

Chapter 3

ALCOHOLIC BEVERAGES

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ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

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

Alcoholic liquor shall mean any alcohol, spirits, wine, beer, ale and every liquid or solid, patented or not, containing more than one-half of one (1/2 of 1) percent of alcohol by volume, which is capable of being consumed as a beverage by a human being.

Club shall mean a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member his name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

Hotel shall mean 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

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offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one (1) or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Resident shall mean a person whose permanent home is in the Village of Fox River Grove and who actually lives in said home and who is eligible to vote in the Village elections from said home.

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 actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail sale shall mean the sale for use or consumption and not for resale.

Supper club shall mean a corporation organized under the laws of the state for pecuniary profit and operating as a restaurant only with a seating capacity at tables for food service for not less than seventy-five (75) persons and serving complete meals regularly, including the dinner meals, in which the serving of alcoholic beverages is incidental and complimentary to the service of meals. (Ord. of 3-23-70, Sec. 13.101; Ord. of 5-30-73, Sec. 1)

State law reference--For similar provisions, see 235 ILCS 5/1-3.01 et seq.

Sec. 3-2. Village President to be local liquor control commissioner; powers and duties as commissioner.

The Village President is hereby authorized to be the local liquor control commissioner and shall be charged with the administration of the Liquor Control Act of 1934, being Chapter 235 of the Illinois Compiled Statutes, and of this chapter and other ordinances and resolutions of the Village relating to alcoholic liquor as may be enacted. The Village President may appoint a person or persons to assist him in the exercise of and the powers and the performance of the duties as local liquor control commissioner. (Ord. of 3-23-70, Sec. 13.124, Ord. No. 97-27, Sec. 2, 8-21-97)

State law reference--For similar provisions, see 235 ILCS 5/1-1 et seq.

Sec. 3-3. Right of entry of liquor control commissioner.

The Liquor Control Commissioner is hereby given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed under this chapter to determine whether any of the provisions of this chapter, the Liquor Control Act of 1934, being Chapter 235 of the Illinois Compiled Statutes, or any sales or regulations adopted by him or by the state commission have been or are being violated, and at such time to examine the premises of said licensee in connection therewith.

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(Ord. of 3-23-70, Sec. 13.126, Ord. No. 97-27, Sec. 3, 8-21-97)

State law reference--For similar provisions, see 235 ILCS 5/4-4

Sec. 3-4. Peddling alcoholic liquor prohibited.

It shall be unlawful for any person to peddle alcoholic liquor in the Village. (Ord. of 3-23-70, Sec. 13.116)

Sec. 3-5. Public intoxication.

It shall be unlawful for any person to be in an intoxicated condition in any street, alley or other public place in the Village.

Sec. 3-6. Sale for consumption and consumption on unlicensed premises prohibited.

It shall be unlawful for anyone not having a license providing for consumption on the premises where sold, to offer for sale or sell any alcoholic liquor for consumption on the premises or to permit the same to be consumed on the premises where sold. (Ord. of 3-23-70, Sec. 13.113)

Sec. 3-7. Intoxicating liquor prohibited in parking lots and drive-in restaurants.

It shall be unlawful for any person occupying a vehicle in a parking lot or drive-in restaurant to drink any intoxicating liquor while occupying the vehicle. (Code 1958, Sec. 14.505)

Sec. 3-8. Consumption of alcoholic liquor and possession of open containers of alcoholic liquor in parks and on sidewalks, streets and public rights of way prohibited.

- (a) Except as provided in Subparagraphs (i), (ii) and (iii), no person may consume, carry, possess or have any alcoholic liquor in a park or on a public street, sidewalk or other public right of way except in the unopened original container and with the seal, if any, unbroken.
 - (i) The provisions of this Section shall not apply where a person who has or is consuming, carrying or possessing the alcoholic liquor is attending an event for which a temporary liquor license as provided in Section 3-25(e) of this Code has been issued by the Village.
 - (ii) The provisions of this Section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus other than a bus used for school purposes when the chartered bus is being used for purposes for which chartered buses are ordinarily used, or on a motor home or mini motor home as defined in Section 1-145.01 of the Illinois Vehicle Code (625 ILCS 5/1-145-01). However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey

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this Section. For the purposes of this Section, a limousine is a motor vehicle of the first division as defined in the Illinois Vehicle Code with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to Section 6-104 of the Illinois Vehicle Code (625 ILCS 5/6-104)

- (iii) The provisions of this Section shall not apply where a person who has or is consuming, carrying or possessing the alcoholic liquor is attending an event in a Village park for which the Village has issued a permit that allows alcoholic liquor to be distributed and consumed in connection with the event. When a permit has been issued for an event in any Village Park, the pouring of alcohol shall cease at 10:00 p.m. on Friday and Saturday and 9:00 p.m. Sunday through Thursday. (Ord. No. 2010-23, Sec. 1, 6-17-10; Ord. No. 11-17, Sec. 1, 6-16-11)

- (b) Any person violating the provisions of this Section shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars nor more than five hundred (\$500.00) dollars for each offense. (Ord. 2003-37, Sec. 1, 7-17-03)

Sec. 3-9. Dispensing, possession and consumption of alcoholic liquor on premises of restaurant prohibited, unless Class AAA license issued.

