

## CHAPTER 34

### ALCOHOLIC BEVERAGES

#### 34.01 LOCAL LIQUOR CONTROL COMMISSIONER

The mayor shall be the local liquor control commissioner. He shall receive such salary as determined by the City Council. He may make such rules and regulations to govern the conduct of licensees as are consistent with this chapter and State law. The local liquor control commissioner may establish a local liquor control commission. In such event the local liquor control commission shall exercise all of the powers of the local liquor control commissioner.

#### 34.02 LICENSES GENERALLY

(a) It shall be unlawful for any person to engage in the sale at retail of any alcoholic beverage of any kind without first obtaining a license therefor from the local liquor control commissioner.

(b) It shall be unlawful for any person to engage in business to, or conduct a business where patrons are allowed to bottle, blend, deliver, furnish, give, divide, distribute, barter, use, consume, possess, or store alcoholic liquors in any commercial establishment without first obtaining a license therefor from the local liquor control commissioner.

(c) It shall be unlawful for any person to bottle, blend, deliver, furnish, give, divide, distribute, barter, use, consume, possess, or store alcoholic liquors on any premises which has not been licensed by the local liquor control commissioner.

(d) It shall be unlawful for any person to furnish containers, water or other beverages for the mixture thereof for alcoholic liquors in any commercial establishment which has not been licensed by the local liquor control commissioner.

(e) It shall be unlawful for any person, business, licensee, agent, servant, or employee to allow or permit any persons to commit any of the acts prohibited in subsections (a), (b), (c) and (d) of this section.

(f) It shall be unlawful for any person engaged in the business of leasing any premises to allow the use, sale, giving away, or consumption on the premises of alcoholic liquor, without first securing a license or without the licensee first securing a license from the local liquor control commissioner.

#### 34.03 APPLICATION FOR LICENSE

Every person desiring to engage in the business of selling at retail shall make application in writing on forms furnished by the city for a license, stating his name, age, residence, length of time in business, whether he then holds or has theretofore held a license to conduct such business in any other village or city in the state, whether he has ever been refused such license by any municipality within the State of Illinois, and whether any license theretofore granted to him for the conduct of such business has ever been revoked. Such written application shall be verified; such application shall be filed with the local liquor control commission; and such applicant shall, at the time of the filing of the same, pay to said commissioner in cash the sum required hereunder for license fee.

Except for applications for new licenses during the course of the annual year, every application for renewal of a license shall be completed and in the hands of the local liquor control commissioner at least fifteen (15) days prior to the beginning of the annual year. No application will be accepted or approved unless the application is fully completed, the questions answered, properly signed and verified. Failure to complete said application and to file the same within the time limit prescribed herein shall be deemed grounds for refusal of the local liquor control commissioner to renew said license.

The application shall contain such queries as shall intelligently inform the local liquor control commissioner as to whether or not the applicant is eligible for a license and complies with the requirements of the Illinois Statutes, Chapter 43, in reference to dramshops.

Applicants may be required to submit information as to sources of funds for the purchase or operation of their businesses. The commissioner may require such other information in writing or an oral examination.

Misstatements in the application shall be deemed grounds for refusal to issue or renew said license and, if a license is issued, grounds for revocation.

#### **34.04 FINGERPRINTING OF LICENSED APPLICANT AND BARTENDERS**

The applicant for a license under this chapter shall be fingerprinted and a complete set of fingerprints maintained on file with the police department. In case of corporations, the manager or person in charge shall also be fingerprinted.

#### **34.05 LOCATION OF PLACE OF SALE**

No alcoholic beverage shall be sold, offered for sale, kept for sale, displayed or advertised for sale at retail or delivered to any person purchasing same at retail, except at the location, place or premise described in a liquor license.

#### **34.06 LICENSE CLASSIFICATIONS**

Licenses for sale at retail of alcoholic liquor shall be divided in the following classes:

**Class A, Package sales.** A Class A license entitles the licensee to make sales at retail of all package alcoholic liquors for consumption off the premises.

**Class B, Package sales.** A Class B license entitles the licensee to make sales at retail of package beer and wine for consumption off the premises.

**Class C, Consumption on premises.** A Class C license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises.

**Class D, Consumption on premises.** A Class D license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises in conjunction with banquet rooms with service bars.

