

CHAPTER 2
LIQUOR CONTROL AND LIQUOR LICENSING

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3-2-1 DEFINITIONS

Terms used in this Ordinance shall mean as follows:

Alcohol: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin, and includes synthetic ethyl alcohol; it does not include denatured alcohol or wood alcohol.

Alcoholic Liquor: Alcohol, spirits, wine and 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 the alcohol fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Club: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Local Liquor Control Commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other government body out of the general revenue of the club.

Local Liquor Control Commissioner: The President of the Village.

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail Sales: The sale for use or consumption and not for resale.

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

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

3-2-2 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

3-2-3 APPLICATION *Amended, 552, 16-17-916*

A. Applications for such license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the President and Board of Trustees.

B. Any person applying for any liquor license shall first deposit the entire amount of the license fee with the Local Liquor Control Commissioner. There shall be no rebate of any portion of the license fee due to the fact that the application is made after January 1st or July 1st. All persons desiring a liquor license shall be required to pay the full license fee, whether the license is to be issued for six months or less.

C. A liquor license application shall contain the following statements and information:

1. The name, date of birth and address of the applicant in the case of an individual; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person; name and address of the manager or person(s) in daily charge and control of the business operation; in the case of a copartnership, the persons entitled to share in the profits thereof.
2. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
4. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when the charter was issued.
5. The amount of goods, wares and merchandise on hand at the time application is made.
6. The location and description of the premises or place of business which is to be operated under such license.

7. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
8. A statement that applicant will not allow gambling devices on the premises other than a video gaming device licensed by the State and Village.
9. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Ordinance or the laws of this State, the United States of America or the ordinances of this Village.
10. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.
11. A statement that the applicant will not violate any of the laws of the State of Illinois, the United States or any ordinance of the Village in the conduct of his place of business.

If the license applied for is denied, the license fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the General Corporate Fund or in such other fund as designated by the Board of Trustees.

3-2-4 DISPOSITION OF FEES

All license fees shall be paid to the Local Liquor Control Commissioner at the time the application is made, and shall be forthwith turned over to the Treasurer.

If the license applied for is denied, the license fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the General Corporate Fund or in such other fund as designated by the Board of Trustees.

3-2-5 RESTRICTION ON LICENSES *Amended, 05-06-755, 97-98-612, 16-17-916*

No such license shall be issued to:

1. A person who is not of good character and reputation in the Village;
2. A person who is not a citizen of the United States;
3. A person who has been convicted of a felony under any 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. The burden of proof of sufficient rehabilitation shall be on the applicant;

4. A person who has been convicted of being the keeper or is keeping a house of ill fame;
5. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
6. A person whose license issued under this Chapter has been revoked for cause;
7. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
8. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder;
9. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence in the Village;
10. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 *et seq.*) to transact business in Illinois;
11. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee, except those required in paragraph 14 hereof;
12. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) or has forfeited his bond to appear in court to answer charges for any such violation;
13. 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;
14. Any law enforcing public official, including members of the Local Liquor Control Commission, the Village President, any member of the Board of Trustees or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the Local Liquor Control Commission;
15. A person who is not a beneficial owner of the business to be operated by the licensee;
16. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of 720 ILCS 5/28-1, or as proscribed by 720 ILCS 5/2803 of the

Criminal Code of 1961, as amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

17. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
18. A copartnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
19. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20 percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period; or
20. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

3-2-6 TERM, PRORATING FEE *Ord. 552*

A license is purely a personal privilege, good for not to exceed six months from the date of issuance. The six month period shall be from the 1st day of January of each year to the 30th day of June and from the First day of July of each year to the 31st day of December, unless sooner revoked or suspended. Licenses issued after the 1st day of January and the 1st day of July shall pay the full license fee as provided herein.

All licenses, regardless of the date of issuance, shall terminate on the 30th day of June and the 31st day of December.

3-2-7 CLASSIFICATIONS, FEES, DAILY PERMIT *Amended, 19-20-961, 17-18-938, 16-17-922, 16-17-916, 12-13-882, 11-12-870, 10-11-856, 09-10-848, 07-08-827, 05-06-782, 03-04-715, 02-03-703, 00-01-666, 98-99-625, 94-95-573, 552*

A. Classes, Fees. Liquor licenses shall be divided into three classes:

1. Class A licenses shall permit the retail sale of alcoholic liquor for consumption within the licensed premises. Class A licenses shall also permit the retail sale of alcoholic liquor by package.

