

Chapter 9

LIQUOR CONTROL AND LIQUOR LICENSING

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9.01 ADOPTION OF LIQUOR CONTROL ACT OF 1934

In addition to the provisions of this Chapter 9, the Liquor Control Act of 1934 (Chapter 235 of the Illinois Compiled Statutes), as amended from time to time, shall be incorporated herein by reference.

9.02 DEFINITIONS *Amended 2019-18*

In addition to the terms defined by the Act and Appendix A of this Code, the following terms are defined as follows:

Act: The Liquor Control Act of 1934 (Chapter 235 of the Illinois Compiled Statutes).

Bar: A business establishment, holding a liquor license issued pursuant to Chapter 9 of this Code by the Village, in which the principal business is the sale of alcoholic liquors for consumption on the premises and may include the incidental sale of food for consumption on the premises.

Commissioner: The Local Liquor Control Commissioner.

License: A liquor license issued by the Village.

Licensed Establishment: A bar or restaurant, located within the Village, at which the owner possesses for such location:

1. A current and valid video gaming location license issued by the Illinois Gaming Board; and,
2. A current and valid Village of Lakewood Class A, B or C liquor license issued in accordance with Chapter 9 of this Code; and
3. A current and valid video gaming license issued pursuant to the provisions of this Chapter 9 by the Village.

Licensee: The holder of a Village liquor license.

Restaurant: A full-service restaurant holding a Class B liquor license issued pursuant to Chapter 9 of this Code by the Village which serves alcoholic liquor for consumption by patrons at both:

1. Tables intended for dining; and
2. One or more bars located within such restaurant which are principally intended for the service of alcoholic liquors to patrons seated at the bar.

Video Gaming Café: An establishment whose primary or major focus of the establishment is video gaming and the service of alcohol/food is secondary to the operation of video gaming.

Video Gaming Terminal: An electronic video game machine that, upon insertion of cash, electronic card or voucher or any combination thereof, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up, and blackjack, as authorized by the State of Illinois Gaming Board (the "Gaming Board") utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

9.03 LIQUOR LICENSE REQUIRED; TERM *Amended, 2009-43, 2008-44*

It is unlawful to sell or offer for sale in the Village, any alcoholic liquor either without having a local license or in violation of the terms, conditions and restrictions of such license. A liquor license is purely a personal privilege and, except for daily permits, shall expire one year from the date of issuance. The one-year period shall be from the 1st day of January of each year to the 31st day of December of each following year, unless sooner revoked or suspended. Licenses issued after the 1st day of January of any year shall pay the full license fee as provided herein.

All licenses, regardless of the date of issuance, shall terminate at the close of business on the 31st day of December of each year following the date of issuance. It is recognized that December 31 is New Year's Eve and liquor licensees traditionally remain open in the early hours of January 1. Such license shall expire at the time of such closing.

9.04 LIQUOR LICENSE APPLICATIONS *Amended, 2017-07*

A. Application for a liquor license shall be made to the Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the Commissioner. All applicants may be subject to a background check, which may be conducted by the Village through the Federal Bureau of Investigation, the Illinois State Police or other law enforcement agency. The Village's cost of processing the background check(s) shall be the responsibility of the applicant. The Commissioner shall act to approve or deny the application and, if approved, to issue the license.

B. For any start-up business, the applicant must make application not less than 90 days prior to the issuance date of the license to provide sufficient time for a background check.

C. An applicant applying for an annual liquor license shall first deposit the license fee and application fee, if applicable, with the Commissioner. There shall be no rebate of any portion of the license fee due to the fact that the application is made after the beginning of the license year. All applicants desiring a liquor license shall be required to pay the full license fee, whether the license is to be issued for a full or partial year.

D. In the event there is a change of ownership in a licensed business, or change of managers, or partners in a partnership, or shareholders in a corporation who own more than 5 percent of the stock of a corporation, or members in a limited liability company, the Commissioner may issue the license prior to receiving the results of the background check. However, if the background check reveals information provided in the application is false, the license will be subject to immediate revocation, the applicant will be subject to a fine and there shall be no refund of any portion of the license fee.

E. An applicant shall allow at least six weeks for processing an application. In addition to the information required by the Act, the application shall include the following information, statements and attachments:

1. If a partnership, proprietorship or joint venture: the name, date of birth and address of all applicants, including all partners, general or limited, character of business in which applicant is engaged and for which said license is desired.

If a corporation: the name, corporate address, principal place of business; character of business; the names and addresses of the officers and directors; if a majority interest of stock in said corporation is owned by one person or his nominee, the name and address of such person; the name and address of the

two largest shareholders of each class of stock in said corporation; the name and address of the person or persons owning controlling interest in said corporation; the name and address of the manager or person(s) in daily charge and control of the business operation; in the case of a copartnership, the persons entitled to share in the profits thereof; the name, date of birth and address of the party to be manager of the corporate facility for which the license is sought; a certified copy of the corporate charter; and a copy of by-laws, including the objects for which organized.