It shall be unlawful for any person to dispense, consume, or possess any alcoholic beverage in a restaurant as defined in Section 3-1 of this Code, which was not sold on the premises of the restaurant unless the restaurant has been issued a Class "AAA" License as provided in Section 3-25 of this Code. (Ord. 2006-44, Sec. 1, 10-19-06)

Secs. 3-10-3-17. Reserved.

ARTICLE II. RETAIL LICENSES *

Sec. 3-18. Required; sales in violation of term of license.

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license. (Ord. of 3-23-70, Sec. 13.102)

Sec. 3-19. Application; contents.

Applications for licenses required by this article shall be made to the Village President of the Board of

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Cross reference - Licenses generally, 12-1 et seq.

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Trustees in writing, signed by the applicant, if an individual, by all the partners, if a partnership, or by a duly authorized officer thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

- (a) The name, age and residence address of the applicant, if an individual or in the case of a partnership, of each person entitled to share in the profits thereof and, in the case of a corporation for profit or a club, the date and state of incorporation, the object for which organized, the names and addresses of the officers and directors and if a majority in interest of the stock of such corporation is owned by one (1) person or his nominees, the name and address of such person.
- (b) The name, age and residence address of the manager or agent, if any, by whom such business will be conducted.
- (c) The citizenship of each person mentioned in subparagraph (a) of this section, his place of birth and if a naturalized citizen, the time and place of his naturalization.
- (d) The character of business then conducted by the applicant and his partners, if any, and also the length of time that said applicant or his partners, if any, has been in business of that character.
- (e) The location and description of the premises or place of business which is to be operated under such license and that the licensee owns said premises or has a lease thereon for the full terms for which the license is requested.
- (f) A statement whether the applicant, his partners, if any, corporation or club has made application for a similar license on premises other than described in said application, and the disposition thereof.
- (g) A statement that the applicant and each of his partners, if any, have never been convicted of a felony in the last five (5) years and are not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of this state, or other ordinances of the Village.
- (h) Whether a previous license issued by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.
- (i) 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 Village in the conduct of his business.
- (j) 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.
- (k) In the case of a corporation or club, the name, age and residence address of an agent who may receive notices herein and deal for the club or corporation in connection with said license.

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- (l) In the case of a corporation, a list of each stockholder of more than five (5) percent of the corporation's stock.
- (m) A statement listing each and every occupation, or business with which the applicant has been associated in any capacity for fifteen (15) years prior to the filing of said application.
- (n) Fingerprints, of all the fingers of each hand of the applicant, taken by personnel of the Village.
- (o) A Certificate of Liability Insurance, which shows that the applicant has obtained a General Liability insurance policy with policy limits of not less than one million (\$1,000,000) dollars per each occurrence and aggregate and a Liquor Liability insurance policy, which provides coverage for liability arising under the Illinois Dram Shop Act and has policy limits of not less than one million (\$1,000,000) dollars per occurrence. The insurance certificate shall also show that the Village of Fox River Grove and its employees and officers are named as additional insureds under the General Liability and Liquor Liability insurance policies.
- (p) Such other and future information as the Village President may prescribe, not inconsistent with law. (Ord. of 3-23-70, Sec. 13.103; Ord. No. 75-17, Sec. 1, 8-13-75; Ord. No. 86-02, Sec. 1, 3-19-86, Ord. 08-02, Sec. 1, 2-21-08)

Sec. 3-19.1. Additional training requirements for locations where alcoholic liquor is allowed to be consumed on the premises.

As of May 1, 2011, no liquor license shall be issued or renewed for any establishment where alcoholic liquor is allowed to be consumed on the premises unless the license holder or manager of the establishment provides the Liquor Commissioner with current valid certification that the license holder or manager have successfully completed a Beverage Alcohol Sellers and Servers Education and Training (BASSET) program licensed by the State of Illinois Liquor Control Commission and approved by the Village's Chief of Police. If a manager that holds the BASSET certification for an establishment where alcoholic liquor is allowed to be consumed on the premises changes, the new manager or license holder shall have ninety (90) days after the initial date of their employment to complete their BASSET training and provide the Village's Liquor Commissioner with certification showing successful completion of a BASSET program licensed by the State of Illinois Liquor Control Commission and approved by the Village's Chief of Police. It shall be unlawful for any establishment where alcoholic liquor is allowed to be consumed on the premises to be in violation of this Section. The penalty for a violation of this Section may include a fine and/or the suspension or a revocation of a liquor license. This Section shall not be applicable to Temporary Liquor Licenses. (Ord. No. 11-3, Sec. 1, 1-20-11)

Sec. 3-20. Village President to forward copies of application to Board members.

The Village President shall cause a copy of each application made pursuant to this article to be

forwarded promptly to each Village Trustee. (Ord. of 3-23-70, Sec. 13.103)

Sec. 3-21. Persons not eligible for license.

