

Chapter 16 - ALCOHOLIC BEVERAGES

Sec. 16-1 Local Liquor Control Commissioner

The county board chairman shall be the local liquor control commissioner and shall be charged with the administration of state laws and the county ordinances pertaining to the sale of alcoholic liquor. The local liquor control commissioner is hereby authorized and empowered to make such reasonable rules as may be necessary in the performance of his duties, and may prescribe the form of application which each prospective licensee shall sign prior to receiving the license.

(Ord. No. 1995-15, § 3-02, 7-19-1995; Ord. No. 2003-15, § 1, 5-21-2003)

Sec. 16-2 Certification: Beverage Alcohol Sellers and Servers Education Training Program

The County Board does recommend that all future County Board Chairmen become B.A.S.S.E.T. certified during their first year of service as County liquor commissioner, and that the County reimburse those Chairmen for the expense of obtaining said certification.

(Res. No. R2012-37, 5-16-2012; Ord. No. 2014-12, § 2, 11-19-2014)

Sec. 16-3 Hours of Sale

- A. Except as otherwise provided in subsections B, C, D, and E, it shall be unlawful for any person to sell or offer for sale any alcoholic liquor at retail between the hours of 12:00 midnight and 6:00 a.m.
- B. It shall be unlawful for any person to sell or offer for sale at retail any alcoholic liquor on Saturdays between the hours of 1:00 a.m. and 6:00 a.m.
- C. It shall be unlawful for the holder of a class A, B, C, D or F license to sell any alcoholic liquor on Sunday.
- D. It shall be unlawful for the holder of a class A-1, B-1, C-1, D-1 or F-1 license to sell any alcoholic liquor on Sunday between the hours of 1:00 a.m. and 10:00 a.m.
- E. It shall be lawful for a person holding any class of liquor license to sell or offer for sale any alcoholic liquor between the hours of 6:00 a.m., December 31, and 2:00 a.m., January 1, when December 31 falls on a Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday; and between the hours of 12:00 noon, December 31, and 2:00 a.m., January 1, when December 31 falls on a Sunday.
- F. At all times under this section when the sale of alcoholic liquor is prohibited, it shall be unlawful for any person to enter or remain upon the licensed premises, except the licensee, any employee of the licensee who is actually working and preparing to open or close the licensed premises and any law enforcement person present to enforce the provisions of this article.

(Ord. No. 1995-15, § 3-06, 7-19-1995; Ord. No. 1999-9, § 2, 6-16-1999; Res. of 3-21-2001; Ord. No. 2002-14, § 2, 6-19-2002)

Sec. 16-4 Prohibited Conduct In or Upon Licensed Premises

No local licensee, its agent, or employee shall permit any person to engage in, perform, direct, or present in or upon the licensed premises any of the following conduct:

1. The displaying of an individual's anus, genitals, pubic hair or female breast.
2. The caressing or fondling of an individual's genitals, anus, pubic hair or breasts.
3. The actual or simulated touching, caressing or fondling of an individual's breast, buttocks, anus, genitals or pubic hair as a part of an exhibition intended for patron's viewing or participation.

4. The performance or simulation of acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation or flagellation.
5. Engaging in a performance or displaying a film, pictures or other material which a reasonable person would find that, taken as a whole, appeals to the prurient interest and depicts in a patently offensive way sexual acts or a lewd exhibition of the genitals and taken as a whole, lacks serious artistic, literary, political or scientific value.

(Code 1979, § 3-22; Ord. No. 1988-16, 5-18-1988)

Sec. 16-5 Provisions of State Law Adopted by Reference

All other provisions of the act known as the state liquor control act as passed by the legislature and approved on January 31, 1934 and all amendments thereto are hereby made a part of this chapter.

(Ord. No. 1995-15, § 3-07, 7-19-1995)

Sec. 16-6 License Application and Expiration

- A. A person desiring a license required by the provisions of this chapter shall make written application to the county clerk upon a form furnished by the county giving the information required on it. Such an application shall be verified by oath or affidavit. If the applicant is a corporation or club, it shall be signed by a duly authorized agent.
- B. At the time of making such an application, the applicant shall pay the appropriate license fee. All such applications shall be referred to the local liquor control commissioner.
- C. Applications for annual renewal of alcoholic liquor licenses shall be due in the county clerk's office not later than the 15th day of April each year.
- D. Any person who applies for the issuance of such a license after October 31 of any year but before April 31 of the following year shall pay one-half of the fee indicated in section 6-23, with the exception of a class E license.
- E. Alcoholic liquor licenses shall expire on the last day of April of each year.
- F. Should any applicant for license make a false or fraudulent statement in such application, the same shall be cause for denial or revocation of such license by the local liquor control commissioner.