Class A licenses shall permit the licensee to operate a beer garden. If the licensee has a beer garden, consumption of alcoholic beverages sold by the licensee may be within the licensed premises of Class A licensees operating beer gardens as defined herein. Orders for alcoholic liquor may be made and served within the licensed premises for beer gardens, however, no alcoholic beverage may be dispensed from a bar located outside of the building and no packaged liquor may be sold outside the building.

The fee for a Class A license shall be \$375.00 for a licensee who operates his place of business daily except Sundays, and the fee for a licensee who operates his place of business on Sundays, in addition to weekdays, shall be \$525.00.

2. Class B licenses shall permit the retail sale of alcoholic liquor by package only, but not for consumption or use on the premises. The license fee shall be \$375.00.
3. Class C licenses shall permit the retail sale of alcoholic liquor by a club meeting the requirements of the definition in Section 3-2-1 of this Ordinance. The license fee shall be \$1.00 per member, but not less than \$50.00.
4. Class D licenses shall only permit a retail sale of beer and wine in sealed cartons, bottles, casks, flasks, barrels, cases or other containers for consumption off the premises where sold and not for resale in any form. The license fee shall be \$250.00.

B. Number of Licenses Issued. There shall be issued in the Village not more than:

Class A:	Six licenses
Class B:	One license
Class C:	No licenses
Class D:	No licenses

C. Daily Permit. The Local Liquor Control Commissioner may grant a daily permit to any non-profit organization or club located within the Village, such as a church, order or lodge, veterans organization, civic organization, fire department or other similar organization, authorizing the sale of alcoholic liquor at any picnic, club or similar function sponsored by such organization or club. No more than seven such daily permits shall be issued to any one such organization or club during the period of one year. A permit fee of \$25.00 per day shall be payable by the permittee upon the issuance of a daily permit. Unless specifically provided otherwise, all requirements of the Liquor Control and Liquor Licensing Ordinance of the Village shall apply to permits granted under this Section 3-2-7-C. Dram shop insurance shall be required and a certificate of insurance shall be provided prior to the issuance of the Daily Permit. A sample daily permit application can be found in Exhibit A of this Chapter 2.

3-2-8 RECORDS

The Local Liquor Control Commissioner shall keep a complete record of all licenses issued, and shall furnish the Village Clerk, Treasurer and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the suspension or revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of these officers.

3-2-9 DEATH OR BANKRUPTCY OF LICENSEE 552

A license shall be a purely personal privilege, not to exceed six months after issuance, as provided herein, or unless revoked sooner, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this Section.

3-2-10 CHANGE OF LOCATION

A liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the receipt of written permission from the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Ordinance.

3-2-11 ABANDONMENT

If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for 90 consecutive days, or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation.

3-2-12 RENEWAL OF LICENSE

Any licensee may renew his liquor license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the Village.

3-2-13 DISPLAYING LICENSE

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

3-2-14 INSURANCE

No license shall be issued hereunder unless the applicant files with the application an insurance certificate, issued by an insurance company that is authorized to do business in the State of Illinois, certifying that the applicant, and the owner of the building housing the establishment from where the liquor will be sold, have in full force and effect Dram Shop Insurance.

3-2-15 SANITARY CONDITIONS

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

3-2-16 EMPLOYEE RESTRICTIONS

It shall be unlawful for any person under the age of 18 years to draw, pour or mix any alcoholic liquor as an employee of any retail licensee. No person under the age of 18 years shall at any time attend any bar; or draw, pour or mix any alcoholic liquor; or sell any alcoholic liquor for consumption on or off the premises in any licensed retail premises.

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

3-2-17 LOCATION RESTRICTIONS, NOTIFICATION

A. Location Restrictions. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, undertaking establishment or mortuary, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station.

B. Notification. Prior to the initial application for a liquor license under this Ordinance, the applicant shall notify, by certified mail, return receipt requested, the owners of all property adjoining and within 500 feet adjacent to the property for which the applicant is seeking a license, including the property directly opposite and across a public street or alley, of the filing of its application for a liquor license and the location of the property for which the license is sought. Proof of such notification shall be submitted with the applicant's initial application for the license.