No license required by this article shall be issued to:

- (a) Reserved.
- (b) A person who is not of good character and reputation in the community in which he resides.
- (c) A person who is not a citizen of the United States.
- (d) A person who has been convicted of a felony under any federal or state law, if the liquor control commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- (e) A person who has been convicted of being the keeper of or is keeping a house of ill-fame.
- (f) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (g) A person who at the time of application for renewal of any license issued under this article would not be eligible for such license under a first application.
- (h) A person whose license issued under this article has been revoked for a cause.
- (i) A partnership, unless each of the members of such partnership shall be qualified to obtain a license.
- (j) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship and residence within the Village.
- (k) A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- (l) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- (m) 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 has forfeited his bond to appear in court to

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answer charges for any such violation.

- (n) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- (o) Any law enforcing public official, the President of the Village Board of Trustees, any member of a Village Board of Trustees, or member of a county Board. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- (p) Any person, association or corporation not eligible for a state retail liquor dealer's 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 prescribed by any of subsections (a) (3) through (a) (10) of 720 ILCS 5/28-1 or subsections (a) (3) through (a) (10) of section 13-17 of this Code, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions. (Ord. No. 97-27, Sec. 4, 8-21-97)
- (s) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- (t) A partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
- (u) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty (20) percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.
- (v) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period. (Ord. of 3-23-70, Sec. 13.104; Ord. of 5-20-72, Sec. 1; Ord. No. 86-02, Sec. 2, 3-19-86)

Sec. 3-22. Location restrictions.

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such a purpose prior to March 23, 1970. No license for the sale at retail of any alcoholic liquor on premises within one hundred (100) feet of any church where such church has been

established within such one hundred (100) feet since the issuance of the original lease shall be renewed. No person shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred (100) feet of any undertaking establishment or mortuary. (Ord. of 3-23-70, Sec. 13.114)

Sec. 3-23. License not to be issued to establishments dealing primarily with minors.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age. (Ord. of 3-23-70, Sec. 13.123)

Sec. 3-24. Inspections and examinations of applicants and licensees

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 proofs for his information in the performance of his duties and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute (Ord. of 3-23-70, Sec. 13.125)

State law reference--For similar provisions, see 235 ILCS 5/4-5

Sec. 3-25. Classification of licenses; scope; fees.

Every person engaged in the retail sale of alcoholic liquor in the Village shall pay a license fee. If a new license is applied for, fees shall be pro rata. Such fees for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the total annual fee for each full calendar month which passes, before such application is made, after the month of May. Licenses shall be divided into the following classes and the fees shall be as follows:

- (a) *Class "A" licenses* shall authorize the retail sale of alcoholic liquor on the premises designated therein for consumption on such premises only. The annual fee for such license shall be two thousand dollars (\$2,000).
- (b) *Class "AA" license.* Each holder of a Class "A" license may apply, in addition to the Class "A" license, for a Class "AA" license. The holder of a Class "AA" license shall be subject to all regulations relating to holders of Class "A" license, but a holder of Class "AA" license may also sell packaged alcoholic liquors for consumption off the premises where sold, provided that, all alcoholic liquors are dispensed by the licensee or his bartender. The annual fee for such license shall be one hundred ninety dollars (\$190) in addition to the annual fee paid for an "A" license.
- (c) *Class "AAA" license.* A holder of a Class "A" license may, if eligible, apply for a Class "AAA" license in addition to the Class "A" license. The holder of a Class "AAA" license shall be subject to all regulations relating to a holder of Class "A" license. A Class "AAA" license

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permits the holder of a Class “A” license who operates a restaurant to allow patrons of the restaurant to bring, possess and consume wine, as defined in Section 1-3.03 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.03), that is brought onto the premises of the restaurant by a patron subject to the conditions set forth below. The annual fee for such license shall be three hundred fifteen dollars (\$315) in addition to the annual fee paid for a Class “A” license. The holder of a Class “AAA” license is subject to the following restrictions:

- (1) To be eligible for a Class “AAA” license, the premises to be licensed must constitute a restaurant as defined in Section 3-1 of this Code where full meals at tables are served on the licensed premises by the licensee, its agents, employee or waitstaff.
 - (2) Consumption of wine brought onto the licensed premises by patrons shall only be permitted if the patrons order and are served a meal by the licensee.
 - (3) Every bottle or other container of wine brought onto the licensed premises by a patron must be opened and poured by the licensee, its agent, employee or waitstaff.
 - (4) It shall be unlawful for the licensee, its agent, employee or waitstaff to permit any patron to leave the licensed premises with an opened bottle or other container of wine. The licensee, its agent, employee or waitstaff shall dispose of any and all wine bottles or other wine containers brought onto the premises by a patron. (Ord. No.06-44, Sec. 2, 10-19-06)
- (d) *Class “B” licenses* shall authorize the retail sale of beer and wine for consumption on the premises only. The holder of a Class “B” license shall be required to derive not less than \$250,000 in gross annual sales from food, beer and wine. The holder of a Class “B” license when submitting the annual license renewal application, shall provide all the Illinois ST-1 forms submitted to the Department of Revenue in the twelve (12) months preceding the renewal application. If the Licensee fails to meet the \$250,000 for any twelve (12) month period, the Liquor Commissioner may revoke that Class “B” license. The annual fee for such license shall be two thousand dollars (\$2,000.00). (Ord. 2017-11, Sec. 1, 4-20-17)
- (e) *Class “C” licenses* shall authorize the retail sale of alcoholic liquor on the premises designated therein, for consumption on the premises only, by a club, as defined in this chapter. The annual fee for such license shall be one hundred dollars (\$100).
- (e) *Class “DD” licenses* shall authorize the sale at retail of alcoholic liquors in packages only, where the primary business is other than the retail sale of alcoholic. No consumption thereof shall be permitted on the premises. The sale of liquor shall be restricted to twelve (12) linear feet of shelf space. The annual fee for such license shall be one thousand three hundred seventy five dollars (\$1,375) (Ord. 13-18, Sec. 2, 9-5-13).
- (f) *Class “D” licenses* shall authorize the sale at retail of alcoholic liquors in packages only, and no consumption thereof shall be permitted on the premises. The annual fee for such license shall be one thousand three hundred seventy-five dollars (\$1,375).