**Class E, Consumption on premises.** A Class E license entitles the licensee to make sales at retail of beer and wine for consumption on the premises.

**Class F, Consumption on premises and package sales.** A Class F license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises and to sell all package alcoholic liquors for consumption off the premises.

**Class G, Veterans consumption on premises.** A Class G license shall be issued only to a veterans organization organized and existing under a charter issued by a national organization incorporated by Act of Congress of the United States. A Class G license entitles the licensee to make sales at retail of alcoholic liquors for consumption on the premises.

**Class I, Restaurant-Service Bar, Consumption on premises.** A Class I license entitles the licensee to make sales at retail of all alcoholic liquors for consumption on the premises only in conjunction with meals and food served at the premises. No bar is permitted at which customers can order or be served alcoholic liquors. A service bar is permitted for use of employees only. No alcohol may be consumed, served or taken outside of the interior premises.

**Class M, Municipal Consumption on Premises (beer, wine).** A Class M license entitles the licensee to make sales at retail of beer and wine for consumption on the premises. A Class M license can only be issued to a municipal corporation.

**Class W, Entertainment.** Entertainment may only be provided in a premises licensed to sell alcoholic liquor in conformity with a Class C, D, E, F, G, or I liquor license. For purposes of this chapter, "Entertainment" means any theatrical performance, musical performance, fashion show or sporting event including but not limited to live disc jockeys, bands, dancers, actors, musicians, comedians, athletes, models, magicians, and entertainers. "Entertainment" does not include music or video which is provided through a television, radio, tape player, or similar device provided that there is no disc jockey and that there is no dancing. A Class W license may be issued by the local liquor control commissioner upon his determination that the provision of entertainment will not disturb the public health, safety and welfare. In determining whether to issue such a license the local liquor control commissioner shall take into consideration the space available for the entertainment, the compatibility with surrounding property uses, traffic, availability of parking, the disturbance of neighboring properties, the days and hours of entertainment, the type of entertainment (but not the content or message thereof), the ages of patrons, and the legality of the entertainment. The local liquor control commissioner may provide limitations and conditions for the provision of entertainment when issuing the Class W license, which limitations and conditions may be changed upon the basis of complaints arising from the entertainment. No entertainment shall be provided except in conformity with such limitations and conditions. A Class W license is a privilege and not a right. A Class W license can be suspended or terminated for violation of limitations and conditions thereof, for violation of any ordinance, for violation of any state law, or if the provision of entertainment creates a disturbance within the licensed premises or outside of the licensed premises.

**Class X, Caterer.** A Class X license entitles the licensee to make sales of alcoholic liquors for consumption at any location, whether licensed or unlicensed, as an incidental part of food service with prepared meals and alcoholic liquors being sold at a package price agreed upon under contract.

For any premises licensed for package sales, the floor area devoted to the display of alcoholic liquor shall not exceed 15% of the total floor area of the premises devoted to the sale of goods and services and the sale of beer kegs (7.75 gallons or more) is prohibited.

### **34.07 LICENSE FEES AND LIMITATIONS**

All licenses shall be on a fiscal year basis. License fees shall be paid in full prior to the commencement of the license year, except that that local liquor control commissioner may allow fees to be paid in two equal installments, 50% prior to the commencement of the license year and 50% prior to the commencement of the second half of the license year. The license fee for each class of license and the maximum number of licenses in each class is as follows:

<b>Class</b>	<b>Description</b>	<b>Number</b>	<b>Fee</b>
A	Package sales only	7	\$1,210
B	Package sales only (beer, wine)	7	1,010
C	Consumption on premises only	9	1,275
D	Consumption on premises only (banquet hall)	6	1,675
E	Consumption on premises (beer and wine)	3	1,175
F	Consumption on premises and package sales	1	1,675
G	Veterans	0	75
I	Restaurant-Service Bar, consumption on premises	1	1,225
M	Municipal consumption on premises (beer, wine)	1	0
W	Entertainment		550
X	Caterer	1	800

The number of licenses authorized herein for all classes shall remain at the number set forth in this section; provided, however, that any license in said classes which is revoked, or not used because of the termination of liquor business on the premises for which the license has been issued, shall automatically reduce the number of authorized licenses of the particular class by the total number of revoked or not used licenses in the particular class.

