EXHIBIT A
LIQUOR CONTROL REGULATIONS

VILLAGE OF FLANAGAN
LIQUOR CONTROL REGULATIONS

General Provisions
§ 1.01 Purpose
§ 1.02 Definitions
§ 1.03 Local Liquor Control Commissioner – Powers and Duties

Licensing Provisions
§ 1.04 License Required
§ 1.05 Classes of Licenses – Fees
§ 1.06 Number of Licenses – Limitations
§ 1.07 Application – Contents
§ 1.08 Applications – Investigations and Examination
§ 1.09 Disposition of License Fees
§ 1.10 Persons and Locations Not Entitled to License
§ 1.11 Term of License
§ 1.12 Display of License
§ 1.13 License Specific to Premises – Permission for Change of Location
§ 1.14 License – Classification Change
§ 1.15 Personal Privilege Only – Transfer of License Prohibited
§ 1.16 License – Joint Tenancy
§ 1.17 License – Renewal
§ 1.18 Change in Management or Ownership of Premises – Review By Commissioner
§ 1.19 Civil Rights in Licensed Premises
§ 1.20 Licensee Responsible for Compliance
§ 1.21 Mayor to Keep Record of Licenses
§ 1.22 Selling Liquor Without License Prohibited

Sale of Alcoholic Beverages
§ 1.23 Hours During Which Sales Are Prohibited
§ 1.24 Clear View Into Premises
§ 1.25 Sales To Intoxicated Persons Prohibited
§ 1.26 Peddling Prohibited
§ 1.27 Retail Sales – Original Packages Required
§ 1.28 Delivery Prohibited
§ 1.29 Records

Regulations Pertaining to Minors
§ 1.30 Restrictions Applicable to Persons Under 21
§ 1.31 Sale or Delivery Restrictions; Minors, Intoxicated Persons and the Like

Licensed Premises & Employees
§ 1.32 Evidence of Insurance Required
§ 1.33 Sanitary Requirements
§ 1.34 Employee Age Requirements

§ 1.35 Health of Employees – Certificate Required

Violations – Renovation or Suspension – Penalties
§ 1.36 Revocation – Suspension – Complaints
§ 1.37 Violations – Fines

GENERAL PROVISIONS

§ 1.01 PURPOSE.

This chapter shall be liberally construed to the end that the health, safety, and welfare of the inhabitants of the village shall be protected and temperance in the consumption of alcoholic liquors shall be featured and promoted by sound and careful control and regulation of the sale of alcoholic liquors.

§ 1.02 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Alcohol" shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

(2) "Alcoholic liquor" shall mean and include alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

(3) "Beer" shall mean 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.

(4) "Private function" shall mean a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

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

(6) "Retailer" shall mean a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

(7) "Sale" shall mean any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

(8) "Sell at Retail" shall refer to and mean sales for use or consumption and not for resale in any form.

(9) "Special event" shall mean an event conducted by an educational, fraternal, political, civic, religious or non-profit organization.

(10) "Spirits" shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(11) "Wine" shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

§ 1.03 LOCAL LIQUOR CONTROL COMMISSIONER – POWERS AND DUTIES.

A. The village president is designated as the Flanagan liquor control commissioner and is charged with the administration of the applicable provisions of the Illinois Liquor Control Act (235 ILCS 5/1-1 *et seq.*), and the provisions of this chapter, as well as such other ordinances and resolutions relating to alcoholic liquor as may be enacted from time to time by the village.

B. In addition to any other powers and duties as established by law, the liquor control commissioner shall have all of the following powers and duties with respect to local liquor licenses:

1. To grant and/or suspend for not more than thirty days or revoke for cause all local licenses issued to persons for premises within his jurisdiction;

2. 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 this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this

Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;

4. To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

5. To receive local license fees and pay the same forthwith to the village treasurer as the case may be;

6. To levy fines for violations of this chapter.

LICENSING PROVISIONS

§ 1.04 LICENSE REQUIRED.

No person shall sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer's license.

§ 1.05 CLASSES OF LICENSES – FEES.

Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the village shall pay an annual license fee. The licenses shall be divided in six (6) classes, and the license fees shall be as follows:

(1) Class "A" License. A Class "A" License shall authorize the sale on premises specified of alcoholic liquor for consumption on the premises, as well as other retail sales of beer and wine in the original package and not for consumption on the premises. Any display of beer and wine for retail in the original package shall not exceed an area of thirty-six (36) square feet in the licensed premises and no advertising of retail sales of package goods shall be carried on other than the price of the package being attached to the display area.