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- (g) *Temporary license.* A temporary license may be issued by the Village President for the retail sale of alcoholic liquor on the premises designated therein for consumption on the premises only to (i) a club, as defined in this chapter, or (ii) a taxing body, (iii) a not-for-profit organization, or (iv) a company or firm which has been retained by one of the aforementioned organizations to cater or provide alcoholic liquor at an event. A temporary license shall not be issued for a period of more than one day. The fee for such license shall be sixty five dollars (\$65) for each day. All applications for a temporary license must be made in writing, and state the type of function and whatever other and further information the Village President may from time to time require. Each such application for a temporary license must show proof of dram shop insurance for the day the license applied for would be in use. (Ord. No. 02-21, Sec. 1, 8-15-02; Ord. No. 14-18, Sec. 1, 8-21-14)
- (h) *Class "F" licenses* shall authorize the sale at retail of wine and beer in packages only on premises where the primary business is other than the retail sale of alcoholic liquor. No consumption of any alcoholic liquor shall be permitted on the premises which have been granted a Class F License. The annual fee for a Class F License shall be one thousand dollars (\$1,000).

Tasting/Sampling: All Village liquor license holders shall be authorized to conduct tastings or samplings in accordance with the sampling provisions in the Illinois Liquor Control Act, 235 ILCS 5/6-31, as amended. This provision shall supersede prohibitions relating to consumption on premises. (Ord. No. 14-18, Sec. 1, 8-21-14)

In addition to the annual fees provided for in this section and in section 3-48, a two hundred dollar (\$200) non-refundable fee, to help defray investigation expenses, shall be paid at the time of application for the first initial license in the Village. Upon the recommendation of the Chief of Police and the approval of the Liquor Control Commission, said requirement of a two hundred dollar (\$200) fee may be waived. (Ord. No. 98-13, Sec. 1, 4-16-98; Ord. No. 01-08, Sec. 1, 3-15-2001; Ord. No. 07-13, Sec. 1, 4-19-07)

State law reference--Classification of state licenses, 235 ILCS 5/5-1

Sec. 3-26. Term of annual licenses.

Each annual license issued pursuant to this article, shall terminate on the last day of April next following the date of issuance (Ord. of 3-23-70, Sec. 13.105)

Sec. 3-27. Limitation on number of licenses.

There shall be in force in the Village no more than ten (10) Class "A" Licenses, two (2) Class "AA" Licenses, zero (0) Class "AAA" License, one (1) Class "B" License, one (1) Class "C" License, two (2) Class "D" Licenses, two (2) Class DD License and one (1) Class "F" Licenses. No license shall be issued in excess of this limitation, except temporary licenses, provided for in Section 3-25(f). (Ord. of 3-23-70, Sec.13.107; Ord. of 7-26-71, Sec.1; Ord. of 5-20-72, Sec.1; Ord. of 5-30-73, Sec.3; Ord. 74-2, Sec.2, 4-10-74; Ord. 75-17, Sec.3, 8-13-75; Ord. 80-34, Sec.1, 11-19-80; Ord. 82-01, Sec.2, 2-17-82; Ord. No. 82-08, Sec.2, 6-16-82;

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Ord. No. 82-09, Sec.11, 6-16-82; Ord. No. 86-04, Sec.1, 5-21-86; Ord. No. 87-10, Sec.2, 6-17-87; Ord. 87-17, Sec. 2, 8-19-87; Ord. No. 90-29, Sec. 1, 10-17-90; Ord. No. 91-24, Sec 2, 7-17-91, Ord. No. 95-15, Sec. 1, 7-20-95, Ord. No. 98-44, Sec. 1, 10-15-98, Ord. No. 99-06, Sec. 1, 3-18-99, Ord. No. 2000-14, Sec. 1, 2-13-2000, Ord. No. 2000-27, Sec. 1, 4-27-2000, Ord. No. 2000-44, Sec. 1, 8-17-2000; Ord. No. 01-21, Sec. 1, 4-19-2001, Ord. No. 01-37, Sec. 1, 7-19-2001; Ord. No. 02-28, Sec. 1, 9-19-02; Ord. No. 05-18, Sec 1, 7-21-05; Ord. 05-27, Sec. 1, 9-15-05; Ord. No. 06-11, Sec. 1, 3-16-06; Ord. No. 06-44, Sec. 3, 10-19-06; Ord. No. 08-22, Sec. 1, 10-16-08, Ord. No. 09-17, Sec. 1, 6-18-09; Ord. No. 11-04, Sec. 1, 2-17-11; Ord. No. 13-11, Sec. 1, 5-16-13; Ord. No. 13-19, Sec. 2, 9-5-13; Ord. No. 14-01, Sec. 1, 1-16-14; Ord. 2014-03, Sec. 1, 4-3-14; Ord. 14-07, Sec. 1, 5-1-14; Ord. 14-10, Sec. 1, 6-5-14; Ord. No. 14-17, Sec. 1, 8-7-14; Ord. 15-03, Sec. 1, 3-5-15; Ord. 16-01, Sec. 1, 2-4-16; Ord. 17-11, Sec. 2, 4-20-17)

State law reference--Authority of Village to limit number of licenses, 235 ILCS 5/4-1

Sec. 3-28. Disposition of fees.

