

# **BUSINESS LICENSES AND REGULATIONS**

## Title 5

### **BUSINESS LICENSES AND REGULATIONS<sup>1</sup>**

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### Chapter 5.04

#### LICENSES AND PERMITS

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##### **5.04.010 Persons subject to license.**

Whenever in this code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the city. (Prior code § 21.002.)

##### **5.04.020 Application - Contents.**

Applications for all licenses and permits required by ordinance shall be made in writing to the city clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the permit or license applied for. (Prior code § 21.001.)

##### **5.04.030 Forms kept on file by city clerk.**

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the city clerk. (Prior code § 21.004.)

##### **5.04.040 Signatures required.**

Each license or permit issued shall bear the signatures of the mayor and the city clerk in the absence of any provision to the contrary. (Prior code § 21.005.)

##### **5.04.050 Investigations.**

Upon the receipt of an application for license or permit where ordinances of the city necessitate an inspection or investigation before the issuance of such permit or license, the city clerk shall refer such application to the proper officer for making such investigation within forty-eight hours of the time of such

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receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The city sanitarian shall make or cause to be made an inspection in regard to such license in the connection of the care and handling of food and the preventing of nuisances and the spread of disease and for the protection of health; the building inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the chief of police or by some other officer designated by the mayor. (Prior code § 21.006.)

### **5.04.060 Fees.**

In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the city clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall not be prorated for any fraction of the license year, but the applicant shall be required to pay the full license fee. There shall be no refund for cancellation or termination of a license for any reason, unless otherwise provided. Except as otherwise provided, all license fees shall become a part of the general fund. A new applicant shall pay two times the annual license fee upon making application as and for the first year license fee. (Ord. 1979-M-44 § 2: prior code § 21.007.)

### **5.04.070 License year.**

The license year for the city shall begin on the first day of May and end on the last day of April of each year. (Prior code § 21.003.)

### **5.04.080 Annual licenses - Notice of expiration.**

- A. All annual licenses shall terminate on the last day of April, where no provision to the contrary is made.
- B. The city clerk shall mail to all licensees of the city a statement of the time of expiration of the license held by the licensee, if an annual, three weeks prior to the date of such expiration; provided that a failure to send out such notice, or failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(Prior code § 21.008.)

### **5.04.090 Revocation.**

Any license or permit for a limited time may be revoked by the mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed. (Prior code § 21.013.)

### **5.04.100 Posting license.**

It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times. (Prior code § 21.014.)

### **5.04.110 Change of location - Notification of city clerk.**

The location of any licensed business or occupation or of any permitted act, may be changed, provided ten days' notice thereof is given to the city clerk, in the absence of any provision to the contrary; provided, that the building and zoning requirements of the ordinances of the city are complied with. (Prior code § 21.010.)

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### **5.04.120 Premises and building to comply with city requirements.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the city. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the city. (Prior code § 21.009.)

### **5.04.130 Nuisances.**

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Prior code § 21.011.)

### **5.04.140 Inspections.**

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested.
- B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the city requesting the same sufficient samples of such material or commodity for such analysis upon request. In addition to any other penalty which may be provided, the mayor may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee who is authorized to make such inspection or take such samples to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the city, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(Prior code § 21.012.)

### **5.04.150 Violation - Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than two dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 21.015.)

## ALCOHOLIC BEVERAGES

### Chapter 5.08

#### ALCOHOLIC BEVERAGES<sup>2</sup>

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- 5.08.050 License - Application requirements.
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### 5.08.010 Definitions.

All words and phrases used in this chapter and not otherwise defined herein, which are defined in "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended (235 ILCS 5/1-2 et seq.) shall have the meaning accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

- A. "Alcoholic liquor" means any alcohol, spirits, wine, beer, ale and other liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being.
- B. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- C. "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors, which conforms to the definition of a club in (235 ILCS 5/1-3.24).
- D. "Hotel" or "Motel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and 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, structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- E. "Minor" means any person under eighteen years of age.
- F. "Resort Hotel" or "Resort Motel" means a hotel or motel, as described in paragraph D above, which provides golfing and swimming.
- G. "Retail Sale" means the sale for use or consumption and not for resale in any form.
- H. "Tavern," "Bar" or "Saloon" means either of the following:
  - 1. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food service, and where the sale and consumption of food predominates the sale and consumption of alcoholic liquors;
  - 2. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food service and where the sale and consumption of alcoholic liquors predominates the sale and consumption of food.
- I. "Wine" means 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.
- J. "Holding Bar" means an area within a restaurant where patrons awaiting food service may consume alcoholic liquors served by a bartender. The holding bar area shall be separated from the dining area by means of a partition wall. The number of seats or stools at the holding bar shall not exceed 10% of the total seats in such restaurant. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.
- K. "Service Bar" means a permanent or portable bar from which waitpersons pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. A service bar shall not have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons shall not be served from a service bar.
- L. "Live Entertainment" means the playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in Section 17.25.030 (91) of the zoning code of St. Charles, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital or poetry.

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- M. "Halfway House" means premises located on a golf course in proximity of the ninth hole of an eighteen-hole golf course, where alcoholic liquor sales are incidental to the sale of food and snacks. All alcoholic liquors shall be served in other than glass containers.

(Ord. 2004-M-12 § 1; Ord. 1996-M-53 § 13; Ord. 1977-M-28 § 1; Ord. 1976-M-5 (part): prior code § 24.001.)

### **5.08.020 Local Liquor Control Commissioner - Designated.**

The Mayor of the City is authorized to be the Local Liquor Control Commissioner and shall be charged with the administration of the Liquor Control Act, (235 ILCS 5/1-1 et seq.), and of such ordinances and resolutions relating to alcoholic liquor as may be enacted.

The Mayor may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided for such Local Liquor Control Commissioner. (Ord. 2004-M-12 § 1; Ord. 1996-M-53 § 14; Ord. 1976-M-5 (part): prior code § 24.003 (part).)

### **5.08.030 Local Liquor Control Commissioner - Powers, Duties and Functions.**

The Local Liquor Control Commissioner shall have the following powers, duties and functions with respect to local liquor licenses:

- A. To grant and/or suspend for not more than thirty days or revoke for cause, all local licenses issued to persons or entities for premises within the City;
- B. 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 state law or City ordinance or any rules or regulations adopted by the City or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Local Liquor Control Commissioner pursuant to Section 5.08.020 shall have the powers given to the Local Liquor Control Commissioner by this subdivision;
- C. To receive complaints from any citizen within the City that any provision of the state law or of this chapter have been or are being violated and to act upon such complaints in the manner provided by law;
- D. To receive local license fees and pay same to the City. Each local liquor control commissioner also has the duty to notify the Secretary of State of any convictions for violation of Section 6-20 of (235 ILCS 5/ et seq. Liquor Control Act).
- E. 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, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine or cause to be examined, the books and records of any such applicant or licensee; and to hear testimony and take evidence for his information in the performance of his duties, and for such purposes to issue subpoenas which shall be effective in any part of this state. For the purposes of obtaining any information desired by the Local Liquor Control Commissioner, he may authorize an agent to act on his behalf.

(Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.003(A).)

### **5.08.040 License - Required.**

It is unlawful to sell or offer for sale at retail in the City any alcoholic liquor without a retail liquor dealer's license, or in violation of the terms of such license. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.002.)

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### 5.08.050 License - Application Requirements.

- A. Applications for a retail liquor dealer's 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 club or corporation, verified by oath or affidavit, and shall contain the following statements and information:
1. In the case of an individual, the full name, age and address of the applicant; in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which it is organized, the names and addresses of the officers and directors, and if five percent or more in interest in the stock of such corporation is owned by a person or his nominee or nominees, the name and address of each such person or persons;
  2. The citizenship of the applicant, his date and place of birth and, if a naturalized citizen, the time and place of his naturalization;
  3. The character of business of the applicant;
  4. The length of time said applicant has been in business of that character;
  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;
    - a. If a leased premises, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
    - b. The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
  7. A statement whether applicant has made similar application for a similar other 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, or a misdemeanor opposed to decency or morality, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or the ordinances of the City;
  9. Whether a previous license by any state or subdivision thereof or by the federal government has been issued; if so, where and when; or if any such license has been revoked, the reason therefor;
  10. The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation;
  11. A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance of the City in the conduct of his place of business;
  12. Any applicant for a newly created city liquor license or any applicant for a renewal of a city liquor license is to be fingerprinted whether said applicant is an individual or a partnership. Should the applicant be a corporation, the commissioner may, within his discretion, require the following to be fingerprinted: the officers, manager or director thereof, or any stockholder or stockholders owning the aggregate of more than five percent of the capital stock of said corporation. The City police department shall do all such fingerprinting. There shall be a fingerprint fee of fifty (\$50) dollars per application to be paid at time of application and non-refundable.
- B. The commissioner shall issue a written acceptance or rejection of such application within sixty days of its receipt by the local liquor commissioner or city clerk in his behalf.
- C. There shall be an application fee of two hundred (\$200) dollars, which shall be non-refundable and if a license is granted applied to the first license fee.
- (Ord. 2004-M-12 § 1; Ord. 1999-M-21 § 1; Ord. 1980-M-25 § 1(a); Ord. 1976-M-5 (part): prior code § 24.004.)

### 5.08.060 License - Restriction on Issuance.

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No such license shall be issued to:

- A. A person who is not of good character and reputation in the community in St. Charles;
- B. A person who is not a citizen of the United States;
- C. A person who has been convicted of a felony under any Federal or State law if determined by the Local Liquor Control Commissioner that such person has not been sufficiently rehabilitated to warrant the public trust;
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame;
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- F. A person whose license under this chapter has been revoked for cause;
- G. 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;
- H. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license under this chapter for any reason other than residence in the City, unless residency is required by local ordinance;
- I. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason other than citizenship and residence in the City;
- J. A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act of 1983 to transact business in Illinois;
- K. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee;
- L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation;
- M. 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;
- N. An elected public official, law enforcing officer, the Mayor or member of the City Council of the City, or employee, or member of any City board or commission, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- O. Any person, firm or corporation not eligible for a state retail liquor dealer's license;
- P. Any applicant who fails to obtain a state liquor license;
- Q. A person who is not a beneficial owner of the business to be operated by the licensee;
- R. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, approved July 18, 1961, or as proscribed by a statute replacing any of the aforesaid statutory provisions;
- S. A person or entity to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- T. A co-partnership 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 wagering stamp by the federal government for the current tax period;
- U. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than five percent of the stock of such corporation, has been issued a federal wagering stamp for the current tax period;
- V. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period;

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- W. In addition to other grounds specified in this chapter, the Local Liquor Control Commissioner shall refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act," approved June 28, 1933, as amended:
1. Failure to make a tax return,
  2. The filing of a fraudulent return,
  3. Failure to pay all 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 of registration,
  6. Willful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability.
- (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.005.)