### **34.08 TEMPORARY LICENSES**

The local liquor control commissioner may issue temporary liquor licenses for a period not to exceed five (5) days for any special event. The type of alcoholic beverages to be served, the place of service, and the hours of service shall be established by the local liquor control commissioner. The fee for a temporary liquor license shall be twenty-five dollars (\$25) per day.

### **34.09 HOURS OF OPERATION**

All licensed premises shall be opened for business no sooner than 6:00 a.m. Monday through Saturday and 11:00 a.m. Sunday (9:00 a.m. Sunday for Class A and B licenses) nor shall they close later than 2:00 a.m.

### **34.10 ORIGINAL ISSUANCE OR TRANSFER OF LICENSE**

(a) The local liquor control commissioner may, at his discretion, permit the transfer of interest in or location of a license issued for the operation of the sale of alcoholic liquors at any location to which said license has been issued, suspended or revoked upon the payment to the city of the sum of three thousand two hundred fifty dollars (\$3,250), or two thousand dollars (\$2,000) for a Class B or E license, for such transfer, in addition to any other fees that may be required by section 34.07. No such transfer shall be made nor shall any license be issued to any premises to which a license has been issued to sell alcoholic liquors at retail, whether said business is a going business, has been previously operated and is now out of existence, or where the license has been suspended or revoked, without payment of the fee provided for in this section. For the purpose of this section, a transfer of any interest in a partnership, association, or in more than five (5) per cent of ownership in shares of the stock of a corporation shall be a transfer of interest and require the payment of the transfer fee provided for by this section. The fee in this section shall be waived when the transfer of a license is due solely to the death of the license holder and no consideration is received for the sale of the business for which the license has been issued. In the event of a transfer of less than 100% of the interest in a license or the license holder, the transfer fee

shall be reduced to be equal to the percentage transferred times the full fee (i.e. if 50% of the shares of a corporation are transferred, then the fee shall be 50% of the applicable transfer fee).

(b) Except with the consent of the local liquor control commissioner, as provided in subsection (a) above, licenses issued pursuant to the provisions of this chapter are not subject to sale, assignment, transfer or to a change of location.

### **34.11 PROHIBITED CONDUCT**

(a) Every licensee hereunder engaged in the sale of alcoholic beverages shall conduct his or her place of business in a quiet, decent and respectable manner and shall eject therefrom or refuse to admit thereto 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, officer, associate, member, agent, representative or employee of such licensee to give or deliver any alcoholic liquor or intoxicating beverage to a person under the influence of alcohol or drugs. Soliciting of drinks or prostitution is prohibited.

(c) No licensee shall permit his patrons to perform any lewd, lascivious acts, or an act of obscenity.

(d) Every licensee shall immediately report to the police any act by any person or patron rendering himself or herself objectionable, causing undue noise or disturbance, breach of peace, unusual conduct, or a person with a firearm, knife, bludgeon or deadly instrument.

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

(f) All persons, or employees dispensing or serving food or alcoholic liquor shall be decently clothed. Topless or similar type of attire is hereby prohibited. In addition the following rules shall be observed:

1. It shall be unlawful for any person, while acting as a waiter, waitress or entertainer to:

A. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

B. 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 region; or

C. Expose any portion of the female breast at or below the areola thereof.

2. It shall be unlawful for any licensee to permit or allow any waiter, waitress, or entertainer to commit any of the unlawful acts in this section.

3. A person shall be deemed to be a waiter, waitress 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.

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

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

(i) It shall be unlawful for any licensee to permit alcoholic liquor, except in the original package and with the seal unbroken, to be taken out of the premises wherein it was sold, delivered, or given.

(j) It shall be unlawful for any licensee, in the conduct of his business, to commit, suffer or permit, through himself, agent, servant or employee, a violation of city ordinance.

(k) It shall be unlawful for any licensee to suffer or permit a violation of any rule or regulation of the local liquor control commissioner.

(l) A licensee shall immediately report to the police a violation of any city ordinance, Illinois statute or federal law occurring in the licensed premises, or outside the licensed premises, but adjacent thereto, involving the conduct of his business or patrons.

(m) It shall be unlawful for any person not possessing a Class X license issued by the City to deliver or serve alcoholic liquor or to allow the delivery or service of alcoholic liquor in any place of public accommodation.

(n) BYOB (bring your own bottle) facilities are prohibited in any place of public accommodation within the City.

