

AN ORDINANCE REGULATING DEALERS
IN ALCOHOLIC LIQUOR

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, ILLINOIS, THAT:

Section 1. Definitions.) Unless the context otherwise
requires, the following terms as used in this ordinance shall be
construed according to the definitions given below:

(1) Alcoholic liquor: Includes alcohol, spirits, wine
and beer, and every liquid or solid, patented or not, containing
alcohol, spirits, wine or beer, containing over one-half of one
per cent of alcohol by volume, and capable of being consumed as
a beverage by a human being.

(2) Retail sale: The sale for use or consumption and not
for re-sale.

(3) Original package: Any bottle, flask, jug, can,
cask, barrel, keg, hogshead or other receptacle or container,
whatsoever used, corked or capped, sealed and labeled by the
manufacturer of alcoholic liquor, to contain and to convey any
alcoholic liquor.

(4) Restaurant: Any public place kept, used, maintained,
advertised, and held out to the public to be a place where meals
are served, and where meals are actually 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.

(5) Bowling alleys: Any establishment or building,
or any part thereof, wherein the game of bowling played with
composition balls and ten wooden pins is played.

(6) Hotel: Every building or other structure kept,
used, maintained, advertised and held out to the public to be
a place where meals are actually and regularly served and con-
sumed and where sleeping accommodations are offered for pay to
travelers and guests, whether transient, permanent or residential,
in which twenty-five or more rooms are used for the sleeping
accommodations of such guests and having one or more public
dining rooms where meals are served to such guests, such sleeping
accommodations and dining rooms being conducted in the same
building or buildings, in connection therewith, and such building
or buildings, structure or structures being provided with adequate
and sanitary dining room and kitchen equipment and capacity.

(7) Club: A corporation organized under the laws of
this State, and not for pecuniary profit, solely for the pro-
motion of some common object other than the sale or consumption
of alcoholic liquor, which conforms to the definition of a club
in Chapter 43, Paragraph 95.24 of the Illinois Revised Statutes,

(8) Licensee: Any person, firm or corporation or
partnership or club holding a license under the provisions of
this ordinance.

Section 2. Local liquor control commissioner.) The President is hereby authorized to be the local liquor control commissioner and shall be charged with the administration of the Dram Shop Act, Chapter 43 of the Illinois Revised Statutes, and of such ordinances and resolutions relating to alcoholic liquor as may be needed. The President may appoint a person or persons to assist him in the exercise of the powers and performance of the duties provided for such local liquor control commissioner.

Section 3. License required.) It shall be unlawful to sell or offer for sale in the Village any alcoholic liquor without having a license, or in violation of the terms of such license.

Section 4. Applications.) Applications for such licenses shall be made to the local liquor control commissioner. Such applications shall be made in writing, and shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

(1) The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority of the stock of such corporation, in interest, is owned by one person or his nominee, the name and address of such person.

(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 that said applicant has been in business of that character, or in the case of the corporation, the date on which its 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 as to whether applicant has made similar application for a similar license on premises other than described in this application, and the disposition of such application.

(8) 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, laws of the State, or ordinances of the Village.

(9) Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked and the reasons thereof.

(10) A statement that the applicant will not violate any of the laws of the State of Illinois or the United States in the conduct of his place of business.

Section 5. Bond.) Each applicant for a liquor license under the provisions of this ordinance shall execute a bond payable to the Village in the penal sum of \$2,000.00, with two individual sureties to be approved by the local liquor control commissioner or one corporate surety authorized to do business in this state conditioned on the faithful observance of the provisions of this ordinance and of the laws of this state relating to the sale of alcoholic liquor, and for the payment of all fines and costs which may be assessed against him for the violation of any of the provisions hereof.

Section 6. Restriction on licenses.) No such licenses shall be issued to:

- (1) A person who is not a resident of the Village.
- (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.
- (5) A person who has been convicted of being the keeper of or is the keeper of 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 issued under this ordinance has been revoked for cause.
- (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license under a first application.
- (9) A copartnership, unless all the members of such copartnership shall be qualified to receive a license.
- (10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five per cent 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 city.
- (11) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- (12) A person who does not 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.
- (13) Any law enforcing public official, President, any member of the Board of Trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

Section 7. Term - prorating fee.) Each such license shall terminate on the 31st day of December next following its issuance. The fee to be paid for a license shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

Section 8. 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 applicant for a local license or for a renewal thereof, or 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 proof 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.

Section 9. License fees.) Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the Village shall pay a license fee. Such licenses shall be divided into the following classes:

(1) A Class A license shall entitle the licensee to sell only beer at retail in less than keg or case lots, in bottles or cans only, for consumption off the premises where sold. The annual fee for each such license shall be \$200.00. The annual fee shall be payable in two installments, namely \$100.00 on the 31st day of December of each year and \$100.00 on the 30th day of June of each year.

(2) A Class B license shall entitle the licensee to sell only beer and wine in less than keg or case lots, in bottles or cans only, for consumption off the premises where sold. The annual fee for such license shall be \$300.00. The annual fee shall be payable in two installments, namely \$150.00 on the 31st day of December of each year and \$150.00 on the 30th day of June of each year.

(3) A Class C license shall entitle the licensee to sell at retail alcoholic liquor in the original package only for consumption off the premises; provided that no such original package containing less than 1/2 pint shall be permitted to be sold by such licensee. The annual fee for such license shall be \$600.00. The annual fee shall be payable in two installments, namely \$300.00 on the 31st day of December of each year and \$300.00 on the 30th day of June of each year.

(4) A Class D license shall entitle the licensee to sell at retail alcoholic liquor on the premises specified. The annual fee for such license shall be \$600.00. The annual fee shall be payable in two installments, namely \$300.00 on the 31st day of December of each year and \$300.00 on the 30th day of June of each year.

