any parent or legal guardian of any person under the age of 21 years to allow such person to purchase, receive, consume, or possess alcoholic liquor in violation of this chapter upon either public or private property within the village. However, the provisions of this section shall not apply to the consumption of alcoholic liquor by a person under 21 years of age when in the privacy of the home of his or her parent or legal guardian and when under the direct supervision and with the approval of that parent or legal guardian.

(C) It shall be unlawful for any owner or occupant of any premises located within the village to allow any person under the age of 21 years to remain on the premises while in possession of alcoholic liquor or while consuming alcoholic liquor in violation of this chapter.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.42 SALES ON CREDIT.

(A) No person shall sell or furnish alcoholic liquor at retail to any person on credit, except for charges on a nationally recognized credit or bank charge card (such as American Express, Visa, or Master Charge); on a pass book; order on a store; in exchange for any goods, wares, or merchandise; or in payment for any services rendered. If any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law.

(B) Nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of the club. Further, nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by guests residing at the hotel and charged to the accounts of those guests.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.43 SALES ON ELECTION DAY.

Alcoholic beverages may be sold at retail on the day of any national, state, county, or municipal election, including primary elections, during the hours the polls are open within the corporate boundaries of this village.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.44 SALES IN CERTAIN AREAS PROHIBITED.

(A) No license shall be issued for the sale at retail of an alcoholic liquor within 100 feet of any church, school, hospital, home for aged or indigent persons, or for veterans, their spouses or children, or any military or naval station. However, this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if that place of business

so exempted has been established for such purposes prior to the taking effect of ILCS Ch. 235, Act 5 § 6-11, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church where that church has been established within 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs (as determined in accordance with any applicable statutory provisions or judicial decisions) and not to property boundaries.

(B) No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

(C) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(D) Nothing in this section shall prohibit a church or church affiliated school from locating within 100 feet of a property for which there is a pre-existing license to sell alcoholic liquor at retail. In these instances, the Plan Commission may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this section shall not apply to that church or church affiliated school and future retail liquor licenses.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.45 SALES, CONSUMPTION ON GOVERNMENT PROPERTY.

Unless specifically authorized by the laws of this state, the United States Government, this code, or the Local Liquor Control Commissioner, no alcoholic liquor shall be sold or consumed on or delivered to or on any building or property belonging to or under the control of the United States Government, the state, or any of its political subdivisions, including but not limited to buildings, lots or parcels of real estate, public streets, rights-of-way, and easements.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.46 CONDUCT ON PREMISES.

Every licensee and every officer, shareholder, associate, member, agent, representative, and employee of every licensee under this chapter shall be subject to the following regulations, and all persons shall likewise be subject to the applicable regulations set forth below (when the term "LICENSEE" is used in this section, it shall be deemed to include every officer, shareholder, associate, member, agent, representative, and employee of the licensee):

(A) Every licensee shall conduct his or her place of business in a quiet, decent, and respectable manner and shall eject therefrom or refuse admittance thereto to all persons rendering themselves objectionable or undesirable by reason of undue noise or other acts disturbing the peace.

(B) It shall be unlawful for any licensee to give or deliver any alcoholic liquor or intoxicating beverage to a person under the influence of intoxicating liquor. Soliciting of drinks or prostitution is prohibited.

(C) Every licensee shall immediately report to the village police any act by a person or patron rendering himself or herself objectionable, causing undue noise or disturbance, breach of the peace, or unlawful conduct.

(D) No person licensed under the provisions hereof shall engage in any loud or boisterous talking, obscene or profane language, quarreling, singing, fighting, or other disturbance of persons passing along any street or public way in the vicinity thereof or to the disturbance of the peace and quiet of persons doing business or residing in the neighborhood thereof.

(E) All licensees dispensing or serving food or alcoholic liquor shall be decently clothed. Topless or similar attire is prohibited.

(F) It shall be unlawful for any persons, while acting as a waiter, waitress, bartender, entertainer, or in any other position to:

(1) Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region, or pubic hair region;

(2) Expose any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region, or pubic hair regions;

(3) Expose any portion of the female breast at or below the areola thereof; or

(4) To allow any customer or any other person to perform any of the above.