#### **34.12 HOURS OF OPERATION**

(a) No licensee shall sell, offer for sale or deliver any alcoholic liquor after the closing hour. After the closing hour all doors directly opening into or out of the licensed premises shall be securely locked and no patrons, customers or persons shall be allowed into the premises. All premises shall be vacated within twenty (20) minutes after the closing hour.

(b) The above prohibitions shall not apply to licensed premises wherein the sale of alcoholic liquor is incidental to the sale or service of other items therein; such as, grocery stores, restaurants, and bowling alleys.

(c) All licensees shall be required to allow police officers into the licensed premises after the closing hour in order to determine compliance with this chapter.

#### **34.13 CONSUMPTION ON PUBLIC WAY, PARKING LOT**

It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor, except in the original package and with the seal unbroken, on a public street, sidewalk, parkway, public parking lot or semipublic parking lot. The term "semipublic parking lot" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, or commercial establishment.

#### **34.14 MINORS**

(a) No person under the age of twenty-one (21) years shall consume, purchase or accept delivery of alcoholic liquor or have alcoholic liquor in his or her possession, excepting the possession and dispensing, or consumption by a person under the age of twenty-one (21) years of alcoholic liquor in the performance of a religious service or ceremony, the consumption by a person under the age of twenty-one (21) years under the direct supervision and approval of the parent(s) or guardian(s) of such underage person in the privacy of the parent's or guardian's home, or the possession and delivery of alcoholic liquors in pursuit of a person's employment by a licensee as allowed by state law.

(b) No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except as allowed in paragraph (a) above.

(c) It shall be unlawful for any person under the age of twenty-one (21) years to use false identification or the identification of another to obtain admittance to or to obtain alcoholic liquor from any liquor establishment.

(d) It shall be unlawful for any person to sell, give or furnish any person under the age of twenty-one (21) years any identification which is used by any other person for the purpose of gaining entrance into a liquor establishment or which is used for the purpose of purchasing or attempting to purchase any alcoholic beverage.

(e) It shall be unlawful for any person to employ or permit the employment of any person under the age of twenty-one (21) years in any licensed premises where alcoholic liquor is sold where that person is involved in the sale or delivery of alcoholic liquor. Persons under the age of twenty-one (21) may be employed in any licensed premises where their employment does not require them to sell, accept money for, check identification for, or serve alcoholic liquor.

(f) It shall be unlawful for any owner or occupant of any premises to knowingly allow any person under the age of twenty-one (21) years to violate any provisions of this chapter.

(g) It shall be unlawful for any parent or guardian to knowingly suffer or permit any person under the age of twenty-one (21) years of which he may be the parent or guardian to violate any provisions of this chapter.

#### **34.15 STATE AND FEDERAL LAW**

It shall be unlawful for any licensee in the conduct of the licensed premises or upon the licensed premises to violate any law of the State of Illinois, any law of the United States, or any rule of the Illinois Liquor Control Commission

#### **34.16 SUSPENSION OR REVOCATION OF LICENSE**

(a) At all hearings, proceedings shall be taken and prepared by a certified court reporter; and an appeal shall be limited to a review of the certified official record of the proceedings of the local liquor control commissioner. An attorney designated by the local liquor control commissioner shall act as law officer, ask questions to clarify statements, advise the local commissioner on procedure and law, and otherwise assist the local commissioner in the conduct of the hearings.

(b) The local liquor control commissioner shall have the power to suspend any license for a period of not to exceed sixty (60) days. In the case of revocation of any license, the local liquor control commissioner shall have the power to allow the use of the premises for the sale of alcoholic liquors after ninety (90) days from the date of said revocation upon his determination that the public good will be served.

(c) He shall also have the power to fine the licensee a sum not to exceed two thousand dollars (\$2,000) for each act of violation, and the costs of the proceedings, including reasonable attorney's fees. The provisions of this paragraph shall be cumulative to other powers given the mayor.

#### **34.17 COIN OPERATED AMUSEMENT DEVICES**

(a) It shall be unlawful for any person to own, lease, operate or maintain any coin operated amusement device except as permitted in paragraph (b).