(2) Class "B" License. A Class "B" License shall authorize the sale of alcoholic liquor only in original packages and not for consumption on the premises where sold, which premises shall not be located on property or in a building that is used, in whole or in part, for residential purposes, except as otherwise approved by the liquor commissioner in connection with an approved mixed use planned unit development.

(3) Class "D" License. A Class "D" License shall only be issued for special public or private events sponsored by or in conjunction with civic, fraternal, political subdivisions or religious organizations and shall authorize the retail sale, consumption, gift, or dispensing on the premises specified of alcoholic beverages. A Class "D" license shall not be issued for more than forty-eight (48) hours. Class "D" license applications must be filed with the village clerk at least five days prior to the special event in connection with which same is issued.

SCHEDULE OF FEES FOR SECTION 1.05

License Classification	License Fee
Class A	$250 per year
Class B	$250 per year
Class D	$10 per year

§ 1.06 NUMBER OF LICENSES – LIMITATIONS.

The number of licenses that shall be granted within the village shall be limited as follows:

License Classification	Number of Licenses Available
Class A	2
Class B	2
Class D	See Below

No limit is placed under this section upon the number of Class D licenses. These licenses are limited in duration and restricted as otherwise set forth in this chapter. The Board of Trustees may further modify the number of Class A and B Licenses available as it deems fit and in the best interests of the village.

§ 1.07 APPLICATION – CONTENTS.

A. Application for a license required by this chapter shall be made to and filed with the Mayor. It shall be in writing, signed by the applicant if an individual or a duly authorized agent thereof if a corporation, and verified by oath or affidavit. There shall be no application fee.

B. The application shall be presented not less than thirty days prior to the date issuance is desired and shall contain at least the following and other information necessary to evaluate the application:

(1) For all applicants (including partners, stockholders, managers, agents as set forth in this section) the full name including middle initial, date of birth, social security number, the last two home addresses and current work address and home and work telephone numbers; in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the date of incorporation, the state of incorporation, and if the state is a state other than Illinois, the date upon which the corporation was certified as a foreign corporation entitled to conduct business in Illinois, the name and address of the officers and directors, the names and addresses of all stockholders if the total number of stockholders is twenty (20) or less, or if the number of stockholders is twenty-one (21) or more, only those stockholders owning more than five percent interest in the corporation shall be required to be listed; in all cases, the names and additional information required in this section for any and all managers or agents conducting the business;

(2) The citizenship of the applicant, his or her place of birth, and if a naturalized citizen, the time and place of his or her naturalization;

(3) The type of business of the applicant and, in the case of a corporation, the objects for which it was formed, plus a detailed business plan setting forth the nature and use of the prospective licensed premises. The liquor control commissioner may, as a prerequisite to completing the review of any application, require the applicant to supplement such detailed business plan (including the delivery of floor plans for the prospective licensed premises) so as to establish clear representations regarding the proposed operations of the prospective licensed premises and the types of alcoholic beverages and other items to be sold or served thereon. The liquor control commissioner shall be deemed to have relied on the detailed business plan in the issuance of any license under this chapter;

(4) The length of time that the applicant has been in business of that character or, in case of a corporation, the date on which its charter was issued;

(5) The location and description of the premises or place of business which is to be operated under the license and the specific name of the business;

(6) A statement whether the applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of the application;

(7) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reasons of any matter or thing contained in this code, laws of this state, or the ordinances of this village;

(8) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefore;

(9) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinances of the village in the conduct of his or her place of business;

(10) A statement as to whether the premises for which a license is sought comprises a store or other place of business where the majority of customers are under the age of twenty-one (21) years or where the principal business transacted consists of the sale of school books, school supplies, food, lunches, or drinks for such customers;

(11) A statement as to whether the applicant is a permanent resident of the village;

(12) A statement as to whether the applicant beneficially owns the premises for which a license is sought or has a lease thereon for the full period for which the license is to be issued;

(13) A statement as to whether the applicant is the beneficial owner of the business to be licensed;

(14) A statement as to whether the applicant will be personally, actively involved in the operation of the business to be licensed;