### **5.08.070 License - Dram Shop Insurance Required Prior to Issuance.**

No license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. The insurance policy shall have a May 1<sup>st</sup> renewal date. The City shall be given at least ten days' written notice from such insurance carrier prior to cancellation, termination or amendment of any such dram shop insurance policy. (Ord. 2004-M-12 § 1; Ord. 1996-M-53 § 15; Ord. 1979-M-54 § 1(a); Ord. 1976-M-5 (part): prior code § 24.008.)

### **5.08.080 License - Classes and Fees.**

An initial license fee of double the fee charged in the class applied for shall be paid by any new applicant for a liquor license. Any new application for a liquor license received on or after October 1, of any given fiscal year shall be prorated on a monthly basis to the end of the fiscal year ending April 30. There shall be a late payment fee of fifty dollars (\$50) for each renewal license fee, which is not paid on or before May 1 for the liquor license year and for which the completed application and the insurance requirements of Section 5.08.070 have not been satisfied.

Licenses to sell alcoholic liquor at retail are divided into the following classes contained Subsections A-E of this Section:

#### **A. Class A – Packaged Alcoholic Liquor Licenses**

Class A licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. Class A licensed alcoholic liquor sales shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday except where December 24 or December 31 occurs on a Sunday, then Class A licensed alcoholic liquor sales shall be limited to the hours of 8:00 a.m. to 10:00 p.m. Unless otherwise provided in this Chapter, the annual license fee for all class A licenses shall be one thousand six hundred dollars (\$1,600). Class A licenses shall be additionally divided into the following sub-classes:

- A-1. Class A-1 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. Curb service or sale is prohibited. Sales of alcoholic liquors are prohibited on premises defined as gasoline filling stations. The premises for Class A-1 shall have the primary purpose of retail alcohol liquor sales, and have a gross area of not less than two thousand square feet (2,000'). (Ord. 2008-M-80 § 1.)
- A-2. Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of Class A-2 premises shall be for retail sales other than the sale of alcoholic liquors, such as food store, drug store or mass

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merchandise, provided the gross square footage of such premises is ten thousand square feet (10,000') or larger, and provided the square footage devoted to retail alcoholic liquor sales is ten percent (10%) or less, of the gross square footage.

(Ord. 2008-M-80 § 1; Ord. 2008-M-71 § 1.)

A-3. Repealed. (Ord. 2008-M-80 § 1.)

A-4. Class A-4 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only, not for consumption on the premises. Curb service or sale is prohibited. The retail sale of alcoholic liquor shall be incidental to other retail sales, and shall not exceed twenty-five percent (25%) of the annual gross sales of such Class A-4 licensee. (Ord. 2008-M-80 § 1.)

A-5. Class A-5 licenses shall authorize the retail sale of beer for consumption on or off the premises where brewed on the premises, provided the retail sale of beer for consumption off the premises shall be in original packages only. Class A-5 licenses shall also authorize the retail sale of wine in original packages only for consumption off the premises where fermented on the premises. Class A-5 licenses shall authorize the tasting of wines in connection with the bona fide sale of wines in the original package. Wine tasting shall be confined to samples of not more than one ounce (1 oz.) in conjunction with the anticipated sale of wine. The sample shall be provided without compensation for the sample. Sampling shall be under the supervision of the license holder and be conducted in a manner, which will confine the consumption on the premises only. Wine tasting shall not be permitted after 8:00 p.m. Curb service or sale is prohibited. (Ord. 2008-M-80 § 1.)

(Ord. 2008-M-80 § 1.)

### **B. Class B – Restaurant Licenses**

Class B licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises, whose primary purpose shall be for sit-down service of food. Class B licenses shall authorize the sale of alcoholic liquors in outdoor sales areas, provided such sales are in conjunction with food service only, and provided such outdoor sales areas meet the requirements of Section 17.20.010 (A4) and Section 17.25.030 (90) of the zoning code of St. Charles. Closing hours for sales of alcoholic liquors under the Class B license shall be from 1:00 a.m. to 7:00 a.m. Monday through Saturday, and between the hours of 1:00 a.m. and 10:00 a.m. of any Sunday. Notwithstanding the foregoing, closing hours for sales of alcoholic liquors under the Class B-4 license shall be from 1:00 a.m. to 7:00 a.m. Monday through Friday, between the hours of 2:00 a.m. and 7:00 a.m. Saturday, and between the hours of 2:00 a.m. and 10:00 a.m. of any Sunday. Class B licenses shall permit live entertainment as defined in Section 5.08.010 (L) "Definitions" above, provided such live entertainment meets the requirements of Section 17.20.010 (A5) and Section 17.25.030 (91) of the zoning code of St. Charles. The live entertainment shall be permitted in the enclosed portion of the premises only, on any Friday night until 2:00 a.m. Saturday morning and any Saturday night until 2:00 a.m. Sunday morning, except that outdoor live entertainment shall be prohibited between the hours of 10:00 p.m. and noon of the following day. Additionally, the sound level of any amplified outdoor entertainment shall not exceed sixty (60) decibels at the property line of any residential district. Further, Class B licenses are permitted to sell alcoholic liquors at retail on New Year's Day, January 1, between the hours of midnight, December 31 and 3:00 a.m. on January 1. Class B licenses shall be additionally divided into the following sub-classes (Ord. 2009-M-71 § 1.):

B-1. Class B-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, provided such premises shall have a seating capacity of five hundred (500) persons or less, and provided that alcoholic liquors be served only from a waitperson service bar, as defined in Section 5.08.010(K) above. Fees for a Class B-1 license shall be one thousand two hundred dollars (\$1,200) per year. (Ord. 2008-M-80 § 1.)

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- B-2. Class B-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, provided such premises shall have a seating capacity of five hundred (500) persons or less, and provided that alcoholic liquors may be served at a holding bar as defined in Section 5.08.010(J) above. All food service tables shall be served alcoholic liquors by a waitperson from a service bar, as defined in Section 5.08.010(K) above. Fees for a Class B-2 license shall be one thousand four hundred dollars (\$1,400) per year. (Ord. 2008-M-80 § 1.)
- B-3. Class B-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, provided such premises shall have a seating capacity of more than five hundred (500) persons, and provided that alcoholic liquors may be served at one (1) or more holding bars as defined in Section 5.08.010(J) above. All food service tables shall be served alcoholic liquors by a waitperson from a service bar, as defined in Section 5.08.010(K) above. Fees for a Class B-3 license shall be one thousand six hundred dollars (\$1,600) per year. (Ord. 2008-M-80 § 1.)
- B-4. Class B-4 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, and that alcoholic liquors may be served at a holding bar as defined in Section 5.08.010(J) above. All food service tables shall be served alcoholic liquors by a waitperson from a service bar, as defined in Section 5.08.010(K) above. The fees for a Class B-4 license shall be two thousand six hundred dollars (\$2,600) per year. (Ord. 2008-M-80 § 1.)
- B-5. Class B-5 licenses shall authorize the retail sale of beer and wine only for consumption on the premises described on the license application only and shall not permit relocation. Class B-5 licenses shall authorize the sale of beer and wine during the hours of 10:00 a.m. and 11:00 p.m. of any weekday except Friday and Saturday; the sale of beer and wine on Friday and Saturday shall be 10:00 a.m. to 11:59 p.m.; the sales of beer and wine on Sunday shall be between the hours of 10:00 a.m. and 10:00 p.m. There shall be only four Class B-5 licenses issued during any one (1)-year period. The fee for a Class B-5 license shall be one thousand two hundred dollars (\$1,200). Additional restrictions for Class B-5 licenses shall be as follows:
- B-5-1. License number B-5-1 is not to be removed from the location of 2125 West Main St. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner.
- B-5-2. License number B-5-2 is not to be removed from the location of 105 North Second Ave. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner. The license at 105 North Second Ave. permits outdoor service only in the fenced-in west patio as shown in the approved site plan and not in the east patio. (Ord. 2008-M-80 § 1.)
- B-5-3. License number B-5-3 is not to be removed from the location of 1554 East Main St. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner.
- B-5-4. License number B-5-4 is not to be removed from the location of 3895 East Main St. in the City without the approval of the City Council and the consent of the Local Liquor Control Commissioner.
- B-6. Notwithstanding any general class B license provisions to the contrary, Class B-6 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. The premises primary purpose shall be counter service of food. Beer and wine shall be served only by counter service and only in conjunction with the service of food. The fee for a Class B-6 license shall be one thousand two hundred dollars (\$1,200). (Ord. 2009-M-39 § 1.)

(Ord. 2008-M-80 §1.)

### **C. Class C – Tavern; Bar; Saloon Licenses**

Class C licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, the premises defined as tavern, bar or saloon. The premises shall meet requirements as defined in

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Section 5.08.010 (H-1 and/or H-2.) Class C licenses shall authorize the sale of alcoholic liquors in outdoor sales areas provided such sales are in conjunction with food service only as defined in 5.08.010 (H-1) above and provided such outdoor sales areas meet the requirements of Section 17.20.010 (A4) and Section 17.25.030 (90) of the zoning code of St. Charles. Unless otherwise defined, closing hours for sales of alcoholic liquor under Class C licenses are between the hours of 1:00 a.m. and 7:00 a.m. of any weekday and Saturday, and between the hours of 1:00 a.m. and 10:00 a.m. of any Sunday, further, Class C licenses are permitted to sell alcoholic liquors at retail on New Year's Day, January 1 between the hours of midnight, December 31 and 3:00 a.m. on January 1. Class C licenses shall be additionally divided into the following sub-classes:

- C-1. Class C-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only. Class C-1 licenses shall authorize the sale of alcoholic liquors in outdoor sales areas provided such sales are in conjunction with food service only, as defined in 5.08.010 (H-1) above and provided such outdoor sales areas meet the requirements of Section 17.20.010 (A4) and Section 17.25.030 (90) of the zoning code of St. Charles. Live entertainment and supplemental late hours shall not be permitted. The fee for a Class C-1 license shall be one thousand three hundred dollars (\$1,300) per year. (Ord. 2008-M-80 § 1.)
- C-2. Class C-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only. Notwithstanding the closing hours set forth above, the closing hours for sales of alcoholic liquor under the Class C-2 license shall be from 1:00 a.m. to 7:00 a.m. Monday through Friday, between the hours of 2:00 a.m. and 7:00 a.m. Saturday, and between the hours of 2:00 a.m. and 10:00 a.m. Sunday. Class C-2 licenses shall permit live entertainment as defined in Section 5.08.010 (L) "Definitions" above, provided such live entertainment meets the requirements of Section 17.20.010 (A5) and Section 17.25.030 (91) of the zoning code of St. Charles. The live entertainment shall be permitted in the enclosed portion of the premises only, on any Friday night until 2:00 a.m. on Saturday morning, and any Saturday night until 2:00 a.m. Sunday morning, except that outdoor live entertainment shall be prohibited between the hours of 10:00 p.m. and noon of the following day. Additionally, the sound level of any amplified outdoor entertainment shall not exceed sixty (60) decibels at the property line of any residential district. The fee for a Class C-2 license shall be two thousand six hundred dollars (\$2,600) per year. (Ord. 2009-M-71 § 2; Ord. 2008-M-80 § 1.)
- C-3. Class C-3 licenses shall authorize the retail sale of beer and wine only for consumption on the premises described on the license application only and shall not permit relocation. The fee for a Class C-3 license shall be one thousand two hundred dollars (\$1,200) per year. (Ord. 2008-M-80 § 1.)  
(Ord. 2008-M-80 § 1.)