All fees shall be paid to the Village President at the time application for a license required by this article is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board of Trustees. (Ord. of 3-23-70, Sec. 13.108)

Sec. 3-29. Record of licenses required.

The Village President shall keep or cause to be kept a complete record of all such licenses issued by him pursuant to this Article. (Ord. of 3-23-70, Sec. 13.109)

Sec. 3-30. Personal nature of license; transferability.

- (a) A license to sell alcoholic liquor shall be purely a personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked as provided for in this article, 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 of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.
- (b) No license issued pursuant to this article, including a temporary license, shall be transferable by any licensee, including a club, to another person, agent, club, corporation, association or group.

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- (c) If more than five (5) percent of the stock in any corporation to which a license has been issued, or if more than five (5) percent of the beneficial interest in any other entity to which a license has been issued, shall be transferred without the prior written consent of the liquor control commission, such license shall forthwith expire. (Ord. of 3-23-70, Sec. 13.110)

Sec. 3-31. Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the Village President and the approval of the Village Board of Trustees. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state, this Code and other ordinances of the Village. (Ord. of 3-23-70, Sec. 13.112)

Sec. 3-32. Renewal of license; not to be construed as a vested right.

Any person licensed under the provisions of this article 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 is suitable for the purpose. The renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within his jurisdiction. If the supper club applying for a Class "E" license does not qualify each year, said liquor license shall not be issued or be renewed. (Ord. of 3-23-70, Sec. 13.111; Ord. of 5-30-73, Sec. 5)

Sec. 3-33. Application for license renewal; contents.

Each person licensed under this article seeking renewal of his license shall file, at the time of each renewal, a new application on such forms as provided by the Village. (Ord. of 3-23-70, Sec. 13.103; Ord. No. 75-17, Sec. 4, 8-13-75)

Sec. 3-34. Revocation and suspension.

The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for any violation of any ordinance of the Village or for the violation of any state law pertaining to the sale of alcoholic liquor, as provided and in the manner set forth in 235 ILCS 5/7-5. (Ord. of 3-23-70, Sec. 13.127, Ord. No. 97-27, Sec. 5, 8-21-97)

Sec. 3-35. Appeals from orders of the Liquor Control Commissioner.**

- (a) Any appeal taken from any order and/or action of the Liquor Control Commissioner to the State

** State law reference--235 ILCS 5/7-9

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Liquor Control Commission shall be limited to a review by the State Commission of the official record of proceedings of the Liquor Control Commissioner.

- (b) A certified official record of the proceedings shall be filed with the State Liquor Control Commission by the Liquor Control Commissioner within five (5) days after notice of the filing of an appeal, upon the condition that the licensee appealing the order and/or action pays for the cost of the transcript of the official record of proceedings. (Ord. 96-40, Sec. 1, 9-19-96)

Sec. 3-36. Assessment of Hearing Costs.

Whenever, during or after a hearing held by or on behalf of the Local Liquor Control Commissioner a person is found to have violated an ordinance, rule or regulation applicable to the sale or distribution of alcoholic beverages, such person, in addition to any fines, license suspension, license revocation or other sanction that may be imposed by the Local Liquor Control Commissioner, shall also be assessed and required to pay to the Village hearing costs in the amount of three hundred dollars (\$300.00). Any costs assessed pursuant to this section shall be paid to the Village within thirty (30) days after the date on which the costs were assessed, provided further that no person whose license to engage in the retail sale of alcohol liquor has been suspended, shall be allowed to reopen until such time as any costs assessed pursuant to this section have been paid to the Village. (Ord. 97-08, 3-20-97)

Secs. 3-37-3-44. Reserved.

ARTICLE III. OPERATION

Sec. 3-45. Sanitation.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Code regulating the condition of premises used for the storage or sale of food for human consumption. (Ord. of 3-23-70, Sec. 13.117)

Sec. 3-46. Diseased employees.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious or venereal disease and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor. (Ord. of 3-23-70, Sec. 13.118)

Sec. 3-47. Employment of minors.

No person who is under the age of eighteen (18) years shall draw, pour or mix any alcoholic liquor as an employee of any retail licensee. (Ord. of 3-23-70, Sec. 13.118; Ord. No. 74-2, Sec. 3, 4-10-74)

Sec. 3-48. Closing hours.

