

ORDINANCE NUMBER 2021- 02

AN ORDINANCE AMENDING THE LIQUOR CODE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ROSEVILLE, ILLINOIS:

Section One. Section 3-4-6 (A) of the Roseville Municipal Code is hereby amended as follows:

A. 2. Fee: The annual fee for a Class A license to sell general alcoholic liquor including but not limited to light wines and beer and whiskeys shall be one thousand two hundred forty dollars (\$1,240.00), payable either one-fourth (1/4) of said amount every three (3) months, or in full upon application or renewal.

Section Two. Section 3-4-6 (E) of the Roseville Municipal Code is hereby amended as follows:

E. 3. Fee: The annual fee for a Class E license shall be One Thousand One Hundred dollars (\$1,100.00), payable either one-fourth (1/4) of said amount every three (3) months, or in full upon application or renewal.

Section Three. This ordinance shall be in full force and effect ten (10) days from and after its passage and approval.

ADOPTED: July 12, 2021

Karen Hayes
Karen Hayes, Village Clerk

APPROVED: July 12, 2021

Morgan Wise
Morgan Wise,
Acting President of Board of Trustees

STATE OF ILLINOIS)
) SS
COUNTY OF WARREN)

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I, Karen Hayes, as Clerk of the Village of Roseville, Illinois, do hereby certify that I am the duly elected, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct and complete copy of a "ORDINANCE NUMBER 2021-02 AN ORDINANCE AMENDING THE LIQUOR CODE" which was adopted by the President and Board of Trustees of said Village at the regularly called and constituted July 12, 2021 meeting of said President and Board of Trustees; that said Ordinance was adopted by an affirmative vote of at least two-thirds of the Trustees then holding office, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Roseville, Illinois, and the corporate seal of said Village, at Roseville, Illinois, July 12, 2021.

Karen Hayes
Clerk of the Village of Roseville, Illinois

(CORPORATE SEAL)

LIQUOR CODE (as of 5.1.2021)
ORDINANCE 2007-4

An Ordinance Relating to the Sale of Alcoholic Beverages

BE IT ORDAINED by the President and the Board of Trustees of the Village of Roseville as follows:

Section 1. The Municipal Code of Roseville of 1992, at Title 3, at Chapter 4 is hereby repealed and the following terms of ordinance at Title 3, at Chapter 4 are hereby adopted:

CHAPTER 4
LIQUOR CONTROL

3-4-1: Definitions: Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

"Alcoholic liquor" means alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Act shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one per cent, or less, of alcohol by volume.

"Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

"Bowling alley" means every establishment or building, or any part thereof, wherein the game of bowling is played and containing six (6) or more alleys for bowling.

"Club" means a corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the 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 Act two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her 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" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and 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 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.

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

"Retailer" means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

"Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

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

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

3-4-2: LICENSE REQUIRED; RECORD OF LICENSES ISSUED: It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having obtained a retail liquor license under this Chapter, or in violation of the terms of such license. The Village President shall keep or cause to be kept a complete record of all such licenses issued under this Chapter.

3-4-3: APPLICATIONS FOR LICENSE: Applications for such licenses shall be made to the Village President in writing on an application form furnished and approved by the Village signed by the applicant, if a sole proprietorship, or by a duly authorized agent thereof if a club, partnership, corporation, or limited liability company, verified by oath or affidavit, and shall contain the following statements and information:

- A. The name, age and address of the applicant in the case of a sole proprietorship; in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by a one (1) person or his nominee, the name and address of such person, and the name, date of birth and residence address of the resident manager of the establishment and location for which the license is sought; and in the case of a club or corporation not for profit the date of organization or incorporation, the objects for which organized, the names and addresses of the officers and directors, and the name, date of birth and residence address of the resident manager of the establishment and location for which the license is sought.
- B. The citizenship of the applicant, his place of birth, and if a naturalized United States citizen, the time and place of his naturalization.
- C. The character of business of the applicant; and in the case of a partnership, corporation, or limited liability company, the objects for which it was formed.
- D. The length of time said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued, or in the case of a limited liability company, the date of its formation.
- E. The amount of goods, wares and merchandise on hand at the time application for such license is made.
- F. The location and description of the premises or place of business which is to be opened under such license.
- G. A statement whether the applicant has made application for a similar or other license on premises other than those described by this application, and the disposition of such application.
- H. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license under this Chapter by reason of any matter or thing contained in this Chapter, the laws of this State, or the ordinances of the Village.
- I. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reason therefor.