The Village Board reserves the right to direct the initial applicant to notify additional interested property owners, groups or organizations. This notice shall be given not less than 15 days prior to the granting of an initial liquor license.

For the purpose of notice, "owner" shall mean the person to whom the most recent statement of real property taxes on the property in question was sent.

This Section shall not apply to the renewal of a liquor license provided the renewal pertains to the same location for which the initial license was granted.

3-2-18 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.

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 persons under the age of 21 or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such persons.

3-2-19 PREMISES

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

3-2-20 BOOKS AND RECORDS OF LICENSEE

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or any Local Liquor Control Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase.

3-2-21 CLOSING HOURS *Amended, 10-11-851, 05-06-755*

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises that does not have a license from the McHenry County Health Department to prepare and serve food on the premises, any alcoholic liquor before the hour of 6:00 a.m. or after 1:30 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday or after 2:00 a.m. on Saturday or Sunday.

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises that has a license from the McHenry County Health Department to prepare and serve food on the premises, any alcoholic liquor before the hour of 6:00 a.m. or after 1:30 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday or after 2:30 a.m. on Saturday or Sunday.

It shall be unlawful to keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants and clubs, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited.

3-2-22 CONSUMPTION ON PREMISES, DRINKING ON PUBLIC STREETS

A. Consumption on Premises. It shall be unlawful for anyone having a Class B license to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

B. Drinking on Public Streets. No person shall openly drink or furnish to others any alcoholic liquor to be drunk upon any street, public place or vacant lot within the Village and no person shall connive at or assist in or procure others to violate any provision of this Ordinance.

3-2-23 PEDDLING

It shall be unlawful to peddle alcoholic liquor in the Village.

3-2-24 PURCHASE OR ACCEPTANCE OF GIFTS OF LIQUOR BY PERSONS UNDER THE AGE OF 21; PUNISHMENT; EXCEPTIONS

A. Purchase or Acceptance. It shall be a violation of this Ordinance for any person under the age of 21 to purchase, obtain, accept delivery of, accept a gift of, consume, or have in his or her possession alcoholic liquor.

B. Warning Placard. In every place in the Village where alcoholic liquor is sold, there shall be displayed at all times, in a prominent place, a printed card, which shall be supplied by the Village Clerk, and which shall read substantially as follows:

Warning to Persons Under 21 Years of Age

You are subject to a fine up to Five Hundred Dollars (\$500.00) under the Liquor Control Ordinance of the Village of Hebron if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

C. Exemptions. The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Ordinance.

D. Penalty. Whoever violates any provision of this Section shall be fined not less than \$100.00 nor more than \$500.00.

3-2-25 SALE TO PERSONS UNDER 21 YEARS OF AGE

A. Sale by Licensee. It shall be a violation of this Ordinance for the licensee or any officer, associate, member, representative, agent or employee of such licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years.

B. Sale by Other Persons. It shall be a violation of this Ordinance for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

C. Proof of Identity and Age. To prevent the violation of this Section, any licensee, or his officer, associate, member, representative, agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years. Adequate written evidence of age and identity of the person is a document issued by a Federal, State, County or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the Armed Forces.

D. Penalty. Whoever violates any provision of this Section shall be fined not less than \$200.00 nor more than \$500.00. In addition to all other fines and penalties, the Local Liquor Control Commissioner may suspend or revoke the retail liquor dealer's license for any violation of this Section.

3-2-26 SALE OR USE OF FALSE EVIDENCE OF AGE AND IDENTITY

A. It shall be a violation of this Ordinance for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the age and/or identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of age and/or identification of any other person.

B. It shall be a violation of this Ordinance for any person under the age of 21 to present or offer to any licensee, his agent or employee, any written, printed or photostatic evidence of age and/or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed or photostatic evidence of age and/of identity.

C. Penalty. Whoever violates any provision of this Section shall be fined not less than \$100.00 nor more than \$500.00.

3-2-27 SALES TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENCE

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

No licensee, or agent or employee of the licensee, shall harbor or permit any intoxicated persons to loiter on the premises described in the license or permit any conduct which shall tend to disturb the peace or quiet or the neighborhood or the premises.