(15) A statement as to whether the business is or will be managed by a manager or agent and, if so, statements from every such manager or agent to the same extent as required from every individual applicant;

(16) A statement as to the nature of the business and the amount of anticipated alcoholic liquor sales as a percentage of gross annual sales of the business;

(17) A statement that the applicant is not disqualified from receiving a license by reason of any matter or item contained in the laws of the state of Illinois, this chapter, or any other code or ordinance of the village;

(18) The Illinois Retailers Occupation Tax number currently assigned to the business or individual and a statement that the business or individual is not currently delinquent in payments to the Illinois Department of Revenue, village, or any other governmental entity;

(19) Certifications from the appropriate county health department and the village building and zoning department indicating that the proposed licensed premises complies with the regulations and ordinances of the departments.

C. Once an application for a license has been denied, either because the applicant did not qualify or there were no liquor licenses currently available for issuance, the application shall no longer be considered to be on file after the applicant has received notice of the denial of the issuance of a license.

§ 1.08 APPLICATIONS – INVESTIGATIONS AND EXAMINATION.

A. The liquor control commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the liquor control commissioner under this section, the commissioner may authorize his or her agent to act on his or her behalf, as provided by statute.

B. By applying for a liquor license, every applicant authorizes any person to disclose, and the village to investigate, all information pertaining to the applicant's application. Every applicant waives any and all claims against the village, and agrees to indemnify and hold

harmless the village and its elected and appointed officials, officers, boards, commissioners, attorneys, employees, and agents from any and all claims resulting from or arising out of, or alleged to result from or arise out of, the aforesaid activities. Every applicant will consent to and sign any written authorization, waiver, and/or indemnification agreement as the village may require in connection with the aforesaid activities.

§ 1.09 DISPOSITION OF LICENSE FEES.

All license fees shall be paid to the liquor control commissioner at the time application is made and shall be forthwith turned over to the village treasurer. In the event the license applied for is denied, the license fee shall be returned to the applicant.

§ 1.10 PERSONS AND LOCATIONS NOT ENTITLED TO LICENSE.

A. No licenses required by this chapter shall be issued to:

1. A person who is not a resident of the village or, if a corporation, who does not employ a resident manager that resides in Livingston County.

2. A person who is not of good character and reputation in the community in which he resides.

3. A person who is not a citizen of the United States.

4. A person who has been convicted of a felony under any Federal or State law.

5. A person who has been convicted of being the keeper or is keeping a house of ill fame.

6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

7. A person whose license issued under this chapter has been revoked for cause or whose liquor license issued under state law or other municipal ordinance was revoked for cause.

8. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

9. A copartnership, unless all the members of such copartnership are qualified to obtain a license.

10. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license under this chapter for any reason other than citizenship or residency except as provided in A(1) above.

11. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

12. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

13. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

14. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

15. Any law-enforcing public official, village president, or any member of the village board of trustees or employee of the village.

16. A person who is not a beneficial owner of the business to be operated by the licensee.

17. A person who has been convicted of a gambling offense, as provided by law.

18. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

19. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set forth in this chapter.

B. In addition to other grounds specified in this section, the liquor control commissioner, on complaint of the State Department of Revenue, shall refuse the issuance or renewal of a license, or suspend or revoke such license, for any of the following violations of the "Retailers Occupation Tax Act":

1. Failure to make a tax return;
2. The filing of a fraudulent return;
3. Failure to pay all or part of any tax or penalty finally determined to be due;
4. Failure to keep proper books and records;
5. Failure to secure and display a certificate or subcertificate of registration;

6. Wilful violation of any rule or regulation of the State Department of Revenue relating to the administration and enforcement of tax liability.

C. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business when the majority of customers are less than twenty-one (21) years of age or when the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such customers.

D. No license shall be issued for the purpose of selling or offering for sale at retail any intoxicating liquor in any dwelling house, flat, or apartment building.

E. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') 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 taking effect of this chapter, or to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. In all other instances, the distance of one hundred feet (100') shall be measured from property line to property line.

§ 1.11 TERM OF LICENSE.

Each license issued under this chapter shall, unless terminated, revoked, or suspended, expire on April 30th following the issuance thereof, provided, however, that a Class "D" license as designated above, shall be valid for a forty-eight (48) hour period beginning at 12:01 a.m. on the date specified therein or for a lesser period as required by the license. The normal licensing period shall be from May 1st through April 30th of each year, unless a license is issued or terminated at some other time during the year for individual circumstances.