### **D. Class D - Specific Alcoholic Liquor Sales and Site Specific Alcoholic Liquor Sales Licenses**

Class D licenses shall authorize the retail sale of specific alcoholic liquor sales and/or specific location sales. Class D licenses shall be for consumption of alcoholic liquors on the premises only, except as otherwise provided. Class D licenses may permit sales of alcoholic liquors as described in Class B and Class C above, as specified on licensee's application. Class D licensees may, but only with the express written permission of the Local Liquor Control Commissioner, conduct on the premises tasting of wine, in connection with the bona fide sale of wines in the original package for consumption not on the premises. Wine tasting shall be confined to samples of not more than one ounce (1 oz) in conjunction with the anticipated sale of wine. The sample shall be provided without compensation. Such permission shall only be granted to conduct a fundraising activity for not for profit St. Charles organizations or groups. Such permission may be granted to each Class D licensee not more than three (3) times within any three hundred sixty-five (365) day period. Class D licenses shall be additionally divided into the following sub-classes:

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- D-1. Class D-1 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any resort hotel or motel only, as defined in Section 5.08.010 (D) in this Chapter, such retail sale is to be made by the person who operates the resort hotel or motel. Additionally, each of the residence rooms of the resort hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors without violating the provisions of Sections 5.08.260, 5.08.270 and 5.08.280 of this Chapter. Class D-1 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house as defined in Section 5.08.010 (M). Further, Class D-1 licenses shall authorize the sale of alcoholic liquors from two (2) motorized food and beverage cars operating on the eighteen (18) hole golf course for consumption on said golf course only, subject to the following restrictions: all alcoholic liquors shall be served in other than glass containers; all cars shall only operate on designated golf cart paths; and Class D-1 licenses shall have the same restrictions as Class B-3 licenses. Closing hours for Class D-1 licensees shall be as follows:
1. Between the hours of 1:00 a.m. and 7:00 a.m. on Mondays;
  2. Between the hours of 2:00 a.m. and 7:00 a.m. on Tuesday through Friday;
  3. Between the hours of 3:00 a.m. and 7:00 a.m. on Saturdays;
  4. Between the hours of 3:00 a.m. and 10:00 a.m. on Sundays;
  5. The exception to the foregoing hours shall be that on New Year's Day, January 1, it is lawful to keep open any premises where alcoholic liquors is permitted to be sold for consumption on the premises, between the hours of midnight, December 31 and 3:00 a.m. January 1.
- The fees for Class D-1 shall be four thousand dollars (\$4,000) per year. (Ord. 2008-M-80 § 1.)
- D-2. Class D-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any hotel or motel only, as defined in Section 5.08.010 (D) in this Chapter, such retail sale is to be made by the person who operates the hotel or motel. Alcoholic liquor may be sold only between the hours of 10:00 a.m. and 1:00 a.m. Additionally, each of the residence rooms of the hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors without violating the provisions of Sections 5.08.260, 5.08.270 and 5.08.280 of this Chapter. The fee for a Class D-2 license shall be two thousand dollars (\$2,000) per year. (Ord. 2008-M-80 § 1.)
- D-3. Class D-3 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any banquet hall in conjunction with the service of sit down meals. Alcoholic liquor may be sold only between the hours of 10:00 a.m. and 1:00 a.m. One (1) or more portable or permanent bars are permitted, when the person who operates the banquet hall makes such retail sale of alcoholic liquor. The fee for a Class D-3 shall be two thousand dollars (\$2,000) per year. (Ord. 2008-M-80 § 1.)
- D-4. Class D-4 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of any club as defined in Section 5.08.010 (C), provided, that such club shall have been in existence for at least six (6) months prior to the filing of an application for a license under this Chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. Alcoholic liquor may be sold only between the hours of 10:00 a.m. and 1:00 a.m. The fee for a Class D-4 license shall be one thousand dollars (\$1,000) per year. (Ord. 2008-M-80 § 1.)
- D-5. Class D-5 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of the theater premises located at 105 East Main St. Alcoholic liquor may be sold only between the hours of 10:00 a.m. and 1:00 a.m. The sale of alcoholic liquors shall be from one (1) permanent location in the vestibule, one (1) service bar in the balcony, and up to

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two (2) other service bars as dictated by the event, provided, however, that unless employed by the licensee, no person under the age of twenty one (21) years shall be present on the premises during the exhibition of motion pictures for commercial profit while alcoholic liquor is being served. The fee for a Class D-5 license shall be two thousand dollars (\$2,000) per year. (Ord. 2008-M-80 § 1.)

- D-6. Class D-6 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only in conjunction with the operation of the Q Center, located on the premises at 1405 North Fifth Ave. In addition, alcoholic liquor may be sold only between the hours of 10:00 a.m. and 1:00 a.m. and shall be limited to individuals and their guests who are participating in events under the direct control of the licensee. The license shall not be removed from the location at 1405 North Fifth Ave. without the approval of the City Council and the consent of the Local Liquor Control Commissioner. The fee for a Class D-6 license shall be two thousand dollars (\$2,000) per year. (Ord. 2008-M-80 § 1.)
- D-7. Class D-7 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises located at 8 North Second Ave. only. Alcoholic liquor may be sold only between the hours of 10:00 a.m. and 1:00 a.m. Further, such retail alcoholic liquor sales shall be limited to the lower floor clubroom and further such premises shall be as defined in Section 5.08.010 (C), provided that such club shall have been in existence for at least six (6) months prior to the filing of an application for a license under this Chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application. Alcoholic liquor sales shall be restricted to club members and their invited guests only, and for events sponsored by the licensee only. The fee for a Class D-7 license shall be five hundred dollars (\$500) per year. (Ord. 2008-M-80 § 1.)
- (Ord. 2008-M-80 § 1.)

### **E. Class E – Temporary Licenses**

Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. In his discretion, the Local Liquor Control Commissioner may issue two (2) or more Class E licenses so as to authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function.

In the event such license is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

1. The licensee shall rope off or fence the licensed premises.
2. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 license) consumption to the roped off or fenced area shall be prominently displayed by licensee at all times.
3. The license shall provide for the pickup of all litter and trash.
4. The Local Liquor Control Commissioner, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate.
5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to

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that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, in his sole discretion and as designated in any license, permit minors to be present in a licensed premises where food is also served.

The Local Liquor Control Commissioner may, in his sole discretion and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner deems necessary.

Class E licensees shall obtain a separate permit or license from the Illinois Liquor Control Commission for each special event or catered function. Evidence of adequate dram shop insurance and liability insurance issued by an insurance carrier approved by the Local Liquor Control Commissioner shall accompany any application for a license. Class E licenses shall be additionally divided into the following sub-classes:

- E-1. Notwithstanding any provision contained in this Section 5.08.080 (E) to the contrary, Class E-1 licenses shall authorize, at the Local Liquor Control Commissioner's sole discretion, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 licenses shall be issued to not for profit applicants only, for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner in his sole discretion approves otherwise. No organization or group shall be issued Class E-1 licenses for more than three (3) special events or catered functions within any calendar year. Closing hours for Class E-1 licenses shall be from 11:00 p.m. to 7:00 a.m. or as otherwise authorized by the City Council. No more than three (3) special events or catered functions shall receive Class E-1 licenses for any twenty-four (24) hour period. There shall be no Class E-1 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday. The fee for a Class E-1 license shall be fifty dollars (\$50) per day. The initial license fee of double the fee shall not be applicable. The City Council may, in its discretion, waive any Class E-1 license fees for events or functions where the City is the sponsor or cosponsor. (Ord. 2008-M-80 § 1.)
- E-2. Class E-2 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor licensees for special events or catered functions where the dispensing of food predominates. No Class B or C liquor licensees shall be issued Class E-2 licenses for more than three (3) special events or catered functions within any calendar year. Closing hours for Class E-2 licenses shall be midnight to 10:00 a.m. No more than three (3) special events or catered functions shall receive Class E-2 licenses for any twenty-four (24) hour period. There shall be no Class E-2 licenses issued during the second full week of October, beginning at 12:00 a.m. Friday and ending 12:00 a.m. Monday. The fee for a Class E-2 license shall be one hundred dollars (\$100) per day. The initial license fee of double the fee shall not be applicable. (Ord. 2008-M-80 § 1.)

Notwithstanding the restrictions on the issuance of Class E-2 licenses during the second full week of October as described above, Class E-2 licenses may be issued during said period subject to the following provisions:

1. A Class E-2 license may be issued only in the event the principal street access in front of the licensed premises is blocked due to road closure resulting from a festival taking place during said October period;

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2. In addition to all other conditions and restrictions applicable to Class E-2 licenses, the Local Liquor Control Commissioner may impose such additional conditions and/or restrictions as he or she deems necessary; and
3. The Local Liquor Control Commissioner may, in his or her sole discretion waive or vary any condition and/or restriction applicable to a Class E-2 license, if deemed appropriate under the circumstances.

(Ord. 2009-M-60 § 1.)

- E-3 The Class E-3 license shall authorize the retail sale of beer and wine for consumption on the premises only. The Class E-3 license shall be issued solely to the Kane County Fair Board for the conduct of the annual Kane County Fair during July of each year. The Class E-3 license shall be valid only for the scheduled dates of the Kane County Fair as determined by the Local Liquor Control Commissioner. Closing hours for the Class E-3 license shall be the same as for Class E-1 licenses. The fee for the Class E-3 license shall be fifty dollars (\$50) per day. The initial license fee of double the fee shall not be applicable.