(G) It shall be unlawful for any licensee to permit or allow any waiter, waitress, bartender, entertainer, or any other employee or any person to commit any of the unlawful acts in this section. A person shall be deemed to be a waiter, waitress, bartender, or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

(H) It shall be unlawful for any licensee to permit or allow any act or form of entertainment which, when considered as a whole, would be considered obscene (i.e., has its predominant appeal to prurient interests) as such term is defined by state law.

(I) It shall be unlawful for any licensee to permit or allow any of the following: male or female striptease (regardless of whether they strip off all of their clothes), lingerie (either male or female) fashion shows, wet T-shirt contests, mud or jell-o wrestling or wrestling in any substance other than air, and any similar contest or performance.

(J) 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.

(K) It shall be unlawful for any licensee to suffer or permit any species of gambling in his or her premises or any part thereof or any places adjacent thereto under his or her control.

(L) No licensee, nor any officer, shareholder, associate, member, representative, agent, or employee of a licensee, shall sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day.

(M) It shall be unlawful for any licensee, or any officer, shareholder, associate, member, representative, employee, or agent of any licensee, on licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon, to engage in any of the following practices:

(1) Offer or serve any free drink to any person.

(2) Sell or offer to sell to any person or group of persons any drink or drinks at a price less than the price regularly charged for such drink or drinks during the same calendar week, except at private functions not open to the public.

(N) The provisions of this section shall be in addition to, and not in lieu of, the restrictions and prohibitions on the sale and promotion of alcoholic liquor contained in ILCS Ch. 235.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 90-0-025, passed 9-4-90; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.47 HAPPY HOURS.

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

(B) No retail licensee or employee or agent of such licensee shall:

- (1) Sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in § 6-28.5 of the Liquor Control Act of 1934 (ILCS Ch. 235, Act 5, § 6-28.5) and this § 112.47 of the Tinley Park Municipal Code;
- (3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
- (5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited above under this division (B).

(C) A retail licensee may:

- (1) Offer free food or entertainment at any time;
- (2) Include drinks of alcoholic liquor as part of a meal package;
- (3) Sell or offer for sale a party package only if the retail licensee:
 - (a) Offers food in the dedicated event space;
 - (b) Limits the party package to no more than three hours;
 - (c) Distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - (d) Excludes individuals not participating in the party package from the dedicated event space;
- (4) Include drinks of alcoholic liquor as part of a hotel package;
- (5) Negotiate drinks of alcoholic liquor as part of a hotel package;
- (6) Provide room service to persons renting rooms at a hotel;
- (7) Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
- (8) Advertise events permitted under this section;

(9) Include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by municipal ordinance that:

(a) Restricts dates of operation to dates during which there is an event at an adjacent stadium;

(b) Restricts hours of serving alcoholic liquor to two hours before the event and one hour after the event;

(c) Restricts alcoholic liquor sales to beer and wine;

(d) Requires tickets for admission to the establishment; and

(e) Prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and

(10) Discount any drink of alcoholic liquor during a specified time period only if:

(a) The price of the drink of alcoholic liquor is not changed during the time that it is discounted;

(b) The period of time during which any drink of alcoholic liquor is discounted does not exceed four hours per day and fifteen hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;

(c) The drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and

(d) Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least 7 days prior to the specified time.

(D) A violation of this section shall be grounds for suspension or revocation of the licensee's liquor license, in addition to any and all other penalties that may be applicable.

~~(Ord. 2010-O-024, passed 5-25-10; Am. Ord. 2015-O-034, passed 8-18-15) Penalty, see § 112.99~~

§ 112.48 SAFETY PROVISIONS.

(A) A licensee may not permit the use of any pyrotechnic device or fireworks within its licensed premises unless the lead pyrotechnic operator and distributor possesses a valid state pyrotechnic license and also has received a permit from the village. A licensee, or any agent or employee of that licensee, may not use mace, pepper spray, or any other toxic air-released compound within its licensed premises. Violation of this division (A) by any licensee or any employee or agent of a licensee is due cause for revocation of the license.

(B) No person may impede any person who is attempting to exit the premises of a licensee due to an emergency that constitutes a threat to the health or safety of persons within the licensed premises. For the purpose of this provision, the term "IMPEDE A PERSON WHO IS ATTEMPTING TO EXIT" includes physically restraining the person or blocking or locking an exit while the licensed premises is open to the public. Violation of this division (B) is due cause for revocation of the license.

