

CHAPTER 6

LIQUOR

CHAPTER 6

LIQUOR

DIVISION 1

GENERAL REGULATIONS

- 6-1-1 STATUTE ADOPTED
The Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended from time to time, is adopted by reference in this section as if fully set out.
- 6-1-2 PEDDLING
It shall be unlawful to peddle alcoholic liquor in the City.
- 6-1-3 SANITARY CONDITIONS
All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
- 6-1-4 HEALTH OF EMPLOYEES
It shall be unlawful for any person to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal diseases. It shall be unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in any way in work on or about any such premises, or to engage in any way in the handling, preparation or distribution of such liquor.
- 6-1-5 SALES TO AND POSSESSION BY UNDERAGE PERSONS; PROOF OF IDENTITY AND AGE; GATHERINGS WHERE MINORS PRESENT; RENTING HOTEL OR MOTEL ROOMS
(a) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him to be under legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall 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. Any person who violates the provisions of this paragraph of this subsection (a) is guilty of a violation.

- (1) For the purpose of preventing the violation of this section, any licensee, or his 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 is over the age of 21 years.
- (2) 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. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the secretary of state on a form provided by the secretary of state.
- (3) However, no agent or employee of the licensee shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person 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. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.
- (4) Any person who sells, gives, or furnishes to any person under the

age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a violation.

(5) Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his 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 possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a violation.

(6) Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of a violation. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment.

(b) Any person shall be guilty of a violation where he knowingly permits a gathering at a residence which he occupies of two or more persons where any one or more of the persons is under 18 years of age and the following factors also apply:

(1) The person occupying the residence knows that any such person under the age of 18 is in possession of or is consuming any alcoholic beverage; and

(2) The possession or consumption of the alcohol by the person under 18 is not otherwise permitted by state law; and

(3) The person occupying the residence knows that the person under the age of 18 leaves the residence in an intoxicated condition.

For the purpose of this subsection (b) 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.

(c) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room

shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a violation.

6-1-6

PURCHASE OR ACCEPTANCE OF GIFT OF LIQUOR BY MINORS;
IDENTIFICATION CARDS; EXCEPTIONS

- (a) 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 such alcoholic liquor or have such alcoholic liquor in his possession.
- (b) If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he 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 official duties.
- (c) No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden. Whoever violates any provisions of this section shall be guilty of a violation.
- (d) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor 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 or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by law.

6-1-7(a)

RETAIL SALES NEAR CHURCHES, SCHOOLS, ETC.

No license shall be issued for the sale at retail of any alcoholic liquor within districts zoned R1 or R2 under the Zoning Ordinance or within 300 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station, library or licensed day care, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purpose prior to the effective date of the ordinance from which this section

is derived, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 300 feet of any church or school where such church or school has been established within such 300 feet since the issuance of the original license. In the case of a church, the distance of 300 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

6-1-7(b)(1) DRAMSHOP: FINANCIAL RESPONSIBILITY

No license of any class to sell alcoholic liquor shall be issued by the Mayor unless the applicant therefore has presented a written commitment or “binder” from a licensed dramshop insurer to insure the said licensee in an amount not less than the maximum limit for recovery provided for in Chapter 235 Sec. 5/6-21 of the Illinois Compiled Statutes. The applicant/licensee shall contemporaneously with the issuance of his license, present evidence of such insurance (a duplicate policy and a paid receipt for the premium therefore to the local liquor control commissioner. The licensee’s failure to keep such dramshop insurance in force throughout the entire period for which the aforesaid license is issued shall be grounds for revocation of such license.