If a limited liability corporation: the name, date of birth and address of all members, character of business in which applicant is engaged and for which said license is desired; and the name and address of the manager or person(s) in daily charge and control of the business operation.

2. Citizenship of the applicant(s), respective places of birth, and if a naturalized citizen(s) of the United States, the date and place of said respective naturalization.
3. Length of time said applicant has been in business of that character; or if a corporation, whether the corporation is either a continuation or successor of a prior entity and if so, the character of the prior entity's business.
4. Amount of all goods, wares and merchandise on hand at the time application is made.
5. Location, general description and approximate square footage of the premises or place of business which is to be operated under such license, including a scaled drawing of the premises showing all ingress and egress locations, windows and location of bar and service areas.
6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application; a statement whether an application was filed or a similar license was issued in any other state, county or local municipality; the date of issuance, name and address of the governmental entity; the disposition of said application or license; and the reasons therefore.
7. On initial applications, or whenever there has been remodeling, photographs depicting the interior of the premises including all ingress and egress locations, windows and bar and service areas.
8. A statement that applicant will allow neither gambling nor gambling devices on the premises except licensed raffles for which all necessary permits have been obtained.

9. Whether a previous license issued by any municipality, state or subdivision thereof, or the federal government has been either revoked or suspended and the reasons therefore and date of said revocation or suspension. This includes, but is not limited to suspension and revocation of licenses held by any individual, partner, corporation, majority of controlling shareholder or manager of the applicant seeking a license hereunder.
10. A statement that applicant has neither been convicted of a felony nor is disqualified to receive a license by reason of any matter or thing contained in this Chapter 9, the ordinances of this Village or the laws of this State and the United States of America.
11. A statement that applicant will not violate any laws of the State, the United States or any ordinance of the Village.
12. A complete set of fingerprints of all persons listed on the liquor license application shall be provided as part of the background investigation.
13. In the event the premises to be licensed are leased, a copy of the lease shall be included with the application.

9.05 LIQUOR LICENSE RESTRICTIONS

In addition to the liquor license restrictions contained in the Act, a license shall not be issued to a person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualification required by the licensee and is a resident of McHenry County.

9.06 CLASSIFICATIONS, FEES, DAILY PERMIT *Amended, 2017-07, 2013-02, 2010-73, 2010-56, 2007-22, 2013-40*

A. Classes, Fees:

1. A Class A license authorizes the retail sale of alcoholic liquor for consumption on the premises where sold and for consumption beyond the confines of the premises specified in the license but within the property lines of the property upon which the premises is located, and not for resale in any form, to a regularly organized golf club or country club. The retail sale of alcoholic liquor of unbroken packaged liquor for consumption off the premises is also permitted. The annual fee for a Class A license shall be \$2,000.
2. A Class B license authorizes the retail sale on the premises specified, of alcoholic liquor for consumption on the premises where the principal source of sales is food and not alcoholic liquor. A license shall be \$2,000.
3. A Class C license authorizes the sale of alcoholic liquor during events incidental to the operation of a commercial landscape nursery center for con-

sumption on the premises where sold and in a designated area outside of the premises specified in the license. This designated area must be approved by the Village, must be within the property lines of the property upon which the premises is located, and must be immediately adjacent to the premises specified in the license. A Class C license shall be \$2,000.

B. Daily Permit: The Commissioner, or his/her designee, may grant a daily permit to any non-profit organization or club located within the Village, such as a church, order or lodge, veterans organization, civil organization, fire department or other similar organization, authorizing the sale of alcoholic liquor at any picnic, club or similar function sponsored by such organization or club. No more than seven such daily permits shall be issued to any one such organization or club during the period of one year. A permit fee of \$5.00 per day shall be payable to the Village upon the issuance of a daily permit. Unless specifically provided otherwise, all requirements of this Chapter 9 shall apply to the permits granted under this Section 9.06. The following restrictions are applicable for daily permits:

1. All sales and consumption pursuant to a daily permit shall be conducted within an enclosed area and such area shall have a separate dedicated entrance, a separate dedicated exit and shall be adequately lighted.
2. Any alcoholic liquor sold pursuant to the daily permit must be consumed within the area described in the permit.
3. All sales and consumption pursuant to the permit shall be conducted only during the hours specified on the permit.
4. Unless specifically provided otherwise, all requirements of this Chapter including, but not limited to, a policy of insurance pursuant to Section 9.10, shall apply to the permit granted herein.
5. The permit application shall include information about the activity(ies) associated with the permit including, but not limited to, a drawing showing the premises where the alcoholic liquor will be sold and consumed, ingress/egress and security. Said security plan shall be approved by the Village.