(C) A licensee where premises has an authorized capacity (i) of at least 250 persons, (ii) otherwise set by the State Fire Marshal, or (iii) otherwise set by local ordinance, whichever is lowest, must place a panic bar on each exit of its licensed premises. A licensee whose premises has an authorized capacity of at least 500 persons that conducts live entertainment within its licensed premises must, before the commencement of the live entertainment, make an

announcement to the patrons of the licensed premises that generally informs those patrons of the locations of exits and fire escapes at the licensed premises.

(D) A licensee shall not permit occupancy of the licensed premises in excess of the maximum occupancy load requirements established from time to time by the village or the Local Liquor Control Commissioner, and indicated on the license. Each licensee must post and continuously maintain a sign located in a conspicuous place (approved by the village) on the licensed premises indicating such maximum occupancy load for the licensed premises. If such overcrowding were to occur the licensee, its agents and/or employees shall immediately remedy the same by requiring a significant number of individuals to leave the premises. If such reduction to at most the maximum occupancy load requirement is not immediately accomplished, the licensed premises shall be immediately closed and shall not re-open until the situation has been reviewed by the Local Liquor Control Commissioner. Such overcrowding is considered a serious offense and may result in revocation of the license. Such overcrowding event shall be documented in accordance with such policy or policies established from time to time by the village or the Local Liquor Control Commissioner.

(E) No temporary signs shall be placed on doors, and the maximum coverage of window signs may not exceed 25% of the total window area.

~~(Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.49 MISREPRESENTATION OF ALCOHOLIC BEVERAGES.

It shall be unlawful for any person to sell, dispense, pour, or mix any alcoholic beverage which is represented to be of a certain quantity or kind, a given brand name, or of certain ingredients when it is in fact different from such representation.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

HEALTH AND SANITATION

§ 112.60 SANITATION REQUIREMENTS.

(A) 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 village ordinances regulating the condition of premises used for the storage or sale of food for human consumption, and shall be in a clean and proper sanitary condition. All persons employed or working in any such premises shall keep clean and be cleanly clothed.

(B) All utensils, appliances, vessels, receptacles, refrigerators, closets, rooms, or other places or things whatsoever which are used for the purpose of selling or offering for sale such liquors or for storing or dispensing the same, must at all times be kept in a clean, wholesome, and sanitary condition.

(C) A retail licensee that is preparing an infusion for consumption on the premises shall comply with the following requirements:

- (1) The infusion shall be mixed and stored on the premises of the licensee;
- (2) The container that the infusion is stored in must have a lid and be in sanitary condition;
- (3) The infusion shall not be aged for more than fourteen days;
- (4) The infusion must be used or destroyed within twenty-one days after the end of the aging process;

(5) Cleaning records for the container that the infusion is stored in must be available for inspection by agents of the State Commission; and

(6) The container that the infusion is stored in must have a label affixed to the container that provides the production date of the infusion, the base spirit of the infusion, the date the infusion will finish the aging process, and the date by which the infusion must be destroyed.

~~(Ord. 85-0-001, passed 1-22-85; Am. Or. 2010-O-024, passed 5-25-10; Am. Ord. 2015-O-034 passed 8-18-15) Penalty, see § 112.99~~

§ 112.61 INSPECTIONS.

(A) It shall be the duty of the Local Liquor Control Commissioner or his or her authorized agent, and he or she is hereby authorized and empowered from time to time to inspect and examine the premises wherein retail liquor business is carried on, for the purpose of ascertaining whether or not all health ordinances of the village relative to the carrying on of such business are being complied with at such premises.

(B) It shall be the duty of every such person, group of persons, partnership, firm, or corporation licensed under the provisions of this chapter to permit such inspections to be made and to exhibit the premises to those authorized persons making such inspections. A record of all such inspections shall be kept on file in the office of the Local Liquor Control Commissioner. Failure to permit such inspections shall be sufficient cause to revoke or suspend a license for the premises.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

§ 112.62 EMPLOYEES.

