CHAPTER 111: ALCOHOL REGULATIONS

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GENERAL PROVISIONS

§ 111.001 CONSTRUCTION; PURPOSE.

This chapter shall be liberally construed to the end that the health, safety, and welfare of the people of this county may thereby be protected, and to the end that temperance in the consumption of alcoholic liquors may be encouraged and fostered by judicious and careful regulation and control of the sale and distribution of alcoholic liquors.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.002 WORDS AND PHRASES DEFINED.

(A) All words and phrases used in this chapter, and defined in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq., entitled An Act Relating to Alcoholic Liquors), enacted January 31, 1934 and in effect July 1, 1934, shall have the same meaning herein as they have in that Act.

(B) The words “Lake County” or “county” as used in this chapter shall be taken to mean and include all territory within the geographical limits of this County of Lake, State of Illinois, which is not within the limits of any city, incorporated town, or village.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

LOCAL LIQUOR CONTROL COMMISSIONER AND LOCAL LIQUOR CONTROL COMMISSION

§ 111.015 COMMISSIONER DEFINED.

The Chair of the County Board of this county shall be the Local Liquor Control Commissioner, and shall act as such in and for that area in this county which is not within the limits of any city, incorporated town, or village.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.016 LIQUOR CONTROL COMMISSION.

The Liquor Control Commissioner may appoint a person or persons to serve at the will of the Local Liquor Control Commissioner, and to advise him or her in the exercise of his or her powers and duties as the Commissioner. These persons shall be members of the County Board of this county and shall constitute the Liquor Control Commission of Lake County.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.017 FILING OF APPOINTMENTS.

The Liquor Control Commissioner shall file a written appointment of the members of the Liquor Control Commission of the county in the Office of the Lake County Clerk, within five days after making the appointment of the members of the Liquor Control Commission.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.018 POWERS AND DUTIES OF THE LIQUOR CONTROL COMMISSIONER.

The Liquor Control Commissioner shall have the following powers and duties:

(A) To grant, suspend for not more than 30 days, or to revoke for cause, all local licenses issued to persons, firms, or corporations subject to his or her jurisdiction;

(B) To enter, or to authorize any inspector, law enforcement officer, or peace officer to enter, at any time upon any premises licensed hereunder for the purpose of determining whether any of the provisions of this chapter have been or are being violated, and to inspect or examine the premises at the time of entry thereon;

(C) To require that all licensed premises be maintained and operated in a sanitary condition, in compliance with all applicable rules and regulations of the Lake County Health Department, in compliance with all zoning regulations of this county, and require any additional security or enforcement to assure compliance with all applicable rules, regulations, and ordinances of the county and the state; to assure the public safety, welfare, and best interests of people of the county; to determine the environmental and economic impact of the area surrounding the licensed premises; and to enforce the ordinances against any public nuisance;

(D) To require that any licensee secure and file with his or her office a certificate of approval showing compliance with all applicable rules or regulations of the Lake County Health Department, and a certificate of approval from the Planning, Building and Development Department, showing compliance with all applicable rules and regulations of the Lake County Department of Planning, Building and Development;

(E) To require each licensee dispensing draught beer to have coils and other equipment used in drawing draught beer cleaned at least once each week by either chemical or mechanical means approved by the Lake County Health Department, and to prohibit the use of cleaning by steam, or hot water alone;

(F) To require each licensee to be responsible for the person or persons cleaning coils and that the person or persons maintain a written record of the dates on which the coils were cleaned;

(G) To receive complaints from any citizen regarding violations of any of the provisions of this chapter or of the Illinois Liquor Control Act, or complaints regarding any other applicable laws, ordinances, rules, or regulations concerning violations thereof, and to act upon the complaints as herein provided;

(H) To receive all local license fees and to pay the same forthwith to the Lake County Treasurer;

(I) To serve notice of hearing upon any licensee to consider suspension or revocation of a license under circumstances which involve repeated reports of law enforcement officers or violations of the law upon the premises (real estate) adjacent to, and surrounding the structure in which alcoholic liquors are served pursuant to a license issued in compliance with this chapter and which violations consist of offensive language, or loud music, affrays, assaults, and other breaches of the peace amounting to a nuisance; and

(J) The Liquor Control Commissioner shall have the right hereunder to examine, or cause to be examined, under oath, any applicant for a license, or for a renewal thereof, or any licensee upon whom a notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any applicant or licensee. The Commissioner, in conducting the examination, may hear testimony and receive proof for his or her information in the performance of his or her duties, and in connection with the examination may issue subpoenas which shall be effective in any part of this state. In conducting the examinations, the Liquor Control Commissioner may authorize his or her agent to act on his or her behalf.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.019 TRANSFER TO DIFFERENT PREMISES.

(A) For purposes of this chapter, the movement of a business from one location to a second location shall constitute a “transfer”. The sale or disposition of a business by the licensee to a person who will continue the business on the same location shall constitute a “waiver”.