(Ord. 2008-M-80 § 1.)

### **F. Athletic Amusements, Contests, Demonstrations, Entertainment, Activities, Events and Exhibitions on the licensed Premises.**

1. The following athletic amusements, contests, demonstrations, entertainment, activities, events and exhibitions are prohibited at all establishments licensed by this Chapter:
  - i. Races between persons, animals or vehicles.
  - ii. Baseball games.
  - iii. Boxing, kickboxing, wrestling, hand-to-hand combat and martial arts.
  - iv. Ultimate fighting, including, without limitation, physical combat between two (2) or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques or any combination thereof.
  - v. Any other such athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition.
2. Notwithstanding the forgoing, the Local Liquor Control Commissioner, in his sole discretion, may approve, in writing, any athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition prohibited by this Section, subject to the prior consent of the City Council pursuant to a resolution. In the event of approval, as provided for herein, the licensee shall secure a permit for such athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition, as appropriate and as required by this Code.
3. The licensee shall provide sufficient members and equipment of the police department and the fire department, including paramedic personnel, as the City Council determines necessary in its resolution consenting to such athletic amusement, contest, demonstration, entertainment, activity, event and/or exhibition. The licensee shall be responsible for all fees, payments and salaries of such members and personnel.”

(Ord. 2008-M-80 § 1.)

(Ord. 2008-M-80 § 1; Ord. 2008-M-16 § 1; Ord. 2007-M-46 § 1; Ord. 2007-M-27 § 1; Ord. 2006-M-67 § 1; Ord. 2006-M-37 § 1; Ord. 2006-M-28 § 1; Ord. 2004-M-23 § 1; Ord. 2004-M-20 § 1; Ord. 2004-M-19 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-96 § 1; Ord. 2003-M-1 § 1; Ord. 2002-M-76 § 1; Ord. 2001-M-59 § 1; Ord. 2000-M-27 § 1; Ord. 1998-M-98 § 1; 1997-M-38 § 1 & 2; Ord. 1997-M-37 § 1; Ord. 1997-M-14 § 2; Ord. 1996-M-40 § 1; Ord. 1995-M-53 § 1; 1995-M-52 § 1; Ord. 1995-M-51 § 1; Ord. 1994-M-60 § 1; Ord.

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1994-M-42 § 1; Ord. 1994-M-19 § 1; Ord. 1993-M-10 § 1; Ord. 1992-M-35 § 1; Ord. 1992-M-14 § 1; Ord. 1991-M-82 § 1; Ord. 1991-M-67 § 1; Ord. 1991-M-51 § 1; Ord. 1991-M-30 § 1; 1990-M-94 § 1 & 2; Ord. 1990-M-51 § 1; Ord. 1989-M-20 § 1; Ord. 1988-M-71 § 1; Ord. 1988-M-70 § 1; Ord. 1987-M-34 § 1; Ord. 1985-M-81 § 1; Ord. 1985-M-32 § 1; Ord. 1984-M-36 § 1; Ord. 1984-M-37 § 1 and 2; Ord. 1984-M-2 § 1; Ord. 1981-M-36 § 1; Ord. 1981-M-30 § 1; Ord. 1981-M-7 § 1; Ord. 1981-M-6 § 1; Ord. 1981-M-3 § 1; Ord. 1980-M-25 § 1(b), h); Ord. 1979-M-54 § 1(b); Ord. 1978-M-1 § 1; Ord. 1977-M-39 § 1; Ord. 1977-M-28 § 2; Ord. 1976-M-42 (part); Ord. 1976-M-5 (part): prior code § 24.029.)

### **5.08.090 License - Number to be Issued.**

There shall be issued no more than a maximum of twenty-two Class A, forty-nine Class B, nine Class C, and eight Class D licenses.  
(Ord. 2010-M-1 § 1; Ord. 2009-M-66 § 1; Ord. 2009-M-42 § 1; Ord. 2009-M-39 § 2; Ord. 2008-M-65 § 1; Ord. 2008-M-18 § 1; Ord. 2008-M-12 § 1; Ord. 2006-M-23 § 1; Ord. 2004-M-74 § 1; Ord. 2004-M-72 § 1; Ord. 2004-M-60 § 1; Ord. 2004-M-50 § 1; Ord. 2004-M-30 § 1; Ord. 2004-M-12 § 1; Ord. 2003-M-89 § 1; Ord. 2003-M-86 § 1; Ord. 2003-M-69 § 1; Ord. 2003-M-57 § 1; Ord. 2003-M-47 § 1; Ord. 2003-M-35 § 1; Ord. 2002-M-89 § 1; Ord. 2002-M-85 § 1; Ord. 2002-M-77 § 1; Ord. 2002-M-23 § 1; Ord. 2001-M-47 § 1; Ord. 2001-M-16 § 1; Ord. 2001-M-1 § 1; Ord. 2000-M-100 § 1; Ord. 2000-M-82 § 1; Ord. 2000-M-78 § 1; Ord. 2000-M-23 § 1; Ord. 1998-M-66 § 1; Ord. 1998-M-45 § 1; Ord. 1997-M-120 § 1; 1997-M-109 § 1; 1997-M-97 § 1; 1997-M-88 § 1; 1997-M-81 § 1; 1997-M-38 § 3; 1997-M-14 § 1; 1997-M-13 § 1; 1996-M-61 § 1; 1996-M-39 § 1; 1995-M-53 § 4; 1995-M-11 § 1; 1993-M-29 § 1; 1992-M-40 § 1; 1992-M-35 § 2; 1991-M-70 § 1; 1991-M-51 § 2; 1991-M-30 § 2; 1991-M-16 § 1; 1991-M-8 § 1; 1991-M-8 § 1; 1990-M-94 § 3; 1990-M-51 § 1; 1989-M-61 § 1; 1989-M-20 § 2; 1988-M-74 § 1; 1984-M-34 § 2; 1984-M-37 § 3; 1982-M-23 § 1; 1982-M-18 § 1; 1981-M-30 § 1; 1981-M-7 § 2; 1980-M-49 § 1; 1979-M-54 § 1(c); 1979-M-14 § 1; 1978-M-36 § 1; 1978-M-11 § 1; 1977-M-41; 1977-M-3; 1976-M-10; 1976-M-9; 1976-M-5: prior code § 24.030.)

### **5.08.100 License - Term.**

Each license issued under this chapter shall terminate on April 30 following the date of issuance. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.006.)

### **5.08.110 License - Recordkeeping by City Clerk.**

The City Clerk shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof. Upon revocation or suspension of any license, the City Clerk shall immediately give written notice thereof to the Chief of Police. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.007.)

### **5.08.120 License - Transferability.**

- A. A license shall be a purely personal privilege, good for a period not to exceed April 30 following issuance, unless sooner revoked as provided in this chapter, 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 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 the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death, bankruptcy or insolvency of such licensee.

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- B. When the licensee is a corporation, the license shall terminate whenever fifty percent or more of the ownership interest therein changes from that shown on the original license application. In such event, the corporation, through its officers, must make applications for the issuance of a new license as provided herein; provided, however, that the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned fifty percent or more of the ownership interest of such corporation at the time the original application was filed with the City.  
(Ord. 2004-M-12 § 1; Ord. 1980-M-25 § 1(c); Ord. 1976-M-5 (part): prior code § 24.009.)

### **5.08.130 License - Renewal.**

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 such purpose; provided further, that the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued within the City. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.012.)

### **5.08.140 License - Revocation or Suspension - Hearing Procedure.**

- A. The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend any license issued under his or her authority if he or she determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. In addition to or in lieu of a suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand (\$1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred (\$1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred (\$2,500) Dollars for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand (\$15,000) Dollars 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 City Treasury. However, no such license shall be so revoked or suspended and no license shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three-day written notice to the licensee, affording the licensee an opportunity to appear and defend.  
Further, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this chapter, he or she may order the licensee to pay to the City the following: 1) reasonable attorney's fees incurred by the City, the Chief of Police and the Local Liquor Control Commissioner; and 2) reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.
- B. If the local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he or she may, upon the issuance of a written order stating the reason for such conclusions and without notice of hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period; except, if the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.
- C. The Local Liquor Control Commissioner shall within five (5) days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended, state the reason for

## ALCOHOLIC BEVERAGES

such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.

- D. Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Compiled Statutes.

(Ord. 2007-M-72 § 1; Ord. 2004-M-12 § 1; Ord. 2001-M-23 § 1; Ord. 1995-M-53 § 7; Ord. 1976-M-5 (part): prior code § 24.003(B).)

### **5.08.150 List of Licenses and Revocations.**

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all licenses issued by him and shall furnish the clerk, treasurer and Chief of Police a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of said officers, and in case of revocation a written notice shall be given to the licensee whose license has been revoked. All notices provided for in this section shall be given forty-eight (48) hours from the time of any such action or actions. Notice shall also be given to the Illinois Liquor Control Commission of the revocation of any and all such licenses.

(Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.035.)

### **5.08.160 Forfeiture of Fees Upon License Revocation.**

Whenever any license under this chapter has been revoked, as provided for in this chapter, the license shall incur a forfeiture of all moneys that have been paid for said license.

(Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.025.)

### **5.08.170 Licensed Premises - Use After Revocation of License.**

When any license has been revoked for any cause, no license shall be granted to said licensee for the period of one year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.

(Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.026.)

### **5.08.180 Licensed Premises - Display of License Required.**

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

(Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.028.)

### **5.08.190 Licensed Premises – Warning to Minors.**

Every licensee shall display at all times a printed sign, which shall read substantially as follows:

#### WARNING TO MINORS

You are subject to a fine of up to five hundred (\$500) dollars under the Ordinances of the City of St. Charles if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

(Ord. 2004-M-12 § 1; Ord. 2003-M-95 § 1; Ord. 1976-M-5 (part): prior code § 24.031.)

### **5.08.210 Licensed Premises - Sanitary Conditions Required.**

All premises used for the retail sale of alcoholic liquor, or for the storage of such alcoholic liquor for sale, 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.

(Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.014.)

### **5.08.220 Licensed Premises - Employing Persons Afflicted with Disease Prohibited.**

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Removed in its entirety.

(Ord. 2004-M-24 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.015.)