6-1-7(b)(2) DRAMSHOP INSURANCE

No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following minimum coverages:

- a. Bodily Injury Liability \$ 30,000.00 for each person
 \$ 50,000.00 each occurrence

- b. Property Damage \$ 30,000.00 each occurrence

- c. Loss of Support Coverage \$ 30,000.00 each occurrence

6-1-8 WARNING TO MINORS DISPLAYED

In every establishment in the city 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 clerk and which shall read substantially as follows:

WARNING TO MINORS

You are subject to a fine up to a maximum of \$750.00 under the ordinances of the City of St. Elmo, Illinois, if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

6-1-9

CLOSING HOURS

No liquor may be sold at any time on the following holidays: Christmas Day, New Years Day, and Easter Sunday. Alcoholic liquor may be sold by any licensee on Sundays, except for Easter Sunday, from 12:00 pm to 5:00 pm. Class A and Class C licensees may sell alcoholic liquor only during the hours from 6:00 a.m. until midnight. Class B licensees may sell alcoholic liquor only during the hours from 11:00 a.m. until midnight. No alcoholic liquor may be consumed on the premises of any licensed establishment after closing hour of midnight.

The sale hours for Class D Licenses shall be as follows:

Class D licensees may sell alcoholic liquor during the hours from 8:00 a.m. to 9:00 p.m. Monday through Saturday and during the hours of 12:00 p.m. to 5:00 p.m. on Sunday.

Amended 7/3/06, 1/2/07, 9/4/07, 11/19/07, 2/2/09, 2/3/16, 10/04/17,11/6/19

6-1-10

PENALTY

Any person, firm or corporation violating, or aiding and abetting the violation of any provisions of this chapter shall be fined not less than \$400.00 nor more than \$1,000.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

6-1-11

MINORS PROHIBITED

- (a) Except as otherwise provided in this section, it shall be unlawful prior to 9:00 p.m. for any person under the age of 21 years to be in or on the premises of any establishment that sells alcoholic liquor for consumption on the premises unless accompanied at all times by at least one of his or her parents, grandparents or legal guardians.
- (b) Except as otherwise provided in this section, it shall be unlawful after 9:00 p.m. for any person under the age of 21 years to be on or in the premises of any establishment that sells alcoholic liquor for consumption on the premises.
- (c) It shall be lawful for persons under the age of 21 to be in the restaurant or banquet facility of establishments holding a Class B license until 10:30 p.m. for the purpose of eating or attending a special event such as a wedding reception or class reunion.

6-1-12

SPECIAL EVENT LICENSE

The Liquor Commissioner may issue to any license holder, upon written application therefor, a one-day special event license for a date certain and for such hours and upon such terms as the Liquor Commissioner may deem reasonable and appropriate. The fee for said license shall be \$50.00. If an application is timely filed and approved by the Liquor Commissioner, said license shall be issued at least two (2) weeks before the scheduled event.

DIVISION 2

LIQUOR CONTROL COMMISSIONER

- 6-2-1 AUTHORITY OF MAYOR, ASSISTANCE; TEMPORARY LICENSE
The mayor is hereby authorized to be the local liquor control commissioner and shall be charged with the administration of the Liquor Control Act of 1934 and of such ordinances and resolutions relating to alcoholic liquor as may be passed from time to time by the city council. The mayor may appoint a person to assist him in the exercise of the powers and performance of the duties provided for such local liquor commissioner.
- 6-2-2 EXAMINATION OF APPLICANT FOR LOCAL LICENSE
The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for a renewal thereof, of any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for his information in the performance of his 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 may authorize an agent to act on his behalf, as provided by statute. All liquor licenses shall be issued by the liquor control commissioner only after approval by a majority vote of the City Council.
- 6-2-3 ENTRY ONTO PREMISES
The local liquor control commissioner hereby is given the power to enter or to authorize any law enforcing officers to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the liquor control act or any rules or regulations adopted by him or by the state liquor commission have been or are being violated, and at such time to examine the premises of such licensee in connection therewith.
- 6-2-4 RECORD OF ISSUED LICENSES
The local liquor control commissioner shall keep or cause to be kept a complete record of all licenses issued under this chapter by him. Two copies shall be retained of all licenses issued.
- 6-2-5 SUSPENSION, REVOCATION
The local liquor control commissioner may suspend for not more than 30 days or revoke for cause any local licenses issued to persons for premises

within his jurisdiction for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided by law.