(B) After a license has been granted for a particular premises, the Commissioner, upon proper showing, may permit the licensee to abandon the premises therein described and to move his or her place of business to other premises approved by the Commissioner. However, in order to obtain a hearing on the matter, the licensee shall make written application to the Commissioner and pay a hearing fee of $200. The application shall contain proof that notice of application was served upon the owner of the original premises. The applicant has the burden of showing that the premises to which removal is to be made complies in all respects with the provisions of all applicable ordinances of the county pertaining to zoning, health, and safety. Upon receipt of this request, the Commissioner will conduct a hearing to inquire into, and receive evidence bearing upon the question of removal to other premises. No person may transfer a license to a new location unless he or she has operated the current licenses premises for a reasonable period of time.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.020 COMMISSION'S DUTIES.

The Liquor Control Commission shall have the following duties:

(A) To recommend to the County Board of this county any further regulations and restrictions regarding the issuance of, and operations under local licenses, not inconsistent with law, as the public good and convenience may require; and

(B) To conduct hearings upon all matters referred to it by the Liquor Control Commissioner and to make recommendations thereon to the Liquor Control Commissioner.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

LICENSES

§ 111.035 LICENSE REQUIRED; REGULATIONS.

(A) No person shall sell or permit the sale, use or consumption of any alcoholic liquors in the county in that territory subject to the control of the Liquor Commissioner without first having obtained a license to sell such liquors in each location, place, or premises wherein it is proposed by a prospective licensee to sell such liquors.

(B) Restaurants, dining rooms, cabarets, night clubs, dance halls, and places in which entertainment is provided or food served and which are not part of a premises licensed hereunder, are prohibited from allowing patrons to bring upon the premises alcoholic beverages to be there served or consumed by said patrons.

(C) When two or more locations, places, or premises are under the same roof, or, are located at one street address, a separate license shall be obtained for each such location, place, or premises, unless all rooms in which it is intended to serve alcoholic liquors are directly connected or are adjacent to, and accessible to each other without leaving the building. Each licensee shall define with certainty the room or rooms in which liquor is to be sold.

(D) No person licensed to sell liquor under any license issued by the Liquor Commissioner shall be permitted to sell, give away, or otherwise dispose of alcoholic liquor at any place other than the place specifically described in his license whether such place be in the same building or not provided, that nothing herein contained shall be so construed as to prevent any hotel operator, or motel operator licensed under this chapter from serving alcoholic liquor to registered guests of the hotel, or motel in any room or part of the hotel or motel. However, such liquor so served shall be kept in and served from a licensed location, place or room in said hotel or motel. The foregoing provisions shall apply only to hotels and motels conducted and maintained as such.

(Ord. passed 6-14-2005; Ord. 14-1198, passed 8-13-2013) Penalty, see § 111.999

§ 111.036 PROHIBITED TRANSACTIONS.

No person shall sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes, except as specifically provided in 235 ILCS 5/1-1 et seq. (Liquor Control Act of January 31, 1934) and, the provisions of this chapter.

(A) No licensee under this chapter, nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or, to any intoxicated person, or to any person known by him to be an habitual drunkard, or an insane, mentally ill, or mentally deficient person.

(B) 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, nor shall such person have alcoholic liquor in his possession.

(C) If a licensee or his agents or employees believe, or have reason to believe, that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he or such agents or employees shall, before making such sale or delivery, demand presentation of some form of positive identification, showing proof of age, which identification has been issued by a public officer in the performance of his official duties.

(D) Any person under the age of 21 years who misrepresents his or her age for the purpose of purchasing or obtaining any alcoholic beverage in any place where such a beverage is sold, shall, upon conviction thereof, be subject to a fine of not less than $25 nor more than $500. No person shall transfer, alter, or deface 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. Any person found guilty of any of the foregoing acts shall upon conviction thereof be fined not less than $25 nor more than $500.

(E) Prohibitions regarding minors, subject to the exceptions set forth below:

(1) It shall be unlawful for any person under the age of 21 years to purchase, obtain, receive, accept, have in his or her possession or control, sell, give, deliver, mix, dispense, serve, furnish or consume alcoholic liquor.

(2) Exceptions.

(a) The possession, mixing, dispensing and serving, or consumption of alcoholic liquor by a minor in the performance of a bona fide religious service or ceremony is not prohibited by this chapter.

(b) The possession, mixing, dispensing and serving, or consumption, of alcoholic liquor by a minor under the direct supervision and approval of a parent or legal guardian in the privacy of such parent's or legal guardian's residence is not prohibited by this chapter; provided, however, that this exception shall not extend to any other occupant, invitee, visitor or guest that is a minor.