### **5.08.230 Licensed Premises - Change in Personnel.**

- A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner within thirty days of the change.
- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
- C. When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
- D. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.
- E. Owner and manager in charge of an alcoholic liquor licensed establishment shall at all times be declared with such person or person's names being on record with the Local Liquor Control Commissioner and Chief of Police.

(Ord. 2004-M-12 § 1; Ord. 1980-M-25 § 1(e); Ord. 1976-M-5 (part): prior code § 24.010.)

### **5.08.240 Licensed Premises - Change of Location.**

A license issued under this chapter shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change is issued by 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 chapter. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.011.)

### **5.08.250 Licensed Premises - Location Restrictions.**

No license shall be issued for the sale at retail of any alcoholic liquor within 100 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, 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 purposes prior to the effective date of the ordinance codified in this chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or education programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (Ord. 2004-M-12 § 1; Ord. 1990-M-69 § 1; Ord. 1976-M-5 (part): prior code § 24.016.)

### **5.08.260 Stores Selling School Supplies or Food to Minors - License Issuance Prohibited.**

No license shall be issued to any person for the sale 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

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transacted consists of school books, school supplies, food, lunches, or drinks for such minors. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.017.)

### **5.08.270 Sales to Habitual Drunkards and Mental Incompetents.**

- A. No licensee or officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years, or to any intoxicated person, or to any person known by him to be an habitual drunkard, insane, mentally ill, mentally deficient or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one years except in the performance of a religious ceremony or service. It is unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold.
- B. It is unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any minor to be or remain in any room or any compartment adjoining or adjacent to or situated in the room or place where such licensed premise is located; provided, that this subsection shall not apply to any minor who is accompanied by his or her agent or guardian or:
  - 1. That portion of any licensed premise which derives its principal business from the sale of service or commodities other than alcoholic liquor; or
  - 2. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises where the sale and consumption of food predominates the sale and consumption of alcoholic liquor; or
  - 3. A picnic, bazaar, fair, festival, wedding or similar assembly where food is dispensed and only where the dispensing of food predominates for a period from 12:00 noon to midnight and subject to the other applicable provisions as set forth in this Code; or
  - 4. Any licensed premise which, for a period of at least 30 minutes prior to the admission of minors and for at least 30 minutes after the departure of minors, does not dispense or sell any alcoholic liquor to any person on the premise.
- C. In addition to all other fines and penalties, the Local Liquor Control Commissioner may suspend or revoke the liquor dealer's license for any violation of Subsection C of this section.
- D. It is unlawful for any parent or guardian to knowingly permit any minor child of whom he or she is parent or guardian to violate any provisions of this section.
- E. It is unlawful for any minor to tend bar.
- F. It is unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises.
- G. Effective May 1, 2004, it shall be the duty of every licensee to require their officers, associates, members, representatives, agents or employees who sell, give or deliver alcoholic liquor or beverages to be trained and certified by the Beverage Alcohol Sellers and Servers Education and Training program (BASSET) licensed and administered by the State of Illinois Liquor Control Commission (ILCC). Further, BASSET training and certification shall be a prerequisite to the issuance of liquor licenses issued by the Liquor Commission effective May 1, 2004. It shall be the duty of the City of St. Charles Liquor Commission to notify all present licensed holders and persons making application for a liquor license of this requirement.

Any not-for-profit corporation who applies for a Class E temporary license shall be exempt from the BASSET training and certification requirements under the following conditions:

- 1. That the applicant has not been found in violation of any of the ordinances of the City of St. Charles within the past three years;
- 2. That a minimum of two uniformed St. Charles peace officers are present during all times that alcohol is being served;

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3. That at least one representative of the applicant organization is BASSET trained and certified;
4. That the BASSET certified representative provide and instruct BASSET training principles to all persons who will be serving alcohol pursuant to the Class E license.
5. That the Class E license holder is required to provide a bond, letter of credit or some type of surety to the City in the amount of \$1,000 prior to issuance of the license. The surety will be returned to the license holder within 30 days after the event, provided no offenses occurred during the event. In the event the license holder is charged with any type of violation during the course of the event, the surety will be retained by the City and used to cover hearing and other related costs.

(Ord. 2004-M-44 § 1 ; Ord. 2004-M-12 § 1; Ord. 2003-M-97 § 1; Ord. 2001-M-56 § 1; Ord. 1980-M-25 § 1(f).)

### **5.08.280 Sales to and Possession by Persons Under 21, Intoxicated Persons, Persons Under Legal Disability or in Need of Mental Treatment -Proof of Identity and Age - Gatherings Where One or More Persons are Under 18.**

- 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 twenty-one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.
- B. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service.
- C. For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic liquor 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 twenty-one (21) years.
- D. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or the 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 competent evidence and may be considered in any proceeding to enforce this section or to any proceedings for the suspension or revocation of any license based thereon.
- E. No person shall sell, give, or furnish to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or photostatted evidence of the age and identity of such person nor shall anyone sell, give or furnish to any person under the age of twenty-one (21) years evidence of age and identification of any other person.
- F. No person under the age of twenty-one (21) years shall present or offer to any licensee, his agent or employee, any written, printed, or photostatted 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 liquor, nor shall any person have in his possession any false or fraudulent written, printed, or photostatted evidence of age and identity.
- G. No person under the age of twenty-one (21) years shall have any alcoholic liquor in his possession nor shall any such person consume any alcoholic liquor. This section does not apply to possession by a person under the age of twenty-one (21) years or consumption in the performance of a religious ceremony or service.

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- H. No person shall knowingly permit gathering at a residence, which he or she occupies, of two or more persons where any one or more of the persons is under eighteen (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 eighteen (18) years is in possession of or is consuming any alcoholic liquor; and
  2. the possession or consumption of alcoholic liquor by the person under eighteen (18) years is not otherwise permitted by the St. Charles Municipal Code; and
  3. the person occupying the residence knows that the person under the age of eighteen (18) years leaves the residence in an intoxicated condition.

For the purposes of this subsection (H) where the residence has an owner and a tenant or lessee, there is a refutable presumption that the residence is occupied only by the tenant or lessee.

(Ord. 2004-M-12 § 1; Ord. 1995-M-1 § 1; Ord. 1988-M-14 § 1; Ord. 1987-M-81 § 1; Ord. 1980-M-25 § 1(g); Ord. 1976-M-5 (part): prior code § 24.020)

### **5.08.285 Responsibility of the Owner or Occupant of Premises.**

Except under the direct supervision and approval of the parents or parent, it is unlawful for any owner or occupant of any premises located within the City to knowingly allow a person under the age of twenty-one (21) years to remain on such premise while in the possession of alcoholic liquor or while consuming alcoholic liquors in violation of the St. Charles Municipal Code. (Ord. 2004-M-12 § 1; Ord. 1995-M-1 § 1; Ord. 1982-M-48 § 1.)

### **5.08.290 Gambling on Licensed Premises Prohibited.**

It is unlawful to permit any gambling except as may be authorized by the state on any premises licensed to sell alcoholic liquor. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.021.)

### **5.08.300 Refilling Original Packages.**

No person licensed under this chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it is unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.022.)

### **5.08.310 Solicitation on Licensed Premises Prohibited.**

It is unlawful for any licensee, his manager, or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon, to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or non-alcoholic liquor for said person, or any other person therein; nor shall any female, whether employee, entertainer, or otherwise, solicit any patron or customer therein to purchase alcoholic or non-alcoholic liquor for herself or himself or any other person therein; provided, however, that nothing contained in this section shall prohibit any adult manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.023.)

### **5.08.320 Quantity Sales for On Premises Consumption.**

It is unlawful for any licensee, other than a hotel offering restaurant service or regularly organized club or restaurant within the meaning of that term as defined in the Illinois act entitled "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended, to sell, give away or permit to be sold, served or given away for consumption on the licensed premises any distilled spirits, except by the glass in individual

## ALCOHOLIC BEVERAGES

servings not exceeding thirteen fluid ounces. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.024.)

### **5.08.330 Election Days.**

Licenses may sell at retail any alcoholic liquor on the day of any national, state, county or municipal election, including primary election, including hours the polls are open, within the political area in which such election is being held. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.018.)

### **5.08.340 Minors Prohibited from Serving Alcoholic Liquor.**

No licensee under the provisions of this chapter, either individually or through agents or employees shall permit any employee or other person under the age of twenty-one (21) years to pour, mix, or sell any alcoholic liquors. Licensees, agents or employees are further prohibited from permitting wait staff younger than 16 years to serve alcoholic liquors. (Ord. 2004-M-43 § 1; Ord. 2004-M-12 § 1.)

### **5.08.350 Happy Hour Regulations**

No licensee shall violate the “happy hour” regulations set forth in 235 ILCS 5/6-28, as amended from time to time. Notwithstanding the foregoing, the following further and more restrictive prohibitions shall apply to all licensees:

- A. No licensee, employee or agent shall serve more than one (1) drink of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person.
- B. No licensee, employee or agent shall serve more than two (2) drinks of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person and one (1) other person; and
- C. No licensee, employee or agent shall serve more than two (2) drinks of alcoholic liquor at one (1) time to one (1) person for consumption by that one (1) person and two (2) or more other persons.

(Ord. 2008-M-16 § 2; Ord. 2004-M-12 § 1.)

### **5.08.355 After Hour Occupancy of Establishment.**

- A. It is unlawful for any person to sell or offer for sale, at retail, or to give away, in or upon any licensed premises, any alcoholic liquor during the hours in which sale of such alcoholic liquors is prohibited. It is unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which sale of such alcoholic liquor is prohibited. Establishments at which the primary purpose of the premises shall be for retail sales other than the sale of alcoholic liquors, such as food store, drug store mass merchandiser, clubs, hotels and motels may remain open for business during such hours, but no alcoholic liquor may be sold or consumed during such hours. The licensee and any of its employees and no other persons shall be allowed to remain on or about the licensed premises to clean up or perform maintenance on the premises.
- B. All premises in which alcoholic liquors are sold at retail for consumption on the premises and which are located below ground level shall have visible access to the interior for purposes of police inspection and the after hours safety of the occupants. Such visible access may be through an exterior door with a window measuring not less than eight inches by eight inches.
- C. It is unlawful for any person to consume any alcoholic liquor on any premises licensed under the provisions of this chapter during the hours when the sale of such alcoholic liquor is prohibited by ordinance.

(Ord. 2004-M-12 § 1 ; Ord. 2000-M-104 § 1; Ord. 1995-M-53 § 5 & 6; Ord. 1995-M-22 § 1; Ord. 1988-M-73 § 1; Ord. 1988-M-72 § 1; Ord. 1987-M-34 § 2; Ord. 1986-M-32 § 1; Ord. 1985-M-32 § 2; Ord. 1984-M-69 § 1; Ord. 1984-M-36 § 3; Ord. 1984-M-37 § 4; Ord. 1982-M-49 § 1; Ord. 1976-M-42 (part); Ord. 1976-M-14 § 2; Ord. 1976-M-5 (part): prior code § 24.033 & 24.034.)