3-2-28 INSPECTIONS AND ENFORCEMENT

Any law enforcing officer of the Village may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Ordinance or whether any of the rules or regulations adopted by the President and Board of Trustees or by the State of Illinois have been or are being violated and at such time may examine the premises of the licensee in connection therewith.

Any law enforcing officer of the Village may receive complaint from any citizen within the jurisdiction of the Village that any of the provisions of this Ordinance or any rules or regulations adopted by the President and Board of Trustees or by the State of Illinois have been or are being violated, and may act upon such complaints in the manner provided.

The Local Liquor Control Commissioner shall have the authority to make and establish rules and regulations of procedure concerning notice of hearings and all such other matters as may from time to time be necessary, and to appoint deputy commissioners to the local liquor control commission.

It shall be a violation of this Ordinance to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer or any other legally authorized person.

3-2-29 REVOCATION OR SUSPENSION OF LICENSE; FINES; NOTICE; HEARING; APPEAL *Amended, 05-06-755, 16-17-916*

The Local Liquor Control Commissioner may revoke or suspend any local retail liquor dealer's license issued by him if he determines that the licensee has violated any provision of this Chapter 2 or of any valid ordinance or resolution enacted by the Board of Trustees or any applicable rule or regulation established by the Local Liquor Control Commissioner or the State Liquor Control Commission which is not inconsistent with law, or owes the Village a fine for a violation of any Village ordinance for which any amount remains outstanding or is due to the Village for more than 10 days' time, either in addition to said revocation or suspension or in lieu of suspension or revocation, the Local Liquor Control Commissioner may levy a fine on the licensee for such violation. The fine imposed shall not exceed \$1,000.00 for the first violation within a 12-month period, and \$1,500 for a second violation within a 12-month period and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000.00 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the General Corporate Fund of the Village.

Said license shall be either revoked or suspended and fines levied only after a public hearing before the Local Liquor Control Commissioner with a three day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and

the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. 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 Village he 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, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

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

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

3-2-30 LICENSE FORFEITURE

Whenever any licensee shall have been convicted by any court of a willful violation of any provision of this Ordinance, or of the state law, he shall, in addition to the penalties for such offense, incur a forfeiture of his local license and monies that have been paid therefor. The Local Liquor Control Commissioner shall thereupon revoke his license.

3-2-31 GATHERINGS WHERE ONE OR MORE PERSONS ARE UNDER THE AGE OF 21 YEARS

A. It shall be a violation of this Ordinance for any person to knowingly permit a gathering at a residence which s/he occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

1. The person occupying the residence knows that the person or persons under the age of 21 is in possession of or is consuming an alcoholic beverage; and
2. The possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Ordinance; and
3. The person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

B. For the purposes of this section, where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

3-2-33 PROHIBITED ACTS AND CONDITIONS 98-99-631; Amended, 09-10-847

A. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the Village, at which alcoholic beverages are offered for sale for consumption on the premises, to permit or allow the following activity to be conducted on the premises of such a commercial establishment, all of which activity is defined in Section 3-12-1 of this Code: Adult Business; Adult Entertainment Center; Adults-Only Activity, Bookstore, Motion Picture Theater, Nightclub, Sauna; Nudity; Obscene Activity; Rap Parlor; Sadomasochistic Activity; or Sexual Conduct Activity.

B. It shall be unlawful for any establishment defined as an Adult Business pursuant to Section 3-12-1 of this Code, to sell, distribute or permit beer or alcoholic beverages on the premises.

C. Prohibition of Gambling: Except as provided herein, it shall be unlawful for any licensee to permit or allow any gambling or betting of any money in or about the licensed premises or to permit or allow any slot machines or any vending machines on or about the licensed premises which slot machines or vending machines either directly or indirectly involve the element of chance. Video gaming terminals shall be permitted when licensed by the Village and State.

3-2-33.1 VIDEO GAMING 09-10-847; amended, 19-20-963, 12-13-872

A. Video Gaming License Required: No person shall have or keep a video gaming terminal or device in any place of public resort unless same is licensed by the Village as well as the State, through the Illinois Gaming Board, and pursuant to the Illinois Video Gaming Act and the rules and regulations implemented thereto. Only a person in possession of a Class A liquor license issued by the Village is eligible to be granted a video gaming license by the Village.