(c) The possession and serving of alcoholic liquor by a minor as an employee of any licensee under this section in such licensee's licensed premises is not prohibited by this chapter; provided, however, that this exception shall not extend to those persons under the age of 18 years

nor shall this exception extend to the mixing or dispensing of alcoholic liquor, or to bartending, by any minor.

(d) The possession and delivery of any alcoholic liquor in its original package and not for consumption on the premises where sold by a minor as an employee of any licensee under this section or pursuant to the order of his or her parent or legal guardian is not prohibited by this chapter.

(e) Any person found guilty of any of the foregoing acts shall upon conviction thereof be fined not less than $25 nor more than $500.

(F) No person shall operate, or attempt to operate any premises for the sale of alcoholic beverages for which the license has been revoked, for any cause, for the period of one year after such revocation.

(G) Nothing in this chapter shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor provided that such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale of alcoholic liquors.

(H) No licensee, nor any officer, associate, member representative, agent, or employee of such licensee shall permit anyone to carry, possess, or discharge any firearm, stun gun, laser, or other deadly weapon on or about said licensed premises or grounds thereon, except that the owner or licensed manager, with a valid firearm permit, may keep such firearm on said premises.
(Ord. passed 6-14-2005; Ord. 14-1198, passed 8-13-2013; Ord. 17-1380, passed 1-16-2018) Penalty, see § 111.999

§ 111.037 APPLICATION FOR LICENSE.

Application for a license hereunder shall be made to the Liquor Control Commissioner in writing, under oath, signed by the applicant, if an individual, or, by the duly authorized agent thereof, if a club or corporation, and, shall include a $250 application fee (to be applied to the license fee if applicant is approved), and the following information and statements:

(A) The name, age, last three residences and Social Security number of the applicant. In the case of a partnership, the application must contain the names, ages, and last three residence addresses and Social Security number of each partner. If a corporate license is sought, the application must contain the name of the corporation, the date of incorporation, the articles of incorporation, the names and addresses and Social Security numbers of all officers and directors. If a majority of the stock of such corporation is owned by one person, or his nominee, the name, address and Social Security number of each such person shall be set forth in the application.

(B) In the case of an individual, the application must contain his place of birth, and if the applicant is a naturalized citizen, then the date and place of naturalization must be shown.

(C) The capital investment which the applicant intends to make in the business of selling liquor at retail upon receipt of a license.

(D) The location, address and legal description of the premises to be licensed. If the premises are leased, the applicant shall attach a copy of the lease to the license application.

(E) A statement whether applicant has made any other application in Illinois for a liquor license and what disposition, if any, was made of such application and a statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, and, that the applicant will not violate any of the ordinances of Lake County.

(F) A statement whether or not applicant was ever convicted of a felony or misdemeanor.

(G) The applicant, and in the case of a corporation, all officers and persons owning in the aggregate more than 5% of the stock of the corporate applicant shall be fingerprinted by the Lake County Sheriff, and the applicant shall pay all appropriate fees for said fingerprinting to the Sheriff, and such applicants shall obtain a signed affidavit from said Sheriff, clearing the applicants, which clearance shall be filed by the applicants in the office of the Liquor Control Commissioner.

(H) The applicant, or applicants, shall obtain a certificate of approval from the Health Department and the Planning, Building and Development Department, and, shall file such approval in the office of the Liquor Commissioner with any application for a license.

(I) A statement whether the applicant intends to obtain a state video gaming license and, if so, provide documentation to support that either at least 60% of the establishment's annual gross revenue shall be from food and beverage sales or that no more than 10% of its space will be dedicated to video gaming.

(Ord. passed 6-14-2005; Ord. 14-1198, passed 8-13-2013)

§ 111.038 INELIGIBLE APPLICANTS.

No license shall be issued to:

(A) Any person who is not of good character and reputation in the community in which he or she resides or does business;

(B) Any applicant who is not a resident of the county, must have a manager on premises for at least 40 hours a week, that is a resident of the county. ~~Any applicant who is not a resident of the county, except that in cases of a corporate non- resident licensee, the premises must be managed by a resident of the county. The manager must be present on the premises at least 40 hours per week;~~

(C) A person who has been convicted of a felony under any federal or state law, if the Commissioner determines, after an investigation, that the person has not been sufficiently rehabilitated to warrant public trust;

(D) An applicant who has been convicted of being the keeper of, or who is keeping a house of ill fame;

(E) An applicant who has been convicted of pandering or other crimes or misdemeanors opposed to decency and morality;

(F) An applicant whose license issued under the Illinois Liquor Control Act has been revoked for cause;

(G) An applicant who, at the time of the application for renewal of any license issued or revoked, would not be eligible for license upon first application;

(H) A partnership, unless all of the members of the partnership shall be qualified for a license;

(I) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate of more than 5% of the stock of the corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the county;

(J) A corporation, unless it is incorporated in this state, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in this state;