§ 1.12 DISPLAY OF LICENSE.

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

§ 1.13 LICENSE SPECIFIC TO PREMISES – PERMISSION FOR CHANGE OF LOCATION.

A. A license issued under this chapter shall permit the sale of alcoholic liquor only on the premises described in the application and in the license issued thereon (and only one location shall be so described in each license).

B. After a license has been granted for a particular premises, the liquor control commissioner, upon proper showing, may endorse upon any license permission to abandon the premises therein described and move therefrom to other premises approved by the commissioner. In order to obtain such approval, the licensee shall file with the liquor control commissioner a request in writing and a statement under oath which shall show that the proposed new location is a proper one for the retail sale of alcoholic liquor under the Liquor Control Act, this chapter, and all other ordinances of the village.

§ 1.14 LICENSE – CLASSIFICATION CHANGE.

Subject to the limitation on the number of licenses which may be issued and the making of such additional payment as may be necessary to meet license fee requirements in case of a change to a higher fee class of license, a change may be requested and made from one class of license to another upon renewal or reissuance of a license.

§ 1.15 PERSONAL PRIVILEGE ONLY – TRANSFER OF LICENSE PROHIBITED.

A. A license issued under this chapter shall be a purely personal privilege, good for a period not to exceed one year after issuance or for up to forty-eight (48) hours for a Class "D" license or for up to eight hours for a Class "F" license (unless sooner revoked or terminated as provided in this chapter) and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be assignable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

B. Such license shall cease and terminate upon the death of the licensee, and shall not descend by the laws of the state of intestate succession; provided, however, that the executor or administrator 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 under the order of a court of competent jurisdiction, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decendent, or such insolvency or bankruptcy, until the expiration of such license, but in no event for a period longer than six months after the death, bankruptcy or insolvency of such licensee. The executor or administrator of the estate or a business representative of any deceased owner, partner, or shareholder owning five percent or more of a licensed business shall immediately notify in writing the liquor control commissioner of such death, and indicate what changes in ownership and/or management will result from the death.

§ 1.16 LICENSE – JOINT TENANCY.

A license may be issued to two or more persons jointly and in case of the death of one of such joint licensee, the surviving licensee shall succeed to all the rights therein by the right of survivorship.

§ 1.17 LICENSE – RENEWAL.

A. Any licensee may apply for renewal of his or her license at the expiration thereof, provided that such licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided further that the opportunity to apply for renewal shall not be construed as a vested right which shall in any case prevent the president and board of trustees from decreasing the number of licenses to be issued within the village or to be issued within the village within any class.

B. All applications for renewal and payment of the annual license fee shall be submitted to the village clerk not later than April 1st of each year. There shall be no charge for a renewal application, unless there is a material change in the applicant's circumstances, including the designation of a new manager.

C. If any licensee, except a Class "D" license, shall cease the operation of the licensed premises, including the serving of liquor, under the terms of his or her license for any period exceeding thirty (30) days without first obtaining written approval from the liquor control commissioner, then the liquor license for that business shall be null and void. The liquor control commissioner may grant approval for a longer period of time only following submission of evidence of good cause for the cessation of operations. The liquor control commissioner may establish a required date by which operation of the business, including the serving of liquor, shall resume.

§ 1.18 CHANGE IN MANAGEMENT OR OWNERSHIP OF PREMISES – REVIEW BY COMMISSIONER.

A. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock of a corporation or ownership interest, or managers, of establishments licensed under this chapter shall be reported, in writing, to the liquor control commissioner within ten (10) days after the change. All new personnel shall meet all the standards of this chapter and shall otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the liquor control commissioner.

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, the license shall terminate immediately.

C. When a license has been issued to a corporation and a change takes place in the management thereof or in the officers, directors, 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, the license shall terminate immediately.

D. When a license has been issued to an individual who becomes or is no longer eligible for a license, the license shall terminate immediately.

§ 1.19 CIVIL RIGHTS IN LICENSED PREMISES.

No licensee licensed under the provisions of this chapter shall deny or permit his or her agents and employees to deny any person the full and equal enjoyment of the accommodation, advantages, facilities, and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

§ 1.20 LICENSEE RESPONSIBLE FOR COMPLIANCE.