6-2-6

COMPLAINT BY RESIDENTS

Any three (3) residents of the municipality shall have the right to file a complaint with the local liquor commissioner, stating that a licensee under this ordinance has been or is violating the provisions of this ordinance or any amendments thereto, or of any of the statutes of the State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If, based upon said complaint and any further investigation he deems appropriate, the local liquor commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

DIVISION 3

LICENSES

6-3-1 REQUIRED

It shall be unlawful to sell or offer for sale in the city any alcoholic liquor without having a license, or in violation of the terms of such license.

6-3-2 PLACES OF SALE RESTRICTED

(a) It shall be unlawful to serve, or drink, any alcoholic liquor in any restaurant, dining room, lunchroom, bowling alley or other place of public resort in the city, other than one where the sale of alcoholic liquor for consumption on the premises is permitted under license.

(b) Except as allowed in Section 6-4-1(3), it shall be unlawful to drink any alcoholic drink in any public street, alley, parkway, driveway or parking lot in the city.

6-3-3 GRANT OF PERSONAL PRIVILEGE; STATUS UPON DEATH OF LICENSEE

A license issued under this article shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked, and shall not constitute property, nor shall it be subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution. It shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendant, or such insolvency or bankruptcy until the expiration of such license, but 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 fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

6-3-4 CHANGE OF LOCATION

A liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the local liquor control commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the statutes of the state, provisions of this Code and

ordinances of the city.

6-3-5

BOND

Each applicant for a license under this article shall, simultaneously with the application therefor, and prior to the issuance thereof, execute and deliver a bond in the penal sum of \$10,000.00 to the city as obligee, conditioned for the faithful performance of all of the provisions of this chapter, and all amendments thereto, and the payment of all fines and penalties by reason of the violation hereof, with security to be approved by the local liquor control commissioner of the city. The maximum liability of any and all sureties on such bond shall be limited to the penalty thereof, to wit, the sum of \$10,000.00.

6-3-6

APPLICATION

- (a) An applicant for a license from the local liquor control commissioner shall submit to the local liquor control commissioner an application, in writing, in duplicate, under oath, stating:
- (1) The applicant's name and mailing address;
 - (2) The name and address of the applicant's business;
 - (3) If applicable, the date of the filing of the assumed name of the business with the county clerk;
 - (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; 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 (805 ILCS 5/1.01 et seq.) to transact business in the State of Illinois;
 - (5) The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license;
 - (6) The name of the city, village, or county that issued the local retail liquor license;
 - (7) The name and address of the landlord if the premises are leased;
 - (8) The date of the applicant's first request for a local or state liquor license and whether it was granted, denied or withdrawn;

- (9) The address of the applicant when the first application for a local or state liquor license was made;
- (10) The applicant's current state liquor license number;
- (11) The date the applicant began liquor sales at his place of business;
- (12) The address of the applicant's warehouse if he warehouses liquor;
- (13) The applicant's retailer's occupation tax registration number;
- (14) The applicant's document locator number on his federal special tax stamp;
- (15) Whether the applicant is delinquent in the payment of the retailer's occupational tax (sales tax), and if so, the reasons therefor;
- (16) Whether the applicant is delinquent under the cash beer law, and if so, the reasons therefor;
- (17) In the case of a retailer, whether he is delinquent under the 30-day credit law, and if so, the reasons therefor;
- (18) In the case of a distributor, whether he is delinquent under the 15-day credit law, and if so, the reasons therefor;
- (19) Whether the applicant has made an application for a liquor license which has been denied, and if so, the reasons therefor;
- (20) Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the reasons therefor;
- (21) Whether the applicant has ever been convicted of a gambling offense or felony, and if so, the particulars thereof;
- (22) Whether the applicant possesses a current federal wagering stamp, and if so, the reasons therefor;
- (23) Whether the applicant, or any other person, directly in his place of business is a public official, and if so, the particulars thereof;
- (24) The applicant's name, sex, date of birth, social security number,

position and percentage of ownership in the business; and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager and any person who owns five percent or more of the shares of the applicant business entity or parent corporations of the applicant business entity;