(K) A person whose place of business is conducted by a manager or agent, unless the manager or agent possess the same qualifications required of the licensee, and the manager shall reside within this county;

(L) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who has forfeited his or her bond to appear in court to answer charges for the violation;

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

(N) Any law enforcing public official, including members of the local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to the official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of the license is approved by the State Liquor Control Commission;

(O) A person who is not a beneficial owner of the business to be operated by the licensee;

(P) A person who has been convicted of a gambling offense as prescribed by any of the subsections (a)(3) through (a)(10) of § 28-1, or as proscribed by § 28-3, of the Criminal Code of

1961, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(Q) 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;

(R) 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;

(S) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of the corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;

(T) 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;

(U) Any person, firm, association, or corporation not eligible for a state retail liquor license;

(V) Any person who owns or is an employee of a manufacturer or distributor of alcoholic liquors;

(W) Any person, where the premises for which the license is sought has had a liquor license revoked within the one year of the date of application;

(X) Any person who has not paid the appropriate fees required by this chapter on the dates specified, or for failure to pay for a county annual amusement license fee for amusement devices located on the establishment; or

(Y) A person who is legally indebted to the state or county for payment of other fees, charges, bills, or taxes which have remained unpaid for more than 60 days.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.039 TERMINATION DATE.

Every Class A, B, C, E, and G license shall terminate on June 30 following its issuance.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.040 REGULATIONS APPLICABLE TO ALL LICENSEES.

All licenses shall be granted subject to the following regulations, and, by the act of acceptance of a license to sell alcoholic liquors at retail, all licensees agree:

(A) To operate the licensed premises in compliance with all applicable statutes and ordinances and all applicable zoning, building, fire, health, and other regulations of the county.

(B) To see that the premises are at all times kept free of all persons under 21 years of age who are not escorted by a parent or legal guardian. However, this restriction does not prohibit the serving of food to persons under 21 years of age in a dining room on the premises separated from any bar for the serving of alcoholic liquors.

(C) That any false or untrue statements contained in the application for license or at license hearing or, any violations of the terms and conditions of the application, or, of any of the statutes, ordinances, rules, and regulations hereof, shall be cause for revocation or suspension of the license by the Liquor Control Commissioner as is provided in the Liquor Control Act (235 ILCS 5/1-1 et seq.).

(D) Not to employ any persons under 16 years of age, nor, to employ any persons under the age of 21 years for the purpose of drawing, pouring, or mixing any alcoholic liquor. The term "employee" shall mean any person hired to work at the premises and listed on the establishment's payroll.

(E) However, a person less than 21 years of age, but, at least 18 years of age, may serve or deliver alcoholic liquor when in the presence of and under the direct supervision and control of an employee 21 years of age or older. A Class C license holder must employ a person 21 years of age for the purpose of selling package liquor.

(F) Not to employ any waitress under 18 years of age.

(G) Not to permit the following conduct on licensed premises:

(1) Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual act.

(2) The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.

(3) The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.

(4) Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva, or anus.

(5) The display of films or photographs, including slides, depicting a live performance of anything prohibited in divisions (G)(1), (G)(2), (G)(3), or (G)(4), above.

(H) To operate licensed premises so that assaults, fights and disorderly conduct do not occur on or about the licenses premises.

(I) Persons holding Class A, B, D, or E licenses may not sell, permit to be sold, give away or allow to be consumed, any alcoholic beverages between the hours of 1:00 a.m. and 5:00 a.m. on weekdays, and between 2:00 a.m. and 5:00 a.m. on Saturdays and Sundays, and New Year’s Day, Memorial Day, Independence Day, and Labor Day, effective July 1, 1999. It is unlawful to

have licensed premises open for business or to admit the public to such premises during restricted hours.

(1) Persons holding Class C licenses shall not sell, permit to be sold, or give away any alcoholic beverages between the hours of 12:00 midnight and 6:00 a.m. on any day and must illuminate the licensed premises by means of an electric light of at least 25 watts power located at the rear of the premises and visible from the street.

(2) Persons holding Class G licenses shall not sell, permit to be sold, or give away any alcoholic beverages between the hours of 10:00 p.m. and 6:00 a.m. on any day and must illuminate the licensed premises in such a manner to allow the front, rear and sides of the business to provide adequate visibility.

(J) To show evidence, satisfactory to the Commission, of the issuance of a policy of liquor liability insurance (dram shop) and insuring against liability for any injury or death on account of acts of negligence, omission, or violating the Liquor Control Act. Said policy shall carry a minimum of $50,000 per person and $100,000 per occurrence for injury or death; and $50,000 for loss of means of support. Each licensee shall furnish the Commission a certificate of such insurance and, in the event of cancellation, notify the Commission immediately of such cancellation.

(K) BASSET Training Program:

(1) For licenses effective on or after July 1, 1995, for liquor licenses originally issued thereafter, all liquor licenses except Class D licenses shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Educational Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on the premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, pursuant to that license.