(Ord. No. 1996-13, 3-20-1996; Ord. No. 2003-15, § 2, 5-21-2003)

Sec. 16-7 Hearings and Appeals

- A. A hearing conducted under this section shall be held in accordance with the following rules:
 1. The hearing shall be open to the public, and held at a reasonable time, date and place.
 2. No hearing shall be held earlier than three business days after the notice required under this article.
 3. Evidence shall be presented by the state's attorney or his assistant.
 4. A licensee may present evidence and argument.
 5. The local liquor control commissioner may limit, but not prohibit, the presentation of evidence and argument.
 6. Testimony shall be given under oath. All proceedings shall be taken before a certified court reporter or certified shorthand reporter.
- B. The licensee shall be afforded reasonable notice of a hearing. Such notice shall sufficient if sent by certified mail, return receipt requested, or if by personal delivery to the address of the licensee on the application for liquor license and shall set forth:
 1. The date, 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 ordinance or statute involved, and
 4. A statement informing the licensee of his right to respond by presenting evidence and argument.
- C. When a licensee has been notified as required by this section, and fails to appear at a hearing, the local liquor control commissioner may act ex parte.
- D. The local liquor control commissioner may revoke or suspend any license issued by him or impose a fine as the sole disposition or in addition to a suspension or revocation, if he determines that the licensee has violated any of the provisions of the Liquor Control Act of 1934, chapter 6 of the DeKalb County Code, or any applicable rule or regulation established by the local liquor control commissioner or the state commission which is not inconsistent with law. The fine imposed shall not exceed \$1,000.00 for a first violation within a 12-month period, \$1,500.00 for a second violation within a 12-month period, and \$2,500.00 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000.00 in fines under this section may be imposed against any licensee during the period of his license.
- E. Any decision, order, or determination rendered by the local liquor control 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 within five days of the conclusion of the hearing. Any such decision, order, or determination may include assessment of fines, costs, fees and expenses as determined by the local liquor control commissioner, and a time by which said amounts shall be paid. Unpaid amounts may be collected by a civil action in the county circuit court brought by the county state's attorney.
- F. Any appeal taken from a decision of the local liquor control commissioner shall be reviewed on the record taken by and prepared by a certified court reporter or certified shorthand reporter.

(Ord. No. 2003-15, § 3, 5-21-2003)

Sec. 16-8 License Required

No person shall sell, barter, transport, deliver, solicit or receive orders for, keep or expose for sale, keep with intent to sell or furnish any alcoholic liquor for beverage purposes for sale at retail, without being first licensed to do so by the local liquor commissioner. Such local commissioner shall be constituted and regulated as provided by law and the ordinances of the county. This chapter shall be interpreted and modified by article II, section 1, of An Act Relating to Alcoholic Liquor (235 ILCS 5/2-1).

(Ord. No. 1995-15, § 3-03, 7-19-1995)

Sec. 16-9 Employee Training and Registration

- A. All original and renewal application for all classes of liquor licenses, except for class E, shall be accompanied with proof of completion of a state certified beverage alcohol sellers and servers educational training (BASSET) program for at least one management employee working on the premises pursuant to that license.
- B. All persons whose job description entails the checking of identification for the purchase of alcoholic beverages in establishments where the majority of gross revenue is collected by the retail sale of alcoholic beverages shall be required to complete BASSET training. BASSET training shall not, however, be required for personnel whose sole responsibility is that of a host or greeter, who do not serving or mixing of alcoholic beverages and whose job description of responsibilities does not include the verification of patrons age for alcoholic beverage service.
- C. All personnel who prepare mixed alcoholic beverages, or serves alcoholic beverages for consumption on premises, in premises licensed under all classes, except for class E, shall be required to complete BASSET training.
- D. At least one person who has completed BASSET training shall be required to be on premises, in all licensed premises, except for class E, during hours when alcoholic beverages may be purchased.

-
- E. A state certified BASSET training program shall be defined as a BASSET program licensed by the state department of alcoholism and substance abuse (DASA) as required by chapter 43, section 6-27 of the Illinois Administrative Code, chapter X, section 2056, subpart F. Providers of BASSET training shall be required to have on file with county clerk all licenses and certificates to prove current qualifications.
 - F. Any new employee, manager or agent requiring BASSET training, shall within 90 days from the beginning of their employment with that licensee, complete a BASSET program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.
 - G. A photo copy of certificate of completion for all employees, managers or agents required by this section to have BASSET training shall be maintained, by the establishment, in a manner that will allow inspection, upon demand, by any designee of the liquor commissioner.
 - H. A certification of completion of BASSET training required by this section for all licensees' employees shall be presented to the county at the time of license renewal, and a copy thereof placed on file. If at any time thereafter an employee completes such training required by this section, their certificate of completion shall, within 30 days of its issuance be placed on file with the county. There will be an administrative processing charge of \$5.00 for the filing of all BASSET certificates required by this section.
 - I. The liquor commissioner reserves the right to require BASSET training for all employees of any establishment when deemed necessary. A ruling of this kind shall remain binding until repealed by the liquor commissioner.