The licensee and his or her agents, officers, and employees shall at all times be personally responsible for the proper operation of the business, including compliance with the provisions of this chapter and the observation of all laws and regulations applicable thereto.

§ 1.21 MAYOR TO KEEP RECORD OF LICENSES.

The Mayor shall keep or cause to be kept a complete record of all licenses issued by him or her and shall furnish the Village Clerk, the Village Treasurer, and the Chief of Police each with a copy thereof upon the issuance of any new license, and shall notify each of the officers in writing upon the issuance of any new license or revocation of any old license.

§ 1.22 SELLING LIQUOR WITHOUT LICENSE PROHIBITED.

A person, club, firm, or corporation not having a license shall not sell or offer for sale any alcoholic liquor for consumption on the premises where sold or permit the same to be consumed on the premises where sold.

SALE OF ALCHOHOLIC BEVERAGES

§ 1.23 HOURS DURING WHICH SALES ARE PROHIBITED.

A. No licensee shall keep open or allow his or her place of business to remain open or sell or offer for sale at retail or offer to give away on any licensed premises any alcoholic liquor in the village after the hour of 12:00 a.m. on Monday, Tuesday, Wednesday, Thursday, and Friday and after the hour of 1:00 a.m. on Saturday and Sunday (and New Year's Day if it falls on a weekday) and before the hour of 6:00 a.m.

B. No licensee shall permit and no member of the general public shall remain in or upon the licensed premises after the hour of 12:00 a.m. on Monday, Tuesday, Wednesday, Thursday, and Friday and 1:00 a.m. on Saturday and Sunday as provided above. Nothing herein contained shall be construed to prevent the licensee or his or her employees from remaining upon the licensed premises after the aforesaid closing hour. Should any person other than the licensee, members of his or her family, or his or her employees, agents, or servants be found upon or leaving the licensed premises after the closing hour, the village shall have the right to presume that the person was served alcoholic liquor after the closing hour and the presumption may be raised in any court or other legal proceeding for the violation of the terms of this section or at any hearing concerning the suspension or revocations of the license issued to the licensee in question.

§ 1.24 CLEAR VIEW INTO PREMISES

A. No screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of licensed premises nor inside such premises which prevent a clear view into the interior of the licensed premises from the street, road, or sidewalk at all times.

B. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises can be clearly visible.

C. In case the view into any licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee or which he or she wilfully permitted to be obscured or in any manner obstructed, then the license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Mayor shall have the right to require the filing with him or her of plans, drawings, and photographs of the clearance of the view as above required.

§ 1.25 SALES TO INTOXICATED PERSONS PROHIBITED.

A. No licensee nor any officer, associate, member, representative, agent, or employee of any licensee shall sell, give, or deliver any alcoholic liquor to any person who is, or who appears to be, intoxicated.

B. It is unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, or deliver such alcoholic liquor to an intoxicated or apparently intoxicated person.

§ 1.26 PEDDLING PROHIBITED.

It is unlawful to peddle alcoholic liquor in the village.

§ 1.27 RETAIL SALES – ORIGINAL PACKAGES REQUIRED.

No licensee 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.

§ 1.28 DELIVERY PROHIBITED

No license shall allow for the delivery of any alcoholic beverage, including beer and wine, regardless of its packaging.

§ 1.29 RECORDS

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Local Liquor Commissioner.

REGULATIONS PERTAINING TO MINORS

§ 1.30 RESTRICTIONS APPLICABLE TO PERSONS UNDER 21.

A. It shall be unlawful for any licensee or officer, associate, member, representative, agent, or employee of the licensee or for any other person to sell, give, or deliver alcoholic beverages to any person who has not yet attained his or her 21st birthday.

B. (1) Persons under the age of 21 shall be and are hereby prohibited from remaining on the premises of a Class "A" license liquor holder in the area where alcoholic liquor is provided for consumption on the premises after 9:00 p.m.

(2) Persons under the age of 21 shall be allowed on the premises of a Class "A" liquor license holder in the area where alcoholic liquor is provided for consumption on the premises only if accompanied by and under the direct supervision of a parent or guardian. No person under the age of 21, even if accompanied by a parent or guardian, shall remain on the premises of a Class "A" liquor license holder in the area where alcoholic liquor is provided for consumption on the premises after 9:00 p.m.