- (25) That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days as expressly permitted by law), directly or indirectly, from any manufacturer, importing distributor or distributor or from any representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of law.
- (b) In addition to any other requirement of this section, an applicant for a special use permit license and a special event retailer's license shall also submit proof of adequate dram shop insurance for the special event prior to being issued a license.
- (c) In addition to the foregoing information, such application shall contain such other and further information as the local commissioner may, by rule or regulation not inconsistent with law, prescribe.
- (d) If the applicant reports a felony conviction as required under subsection (a)(21) of this section, such conviction may be considered by the local commissioner in determining qualifications for licensing, but shall not operate as a bar to licensing.
- (e) If such application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed by at least two members of such partnership or the president and secretary of such corporation or two authorized agents of such partnership or corporation.

6-3-7

PERSONS INELIGIBLE TO BE LICENSED

No license of any kind issued by the local commissioner shall be issued to:

- (1) A person who is not a resident of the city in which the premises covered by the license are located; except in case of railroad or boat licenses;

- (2) A person who is not of good character and reputation in the community in which he resides;
- (3) A person who is not a citizen of the United States;
- (4) A person who has been convicted of a felony under any federal or state law, unless the local commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- (5) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (7) A person whose license has been revoked for cause;
- (8) A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application;
- (9) 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;
- (10) 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 within the political subdivision;
- (11) 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 the state;
- (12) 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;

- (13) 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 state liquor control act or has forfeited his bond to appear in court to answer charges for any such violation;
- (14) 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;
- (15) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village 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 commissioner;
- (16) A person who is not a beneficial owner of the business to be operated by the licensee;
- (17) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1(a)(3)--(a)(10), or as proscribed by 720 ILCS 5/28-3, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
- (18) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- (19) 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;
- (20) 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;
- (21) Any premises for which a federal wagering stamp has been issued by

the federal government for the current tax period.

6-3-8

DENIAL; SUSPENSION

- (a) In addition to the other restrictions set forth in section 6-3-7, the local liquor control commissioner, on complaint of the state department of revenue, shall refuse the issuance or renewal of a license, or suspend or revoke the license, of any person, for any of the following violations of any tax act administered by the department:
- (1) Failure to make a tax return.
 - (2) The filing of a fraudulent return.
 - (3) Failure to pay all or part of any tax or penalty finally determined to be due.
 - (4) Failure to keep books and records.
 - (5) Failure to secure and display a certificate or sub-certificates of registration, if required.
 - (6) Willful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability.
- (b) The local liquor control commissioner may, after a due process hearing, suspend or revoke the license if the licensee fails to commence operation within 90 days or ceases doing business for a period of at least 90 days during the term of the license.

6-3-9

TERM; PRORATING FEE

Each license issued under this article shall terminate on April 30 next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. If a business is sold during the license year, the fee for the months remaining of the license year will be refunded to the previous owner-licensee of the business based upon 1/12 of the yearly license fee per month, but only for full calendar months remaining. The new owner-licensee of the business shall be charged a license fee for the full calendar month in the month in which he becomes the new licensee plus the remaining full calendar months of the new license year for which a refund was made to the previous licensee; provided, however, that no prorated license fee to be charged to the new owner-licensee of the business shall be less than 6/12 of the yearly license fee.

LICENSE FEES

Every person engaged in the retail sale of alcoholic liquor in the city shall pay an annual license fee. Such licenses shall be divided into the following classes:

- (1) Class A license, which shall only permit the retail sale of alcoholic liquor in sealed packages and limited consumption of one drink on the premises per twenty-four hour period. At least ninety per cent (90%) of the sales on the premises of said licensee shall be for alcoholic liquor. The annual fee for such license shall be \$1,000.00. Amended 11/6/19
- (2) Class B license, which shall authorize the retail sale by restaurants of alcoholic liquor for consumption on the premises. No more than ten per cent (10%) of the annual sales on the premises shall be for alcoholic liquor. The annual fee for such license shall be \$600.00. Said license shall include the following restrictions:
 - (a) Said restaurants must have a seating capacity at tables for a minimum of fifty (50) persons for food service;
 - (b) Said restaurants must offer their patrons full and complete meals, including dinner menu. Amended 7/3/06; 1/2/07
- (3) Class C license, which shall only permit the retail sale by a convenience or food store of beer only, and the limited sale of one drink of alcoholic liquor per twenty-four hour period for consumption on the premises within an area restricted for video gaming purposes under the provisions of the Illinois Video Gaming Act (250 ILCS 40/1 et. seq.). No more than ten per cent (10%) of the annual sales on the premises shall be for alcoholic liquor, the annual fee for such license shall be \$1,000.00. Amended 1/2/07, 11/6/19

Without limiting the generality of the foregoing, limited food service such as is customarily provided by luncheonettes, diners, coffee shops, or drive-ins, does not satisfy the requirements for this license classification.

- (4) Class D license, which shall be issued only to regularly constituted units of clubs or lodges who regularly maintain a permanent club room and shall authorize the retail sale of alcoholic liquor, for consumption on the premises, only to members of the licensed club or lodge and their bona fide guests or for special events such as wedding receptions, holiday parties, reunions or similar events. The annual fee for such

license shall be \$500.00.

Amended 2/3/16, 10/04/17

6-3-11

NUMBER OF LICENSES

The shall be issued in the city at any time not more than the following classes and numbers of licenses:

Class	Number
A	One
B	Two
C	Two
D	One

Amended 7/3/06, 2/3/16

6-3-12

RENEWAL OF LICENSE

Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purposes. The renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the local liquor control commissioner from decreasing the number of licenses to be issued within his jurisdiction.

6-3-13

DISPOSITION OF FEES

All fees for licenses under this article shall be paid to the liquor control commissioner at the time application is made and shall be forthwith turned over to the treasurer. If the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the local liquor control commissioner for proper action.

6-3-14

MANAGERS

All corporations issued a liquor license pursuant to this Chapter 6 shall have a manager in the establishment at all times during the hours the establishment is open for business. Each manager shall be an employee of the corporation in charge of the daily operations of the establishment and all other employees. The store manager shall be the designated person upon whom the liquor control commissioner, the police or other persons

may serve any process, citation, notice or demand required or permitted by law. The name of the store manager shall be in the application for a license. The corporation shall provide the liquor control commissioner with a list of all managers who are responsible for store operations during such times as liquor is allowed to be sold. Said list shall be updated and provided to the liquor control commissioner within seven (7) days of the termination or hiring of any manager responsible for operations which include the sale of liquor upon the premises.

Amended 1/2/07; 2/4/08

DIVISION 4

CONSUMPTION ON PUBLIC PROPERTY

6-4-1 RULES AND REGULATIONS

- (1) It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley or other public place in the City.
- (2) It shall be unlawful for any person to drink, consume, transport, carry or possess any beer, wine, liquor or other alcoholic beverage, except in the original container, and said container, or any part thereof, including the seal, shall be unbroken, on any public way within the City limits of St. Elmo, Illinois.
- (3) For purposes of this division, public way is defined as any sidewalk, street, highway, alley, public parking lot, semipublic parking lot, or storefront adjacent to a public sidewalk. The term "semipublic parking lot" shall include any area wherein motor vehicles are parked by the public in connection with any business, enterprise, commercial establishment, office building or apartment building, and if said parking lot is privately owned, this division shall apply to said semipublic parking lot only if said parties in actual physical control of said parking lot have contracted with the City of St. Elmo, Illinois, to have police patrol provided for said parking lot.
- (4) The City Park, Lake Nellie, Deken Park or any other area so designated by the City at a later date, shall not be subject to the provisions of subsection (2) of this division of the city ordinances.

6-4-2 PENALTIES

Any person, firm or corporation violating any provision of this division shall be subject to a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Revised 8/15/2005; Amended April 5, 2010; Amended October 10, 2011