- (a) Except for the holder of a Class "AAA" license, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of 2:00 a.m. and 6:00 a.m.
- (b) It shall be unlawful for the holder of a Class "AAA" license to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of 4:00 a.m. and 6:00 a.m.
- (c) It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided that in the case of establishments for which a Class "D" or Class "F" license has been issued, and restaurants, clubs, and hotels, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public, customers, guests, or employees during such hours. (Ord. No. 2000-15, Sec. 1, 2-17-2000)
- (d) Upon the payment of an additional fee of one thousand three hundred dollars (\$1,300.00) any licensee may extend the permissible hours for sale at retail of alcoholic liquor from 2:00 a.m. until 4:00 a.m. during the period ending on September 1, 1981, and during the period from September 2, 1981 to November 30, 1981, from 2:00 a.m. until 3:00 a.m. Such additional fee shall be in addition to the fees provided for in section 3-25 of this Code. This paragraph (d) shall expire and be of no further effect from and after November 30, 1981, unless the President and Board of Trustees shall act to extend the provisions of this paragraph beyond said date. All licensees whose operating hours are extended pursuant to this paragraph must comply with the following conditions:
 - (1) The licensee must employ and have on the licensed premises a security guard during the hours from 12:01 a.m. to closing on Monday through Thursday and must employ and have on the licensed premises two (2) security guards during the hours from 12:01 a.m. to closing on Friday through Sunday. The security guards must be either off-duty full-time police officers or in the employ of a detective agency which has been issued a certificate of authority by the Illinois Department of Registration.
 - (2) The licensee must keep the exits and parking lots located on the licensed premises free from obstruction so as to allow emergency vehicles clear and unimpeded access to the licensed premises. (Ord. of 3-23-70, Sec. 13.115; Ord. of 5-30-73, Sec. 4; Ord. No. 74-2, Sec. 4, 4-10-74; Ord. No. 75-7, Sec. 2, 4-16-75; Ord. No. 75-18, Secs. 1, 2, 8-13-76; Ord. No. 79-11, Sec. 2, 4-18-79; Ord. No. 80-05, Sec. 1, 2-20-80; Ord. No. 81 -17, Sec. 1, 6-3-81)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 3-49. Sales on election days and Sundays.

It shall be permissible to sell at retail alcoholic liquor on the day of any national, state, county or municipal election and on Sundays. (Ord. of 3-23-70, Sec. 13.115; Ord. of 10-9-72, Sec. 1., Ord. No. 99-08, Sec. 1, 4-15-99)

Sec. 3-50. Visibility of interior of premises.

No premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel, club or any bowling establishment, shall be permitted to have any screen, blind, curtain, partition, article or thing in the windows or upon the doors of such licensed premises nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior of the licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and the premises must be so located that there shall be a full view of the entire interior of such premises from the street road or sidewalk. 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 are clearly visible. In case the view into any licensed premises required by the foregoing provision, is willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then such license is subject to revocation in the manner provided in this chapter. In order to enforce the provisions of this section, the Village President shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (Ord. of 3-23-70, Sec. 13.119)

Sec. 3-51. Partition required when separate business is conducted on same premises.

Where the holder of a Class "A" or Class "C" liquor license is also engaged in another business, other than a restaurant, such as a department store, grocery or drugstore, within the same building in which alcoholic liquors are sold, all the area in which alcoholic liquors are served, sold, displayed or stored shall be separated from the area in which such other business is conducted. Such separation shall be accomplished by solid partitions at least eight (8) feet high, or to the ceiling if less than eight (8) feet from the floor, in such a manner that traffic within the building between the aforementioned area is physically impossible, except at a single entrance and a single exit, neither to exceed six (6) feet in width and both to be under constant surveillance by the licensee or his adult agent. No other person, other than an employee of the licensee, less than the age of twenty-one (21), shall be permitted in such separated area unless accompanied by his parent or guardian. (Ord. No. 80-03, Sec. 1, 1-16-80, Ord. No. 2000-15, Sec. 2, 2-17-2000)

Sec. 3-52. Sale to intoxicated persons and incompetents.

No licensee under this chapter, nor any officer, associate, member, representative, agent or employee of

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such licensee, shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, or a spendthrift, or to be insane, mentally ill, mentally deficient or in need of mental treatment. (Ord. of 3-23-70, Sec. 13.121)

Sec. 3-53. Gambling on premises.

There shall be no card games or gambling allowed on any premises licensed to sell alcoholic liquor. (Ord. of 3-23-70, Sec. 13.122)

Sec. 3-54. Soliciting for prostitution, the purchase of beverages prohibited in licensed premises; nudity prohibited in licensed premises; and dancing on premises.

- (a) No holder of a liquor license, his agent or employee shall allow, permit or suffer to maintain on the licensed premises any person who engages in an act which constitutes soliciting for a prostitute or soliciting for a juvenile prostitute as defined in 720 ILCS 5/11-15 and 720 ILCS 5/11-15.1. No holder of a liquor license, his agent or employee shall commit any act which constitutes keeping a place of prostitution as set forth in 720 ILCS 5/11-17 on the licensed premises.
- (b) No holder of a liquor license, his agent or employee shall allow, permit or suffer to remain on the licensed premises any person who solicits any customer or patron of the licensed premise to purchase alcoholic or non -alcoholic beverages.
- (c) No holder of a liquor license, his agent or employee shall allow or permit any employee, contractor or other person who performs any live act, demonstration, dance or exhibition on the licensed premise to solicit or accept payment of money or other valuable consideration from any customer or patron of the licensed premises for such performance.
- (d) No holder of a liquor license, his agent or employee shall employ any person or contract with or for any person to engage in any live act, demonstration, or exhibition on the licensed premises where alcoholic beverages are sold, dispensed or delivered unless such act, demonstration, dance or exhibition is performed on a single continuous stage which has an area of not less than one hundred (100) square feet and which if circular has a radius of not less than six (6) feet and which if square or rectangular has a width at its smallest point of not less than ten (10) feet.
- (e) No holder of a liquor license, his agent or employee shall allow, permit or suffer any person to appear on the licensed premise in any room where alcoholic beverages are sold or dispensed, other than a hotel or motel sleeping room or suite, in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals or any simulation thereof, nor shall suffer or permit any female to appear in such areas of the license premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