(3) This Section shall not prohibit persons under the age of 21 years of age from remaining on a general area of a premises of a Class "A" liquor license holder that is primarily used for a secondary purpose, such as bowling lanes, even though alcoholic liquor may be consumed in the general area.

(4) It shall be a separate offense for the Class A liquor license holder, bartender, or manager to allow persons under the age of 21 to remain on the premises without a parent or guardian or after the hour of 9:00 p.m. as defined by this Section, and for the minor to remain on the premises without a parent or guardian or after 9:00 p.m. in violation of this Section. In the event of a violation of this Section, citations may be issued to the minor, the parent or guardian, or the Class "A" liquor license holder, bartender, or Class "A" liquor license holder manager.

§ 1.31 SALE OR DELIVERY RESTRICTIONS; MINORS, INTOXICATED PERSONS AND THE LIKE

A. No licensee nor any officer, associate, member, representative, agent, or employee of the licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person or to any person known by him or her to be a habitual drunkard, a spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person, after purchasing or otherwise obtaining liquor, shall sell, give, or deliver the alcoholic liquor to

another person under the age of 21 years, except in the performance of a religious ceremony or service.

B. For the purpose of preventing the violation of this section, any licensee, or his or her agent, or employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

C. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. Proof that the defendant-licensee, or his or her 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 criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

D. Any person under the age of 21 years who presents or offers to any licensee, his or her agent, or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the serving of any alcoholic beverage or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity is guilty of a misdemeanor.

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

F. Any person to whom the sale, gift, or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his or her possession.

G. If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of his or her prospective recipient, he or she shall before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

H. No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase or accept delivery or have possession of alcoholic liquor in violation of this division. The consumption of alcoholic liquor by any person under 21 years of age is forbidden. Whoever violates any provisions of this division shall be guilty of a misdemeanor.

I. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor in the privacy of a home, is not prohibited by this section.

LICENSED PREMISES AND EMPLOYEES

§ 1.32 EVIDENCE OF INSURANCE REQUIRED.

All licensees shall show evidence, satisfactory to the liquor control commissioner, of the issuance of a policy of liquor liability insurance (dram shop) and insurance against liability for any injury or death on account of acts of negligence, omission or violating the Liquor Control Act. The policy shall carry a minimum of one million dollars ($1,000,000.00) per person and one million dollars ($1,000,000.00) per occurrence for injury or death; and one hundred thousand dollars ($100,000.00) for loss of means of support. Each licensee shall furnish the liquor control commissioner a certificate of such insurance and each such certificate of insurance shall state on its face that the certificate is not cancelable except upon a minimum of twenty-one (21) days' notice sent to the liquor control commissioner by certified mail, return receipt requested.

§ 1.33 SANITARY REQUIREMENTS.

All premises used for the retail sale of alcoholic liquor or for the storage of liquor for sale shall be kept in a clean and sanitary condition, and kept in compliance with all applicable federal, state, and local laws, ordinances, regulations, rules and other provisions governing the condition of premises used for the storage or sale of food for human consumption.

§ 1.34 EMPLOYEE AGE REQUIREMENTS.

It shall be unlawful for any person under the age of twenty one (21) to draw, pour, deliver, mix or register the sale of alcoholic liquor.

§ 1.35 HEALTH OF EMPLOYEES – CERTIFICATE REQUIRED.

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

B. Each applicant at the time of making application for a license under this chapter shall maintain a current certificate, or certificates, from a duly licensed physician, showing that the applicant and such of his employees or other persons who will be engaged in the preparation and service of drinks and food in and about the licensed premises are each free of any communicable skin disease or any infectious or venereal contagious disease as determined by the Livingston

County health department. No licensee under this chapter shall, during the period of his or her license, engage, hire, or employ, or secure the services of any person without first obtaining such physician's certificate.