(2) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Department of Alcoholism and Substance Abuse (DASA) as required by 235 ILCS 5/6-27 and regulated under Title 77 of the Illinois Administrative Code, Chapter X, Section 2056 Subpart F. Providers of BASSET training shall be required to have on file with the Liquor Commission all licenses and certificates to prove current qualifications.

(3) After the effective date of passage, any new employee, manager, or agent of any liquor establishment so designated by the Liquor Control Commission Chairman may be required to attend BASSET training shall be maintained by the establishment in a manner that will allow inspection upon demand by any designee of the Liquor Control Commission.

(L) To operate the licensed premises in compliance with all applicable statutes and ordinances relating to Smoke Free Illinois Act, the Lake County Smoke Free Ordinance and the Sale of Tobacco to Minors Act.

(M) Establishments with a state video gaming license must either generate at least 60% of gross annual income from food and beverage sales or have no more than 10% of its space dedicated to video gaming.

(Ord. passed 6-14-2005; Ord. 14-1198, passed 8-13-2013)

§ 111.041 REGULATIONS APPLICABLE TO LICENSEES WITH STATE VIDEO GAMING LICENSES.

Video gaming shall be a secondary use of any establishment obtaining a license under this chapter. All licensees with a state video gaming license shall be subject to the following regulations, and, by the act of acceptance of a license to sell alcoholic liquors at retail under this chapter, agree:

(A) To comply with all provisions of this chapter;

(B) To obtain, and maintain, a valid video gaming terminal permit sticker for each video gaming terminal at the establishment;

(C) To post, except for establishments which are strictly limited to access by persons 21 years or older, a sign immediately outside the doorway or portal to the designated gaming area which sign shall be as follows:

(1) The sign shall be constructed of sturdy material not less than 12 inches by 16 inches;

(2) The sign shall be conspicuous and legible at a distance of not less than 20 feet, and shall be in a well lit location;

(3) The licensee shall be responsible to maintain the sign and keep it in good repair, continuously legible;

(4) The sign shall contain the following words and symbols:

NO PERSONS UNDER 21 ALLOWED

(D) To post a sign in a conspicuous location within the designated gaming area, which sign shall be as follows:

(1) The sign shall be constructed of sturdy material not less than 8½ inches by 11 inches;

(2) The sign shall be conspicuous and legible at a distance of not less than five feet and shall be well lit;

(3) All print on the sign shall be not less than 14-point font;

(4) The licensee shall be responsible to maintain the sign and keep it in good repair, continuously legible;

(5) The sign shall contain the following words and symbols:

How do you know if you have a gambling problem?
Review the following questions:
• You have often gambled longer than you had planned.
• You have often gambled until your last dollar was gone.
• Thoughts of gambling have caused you to lose sleep.
• You have used your income or savings to gamble while letting bills go unpaid.
• You have made repeated, unsuccessful attempts to stop gambling.

• You have broken the law or considered breaking the law to finance your gambling.
• You have borrowed money to finance your gambling.
• You have felt depressed or suicidal because of your gambling losses.
• You have been remorseful after gambling.
• You have gambled to get money to meet your financial obligations.
If you or someone you know answers yes to any of these questions, consider seeking professional help or advice by calling the National Problem Gambling Helpline at 1-800-522-4700 or the State of Illinois Hotline: 1-800-426-2537.

(Ord. 14-1198, passed 8-13-2013)

§ 111.042 CLASSIFICATION OF FEES AND NUMBER OF LICENSES.

The classes of licenses and schedule of fees are established pursuant to subsections (A) through (H). In the event that any new applicant is issued, a license which terminates and expires less than 12 months before June 30, the applicant shall pay the initial application fee plus the renewal fee for any classification. For new applicants, the renewal fee shall be prorated according to the number of months remaining in the license year, including the month during which the application is approved.

(A) *Class A licenses*. A Class A license shall permit the holder to sell, deal, or traffic in intoxicating liquors to be consumed only on the premises so licensed, and in the original package for consumption off the premises. Any display area of alcoholic liquor for retail sale in the original package shall not exceed 18 square feet in the premises so licensed, 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. The renewal fee for the license shall be $1,500 annually. The initial application fee for a Class A license shall be $1,000.

(B) *Class B licenses*. Holders of Class A licenses may apply for a Class B license to operate, outside of the structure designated for the sale, upon those premises a beer garden or area for use of umbrella- or cabana-type structures for serving alcoholic liquors at retail. The license may be issued pursuant to written application, after hearing before the Liquor Control Commission, and payment of an additional fee of $500 annually.

(C) *Class C licenses*. A Class C license shall permit the holder to sell at retail, but not for consumption on the premises where sold, alcoholic liquor in the original package, and without any limitation of inside display area or advertising by a person so engaged in the retail sale of alcoholic liquor. The renewal fee for this license shall be $1,750 annually. The initial application fee for a Class C license shall be $750.