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### **5.08.360 Harboring Intoxicated Persons.**

No licensee under the provisions of this chapter, either individually or through agents or employees, shall harbor or permit any intoxicated person or persons to loiter on the premises, or to permit any conduct, which shall tend to disturb the peace and quiet of the neighborhood. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.036.)

### **5.08.370 Peddling Alcoholic Liquor in City Prohibited.**

It is unlawful to peddle alcoholic liquor in the City. (Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.013.)

### **5.08.380 Possession of Alcoholic Liquor in Motor Vehicle.**

No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle, except in the original package and with the seal unbroken. (Ord. 2004-M-12 § 1; Ord. 1976-M-5(part): prior code § 24.027.)

### **5.08.390 Sale, Delivery, Consumption and Possession of Alcoholic Liquor on Public Property.**

It is unlawful for any person to sell, deliver, consume or possess, except in original packages with seals unbroken, any alcoholic liquor upon any streets, sidewalk, alley or other public right-of-way and City property. However, upon approval of the City Council and the consent of the Local Liquor Control Commissioner, this section shall not apply to the premises of a Class E license issued pursuant to this chapter. Notwithstanding the foregoing, the sale, delivery, consumption and possession of alcoholic liquor is expressly permitted on the following public premises, provided that there is a current license issued pursuant to this chapter:

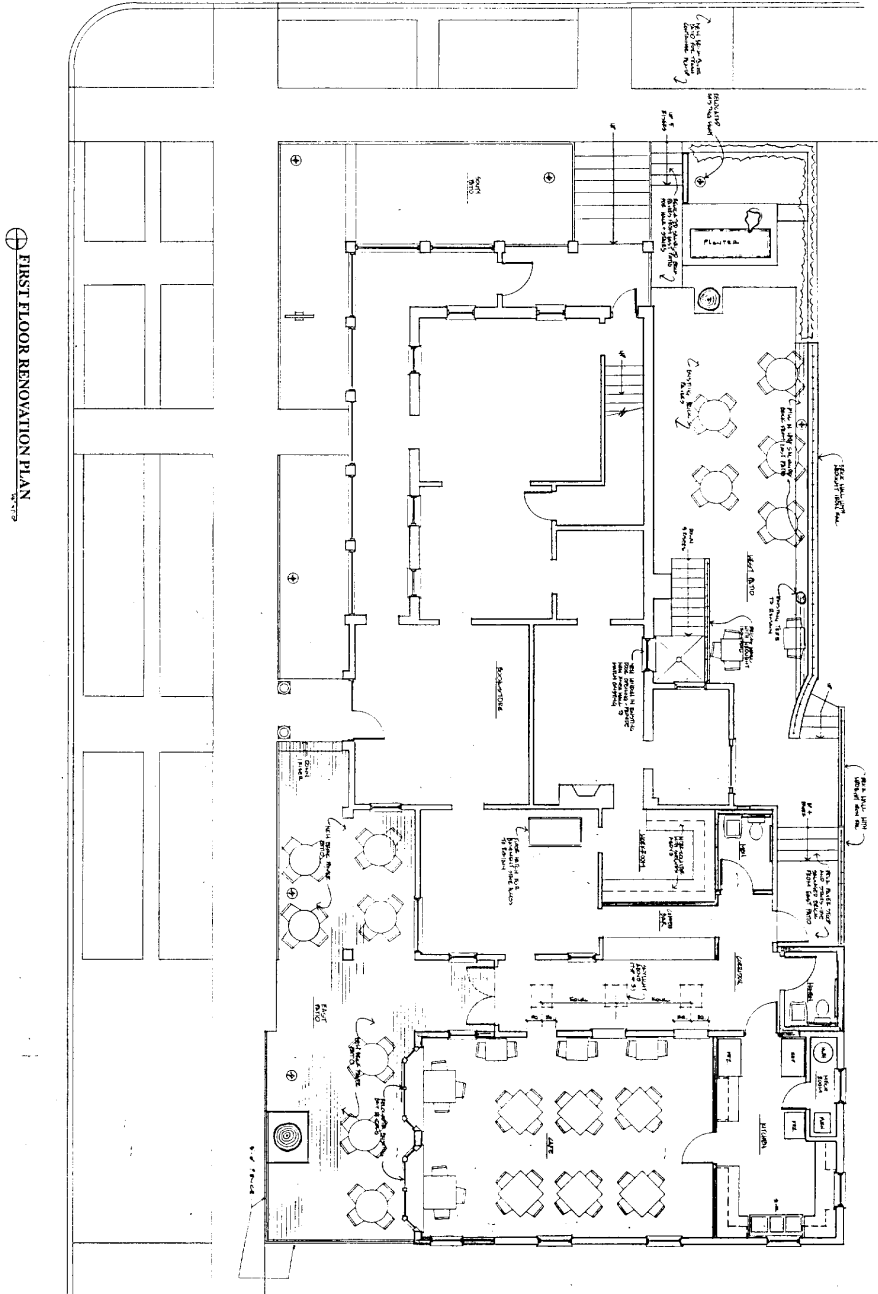
Za Za's; Sale, Delivery, Consumption and Possession: Pursuant to the authority granted by Section 6-15 of the Liquor Control Act, alcoholic liquor may be sold, delivered, consumed and possessed on the public premises known as Za Za's, 5 South First Street, St. Charles, Illinois. All such sales, deliveries, consumption and possession of alcoholic liquor shall in all respects be in conformance with the class of license held.

Any person violating this section shall be fined seventy-five dollars (\$75.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense. (Ord. 2008-M-43 § 1; Ord. 2007-M-75 § 1; Ord. 2004-M-12 § 1; Ord. 1982-M-62 § 1; Ord. 1976-M-5 (part): prior code § 24.039.)

### **5.08.400 Violation - Penalty.**

Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be fined not less than Twenty-five Dollars (\$25.00) 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. (Ord. 2004-M-12 § 1; Ord. 1982-M-62 § 2.)

**ALCOHOLIC BEVERAGES**



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DIXON ASSOCIATES ARCHITECTS  
105 NORTH SECOND AVENUE  
ST. CHARLES, ILLINOIS 62256  
TEL: 636-261-1111

DATE: 08/14/13  
SCALE: AS SHOWN  
PROJECT: TOWNHOUSE BOOKS & CAFE  
SHEET: 3 OF 3

TOWNHOUSE BOOKS & CAFE

ADDITIONS & ALTERATIONS

105 NORTH SECOND AVENUE ST. CHARLES, ILLINOIS

(Ord. 1997-M-14 § 2.)

## AMUSEMENTS

### Chapter 5.12

#### AMUSEMENTS<sup>3</sup>

##### Sections:

- 5.12.010 Application of Section 5.12.010 through 5.12.130
- 5.12.020 Amusements - Licensing requirements.
- 5.12.030 Street shows - Restriction on permit issuance.
- 5.12.040 Athletic exhibitions - Licensing requirements.
- 5.12.050 Amusements - Conduct of audiences.
- 5.12.060 Amusements - Inspection by police and fire department.
- 5.12.070 Exhibition of criminals.
- 5.12.080 Promoting riots or disturbances.
- 5.12.090 Assembly hall - Smoking prohibited.
- 5.12.100 Assembly hall - No-smoking signs required.
- 5.12.110 Assembly hall - Exit lights.
- 5.12.120 Premises to comply with building regulations.
- 5.12.130 Penalty for violation of Sections 5.12.010 through 5.12.120.
- 5.12.140 Billiard license - Required - Application.
- 5.12.150 Billiard license - Fee.
- 5.12.160 Billiard hall - Minors prohibited.
- 5.12.170 Billiard hall - Hours of operation.
- 5.12.180 Penalty for violation of Sections 5.12.140 through 5.12.170.
- 5.12.190 Bowling alley - License required - Application.
- 5.12.200 Bowling alley - License fee.
- 5.12.210 Bowling alley - Hours of operation.
- 5.12.220 Bowling alley - Minors prohibited.
- 5.12.230 Bowling alley - Gambling prohibited.
- 5.12.240 Penalty for violation of Sections 5.12.190 through 5.12.230.
- 5.12.250 Motion picture or theatrical - License required.
- 5.12.260 Motion picture or theatrical - License application.
- 5.12.270 Motion picture or theatrical - Annual license fee.
- 5.12.280 Motion picture or theatrical - Fee for unlicensed premises.
- 5.12.290 Crowding in motion picture hall prohibited.
- 5.12.300 Use of nonflammable scenery required.
- 5.12.310 Building requirements.
- 5.12.320 Outdoor theaters.
- 5.12.330 Exits.
- 5.12.340 Penalty for violation of Sections 5.12.250 through 5.12.330.

#### **5.12.010 Application of Sections 5.12.010 through 5.12.130.**

The provisions of Sections 5.12.010 through 5.12.130 shall apply to all public shows, theatricals, circuses and other amusements in this city, whether specifically licensed in another section in this chapter or not. (Ord. 1979-M-44 § 3(a) (part): prior code § 22.101.)

## AMUSEMENTS

### **5.12.020 Amusements - Licensing requirements.**

- A. It is unlawful to conduct or operate any amusement which is open to the public and for admittance to which a fee is charged without having first obtained a license therefor; provided, that the provisions of this section shall not be held to apply to those amusements which are specifically licensed by any other ordinance of the city.
- B. Applications for such license shall be made to the clerk and shall comply with all of the general provisions of the ordinances relating to such application.

(Ord. 1979-M-44 § 3(a) (part): prior code § 22.102.)

### **5.12.030 Street shows - Restriction on permit issuance.**

No permit shall be granted or given for any exhibition, show or other amusement to be given on any public street or sidewalk or in such place that the only main accommodation for the public or the audience will be a public place, except on order of the city council. (Prior code § 22.103.)

### **5.12.040 Athletic exhibitions - Licensing requirements.**

- A. It is unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball game, boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without having first procured a license therefor. The city council shall have the power to waive any such license and fee charges for not-for-profit charitable organizations.
- B. The proprietor of such exhibition shall submit to the clerk a statement verified under oath of the gross receipts of each such game, contest or race, within one week after such exhibition. At the same time, the proprietor or person exhibiting or operating such exhibition shall pay to the clerk a sum equal to three percent of the gross receipts.
- C. Sufficient members of the police department shall be admitted free of charge to all such exhibitions for the purpose of preserving and maintaining order; and the city clerk may post a person or any number of persons at the box office of each such performance; and may examine all the books pertaining to such performance showing or tending to show the gross receipts.