VIOLATIONS – RENOVATION OR SUSPENSION – PENALTIES

§ 1.36 REVOCATION – SUSUPENSION – COMPLAINTS

A. Violation Determined by Commissioner.

1. The liquor control commissioner may suspend, for not more than thirty (30) days, or revoke any license issued by the liquor control commissioner, and may levy a fine of up to one thousand dollars ($1,000.00), if he or she determines that there has been any violation of any state law pertaining to the sale of alcoholic liquor or any provision of this chapter, or any applicable rules or regulations established by the liquor control commissioner, or the state, or for the failure to pay any license cost or fee or any tax imposed on alcoholic liquor or the sale thereof. However, except as provided in this section, no license shall be revoked or suspended, nor fine levied, except after a public hearing by the liquor control commissioner, to commence no sooner than three days from the date of service, personally or by certified U.S. mail, of notice upon the licensee or his agent or any employee thereof in charge of the licensed premises, affording the licensee an opportunity to appear and defend, unless the right to a hearing is waived.

   If the liquor control commissioner has reason to believe that any continued operation of any particular licensed premises will threaten the welfare of the community, he or she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order a licensed premises closed for not more than seven days pending a hearing on the suspension or revocation of the license thereof. The order shall contain notice of the date, time, and place of the hearing, which shall commence not less than three nor more than seven days from the date of service, personally or by certified United States mail, of the notice upon the licensee or his or her agent, or any employee in charge of the licensed premises. The liquor control commissioner shall hold the hearing at the date, time, and place set forth in the notice, giving the licensee an opportunity to be heard. If the licensee is also engaged in the conduct of another business or businesses on the licensed premises, the initial closing order shall not be applicable to the other business or businesses.

2. Appeals shall be taken to the Illinois Liquor Control Commission in the manner provided by law. All appeals to the Illinois Liquor Control Commission shall be limited to a review of the official record of the proceedings of the liquor control commissioner.

B. Violation Determined by Court.

1. Whenever any licensee is convicted in court of any violation of state law pertaining to the sale of alcoholic liquor, or any provision of this chapter, or any applicable rules or regulations established by the liquor control commissioner or the state commission, or any law or regulation pertaining to liquor license fees or taxes, the license of the licensee may in the discretion of the liquor control commissioner, be immediately revoked. The revocation need not be preceded by notice or a hearing for the licensee. However, the licensee shall have a right to a public hearing by the liquor control commissioner for the purpose of showing cause for re-issuing the revoked license by petitioning for a hearing within fifteen (15) days of the revocation of the license. The hearing shall be held within a reasonable time and shall allow the licensee an opportunity to be heard.

2. Whenever an officer, director, or manager or other employee of any licensee under this chapter is convicted of any violation of any law, ordinance, or provision as provided in subsection (A)(1) of this section, while engaged in the course of his or her employment or while on the premises described in the license, the license may be immediately revoked in the discretion of the liquor control commissioner, subject to a subsequent hearing as provided in subsection (B)(1) of this section.

C. Complaints. Any person may file a complaint with the liquor control commissioner alleging that any licensee has been or is violating state law pertaining to the sale of alcoholic liquor, or the provisions of this chapter or the rules or regulations issued pursuant to this chapter. The complaint shall be in writing, in the form prescribed by the liquor control commissioner, and shall be signed and sworn to by the parties complaining. The complaint shall state the particular law, provisions, rule, or regulation believed to have been violated and the facts in detail upon which such belief is based. If the liquor control commissioner is satisfied that the complaint substantially charges a violation and finds probable cause to believe the same, he or she shall set the matter for hearing and shall serve notice upon the licensee of the time and place of the hearing and of the particular charges in the complaint, such hearing to take place not sooner than three days from the date upon which the notice is served personally on or is mailed by certified U. S. mail to the licensee or his or her agent or any employee in charge of the licensed premises, affording the licensee an opportunity to appear and defend.

§ 1.37 VIOLATIONS – FINES.

A. Fines in General. In addition to the suspension of a license issued pursuant to this chapter, any person who violates any provision of this chapter may, for a first offense, be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), and for a second or subsequent offense, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00). Not more than ten thousand dollars ($10,000.00) in fines may be imposed under this section against any licensee during the period of that license.

B. Separate Offenses. Each day on or during which any person violates or continues to violate any of the provisions of this chapter, and each separate act or transaction in violation of this chapter, shall constitute a separate offense.

C. Vicarious Liability. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager, or other agent or employee of any licensee shall be deemed and held to be the act of the employer or licensee, and the employer or licensee shall be punishable in the same manner as if said act or omission had been done by him personally.

D. BASSET Course. In addition to other penalties imposed in this chapter, a person violating any regulation of this chapter may be required to complete a BASSET or similar training at his or her expense.