(Ord. No. 1995-15, § 3-04, 7-19-1995)

Sec. 16-10 Classifications

Licenses for retail sales of alcoholic liquors shall be of the following kinds and classification and their annual fees shall be as provided as follows:

1. *Class A.* For the retail sale, on the premises specified of all kinds of legalized alcoholic liquors for consumption on the premises as well as other retail sales of such alcoholic liquors which include sales by original package. Such retail sale and consumption shall be permitted both in the interior of a building having a valid occupancy permit as well as an adjoining contiguous exterior area, so long as the following conditions are maintained by the licensee:
 - a. Exterior area. Beer garden must be on existing premises adjoining building occupied by licensee.
 - b. Exterior area must be completely enclosed by a solid opaque fence.
 - c. The operation of any sound amplification equipment including, but not limited to loudspeaker systems, jukeboxes, amplified radio broadcasts and the like, operating on the exterior of the licensed premises, be limited to the time period between 12:00 noon and 10:30 p.m. local time Sunday through Thursday and 12:00 noon and 12:00 midnight local time Friday and Saturday. The annual fee for such a license shall be \$1,500.00.
2. *Class A-1.* Class A-1 license may be granted as a supplemental license, to allow for consumption during certain Sunday hours, to a holder of a class A license as defined in this chapter. The annual fee for such a license shall be \$250.00 in addition to the fee for a class A license.
3. *Class B.* Package store license which shall allow licensee to sell and offer to sell at retail in the premises specified in such license alcoholic liquor solely in the original package not for consumption on the premises where sold. This license shall not be issued to any applicant whose principal business is the retail sale to the general public of products or services other than alcoholic liquors. The annual fee for such license shall be \$1,500.00.
4. *Class B-1.* Class B-1 license may be granted as a supplemental license, to allow sales during certain Sunday hours, to a holder of a class B license as defined in this chapter. The annual fee for such a license shall be \$250.00 in addition to the fee for a class B license.

5. *Class C.* Package store license which shall allow licensee to sell and offer to sell at retail in the premises specified in such license alcoholic liquor solely in the original package not for consumption on the premises where sold. This license shall be issued only to an applicant whose retail alcoholic liquor sales business is an adjunct to one of the following enumerated primary business and whose total area of such licensed premises devoted to the retail sale of all products be a minimum of 5,000 square feet:

- a. Supermarket or grocery store.
- b. Drugstore.

The annual fee for such license shall be \$1,500.00.

6. *Class C-1.* Class C-1 license may be granted as a supplemental license, to allow sales during certain Sunday hours, to a holder of a class C license as defined in this chapter. The annual fee for such a license shall be \$250.00 in addition to the fee for a class C license.

7. *Class D.*

a. Package store license which shall allow licensee to sell and offer to sell at retail in the premises specified in such license beer and wine only solely in the original package not for consumption on the premises where sold. This license shall be issued to retail food stores, department stores and to retail food stores also selling gasoline only if the following conditions are met at all times when such license is in force:

1. Only beer and wine defined in the state liquor control act may be sold.
2. The minimum enclosed floor area open to the public for retail sales for store products shall be 2,000 square feet of which no more than ten percent may be devoted to beer and wine.
3. The minimum inventory level shall be \$35,000.00 retail value excluding beer, wine, fuel and automotive products.
4. The maximum percentage of beer and wine sales to total store sales, exclusive of gasoline sales, shall be 35 percent on a retail basis during any consecutive 12-month period.
5. No displays of beer and wine shall be located within five feet of the store's entrance.
6. Cold beer or wine shall only be sold from, or displayed in electrical refrigeration coolers.
7. Employees engaged in the sale of beer and wine must be at least 21 years of age.
8. No video or other electronic games shall be allowed on the premises.

b. In addition, retail food stores selling gasoline shall meet the following conditions:

1. No temporary point of sale, beer or wine advertising shall be located on gasoline islands and no lighted or unlighted permanent signage advertising beer or wine shall be located on buildings, in windows, or within five feet of any window, except that if a freestanding sign is permitted on the licensed premises pursuant to local law, no brand or price advertising using the words "beer" or "wine" and descriptive terms relative thereto.
2. No mechanical or repair work of any kind may be performed on automobile on licensed premises.

The annual fee for such license shall be \$1,000.00.