- (f) The only dancing that shall be permitted on premises for which a liquor license has been issued is dancing by persons who are solely customers and patrons of the licensed premises. There shall be no dancing on licensed premises by any person who is an employee of the holder of a liquor license or by any person who is appearing on the licensed premises, as a result of an agreement made by the holder of a liquor license or an employee or agent of the licensed premises. (94-01, Sec. 1, 1-20-94)

Secs. 3-55--3-63. Reserved.

ARTICLE IV. MINORS *

Sec. 3-64. Definitions.

For purposes of this Article IV, Sections 3-64 through 3-72:

- (a) To be in "control of a premises" or to have a "premises under one's control" means a legal or beneficial ownership, rental, lease or license. Control may also exist where none of the aforesaid legal relationships apply, but where an adult is otherwise clearly in charge of and controlling a particular premises.
- (b) "False identification" means any document used for identification or proof of age that has been altered or defaced or that contains false or misleading information or that contains a name that is not the actual name of the person using it.
- (c) The term "impairment" means any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic beverage. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.
- (d) The "operation of a motor vehicle" means the exercise of any control over the motor vehicle within the Village of Fox River Grove, on any public street or other public property, including, but not limited to, physical control of the motor vehicle. To be in control of the motor vehicle, the person need only be in or around the motor vehicle and need not be actually driving the motor vehicle and the vehicle need not be running. If there is only one person inside of a motor vehicle, that person is presumed to be in control, regardless of the person's location within the vehicle. If there are persons in the motor vehicle, but only one person in the front seat or front passenger area of the motor vehicle, that person shall be presumed to be in control of the motor vehicle. If there are persons in the motor vehicle, but not in the front seat or front passenger area, the owner of the vehicle or the person to whom permission was given to operate the vehicle is

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State law references - Sale to minors, 235 ILCS 5/6-16, purchases by minors and misrepresentation of age, 235 ILCS 5/6-20

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presumed to be in control. If there are persons in the presence of the motor vehicle, but no persons in the vehicle, and the owner of the motor vehicle is present, then the owner is presumed to be in control of the vehicle. If there are persons in the presence of the motor vehicle, but no persons in the motor vehicle, and the owner is not present, then the person to whom permission was given to operate the vehicle is presumed to be in control of the vehicle.

- (e) "Parent" means a natural or adoptive parent or a court designated guardian.
- (f) "Underage person" means any person under twenty-one (21) years of age.
- (g) Alcohol: Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (h) Alcoholic beverage: Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer and which contains one-half (1/2) of one (1%) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (i) Event or gathering: An event or gathering is any group of two (2) or more persons who have assembled or gathered together for a social occasion or other activity.
- (j) Host. To host is to overly aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- (k) Illicit drugs: Illicit drugs means any drug, substance, or compound prohibited by law, as defined in the Illinois Controlled Substance Act, 720 ILCS 570/100 *et seq.*, or the Illinois Cannabis Control Act, 720 ILCS 550/1, *et seq.*, including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.
- (l) Response costs: The costs associated with responses by law enforcement, fire, and other emergency response providers to an event or gathering, including but not limited to:
 - 1) Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with an event or gathering, and the administrative costs attributable to such response(s);
 - 2) The cost of any medical treatment for any law enforcement, code enforcement, fire or other emergency response personnel injured responding to, remaining at, or leaving the scene of an event or gathering; and
 - 3) The cost of repairing any Village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of an event or gathering. (Ord. 95-08, Sec. 1, 4-26-95; Ord. No. 12-39, Sec. 1, 12-20-12)

Sec. 3-65. Purchase, possession, consumption by underage persons prohibited.

It shall be unlawful for any underage person to purchase, possess or consume alcoholic liquor. Any person violating the provisions of this section shall be subject to a fine of up to five hundred dollars (\$500.00) for each offense, with the exception of Section 3-66. (Ord. 98-38, Sec. 1, 8-20-98; Ord. No. 12-39, Sec. 2, 12-20-12)

State law reference--235 ILCS 5/6-20

Sec. 3-66. Prohibited sales, delivery, social hosting.