B. Annual Fee: The annual fee payable to the Village shall be \$25.00 for each video gaming terminal or device. The annual fee shall be due and payable on the first day of May of each year. All issued licenses shall expire on the 30th day of April of the following year. This fee is not in lieu of any fee or payment payable to the State or the Illinois Gaming Board.

C. Replacement of License: Whenever a licensed video gaming terminal is replaced during the fiscal year a replacement license must be purchased. A \$2.00 transfer fee shall be required.

D. Issuance: No license shall be issued except upon approval by the President and Board of Trustees. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Section. Upon approval of the application and payment of the license fee, the Village shall issue a stamp bearing the notation "Village of Hebron Video Gaming License for Fiscal Year 20__." One license shall be issued for each

licensed video gaming terminal and it shall be affixed in a conspicuous place and so affixed that it cannot be transferred from one video gaming terminal to another.

E. Placement of Video Gaming Terminals: All such video gaming devices or terminals shall at all times be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices or terminals are kept or used.

F. Inspection: The Chief of Police shall inspect or cause the inspection of any place or building in which any video gaming device or terminal is operated or set up for operation and to inspect, investigate and test such video gaming devices or terminals.

G. Revocation: In addition to any penalty imposed, the President and Board of Trustees may revoke a video gaming license for any violation of this Chapter or of any ordinance pertaining to the conduct of such business.

3-2-34 BASSET TRAINING REQUIRED 16-17-910, Amended 16-17-916

In order to provide information to sellers and servers of alcoholic liquor about the effects of alcohol and drug use and abuse and to provide the necessary skill development techniques to identify and/or intervene with patron use problems thereby reducing the incidence of patron misuse, all employees who are alcohol servers of holders of Class A, Class B, Class C and Class D liquor licenses issued by the Village who sell alcoholic liquor and at least one representative of the holders of a daily permit issued by the Village, who shall be on site during the permitted time, shall complete Beverage Alcohol Sellers and Servers Education and Training (BASSET) pursuant to a program licensed by the Illinois Liquor Control Commission pursuant to 235 ILCS 5/6-27.1, 77 Illinois Administrative Code, Ch.XVI, Part 3500, Sec. 3500.101, et seq., as may be amended. The term "alcohol server" shall have the same meaning as that term is defined in 235 ILCS 5/6-27.1. All new applicants for a liquor license including applicants for a daily permit shall provide proof of compliance with this section prior to being issued a license by the Village. Each employee or contractor of a license holder shall have completed the above-described BASSET training prior to working or acting as an alcohol server. Evidence of completion of such training shall be filed with the Village at such time that such employee or contractor commences working as an alcohol server.

3-2-35 PENALTY

Whoever violates any provision of any section of this Ordinance for which a specific penalty is not stated shall be fined not less than \$100.00 nor more than \$500.00. Each day on which a violation continues shall constitute a separate violation.

**VILLAGE OF HEBRON LIQUOR LICENSE
DAILY PERMIT APPLICATION**

Name of Non-Profit Organization:

Name of Representative of the Non-Profit Organization:

Representative's Address:

Representative's Telephone Number:

Location of Event:

If a Building, its Owner:

Terms of Daily Permit: By acceptance of this Daily Permit, the non-profit organization applying for a daily permit and, if applicable, the building owner, if different, agree that the permittee is subject to all the requirements of Title 3, Chapter 2, Liquor Control and Liquor Licensing, of the Hebron Municipal Code and the Hebron Police Department will be notified immediately at the onset of any rowdiness, fighting and disorderly conduct; and all other ordinances of the Village will be observed.

Enclose with this application:

1. Certificate of Insurance listing the applicant and building owner, where the event will be held, and stating Dram Shop insurance is in full force and effect during the term of the Daily Permit.
2. Permit fee of \$25.00 per day.

Signature of Applicant

State of Illinois)
) ss
County of McHenry)

_____, being first duly sworn deposes and says that he/she read the above and foregoing application and knows the contents thereof and that the same and the facts therein are true.

SUBSCRIBED AND SWORN to before me
This ___ day of _____ 200__.

Notary Public

Daily Permit No. _____ Issued _____ Permit Period _____

Issued by: _____
Village of Hebron Liquor Commissioner