(D) *Class D licenses*. A Class D license shall permit the holder to sell, deal, and traffic in intoxicating liquor only on the premises so licensed for a 24-hour period. A fee will be charged by the Planning, Building and Development Department for a temporary use permit. In addition, the fee for the Class D permit shall be $75 for a period of 24 hours, provided that the permit may be extended to 96 hours, consecutively, at a fee of $25 for each additional 24- hour period or

fraction thereof. Class D permits shall be available only to not-for-profit organizations registered with this state, political organizations, or for any other group or organization that for good cause shown to the Liquor Control Commissioner would qualify. An unlimited number of Class D permits may be issued, but no organization shall be granted more than three permits during the calendar year without permission from the Liquor Control Commissioner. Each Class D applicant shall furnish evidence, satisfactory to the Commission, of the issuance of a policy of liquor liability insurance (Dram Shop) and insuring 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 $50,000 per person and $100,000 per occurrence for injury or death; and $50,000 for loss of means of support.

(E) *Class E licenses*. A Class E license shall permit the holder to sell, deal, or traffic in beer and wine to be consumed only on the premises so licensed.

(1) To qualify for this license, a business must have a service bar serviced by at least one waiter or waitress. The licensed premises must have a kitchen and serve food to be eaten on the premises and the premises must have minimum seating at tables for 80 patrons.

(2) The renewal fee for this license shall be $850 annually. The initial application fee for a Class E license shall be $1,150.

(F) *Class G licenses*. A Class G license shall permit the holder to sell at retail, but not for consumption on the premises where sold, alcoholic liquor in the original package, and without any limitation of inside display area or advertising by a person so engaged in the retail sale of alcoholic liquor. The Class G licenses shall be available only to businesses in which greater than 50% of gross sales of the business are derived from the sale of petroleum products. The total number of Class G licenses available for the above businesses shall be 13, and as the businesses are closed, no further Class G licenses shall be issued, and the total number of Class G licenses shall be reduced accordingly. The renewal fee for the license shall be $1,750 annually. The initial application fee for a Class G license shall be $750.

(G) *Class H licenses*. A Class H license shall permit a caterer to serve alcoholic liquor as an incidental part of a food service that prepares meals, but excludes the serving of snacks as a primary meal, at private or public facilities in unincorporated areas of the county. All applicants for a Class H license must meet all other requirements of this chapter, and the applicant must prove it is operating a bona fide catering business. The renewal fee for the license shall be $500 annually.

(H) *Class I licenses*. A Class I license shall permit the retail sale and sale for resale of wine, for consumption both on and off the premises specified. All applicants for a Class I license must meet all other requirements of this chapter. The renewal fee for the license shall be $850 annually. The initial application fee for such license shall be $1,150.

(Ord. passed 6-14-2005; Ord. passed 8-12-2008; Ord. passed 8-13-2013; Ord. 14-0261, passed 4-8-2014)

§ 111.043 NUMBER OF LICENSES.

The following shall be the number of licenses to be issued.

(A) There shall be issued no more than 118 Class A, C, E, G, H and I licenses, in the aggregate of which four shall be available for fraternal and service organizations, and four licenses shall be available for the Illinois Department of Natural Resources and the Lake County Forest Preserve District.

(B) Be it understood that the designated number of licenses for fraternal and service organizations, Illinois Department of Conservation, and the Lake County Forest Preserve District shall be allotted from the next available license on the waiting list by the Liquor Control Commissioner.

(C) The County Board reserves the right to increase the number of licenses when it determines that the additional licenses and issuance thereof will promote new economic development in the county.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013; Ord. 15-0730, passed 6-9-2015; Ord. 17-1380, passed 1-16-2018; Ord. 19-0279, passed 2-12-2019; Ord. 19-0936, passed 6-11-2019; Ord. 19-1173, passed 7-9-2019)

§ 111.044 LIST OF LICENSES.

(A) The Liquor Control Commissioner shall keep, or cause to be kept, a complete record of all licenses issued by him or her under this chapter, and shall furnish the Lake County Clerk and Lake County Treasurer each with copies thereof. Upon the issuance of any new license, or the revocation of any old license, the Commissioner shall give written notice of that action to these officers within 48 hours.

(B) The Liquor Control Commissioner shall report to the County Board all of his or her acts in the enforcement of this chapter, and in regard to the collection of liquor license fees, the date collected, and the date the fees were turned over to the Lake County Treasurer, whenever a report is requested by the County Board.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.045 LICENSE IS A PRIVILEGE.