- J. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the Village in the conduct of his place of business.
- K. Proof that the applicant can secure a policy, or policies, of insurance issued by a responsible insurance company, and in a form acceptable to the Village President, insuring the licensed premises for "dram shop" liability. The policy, or policies, shall be in an amount or amounts that is at least equal to the maximum liability amounts set out in 235 ILCS 5/6-21(a) as now in force and hereafter amended.
- L. A statement the applicant has no outstanding financial obligations to the Village.

3-4-4: RESTRICTION ON LICENSES: No such license shall be issued by the Village to the following:

- A. A person who is not a resident of the Village.
- 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, unless the Village President determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Village President's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- 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 whose license under this Chapter has been revoked for cause.
- H. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- I. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five (5) percent of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision.

- 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 hereunder for any reason other than citizenship and residence within the political subdivision.
- K. A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 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 State or Federal law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for such violation.
- N. 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 issued.
- O. A person who is not a beneficial owner of the business to be operated by the licensee.
- P. Any law enforcing public official, any Village President, or member of the Board of Trustees; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- Q. A person who intends to sell alcoholic liquors for use or consumption on his licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 ILCS 5/6-21(a) as now in force and hereafter amended.
- R. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- S. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.
- T. A person not eligible for a State retail liquor dealer's license.

3-4-5: TERMS OF LICENSES: All licenses issued under this Chapter, including those valid licenses in effect on the effective date of this Ordinance, shall be valid from the date of issuance

through the last day of December in the year said license is issued, unless sooner revoked as provided in this Chapter. Upon renewal as provided in this Chapter, the date of issuance for such renewed license shall be January 1. The license fee to be paid shall be an amount computed at the monthly fixed rate from time to time by ordinance for the number of months in the term so determined for each license to be paid to the Village President, upon the filing of the application, and the same shall not be prorated for less than such term in any case.

3-4-6: Fees:

A. Class A, General:

1. Description: A Class A license shall permit the retail sale of alcoholic liquor for consumption on or off the premises where the sale is made.

2. Fees: The annual fee for a Class A license to sell general alcoholic liquor including but not limited to of light wines and beer and whiskeys shall be one thousand forty dollars (\$1240.00), payable one-fourth (1/4) of said amount every three (3) months.

3. Number Issued: The number of Class A licenses issued shall be limited to three (3).

E. Class E, General restricted

1. Description: A Class E license shall permit the retail sale of alcoholic liquor in containers no smaller than 375 milliliters for consumption only off the premises where the sale is made.

2. Display: Any alcoholic liquor in containers smaller than 750 milliliters shall be displayed in a manner inaccessible to the general public.

2. Fee: The annual fee for a Class E license shall be One Thousand One Hundred Dollars (\$1,100.00), payable one-fourth (1/4) of said amount every three (3) months.

3. Number Issued: The number of Class E licenses issued shall be limited to Two (2).

3-4-7: DISPOSITION OF FEES: All such fees shall be paid to the Village President at the time application is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Corporate Fund or in such fund as shall have been designated by the Board of Trustees by proper action.

3-4-8: TRANSFER OF LICENSE: A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as is in this Chapter provided, 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 not be descended by the laws of testate or intestate devolution; provided, that executors or administrators of the 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 insolvency or bankruptcy until the expiration of such license but no longer than six (6) months after the death, bankruptcy or insolvency of the licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provision of this Section.