- (a) Prohibited Sales, Delivery. No person shall sell, offer for sale, deliver or give alcoholic beverages to any underage person. No person after purchasing or otherwise obtaining alcoholic liquor, shall sell, offer for sale, deliver, or give such alcoholic liquor to an underage person.
- (b) Social Hosting. Except as permitted by State law, it shall be unlawful for any person to permit, allow, or host an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control where alcohol, or alcoholic beverages, or illicit drugs are consumed by an underage person at the event or gathering, if such person either knows or reasonably should know that an underage person is consuming any alcohol, or alcoholic beverages, or illicit drugs at the event or gathering.
- (c) Rebuttable presumption of knowledge. It is the duty of any person who permits, allows, or hosts an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, where underage persons will be present, to take all reasonable steps to prevent the consumption of alcohol, alcoholic beverages, or illicit drugs by any underage person at the event or gathering. As such, a rebuttal presumption that person knows or reasonably should know that an underage person is consuming any alcohol, alcoholic beverages, or illicit drugs shall exist when:
 - 1) A person permits, allows, or hosts an event or gathering in which an underage person has consumed alcohol, alcoholic beverages, illicit drugs, whether or not the person permitting, allowing, or hosting is present, if the person has not taken all reasonable steps to prevent the consumption of alcohol, alcoholic beverages, or illicit drugs at the event or gathering by underage persons;
 - 2) A person who permits, allows, or hosts an event or gathering is present at the event or gathering at any time an underage person consumes illicit drugs, alcohol, or an alcoholic beverage.
- (d) Exception A person shall not be in violation of this Section or Section 3-65 if approved by a parent that has direct supervision of the minor in the privacy of a home or if he or she hosts a bona fide performance of a religious service or ceremony or an event or gathering where he

or she seeks assistance from the Police Department or other law enforcement agency to terminate an event or gathering where underage consumption of alcohol, alcoholic beverage, or illicit drugs is occurring, so long as such assistance is sought before any other person makes a complaint about the event or gathering.

- (e) **Penalties.** Any person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined not less than five hundred (\$500) dollars or more than seven hundred fifty (\$750) dollars. Each day on which, or during which, a violation occurs shall constitute a separate offense. In addition, any person found to be in violation of this Section shall be responsible for any and all response costs incurred to investigate the event or gathering. (Ord. of 3-23-70, Sec. 13.120; Ord. of 10-10-73, Sec. 3; Ord. No. 80-03, Sec. 1, 1-16-80; Ord. 95-08, Sec. 1, 4-26-95; Ord. No. 12-39, Sec. 3, 12-20-12)

State law reference - 235 ILCS 5/6-20

Sec. 3-67. False identification not a defense.

It is not a defense to any action brought against any liquor licensee or any other person charged with the sale, offer for sale, or delivery of any alcoholic beverage to an underage person that such a person produced false identification or proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed. (Ord. 95-08, Sec. 1, 4-26-95)

State law reference - 235 ILCS 5/6-20

Sec. 3-68. Use of false identification.

Any underage person found guilty of attempting to obtain an alcoholic beverage by use of false proof of age shall be fined two hundred fifty dollars (\$250.00). (Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-69. Operation of a motor vehicle while in a state of impairment.

It is unlawful for any underage person to ride in or on, other than as a passenger, use, or control in any manner the operation of any motor vehicle on a street or other public property of the Village of Fox River Grove while in a state of impairment due to the consumption of an alcoholic beverage. (Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-70. Operation of a motor vehicle by underage persons with an alcoholic beverage in or on the vehicle; or when the underage person is impaired due to alcohol

The following applies when any underage person is found in the Village of Fox River Grove operating any motor vehicle in which or on which is found any alcoholic beverage of any kind or nature, or when the underage person is in a state of impairment due to the consumption of alcohol:

- (a) The motor vehicle shall be immediately impounded by the Village of Fox River Grove Police

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Department;

- (b) The motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle, unless the underage operator is the owner or lessor of the vehicle, then the vehicle may be released only to a parent or legal guardian of the underage owner;
- (c) If the owner or lessor of the motor vehicle was a passenger in the motor vehicle at the time the alcoholic beverage was found then at least twenty-four (24) hours must pass from the time of the finding before release of the motor vehicle;
- (d) The motor vehicle will not be released until the person seeking the release of the vehicle has paid an administrative fee of two hundred and fifty dollars (\$250.00) to the Village of Fox River Grove Police Department, plus any towing or storage costs;
- (e) The following factors shall not be considerations in determining whether or not to impound the motor vehicle:
 - (1) Whether the alcoholic beverage is in an opened or an unopened container;
 - (2) Whether the operator is the owner of the alcoholic beverage or the vehicle;
 - (3) Whether the operator had knowledge of the existence of the alcoholic beverage within the motor vehicle.
- (f) The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop. (Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-71. Presence of minors on licensed premises prohibited; exception.

It shall be unlawful for any holder of a retail liquor dealer's license, or his agent or employee, to permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located. This section shall not apply to any minor who is accompanied by his parent to any licensed premises which derives its principal business from the sale of service or other commodities than alcoholic liquor. ((Ord. of 3-23-70, Sec. 13.120; Ord. of 10-10-73, Sec. 2; Ord. No. 80-03, Sec. 1,1-16-80; Ord. 95-08, Sec. 1, 4-26-95)

Sec. 3-72. Printed card warning minors to be posted on premises.

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

"Warning to Minors"

You are subject to a fine of up to five hundred dollars (\$500.00) under the ordinances of the Village of Fox River Grove if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

(Ord. 95-08, Sec. 1, 4-26-95)