(Prior code § 22.104.)

### **5.12.050 Amusements - Conduct of audiences.**

The audience of any amusement show or theatrical must be orderly and quiet at all times, and it is unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience. It is unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks. (Prior code § 22.105.)

### **5.12.060 Amusements - Inspection by police and fire department.**

It shall be the duty of the chief of police and fire marshal to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the police and fire department, and to insure conformity with the provisions concerning such amusements (Prior code § 22.106.)

### **5.12.070 Exhibition of criminals.**

It is unlawful for any person, firm or corporation to exhibit any criminal or the body of any criminal or any person who shall have become notorious because of the commission of a crime, in any theatrical, exhibition, carnival, or other public place. (Prior code § 22.108.)

### **5.12.080 Promoting riots or disturbances.**

## AMUSEMENTS

It is unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance. (Prior code § 22.104.)

### **5.12.090 Assembly hall - Smoking prohibited.**

It is unlawful to smoke or carry a lighted cigar, cigarette or pipe on or beneath the stage or in a dressing room or any building used as an assembly hall with seating accommodations for more than one hundred persons or in which theatricals, shows, amusements, lectures, or other entertainments are offered, presented, operated or exhibited. (Prior code § 22.110.)

### **5.12.100 Assembly hall - No-smoking signs required.**

It shall be the duty of the owner of such premises as described in Section 5.12.090, or of the occupant in charge, to provide and place printed signs on which the words "no smoking" shall appear in letters at least four inches high, in conspicuous places, at least two signs being upon the stage or in the wing thereof and one in each dressing room. (Prior code § 22.111.)

### **5.12.110 Assembly hall - Exit lights.**

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred persons or more in which theatricals, shows, amusements, lectures, and other entertainment is offered, operated or presented to provide and place a sign on which the word "exit" shall appear in letters at least six inches high, over every door or other opening from such hall to every means of egress therefrom, and a light shall be provided with a red globe and placed at or over such sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall. (Prior code § 22.112.)

### **5.12.120 Premises to comply with building regulations.**

It is unlawful to operate or permit the operation of any amusement licensed in this chapter unless the premises in which such amusement is operated conforms with all the provisions or requirements in this code relating to public buildings and public gatherings. (Prior code § 22.113.)

### **5.12.130 Penalty for violation of Sections 5.12.010 through 5.12.120.**

Any person, firm or corporation violating any of the provisions of Sections 5.12.010 through 5.12.120 shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 22.114.)

### **5.12.140 Billiard license - Required - Application.**

No person, firm or corporation shall operate, maintain or conduct a billiard or pool table open to the public without having first obtained a license therefor; provided, however, coin-operated billiard or pool tables shall be licensed as "amusement game devices" under Chapter 5.14, "Amusement Game Devices". All applications for such a license shall state thereon the intended location of the place of business and the number of tables to be used therein. (Prior code § 22.201.) (Ord. 1994-M-54 § 1.)

### **5.12.150 Billiard license - Fee.**

The annual fee for any such license shall be twenty-five dollars for each table. (Ord. 1979-M-44 § 3(b); prior code § 22.202.)

### **5.12.160 Billiard hall - Minors prohibited.**

## AMUSEMENTS

Minors under the age of sixteen years shall not under any circumstances frequent, loiter, go or remain in any hall licensed under Section 5.12.140 at any time, unless it is upon some lawful errand and sent under the direction and with the consent of and knowledge of the parent, guardian or other person having the lawful custody of such minor; and it is unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this section. (Prior code § 22.203.)

### **5.12.170 Billiard hall - Hours of operation.**

No billiard hall or other hall licensed under Section 5.12.140 shall be open for business or used between the hours of twelve midnight and six a.m. (Prior code § 22.204.)

### **5.12.180 Penalty for violation of Sections 5.12.140 through 5.12.170.**

Any person, firm or corporation violating any provision of Sections 5.12.140 through 5.12.170 shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day or on which a violation occurs or continues. (Prior code § 22.205.)

### **5.12.190 Bowling alley - License required - Application.**

No person, firm or corporation shall operate or maintain a bowling alley open to the public without having first obtained a license therefor; application for such license shall be made in writing to the city clerk and shall state thereon the intended location of the place of business and the number of alleys to be used. (Prior code § 22.301.)

### **5.12.200 Bowling alley - License fee.**

The annual fee for such bowling alley licenses shall be \$25.00 for each alley. (Ord. 2001-M-4 § 1; Ord. 1979-M-44 § 3(c); prior code § 22.302.)

### **5.12.210 Bowling alley - Hours of operation.**

No person shall keep open, operate or use any such alley between the hours of 1:00 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday. No person shall keep open, operate or use any such alley between the hours of 2:00 a.m. and 6:00 a.m. on a Saturday or Sunday. (Ord. 2001-M-4 § 1; Prior code § 22.303.)

### **5.12.220 Bowling alley - Minors prohibited.**

Minors under the age of sixteen years shall not under any circumstances frequent, loiter, go or remain in any bowling alley licensed under this chapter at any time, unless it is upon some lawful errand and sent under the direction and with the consent of knowledge of the parent, guardian or other person having the lawful custody of such minor; and it is unlawful for the proprietor of any bowling alley so licensed to allow or permit any such minor to frequent, loiter, or remain within the bowling alley in violation of this section. (Prior code § 22.304.)

### **5.12.230 Bowling alley - Gambling prohibited.**

It is unlawful for any person to gamble, bet or permit any form of gambling or betting in any premises used for a bowling alley, pin or ball alley. (Prior code § 22.305.)

### **5.12.240 Penalty for violation of Sections 5.12.190 through 5.12.230.**

Any person, firm or corporation violating any provision of Sections 5.12.190 through 5.12.230 shall be fined not less than five dollars nor more than five hundred dollars for each offense; and a separate offense

## AMUSEMENTS

shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 22.306.)

### **5.12.250 Motion picture or theatrical - License required.**

It is unlawful to give, present or conduct any motion picture, or theatrical, for admission to which a fee is charged, excepting performances given solely for the benefit of and under the supervision of a religious, educational or charitable organization, without having first secured a license therefor as is provided in this chapter. (Prior code § 22.401.)

### **5.12.260 Motion picture or theatrical - License application.**

Applications for such licenses as required in Section 5.12.250 shall be made in conformance with the general provisions relating to such applications, and shall state in addition to the other information required the place of the intended performance and the seating capacity thereof. (Prior code § 22.402.)

### **5.12.270 Motion picture or theatrical - Annual license fee.**

Any person securing an annual license for motion pictures, or theatricals, naming a specific place or building where the performances are to be presented, may present therein any number of performances, including theatricals, during the year for which the license was secured without having to pay any additional fee. The annual fee for such licenses shall be two hundred dollars, except if there is more than one theater screen in the building, in which case, the annual fee for such license shall be two hundred dollars per theater screen. (Ord. 1979-M-44 § 3(d): prior code § 22.403.)

### **5.12.280 Motion picture or theatrical - Fee for unlicensed premises.**

For motion pictures or theatricals, which are to be presented in premises which are not covered by such license fee as provided for in Section 5.12.270, the fee to be paid shall be ten dollars per day; provided, that no such motion picture or theatrical shall be presented in or on any premises or building which does not fully comply with the requirements of the ordinances relating to public gatherings and to maintenance of buildings for this purpose. (Prior code § 22.404.)

### **5.12.290 Crowding in motion picture hall prohibited.**

It is unlawful to permit any person, excepting users or other theater employees, to remain standing in a hall or room in which a motion picture is presented during the time of such performance; and it is unlawful to admit to any such hall more persons than can be accommodated by the seating arrangements for the premises. (Prior code § 22.406.)

### **5.12.300 Use of nonflammable scenery required.**

It is unlawful to use any scenery in any theater other than nonflammable scenery of such as shall have been rendered nonflammable by the application of fire preventive coatings. (Prior code § 22.407.)

### **5.12.310 Building requirements.**

It is unlawful to present any public motion picture in any building or structure which does not contain the number of exits required by the ordinances of the city or by statutes of the state concerning buildings or places intended for motion picture performances or in premises which do not comply with the provisions of this code relating to public gatherings, or in premises in which the electric wiring does not fully comply with the ordinances. All places used for the exhibition of theatricals must be kept adequately ventilated during the performance and for as long a time as the audience remains therein. (Prior code § 22.408.)

### **5.12.320 Outdoor theaters.**

## AMUSEMENTS

Outdoor theaters, where the audience is not housed in a building, shall be conducted in full compliance with the applicable provisions of Sections 5.12.250 through 5.12.340. Each outdoor theater shall be equipped with washrooms, separate for men and women. (Prior code § 22.409.)

### **5.12.330 Exits.**

It is unlawful to obstruct or permit the obstruction of any aisles, corridors or exits leading from the room or enclosures in which a motion picture performance or theatrical is being given or in which an audience for such a performance is gathered. (Prior code § 22.410.)

### **5.12.340 Penalty for violation of Sections 5.12.250 through 5.12.330.**

Any person, firm or corporation violating any of the provisions of Sections 5.12.250 through 5.12.330 shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during on or which a violation occurs or continues. (Prior code § 22.411.)

## AMUSEMENT GAME DEVICES

### Chapter 5.14

#### AMUSEMENT GAME DEVICES

##### Sections:

- 5.14.010 Amusement Game Device
- 5.14.015 Amusement Game Device Arcade
- 5.14.020 License - Required - Keeping or displaying machines for use - Display of license.
- 5.14.025 Maximum number of licenses per establishment
- 5.14.030 License - Application
- 5.14.040 License - Investigation - Denial
- 5.14.050 License - Investigation - Issuance
- 5.14.060 License - Fee - Keeping or displaying machines for use
- 5.14.080 License - Transfer
- 5.14.090 License - Suspension - Revocation
- 5.14.100 Rules of operation - Designated
- 5.14.110 Rules of operation - Noncompliance unlawful
- 5.14.120 Violation - Penalty

##### **5.14.010 Amusement Game Device.**

"Amusement game device" as used in this chapter means any machine which, upon the insertion of a coin, slug, token, plate or disc or upon payment of consideration by any other method may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It includes such devices as marble machines, pinball machines, electronic games, skill ball, mechanical grab machines, videogames, and all games, operations or transactions similar thereto under whatever name they may be known. (Ord. 1997-M-91 § 1; Ord. 1984-M-25 § 1(b); Ord. 1979-M-38 § 1.)