(b) Not more than four (4) coin operated amusement devices may be maintained and used on any premise which is licensed with a Class C, Class D, Class E, Class F or Class G liquor license under the following conditions:

1. Each coin operated amusement device shall have a current license thereon.
2. No coin operated amusement device shall be operated based upon any gambling game such as poker, black jack, craps and similar games.
3. The owner of the coin operated amusement device shall be licensed as required in paragraph (c).

(c) The owner of any coin operated amusement device shall be licensed by the City. The owner shall submit an application in such form as provided by the City and shall undergo background checks similar to that of a liquor licensee. No person may be licensed as the owner of any coin operated amusement device who would not qualify for a liquor license. If the owner of a coin operated amusement device is a holder of a liquor license, then no license fees shall be required of the owner, otherwise a license fee of \$250 per year shall be paid.

(d) A license fee of \$100 per coin operated amusement device shall be paid per year.

#### **34.18 HAPPY HOUR/REDUCED PRICE DRINKS**

(a) All 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 licensee or employee or agent of such licensee shall:

1. Serve 2 or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
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;
3. 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 where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in paragraph (7) of subsection (c);
4. 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;
5. 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
6. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (5).



(c) Nothing in subsection (b) shall be construed to prohibit a licensee from:

1. Offering free food or entertainment at any time;
2. Including drinks of alcoholic liquor as part of a meal package;
3. Including drinks of alcoholic liquor as part of a hotel package;
4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
5. Providing room service to persons renting rooms at a hotel;
6. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to 2 or more persons at one time; and
7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

#### **34.19 TEEN DANCES**

(a) It shall be unlawful for any licensee to conduct or allow a teen dance on any part of a licensed premises at any time during the period for which a liquor license is issued to those premises.

(b) For the purposes of this section a teen dance is any dance or party which restricts admissions to persons under the age of 21 or under any other age less than 21 years of age.

(c) This section shall not prohibit any teen dance operated by any unit of government, any school located within the City of Hickory Hills, or any religious organization whose church is located within the City of Hickory Hills.

#### **34.20 ENTERTAINMENT**

(a) Contact sporting entertainment or events (such as boxing, kick boxing, wrestling, mud wrestling, jello wrestling) between humans, between animals, or between humans and animals are prohibited in any premises licensed for the sale of alcoholic liquor.

(b) Non-contact sporting entertainment or events (such as, darts, bowling, pinball machines and video games) are permitted in any premises licensed for the sale of alcoholic liquor provided that the machines are properly licensed.

(c) Entertainment such as live or recorded music, dancing, disc jockeys, comedians, plays and theater are permitted in any premises licensed for the sale of alcoholic liquor provided that a Class W license has been issued therefor.

(d) Fashion shows and lingerie shows are prohibited in any premises licensed for the sale of alcoholic liquor except where such shows are restricted to viewing by patrons who have previously purchased a ticket off the premises and the price of the ticket includes a charge for a meal which is served to all the patrons.

### **34.21 RESTRICTED HOURS FOR MINORS**

No person under the age of 21 years shall be present on any premises which holds a Class W Entertainment license between the hours of 9:00 p.m. and 6:00 a.m. except as follows:

- (a) When no entertainment is being provided in the room where the minor is located provided that such room is separated by closed doors to the room where the entertainment is being provided.
- (b) When alcoholic liquor is not being served to any persons.
- (c) When accompanied by a parent or legal guardian.
- (d) When the premises are rented for a private party (such as a wedding), no admission or charge is required to enter the premises, the premises are not open to the public, and no advertising or publication of the private party is made.
- (e) In conjunction with a school or church sponsored event when chaperones from the sponsoring organization are present.
- (f) During the course of employment at the premises.
- (g) When attending or participating in an amateur athletic event.

### **34.22 VIDEO GAMING**

(a) The provisions of this Section shall apply to facilities and establishments licensed under the Video Gaming Act, 230 ILCS 40/1 *et seq.* The definitions of the Video Gaming Act are incorporated into this Section by reference. No other provision of the Hickory Hills Municipal Code pertaining to the licensing of establishments, operators, or video gaming terminals shall be applicable. The provisions of Section 34.17, Coin Operated Amusement Devices, of the Hickory Hills Municipal Code are not applicable to video gaming terminals.

(b) The annual license fee for each licensed establishment, licensed fraternal establishment, licensed veterans establishment or licensed truck stop establishment shall be \$100.00.

(c) The annual license fee for a video gaming terminal shall be \$25.00.