(A) A license issued under this chapter shall be purely a personal privilege, and shall expire on the next June 30 following the issuance thereof 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 be encumbered or hypothecated. The license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided the personal representative of any deceased licensee, when the decedent's estate consists in part of alcoholic liquor, shall apply for a license within 30 days following the

death of the licensee. Under these circumstances, no initial license fee shall be required; however, the applicant shall pay a $250 hearing fee as well as all renewal fees when they become due. A license issued under this provision shall expire upon the closure of the decedent's estate or two years, whichever occurs first.

(B) This section shall not restrict or be construed to restrict the provisions of § 111.049.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.046 RENEWALS.

(A) Any licensee may apply for renewal of his license at the expiration thereof, provided, however, that he is then qualified as for an original application, and, provided that the premises for which such renewal of license is sought are in compliance with all applicable ordinances of the county.

(B) The right to file an application for renewal of a license hereunder shall not be construed to create any vested interest, or right in an applicant. An application for renewal of a license hereunder shall not prevent the Liquor Commissioner from decreasing the number of licenses to be issued within his jurisdiction.

(C) At the time of renewal, any licensee with a state video gaming license must provide documentation to show that either at least 60% of the annual gross revenue is generated from food and beverage sales or that no more than 10% of the space is dedicated to video gaming.

(Ord. passed 6-14-2005; Ord. 14-1198, passed 8-13-2013)

§ 111.047 PAYMENT AND DISPOSITION OF FEES.

(A) All fees for licenses issued under this chapter shall be delivered to the Liquor Control Commissioner on or before July 1 of the year for which the license is to be issued.

(B) For the period of July 2 through July 31, a license may only be renewed by payment of the original fee and a $10 per-day penalty. This penalty shall commence July 2 and accrue until the Liquor Control Commissioner has actual receipt of the fee, including the day of the actual receipt but in no event after July 31.

(C) Where a license application, license fee, and respective penalty are not received on or before July 31, in the discretion of the Liquor Control Commissioner, the application for renewal may be denied.

(D) If the license application is granted, the fee shall be deposited by the Lake County Treasurer in the General Corporate Fund of this county. If the application for license is denied, the fee shall be returned to the applicant.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.048 CHANGE OF PERSONNEL.

All changes in partnerships, officers, directors, or persons holding directly, or beneficially, more than 5% of the stock or ownership interest or, in managers of establishments licensed under this chapter, shall be reported in writing to the Liquor Control Commissioner within ten days of the change. All personnel shall comply with all applicable requirements of this chapter. All these changes in personnel shall be subject to review, or hearing, by the Liquor Control Commissioner in his or her discretion.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.049 TERMINATIONS.

(A) When a license has been issued to a partnership and a change of ownership occurs, resulting in the creation of a partnership interest in a person who is not eligible to receive a liquor license, the license shall thereby be terminated.

(B) When a license has been issued to a corporation and a change takes place as to officers, directors, or of shareholders holding more than 5% of the stock, or in a manager resulting in the holding of office, or if a change takes place in the transfer of shares to one who is not eligible for a license, the license shall thereby terminate.

(C) When a license has been issued to an individual who becomes ineligible to receive a license, the license theretofore issued to the individual shall thereby terminate.

(D) In the case of a license issued to a corporation or partnership, the transfer of more than 30% of the ownership interest of the original stockholders or original members of the partnership to a person with no ownership interest in the corporation or partnership at the time of the transfer, the transfer or transfers, shall constitute the basis for a new license application, and the initial license fee shall then be payable.

(E) Any licensee who ceases to do business for whatever reason, or who closes his or her place of business for whatever reason for a period in excess of 45 days, should notify the Commissioner in writing of the same. The licensee may be required by the Liquor Control Commissioner, after receipt of notice of a hearing, to show cause why the license for the establishment should not be terminated.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.050 ~~WAIVER OF LICENSE.~~RELINQUISHMENT UPON SALE

If a current liquor license holder proposes to sell its business and presents to the Liquor Commission a proposed contract with a non-liquor license holder, the Commissioner may accept the relinquishment of the current license and consider at a hearing the application of the proposed license holder, and in the Commissioner's discretion, tender the seller's current license to the buyer upon completion of the sale. Before receiving this license, the buyer must meet all

requirements of the liquor license process before the relinquishment to the buyer becomes effective. ~~If a licensee shall sell or dispose of his or her business during the period of the license, he or she may waive his or her rights as a licensee in writing to the Liquor Control Commissioner. The person to whom the business is being sold may make application for a new license and deliver to the Liquor Control Commissioner with the application a check in payment of the initial license fee. However, in the case of a sale or disposition of a business by a security agreement, whereby the buyer receives legal title to the premises only after complete performance of the respective sales agreement, and the buyer defaults in performance thereby enabling the secured party to retain legal title to the premises, the secured party can apply for a liquor license for the premises directly from the Commissioner without an intermediate waiver under this section. The foregoing exception shall apply only to a secured party who previously held the license and is eligible for a license under this chapter.~~

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.051 PROHIBITED SALES.