8. *Class D-1.* Class D-1 license may be granted as a supplemental license, to allow sales during certain Sunday hours, to a holder of a class D license as defined in this chapter. The annual fee for such a license shall be \$250.00 in addition to the fee for a class D license.

9. *Class E.* For the retail sale, on the premises specified, of all kinds of legalized alcoholic liquors for consumption on the premises so long as the licensee is an incorporated not-for-profit organization, as defined in 235 ILCS 5/1-3.17 or a public purpose body duly formed pursuant to state statutes and having the power to levy taxes. The term "premises" when applied to a license granted to such an organization, may include, at the licensees request, a premises to which the following conditions and restrictions apply:

- a. Use of the premises shall be limited to no more than two separate three-day periods during the annual term of the license.

- b. The license, when granted, shall identify the street address of the premises and must on each separate use identify the dates of such use not less than 30 days prior to such intended use.
- c. The premises may include a building having a valid occupancy permit, and open structure not intended for occupancy or a field or park subject to such reasonable restrictions as are necessary to protect the public health, safety and welfare.
- d. At all other times the premises shall not be deemed to be licensed premises within this chapter 3.
- e. In lieu of BASSET certification required under other classes, an applicant for a special event retailer's license must submit with the application proof satisfactory to the liquor commissioner that the applicant has obtained dram shop liability insurance in the maximum limits.

The annual fee for such license shall be \$100.00.

10. *Class F.* For the wholesale or retail sale, on the premises specified, of hard cider or wine produced from fruits and plants grown on the same premises, where such sales take place, solely in the original package and not for consumption on the premises where sold. The days and hours during which sales of hard cider and wine may take place may be restricted by the liquor commission by conditions specific to each such license granted.

The annual fee for such a license shall be \$200.00.

11. *Class F-1.* Class F-1 license may be granted as a supplemental license, to allow for sales during certain Sunday hours, to a holder of a Class F license as defined in this chapter.

The annual fee for such a license shall be \$50.00 in addition to the fee for a Class F license.

12. *Class G.* Special events caterer license for the retail sale or service of all kinds of legalized alcoholic liquors for consumption on the premises where sold or served. Such retail sale or service shall be permitted so long as the following conditions are met by the licensee:

- a. The licensee shall, at the time of application for a Class G license, provide proof of possession of a valid Class A, B, C, or D license as set forth in this Code, or a comparable liquor license issued by a unit of government located in the county and authorized to grant liquor licenses.
- b. The licensee shall, at the time of application for a Class G license, provide proof of dram shop insurance that will cover the license holder and the location which each catered event is to take place.
- c. There shall be no limit to the number of special events the holder of a Class G license may cater in a calendar year, provided, however, that no single special event shall be of a duration greater than three consecutive days. The licensee shall notify the county sheriff of any event to occur on three or more consecutive days. Such notification shall be provided at least seven days before the first day of the event.

The annual fee for such license shall be \$250.00.

13. *Class H.* Special event license that shall permit the licensee to sell, at retail, alcoholic liquor for a twenty-four (24) hour period for each Class H License, for consumption only on the premises where sold, and not for resale in any form, to be issued for temporary stands, booths or counters as used at picnics/celebrations, excluding the serving of alcoholic liquor under the control of persons or entities who operate a state-licensed restaurant/tavern or catering business. No more than five (5) licenses will be issued annually (within a calendar year) per single applicant or group. The following conditions/restrictions apply to the premises to be licensed under this classification:

- a. The applicant must provide, at time of application, a copy of the lease or permit for the premises.
- b. The license, when granted, shall identify the street address of the premises and must, on each separate use, identify the dates of such use not less than ten (10) days prior to such intended use.
- c. The premises may include a building having a valid occupancy permit and open structures not intended for occupancy or a field or park subject to such reasonable restrictions as are necessary to protect the public health, safety and welfare.
- d. The fee for such license shall be \$100 per day, per event.

([Ord. No. 1995-15, § 3-05, 7-19-1995](#); [Ord. No. 1999-9, § 2, 6-16-2000](#); [Ord. No. 2010-07, § 2, 3-17-2010](#); [Ord. No. 2019-31, 5-15-2019](#) )

Secs. 16-11—6-18 Reserved

Sec. 16-19 Definitions

Words or phrases as used herein shall be defined as provided by article 1, section 3 of An Act Relating to Alcoholic Liquors (235 ILCS 5/1-3). The words "person" or "persons" shall include individuals, partnerships, firms, associations and corporations. The term "premises" shall be limited to the interior of a building having a valid occupancy permit, except as expressly otherwise set forth in this chapter.

(Ord. No. 1995-15, § 3-01, 7-19-1995)