C. Special Event Liquor Permit: The Commissioner, or his/her designee, may grant a Special Event Liquor Permit to serve alcohol at the site of a permitted Special Event pursuant to Chapter 33.05. A permit fee of \$100 per day shall be payable to the Village upon the issuance of the Special Event Liquor Permit. The restrictions applicable to Daily Permits shall be applicable to Event permits. The Commissioner, or his/her designee, may require additional restrictions on the license.

9.07 NUMBER OF LIQUOR LICENSES ISSUED *Amended, 2017-07, 2013-02, 2010-56, 2007-22*

A. Number of Licenses Available: The number of available liquor licenses shall be determined in accordance with the following schedule:

Class of Liquor License	Number Available
Class A	Three licenses
Class B	One license
Class C	One license

B. Daily Permits: The number of daily permits to be issued by the Commissioner shall be determined from time to time by the Village Board.

C. Special Event Liquor Permits: The number of special event liquor permits to be issued by the Commissioner shall be determined from time to time by the Village Board.

9.08 CLOSING HOURS *Amended, 2017-07, 2013-02, 2010-73, 2010-56*

A. Except as provided in Section 9.08-B, it shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12 a.m. and 6 a.m. Monday through Friday and between the hours of 2 a.m. and 6 a.m. on Saturday and Sunday and New Year's Day. Upon written application, individual exceptions from these days and/or hours regulations may be as approved by the Village Board.

B. Package sales of wine, specialty beers and ales for Class C liquor licensees shall be limited to the following hours:

Monday – Thursday	9 a.m. – 6 p.m.
Friday and Saturday	9 a.m. – 9 p.m.
Sunday	1 p.m. – 5 p.m.

The sale of alcoholic liquor for consumption on the premises shall be limited to the following hours for Class C liquor licenses:

Monday – Sunday	9 a.m. – 11 p.m.
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C. It shall be unlawful to keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon 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 commercial landscape nursery centers, restaurants, coffee shops and clubs, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited.

9.09 DISPOSITION OF LICENSE FEES

Unless otherwise designated by the Village Board, all fees required by this Chapter 9 shall be deposited in the Village's general corporate fund. In the event an application is denied, the fee less an administrative fee of \$250.00 shall be returned to the applicant.

9.10 INSURANCE REQUIREMENTS

No license shall be issued under the provisions of this Chapter 9 until the applicant has filed with the Village a certificate or other evidence issued by an insurance company licensed to do business in the

state, certifying that the applicant, and the owner of the premises housing the establishment from where the liquor will be sold, has in full force and effect, for a term concurrent with the term of the license to be issued, liquor liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate and general liability insurance in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. "Host" insurance shall not satisfy the terms of this Section 9.10

Any such certificate of insurance shall provide that the insurance coverage may not be cancelled unless written notice is given to the Village at least 15 days prior to the effective date of such cancellation. The failure of the licensee to have such insurance coverage in full force and effect at any time during the term of such license shall be cause for the revocation of the license.

9.11 LICENSE RENEWAL

Not less than six weeks before a liquor license is scheduled to expire and after a renewal notice is provided by the Village to the licensee, the licensee may submit an application for renewal provided the applicant 1) is then qualified to receive a license and 2) the premises for which such renewal license is sought is suitable for such purposes. The renewal privilege provided herein shall not be construed as a vested right, and the Village Board reserves the absolute right to determine the number of licenses to be issued within the Village. In the event a renewal application is submitted less than six weeks before a liquor license expires, and after a 10-day written notice is mailed by the Village to the licensee, the applicant shall be subject to an additional renewal application fee of \$500.00

9.12 CHANGE OF LOCATION

The location of the license may be changed only upon the receipt of written permission from the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Chapter 9. The written permission of change shall be posted with the license as provided for in this Chapter 9.

9.13 PROHIBITED ACTIVITIES BY LICENSEES

A. No person holding a license issued by the Village shall, in the conduct of the licensed business or upon the licensed premises, either directly or through the agents or employees of the licensee:

1. Violate or permit a violation of any federal law, state statute or regulation related to the control of liquor.
2. Violate or permit a violation of any Village ordinance or resolution regulating the sale of alcoholic liquor or relating to the eligibility of the licensee to hold a liquor license.
3. Violate or permit a violation of any rule or regulation of the Illinois Liquor Control Commission as amended from time to time.