##### **5.14.015 Amusement Game Device Arcade.**

"Amusement game device arcade" as used in this chapter means a business establishment where the premises are devoted primarily to the keeping or providing of more than twelve amusement game devices for operating or patronage by the public within the city. (Ord. 1999-M-22 § 1; Ord. 1997-M-91 § 1.)

##### **5.14.020 License - Required - Keeping or displaying machines for use - Display of license.**

No person shall keep or provide any amusement game device for operating or patronage by the public within the city or be engaged in the business thereof, without having first obtained a license therefor from the city clerk, which license shall be in plain view in a conspicuous place on the machine or the premises. (Ord. 1997-M-91 § 1; Ord. 1984-M-25 § 1(c); Ord. 1981-M-46 § 1 (part); Ord. 1979-M-38 § 2(a).)

##### **5.14.025 Maximum Number of Licenses Per Establishment**

Not more than twelve (12) amusement game device licenses shall be issued for any premises that are devoted primarily to the conduct of a principal business other than an amusement game device arcade. More than twelve (12) amusement game device licenses may be issued for premises containing an amusement game device arcade, providing the arcade meets all of the requirements hereof and of the St. Charles Zoning Ordinance. (1997-M-91 § 1.)

## AMUSEMENT GAME DEVICES

### 5.14.030 License - Application.

Applications for the licenses required in Section 5.14.020 shall be filed in triplicate and shall contain the following information:

- A. If the applicant is a corporation:
  1. Corporate name and address,
  2. Names, dates of birth, and addresses of corporate officers and directors,
  3. Statement of principal kind of business in which corporate engages,
  4. Statement of whether corporate business will be conducted by a manager, and the name, address and authority of any such manager or agent,
  5. Names, dates of birth, and addresses of all persons, firms, and organizations owning of record five percent or more of the corporation's stock,
  6. Statement of whether any officer, manager, director or shareholder owning five percent or more of the stock of the corporation has ever been convicted of a felony or has ever forfeited an appearance bond on a felony charge,
  7. The location of the place of business and the place where the amusement game device is to be kept or displayed,
- B. If the applicant is an individual or partnership:
  1. Name and address, and date of birth of applicant,
  2. Location of place of business,
  3. Principal kind of business engaged in,
  4. Statement of whether business will be conducted by a manager or agent, and the name and address and date of birth of any such manager or agent,
  5. The place where the amusement game devices are to be displayed and a description of the devices,

(Ord. 1997-M-91 § 1; Ord. 1984-M-25 § 1(c); Ord. 1979-M-38 § 3(a).)

### 5.14.045 License - Investigation - Denial.

No license shall be issued, nor shall a licensee be entitled to have a license continue in effect under any or all of the following conditions:

- A. Any individual, corporate officer or director, or any partner, as the case may be, has ever been convicted of a felony;
- B. Any information on the application is false;
- C. The applicant has not reached the age of majority (is an adult);
- D. The manager or agent has ever been convicted of a felony, or has not reached the age of majority (is an adult).

(Ord. 1991-M-39 § 1(a); Ord. 1981-M-46 § 1 (part).)

### 5.14.050 License - Investigation - Issuance.

The city clerk, the chief of police and the building commissioner of the city shall investigate the information contained in the application, and shall determine if the premises designated by the applicant as the location of the business complies with the provisions of the zoning ordinance of the city. The report of such investigation and determination, together with a copy of the application, shall be transmitted to the mayor. Upon the compliance by the applicant with the requirements of this chapter and the zoning ordinance of the city, the mayor shall instruct the city clerk to issue the license and, upon payment by the applicant of the license fee required under this chapter, such license shall be issued. (Ord. 1997-M-91 § 1; Ord. 1979-M-38 § 3(b).)

## AMUSEMENT GAME DEVICES

### **5.14.060 License - Fee - Keeping or displaying machines for use.**

The annual fee for licenses required by Section 5.14.020 shall be:

One hundred fifty and no/100 (\$150.00) dollars per business site, and

One hundred fifty and no/100 (\$150.00) dollars per machine

(Ord. 2005-M-16 § 1; Ord. 1997-M-91 § 1; Ord. 1981-M-46 § 1 (part); Ord. 1979-M-38 § 4(a).)

### **5.14.080 License - Transfer.**

Such license may be transferred from one device to another similar device upon application to the city clerk, such application is to include a description and serial number of the new device and the payment of a fee of three dollars. (Ord. 1997-M-91 § 1; Ord. 1979-M-38 § 4(b).)

### **5.14.090 License - Suspension - Revocation.**

Nothing in the provisions of this chapter shall preclude the right of the mayor to suspend or revoke the license of the licensee, as follows:

- A. The mayor may temporarily suspend any license issued under the terms of this chapter when he has reason to believe that the continued operation of a particular amusement game device or devices will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, he may, upon the issuance of a written order stating the reason for such determination, and without notice or hearing, order the premises containing the amusement game device(s) closed for not more than seven days; provided, that the licensee shall be given an opportunity to be heard in a public hearing during the seven-day period; and further provided, that if such licensee is also engaged in the conduct of other businesses on the licensed premises, such order shall not be applicable to such other businesses.
- B. The mayor may suspend or revoke any license issued under the terms of this chapter upon due notice to the licensee of the time and place of a public hearing, and if the mayor determines upon hearing that the licensee has failed or refused to comply with the terms of this chapter, has failed or refused to comply with other law applicable to the business of keeping or providing amusement game devices, or has been convicted by a court of competent jurisdiction of a violation of any provision of this chapter.

(Ord. 1997-M-91 § 1; Ord. 1984-M-25 § 1(c); Ord. 1979-M-38 § 6.)

### **5.14.100 Rules of operation - Designated.**

In addition to any other condition or regulation contained in this chapter or in the statutes of the state, the following conditions and regulations shall be applicable to and shall govern and control the business of keeping or providing amusement game devices for public use within the city:

- A. No amusement game device shall be used for purposes of gambling as defined and prohibited under the laws of the state of Illinois. (Ord. 1991-M-39 § 1(c).)
- B. The Director of Finance of the city shall have the power, duty and function to enter or to authorize any law enforcing officer to enter, at any time, upon the premises licensed under this chapter, to determine whether any of the provisions of the state law or city ordinance or any rules or regulations adopted by the city or by the state have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Director of Finance to assist him in the exercise of the powers and the performance of the duties provided in this subsection, shall have the powers given to the Director of Finance by this subsection.

(Ord. 1997-M-91 § 1; Ord. 1984-M-25 § 1 (c,f); Ord. 1982-M-22 § 1; Ord. 1981-M-46 § 2; Ord. 1979-M-38 § 5(a).)

## AMUSEMENT GAME DEVICES

### **5.14.110 Rules of operation - Noncompliance unlawful.**

It is unlawful for any person licensed to engage in the business of keeping or providing amusement game devices for public use within the city to fail to comply with the conditions and regulations set forth in Section 5.14.100 of this chapter or to suffer or permit noncompliance with such conditions and regulations on or within the licensed premises. (Ord. 1997-M-91 § 1; Ord. 1984-M-25 § 1(c); Ord. 1979-M-38 § 5 (b).)

### **5.14.120 Violation - Penalty.**

Any person convicted of a violation of this chapter shall be subject to a fine of not less than ten dollars nor more than five hundred dollars. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense. (Ord. 1997-M-91 § 1; Ord. 1981-M-46 § 1 (part); Ord. 1979-M-38 § 5(c).)

Chapter 5.16

**TOBACCO DEALERS<sup>4</sup>**

Sections:

- 5.16.010 Legislative findings and declaration.
- 5.16.020 Definitions.
- 5.16.030 License - Required - Application.
- 5.16.040 License - Fee.
- 5.16.050 Licensed premises - Sanitary condition required.
- 5.16.060 Prohibited sales, delivery - signs.
- 5.16.070 Violation - Penalty.

**5.16.010 Legislative findings and declaration.**

The mayor and city council find and declare that:

- A. Cigarette smoking is dangerous to human health;
  - B. There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
  - C. The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
  - D. The Director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
  - E. The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use;
  - F. The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen (18) has proven ineffective in preventing such persons from using tobacco products; and
  - G. The enactment of this chapter directly pertains to and is in furtherance of the health, welfare and safety of the residents of the city, particularly those residents under eighteen (18) years of age.
- (Ord. 1991-M-37 § 1: prior code § 25.401.)

**5.16.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (Ord. 1991-M-37 § 1)

## TOBACCO DEALERS

### **5.16.030 License - Required - Application.**

It is unlawful to sell or vend through machines or to engage in other retail sales of tobacco products without having first obtained a license therefor. applications for such licenses shall be made to the clerk; and no such license shall be issued to any person who is not a person of good character, or to any corporation that is not represented in the city by a person of good character. (Ord. 1991-M-37 § 1: prior code § 25.401.)

### **5.16.040 License - Fee.**

The annual fee for such license shall be fifty dollars, and where vending machines are used for such sale, an additional fee of fifty dollars shall be paid for each machine. (Ord. 1991-M-37 § 1; Ord. 1979-M-44 § 5(c): prior code § 25.402.)

### **5.16.050 Licensed premises - Sanitary condition required.**

Premises and buildings used for the sale of tobacco products shall be kept in a clean and sanitary condition; the health officer shall investigate such places sufficiently often to insure compliance with the provisions of this section. (Ord. 1991-M-37 § 1: prior code § 25.403.)

### **5.16.060 Prohibited sales, delivery - Signs.**

- A. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- B. The owner and operator of a business located within the city that sells tobacco products, including the owner or operator of tobacco vending machines, shall post signs informing the public of the age restrictions provided for herein at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

**"THE SALE OF TOBACCO PRODUCTS TO PERSONS  
UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED  
BY LAW."**

- C. The text of such signs shall be in black letters on a white background, said letters at least one inch high for signs at or near displays of tobacco products, or ¼ inch high for signs posted on vending machines.

(Ord. 1995-M-1 § 1; Ord. 1991-M-37 § 1)

### **5.16.070 Violation - Penalty**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) 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. (Ord. 1991-M-37 § 1: prior code § 25.405.)

**MASSAGE THERAPISTS AND MASSAGE ESTABLISHMENTS**

Chapter 5.20

**MASSAGE THERAPISTS AND MASSAGE ESTABLISHMENTS**

**(REMOVED IN ITS ENTIRETY)**

(Ord. 2005-M-17 § 2; Ord. 1998-M-68 § 1; Ord. 1997-M-137 § 1.)