(A) Every person in charge of licensed premises shall keep himself or herself and his or her employees in a clean condition and cleanly clothed. No person who has tuberculosis or any venereal or communicable skin disease or who has an infectious or contagious disease shall engage in or be employed in and about such business or such premises, or engaged in any way in the handling, preparation, or distribution of alcoholic liquor.

(B) Every person in charge of such premises and his or her employees shall obtain and keep in effect all necessary health certificates as may be required by the State Department of Public Health and/or any other government agencies, including any certificates required because the liquor establishment serves food as well as alcoholic liquor.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10) Penalty, see § 112.99~~

ADMINISTRATION AND ENFORCEMENT

§ 112.75 LOCAL LIQUOR CONTROL COMMISSIONER.

(A) The President of the village shall be the Local Liquor Control Commissioner of the village and shall be charged with the administration of this chapter. He or she may designate one or more persons to assist him or her in the exercise of such duties as he or she may deem necessary. The compensation of the Local Liquor Control Commissioner shall be fixed by ordinance adopted by the Board of Trustees.

(B) The Local Liquor Control Commissioner shall have the following powers, functions, and duties:

(1) Grant, suspend for not more than 30 days, or revoke for cause, in accordance with the provisions of this chapter, all local licenses or permits issued to persons or corporations for premises within his or her jurisdiction.

(2) Enter or authorize any law enforcement officer or peace officer to enter at any time upon any premises ~~licensed hereunder~~licensed hereunder, to determine whether any of the provisions of this chapter or any rules or regulations adopted by him or her, the village, or by any other agency having the authority to do so have been or are being violated, and at the time of such entry to examine such premises in connection therewith.

(3) Receive complaints from any citizen that any of the provisions of this chapter, any rules or regulations adopted pursuant thereto, or any other applicable rules or regulations, have been or are being violated and to act upon such complaints in the manner hereinafter provided.

(4) Deny any application for the issuance or renewal of a license to an applicant he or she has determined to be ineligible therefor.

(5) Examine, or cause to be examined under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation, suspension, or non-renewal has been served in the manner hereinafter provided; examine, or cause to be examined, any applicant or licensee, and the books and records of any applicant or licensee; hear testimony and take proof for his or her information in the performance of his or her duties; and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this section, he or she may authorize his or her agent to act on his or her behalf.

(6) Receive local license fees and pay the same forthwith to the Village Clerk or Treasurer as the case may be.

(7) Appeal to the Circuit Court or any other court of competent jurisdiction any decision of the State Liquor Control Commission which reverses or modifies any order issued or penalty imposed by the Local Liquor Control Commissioner.

(8) Revoke or suspend extended hours of operation otherwise allowed under this chapter.
(~~Ord. 85-0-001, passed 1-22-85; Am. Ord. 90-0-069, passed 9-25-90; Am. Ord. 2010-O-024, passed 5-25-10~~)

§ 112.76 SUSPENSION, NON-RENEWAL OR REVOCATION OF LICENSE, DENIAL OF APPLICATION; NOTICE AND HEARING.

(A) The Local Liquor Control Commissioner may suspend or revoke any license issued pursuant to the provisions of this chapter if he or she determines that the licensee has violated any of the provisions of the State Liquor Control Act, the provisions of this chapter, any applicable rules or regulations established by the State Liquor Control Commission, any applicable rules or regulations established by the Local Liquor Control Commissioner, or for any other grounds established in the State Liquor Control Act.

(B) No license shall be revoked, suspended, or non-renewed except after a public hearing by the Local Liquor Control Commissioner with written notice sent to the licensee at least three days prior to the hearing affording the licensee an opportunity to appear and defend. However, if the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he or she may, upon the 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 days, giving the licensee an

opportunity to be heard during that period. If such licensee is also 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.

(1) The notice provided hereunder shall include the time, date, and place of the hearing and a general description of the alleged cause for the possible revocation or suspension or the reason for the non-renewal. At any hearing hereunder, the licensee shall be entitled to all the protections and rights allowed by law.

(2) Such different or additional procedures as may be allowed by law may be established from time to time by the Local Liquor Control Commissioner and approved by the President and Board of Trustees of the village.

(C) The Local Liquor Control Commissioner shall, within 28 days after the hearing, if he or she determines after the hearing that the license should be revoked, suspended, or non-renewed, state the reason or reasons for such determination in a written order of revocation, suspension, or non-renewal, and shall serve a copy of the order within 28 days upon the licensee.