3-4-9: RENEWAL OF LICENSE: Any licensee may renew his license at the expiration thereof; provided, that he is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for the purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of license to be issued within his jurisdiction.

3-4-10: LOCATION, RESTRICTED AREAS:

A. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon written permission to make such change issued by the Village President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinances of the Village.

B. Restricted Areas: No license for the sale of alcoholic liquor shall be issued to any person for the purpose of operating the business of or as a dealer in alcoholic liquors in any private dwelling house, flat or apartment house, nor on any premises located within one hundred (100) feet of any school, church, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station; provided, 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 liquor is not the principal business carried on, if such place of business so exempted shall have been established from such purposes prior to the taking effect of this Chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within residential districts, nor within one hundred (100) feet of any mortuary or undertaking establishment.

3-4-11: HOURS:

A. It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor between 9:00 P.M. Sunday and 6:00 A.M. Monday, 12:00 A.M. Tuesday and 6:00 A.M. Tuesday, 12:00 A.M. Wednesday and 6:00 A.M. Wednesday, 12:00 A.M. Thursday and 6:00 A.M. Thursday, 12:00 A.M. Friday and 6:00 A.M. Friday, 2:00 A.M. Saturday and 6:00 A.M. Saturday and 2:00 A.M. Sunday and 11:00 A.M. Sunday for holders of Class A-D licenses. It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor between 9:00 P.M. Sunday and 6:00 A.M. Monday, 12:00 A.M. Tuesday and 6:00 A.M. Tuesday, 12:00 A.M. Wednesday and 6:00 A.M. Wednesday, 12:00 A.M. Thursday and 6:00 A.M. Thursday, 12:00 A.M. Friday and 6:00 A.M. Friday, 2:00 A.M. Saturday and 6:00 A.M. Saturday and 2:00 A.M. Sunday and 8:00 A.M. Sunday for

holders of Class E licenses.

B. 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 restaurants, hotels and clubs, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

3-4-12:MINORS, RESTRICTIONS:

A. Obtaining Liquor by Minor: It shall be unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any place in the Village where alcoholic liquor is sold.

B. Misrepresenting Age: It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold.

C. Warning Card Required, Place of Business: In every tavern or other place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk, and which shall read as follows:

"WARNING TO MINORS

You are subject to a fine up to \$200 under the ordinances of the Village of Roseville if you purchase alcoholic liquor, or misrepresent your age for the purposes of purchasing or obtaining alcoholic liquor."

D. Licensee Permitting Minor Upon Premises: It shall be unlawful for any holder of a Class A retail liquor dealer's license, or his agent or employee, to suffer or 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; or to any licensed premises which derives its principal business from the sale or service of other commodities other than alcoholic liquor. In addition to all other fines and penalties, the Village President may revoke the retail liquor dealer's license for any violation of this subsection. The provisions of this subsection do not apply to holders of a Class B license.

E. Parents' Responsibility: It shall be unlawful for any parent or guardian to permit any minor child of which he may be the parent or guardian to violate any provisions of this Section; further, it shall be unlawful for any parent or guardian to permit his residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under twenty-one (21) years of age, in a manner that constitutes a violation of this Chapter.

F. Sale to Minor Prohibited: It shall be unlawful to sell, give or deliver alcoholic liquor to any minor.

3-4-13: SALE TO INTOXICATED PERSONS, HABITUAL DRUNKARDS: It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person.

3-4-14: PREMISES REQUIREMENTS: Sanitary Conditions: All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for sale, shall be kept in full compliance with the Village ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

3-4-15: 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 to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor.

3-4-16: P EDDLING: It shall be unlawful to peddle alcoholic liquor in the Village.

3-4-17: REVOCATION OF LICENSE: The Village President may revoke any retail liquor dealer's license for any violation of any provision of this Chapter, or for any violation of any State or Federal law pertaining to the sale of alcoholic liquor.

3-4-18: P ENALTY: Any person violating any provision of this Chapter shall be fined two-hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.