(5) A Class E license shall entitle the licensee to sell at retail alcoholic liquor on the premises specified; such licensee shall be entitled to remain open until 1:00 A.M. on Sunday morning. The annual fee for such license shall be \$1,000.00.

The annual fee shall be payable in two installments, namely \$500.00 on the 31st day of December of each year and \$500.00 on the 30th day of June of each year.

Section 10. Number of licenses.) There shall be issued in the Village, to be in effect at any particular time, not more than one Class A license; not more than one Class B license; not more than one Class C. license; not more than one Class D license; and not more than one Class E license.

Section 11. Disposition of fees.) All such fees shall be paid to the Village Clerk at the time application is made and shall be forthwith turned over to the Village Treasurer. In the event 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 President and Board of Trustees for proper action.

Section 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; provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President from decreasing the number of licenses to be issued within his jurisdiction.

Section 13. Closing hours.) It shall be unlawful for the holder of a license, regardless of classification, to sell or offer for sale at retail any alcoholic liquor in the Village on week days between the hours of 12:00 midnight and 8:00 A.M. It shall be unlawful for a holder of a license to sell or offer for sale any alcoholic liquor in the Village on Sundays between the hours of 12:00 midnight on Saturday and 12:00 midnight on Sunday, except that the holder of a Class E license may sell or offer for sale such alcoholic liquor until the hour of 1:00 A.M. on Sunday.

Section 14. Entry powers.) The local liquor control commissioner hereby is given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Dram Shop Act, Illinois Revised Statutes, Chapter 43, 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 said licensee in connection therewith.

Section 15. List.) The local liquor control commissioner shall keep or cause to be kept a complete record of all such licenses issued by him.

Section 16. Transfer of license.) A license shall be a purely personal privilege, good for and not to exceed one (1) year after issuance unless sooner revoked as is in this ordinance provided, 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 or manufacture 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 decedent, 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 fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes.

Section 17. 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 President. 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 and the ordinances of the Village.

Section 18. Peddling.) It shall be unlawful to peddle alcoholic liquor in the Village.

Section 19. 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.

Section 20. Employees.) It shall be unlawful for any person, firm or corporation 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; and 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 work in or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor.

Section 21. Location restrictions.) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged, or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to clubs, or restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business not exempted shall have been established for such purpose prior to the taking effect of this ordinance; nor to the renewal of a license for the sale of alcoholic liquor on premises within one hundred (100) feet of any church where such church has been established within such one hundred (100) feet since the issuance of the original license.

Section 22. 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 minors of school age or

where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

Section 23. Sale by restaurants.) It shall be unlawful for any restaurant licensed to sell alcoholic liquor to sell such liquor except with meals.

Section 24. Access from licensed premises to dwelling quarters.) 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 purpose and which is permitted to be used or kept accessible for any use by the public. This provision shall not prevent 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.

Section 25. View from street.) In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels, or clubs, or any bowling alley other than one situated on the first or ground floor, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk. All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided. In order to enforce the provisions of this section, the local liquor control commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

Section 26. Underage persons - sale to.) It shall be unlawful for any person under the age of 21 years, or in the case of beer and wine under the age of 19 years, to purchase or obtain any alcoholic liquor in any tavern, or other place in the Village where alcoholic liquor is sold.

It shall be unlawful for any person under the age of 21 years, or in the case of beer and wine under the age of 19 years, to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

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

"WARNING TO UNDERAGE PERSONS

You are subject to a fine up to \$500.00 under the ordinances of the Village of Chatham if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."

It shall be unlawful for any holder of a retail liquor dealer's license or his agent or employee to suffer or permit any person under the age of 21 years, or in the case of beer and wine under the age of 19 years, to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located; provided that this paragraph shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale or services of other commodities than alcoholic liquor.

In addition to all other fines and penalties, the President may revoke or suspend the retail liquor dealer's license for any violation of this section.

It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this section.

It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of 21 years, or in the case of beer and wine under the age of 19 years, except in the performance of religious ceremony or service.

It shall be unlawful for any person under the age of 21 years to attend any bar, to draw, pour or mix any alcoholic liquor in any licensed retail premises.

Section 27. Purchase or acceptance of gift of liquor by persons of non-age-identification cards - Rules and Regulations.) It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or to have alcoholic liquor in his possession.

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age 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.

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.

Section 28. Sale to intoxicated persons - habitual drunkards.) It shall be unlawful for the holder of an alcoholic

liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift, mentally ill, feeble-minded or distracted person.

Section 29. Revocation - suspension.) The President may suspend for not more than thirty (30) days (Illinois Revised Statutes, Chapter 43, Paragraph 112) or revoke for cause any liquor dealer's license for any violation of any provisions pertaining to the sale of alcoholic liquor, as provided and in the manner provided in Illinois Revised Statutes, Chapter 43, Paragraph 149.

Section 30. Consumption on premises.) Where alcoholic liquor is consumed on the premises it must be consumed within the building on such premises and not outside such building.

Section 31. Insurance.) Licensees shall procure adequate liability insurance to cover their liability under Illinois Revised Statutes, Chapter 43, Paragraph 135.

Section 32. Copy of ordinance.) A copy of this ordinance shall be furnished each licensee under this ordinance.

Section 33. Repeal.) All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 34. Penalty.) Any person, firm or corporation violating any provision of this ordinance shall be fined not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 35. Effective Date.) This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED _____, 1973.

APPROVED _____, 1973.

PUBLISHED _____, 1973.

President, Board of Trustees of the
Village of Chatham

ATTEST:

Village Clerk