(D) The licensee, after the receipt of the order of suspension or revocation shall have the privilege, within a period of 20 days after the receipt of the order of suspension or revocation, of appealing the order to the State Liquor Control Commission. If, and only if, such right exists under state law, the licensee shall have the similar right to appeal any decision of non-renewal within this 20-day period to the State Liquor Control Commission.

(E) In the event an appeal is taken from an order of the Local Liquor Control Commissioner, the appeal shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner as provided by resolution heretofore enacted by the Village Board of Trustees and as hereby confirmed.

~~(Ord. 85-0-001, passed 1-22-85; Am. Ord. 2003-O-059, passed 7-1-03; Am. Ord. 2010-O-024, passed 5-25-10)~~

§ 112.77 TESTIMONY TO BE GIVEN AT VILLAGE HEARINGS.

(A) As a condition attached to issuance of, or renewal of a liquor license hereunder, it shall be the duty of each licensee to require all officers, agents, and employees of the licensee to testify (subject to any constitutional restrictions) at any hearing that may be conducted by the village or any of its committees, commissions, boards, or agencies, or the Local Liquor Control Commissioner, regardless of whether they would otherwise be subject to subpoena power, when such hearings may relate directly or indirectly to any events or occurrences of which they may have knowledge arising out of their position as officer, agent, or employee of the licensee.

(B) It shall further be the duty of licensee to inform all such officers, agents, and employees of their duty to testify hereunder, and the licensee shall make the same a condition of employment for all licensee's employees.

(C) If any such officer, agent, or employee fails or refuses to testify to the full extent of his or her knowledge at any such hearing when requested to do so by the village, such failure shall be deemed to constitute a violation of this section by the licensee, unless the failure or refusal is based upon a constitutional right not to so testify.

(D) The violation of the provisions of this section shall constitute due cause for the suspension and/or revocation of the license of the licensee, and/or sufficient grounds for non-renewal of any such license. Any such suspension, non-renewal, or revocation shall be effective only after compliance with the procedures and provisions set forth in § 112.76 hereof, or otherwise in

conformity with law. The suspension, revocation, or non-renewal of a license shall be an additional remedy and shall not prevent or exclude a prosecutorial action for a fine under § 112.99. (~~Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10~~)

§ 112.78 APPEALS.

(A) In the exercise of the home rule powers of the village and pursuant to the provisions of ILCS Ch. 235, Act 5 § 7-9, any appeal from an order of the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner, and it is hereby resolved that such review shall be solely on the record.

(B) A certified official record of any proceeding before the Local Liquor Control ~~Commissioner shall~~ Commissioner shall be taken and prepared by a certified court reporter or certified shorthand reporter and shall be filed by the Local Liquor Control Commissioner with the State Liquor Commission within five days after notice is received by the Local Liquor Control Commissioner of the filing of an appeal from an order of the Local Liquor Control Commissioner.

(C) The Liquor Control Commissioner shall have the power and right to appeal to the Circuit Court or any other court of competent jurisdiction any decision of the State Liquor Control Commission which reverses or modifies any order issued or penalty imposed by the Local Liquor Control Commissioner.

(Ord. 85-0-001, passed 1-22-85; Am. Ord. 90-0-069, passed 9-25-90; Am. Ord. 2010-O-024, passed 5-25-10)

§ 112.99 PENALTY.

Any person, group of persons, partnership, firm, or corporation violating any provision of this chapter shall be fined not less than \$25 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. In addition, the Local Liquor Control Commissioner shall have the power to revoke, non-renew, or suspend licenses granted under this chapter pursuant to its provisions.

(~~Ord. 85-0-001, passed 1-22-85; Am. Ord. 2010-O-024, passed 5-25-10~~)

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2021-O-086, “ORDINANCE AMENDING CHAPTER 112 OF THE TINLEY PARK MUNICIPAL CODE (Amending the Alcoholic Beverages Ordinance in its Entirety)” which was adopted by the President and Board of Trustees of the Village of Tinley Park on December 7, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 7th day of December, 2021.



KRISTIN A. THIRION, VILLAGE CLERK