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, or any military reservation or naval station; provided, that this prohibition shall not apply to hotels or motels offering restaurant services, regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if the place of business so exempted shall have been established for those purposes prior to the taking effect of 235 ILCS 5/6-11; and provided that the prohibition shall not apply to renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within the 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.052 DISPLAY OF LICENSE.

All licenses issued under this chapter shall be displayed in plain view in a conspicuous place within the licensed premises.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

PROCEDURE

§ 111.065 TYPE OF NOTICE REQUIRED.

(A) Whenever this chapter required a hearing before the Liquor Control Commission or the Commissioner acts affirmatively concerning a license or licensee, the licensee shall be afforded reasonable notice of the hearing.

(B) The notice shall state:

(1) The time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the ordinances involved; and

(4) A statement informing the licensee of his or her ability to respond by presenting evidence and argument.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.066 HEARINGS.

(A) A hearing required under this chapter shall be held in accordance with the following rules:

(1) A hearing shall be held at a reasonable time, date, and place;

(2) No cause shall be heard earlier than three days after receipt by a licensee of the notice required under this subchapter;

(3) A licensee may present evidence and argument; and

(4) The Commission or Commissioner may limit, but not prohibit, the presentation of evidence and argument.

(B) Where a licensee has received the requisite notice under this subchapter and fails to appear at a hearing, the Commission or Commissioner may act ex parte. The Liquor Control Commissioner may also have informal hearings where the liquor license will not be affirmatively acted on at the hearing.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.067 DECISIONS.

Any decision, order, or determination rendered by the Commission or Commissioner which affects the rights, duties, or privileges of a licensee, shall be in writing and shall notify the licensee personally or by certified mail of the decision.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.068 ENTRY ONTO PREMISES.

Any entry authorized by this chapter onto premises licensed under this chapter shall be accomplished without a breach of the peace.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.069 WAIVER.

Compliance with any or all of the provisions of this subchapter concerning procedure may be waived by written stipulation of all parties.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.070 CONTINUANCES FOR HEARINGS.

(A) A request for a continuance of any hearing in any matter before the Commission will not be allowed by the Commission unless for good and valid reason in writing and unless made at least two days prior to the date set for hearing.

(B) The Commission may, in its discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.071 APPEAL ON THE RECORD.

Any appeal taken from a decision of the Commissioner shall be reviewed on the record taken by and prepared by a certified court reporter or certified shorthand reporter.

(Ord. passed 6-14-2005; Ord. passed 8-13-2013)

§ 111.072 ENFORCEMENT.

Violations of § 111.036 may be enforced by the Lake County Sheriff or his or her designee(s), and, at his or her discretion, may proceed either through a notice to appear before the 19th Judicial Circuit Court or through administrative adjudication pursuant to the Lake County Administrative Adjudication Ordinance (§§ 94.50 - 94.66).

(Ord. passed 4-14-2015)

§ 111.999 PENALTY.

(A) *General.* Any person violating any provision of this chapter shall be fined not more than $1,000 for a first offense within a 12-month period, $1,500 for a second offense within a 12-month period, and $2,500 for a third or subsequent offense within a 12-month period, and every day that the violation is continued shall constitute a separate and distinct offense. In addition thereto, the Liquor Control Commissioner may suspend for not more than 30 days or revoke any license issued by him or her if he or she determines that the licensee has violated any of the provisions of this chapter or any provision of the Illinois Liquor Control Act, and when a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquors in the premises described in the revoked license. In addition, any licensee found guilty of violating any provision of this chapter shall pay all costs of the public hearing incurred by the county in an amount not to

exceed $250. Not more than $15,000 in fines under this section may be imposed against any licensee during the period of his or her license (one year).

(B) Any person who violates or assists in the violation of § 111.036 shall be deemed to have committed an ordinance violation and shall be fined as set forth below (except for violations of § 111.036(D) which are set forth in that section). Each 24-hour period in which, or during which, a violation occurs shall constitute a separate offense.

(1) *Lake County Sheriff's Office Citation filed in Circuit Court.* If the ordinance violation is cited for enforcement before the 19th Judicial Circuit, the fine amount shall be as follows:

(a) The first violation of § 111.036 shall be punishable by a fine of no less than $250.

(b) A second violation of any provision of § 111.036 by the same person, within a 12 month period shall be punishable by a fine of no less than $500.

(c) A third or subsequent violation of any provision of § 111.036 by the same person, within a 12 month period shall be punishable by a fine of no less than $750.

(2) *Lake County Administrative Adjudication Citation of Violation.* If the ordinance violation is cited for enforcement through the Lake County Administrative Adjudication Process, the minimum fine amount shall be $115 for each violation.
(Ord. passed 6-14-2005; Ord. passed 8-13-2013; Ord. 15-0373, passed 4-14-2015)