4. Violate or permit a violation of any federal law, state statute or regulation.
5. Allow patrons to serve or distribute alcoholic beverages to minors on the licensed premises or allow minors to drink alcoholic beverages on the licensed premises.
6. Fail to call the Village Police Department upon the violation of any federal law, state statute or Village ordinance.
7. Submit to the Village an application for a license containing a false or misleading statement.
8. Permit any gambling on any licensed premises except for video gaming where a video gaming license has been issued by the Village in accordance with Section 9.25.
9. Permit the sale, delivery or give any alcoholic liquor to any intoxicated person.
10. Violate any section of this Chapter 9.

B. Cause for Revocation: Proof before the Commissioner of the facts which establish a violation of any federal law, state statute, Village ordinance or resolution or rule of the Illinois Liquor Control Commission shall be sufficient cause for revocation, suspension and fine of any licensee, irrespective of whether or not a conviction has been obtained in any court. In addition, the licensee shall be obligated to reimburse the Village for all attorney's fees incurred as a result of the prosecution of the offending licensee.

C. Official Record: Pursuant to 235 ILCS 5/7-9, all appeals from the decision of the Commissioner shall be limited to a review of the official record of the proceedings.

9.14 ABSENCE; ABANDONMENT

A. Leave of Absence: If a licensee leaves the Village for more than four consecutive weeks, the licensee shall designate an agent, who is a Village resident, for service of notice and such leave shall be reported to the Commissioner, in writing, with the name and address of the designated agent.

B. Abandonment: If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for a period of 60 consecutive days, (except as hereafter set forth) or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation. If said discontinued operation is due to fire or other such damage wherein the Building Commissioner deems the premises uninhabitable, said 60-day period shall be stayed only until occupancy is granted by the Building Commissioner.

9.15 SALE RESTRICTIONS

No license shall be issued to any person for the sale of any alcoholic liquor at any store or other place of business where the majority of the customers are minors or where the principal business transacted consists of school books, school supplies, food, lunches or beverages for such minors

9.16 PUBLIC CONSUMPTION *Amended, 2005-39*

It is unlawful to have or possess any glass, bottle, can or other container of alcoholic liquor with the seal broken, or to consume any alcoholic beverage upon any street, sidewalk or other public property within the Village. For purposes of this Section 9.16, "street, sidewalk or other public property" shall not include the RedTail Golf Club.

9.17 REVOCATION OR SUSPENSION OF LICENSE; FINES; NOTICE; HEARING; APPEAL *Amended, 2017-07, 2010-56*

The Commissioner may revoke or suspend any local retail liquor license issued by him if he determines that the licensee has violated any provision of this Chapter or any valid ordinance or resolution enacted by the Village Board or any applicable rule or regulation established by the Commissioner or the State Liquor Control Commission which is not inconsistent with law, either in addition to said revocation or suspension or in lieu of suspension or revocation, the Commissioner may levy a fine on the licensee for such violation. The suspension shall not exceed 180 days.

Said license shall be either revoked or suspended and fines levied only after a public hearing before the Commissioner with a 3-day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

The Commissioner shall, within 5 days after such hearing, state the reason or reasons in a written order served upon the licensee, for either the fine, suspension, revocation or a combination thereof. The amount of the fine, the period of the suspension or the declaration of revocation of said license, and all costs shall be clearly set forth in said order. All costs of the public hearing incurred by the Village shall be charged to the licensee upon a determination of a violation and the issuance of an order setting forth a fine, suspension, revocation or any combination thereof.

Any order or action of the Commissioner may, within 20 days after notice of such order or action, be appealed. The appeal shall be limited to a review of the official record of the proceedings of the Commissioner. A certified official record of the proceedings taken and prepared by a certified court

reporter or certified shorthand reporter shall be filed by the Commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript.

9.18 VIOLATION; PENALTY *Amended, 2017-07*

Pursuant to Section 9.17, the Commissioner may revoke or suspend any license issued under this Chapter 9, if it is determined that the licensee has violated any provision of this Chapter 9 or of any valid ordinance or resolution enacted by the Village or any applicable rule or regulation established by the Commissioner or the State Liquor Control Commission which is not inconsistent with law. In addition to said revocation or suspension or in lieu of suspension or revocation, the Commissioner may levy a fine on the licensee for such violation. The fine imposed shall not exceed \$1,000 for the first violation within a 12-month period, and \$1,500 for a second violation within a 12-month period and \$2,500 for a third or subsequent violation within a 12-month period. Any subsequent violations within a 12-month period shall result in revocation or suspension of the license. Proceeds from such fines shall be paid into the Village's general corporate fund.

9.19 PURCHASE, ACCEPTANCE OR CONSUMPTION BY PERSONS UNDER THE AGE OF 21 YEARS OF AGE; PENALTY

It is unlawful for any person under the age of twenty-one (21) years to possess, to accept, to purchase or obtain any alcoholic beverage in any tavern or other place in the Village where alcoholic beverage is sold. The consumption of alcoholic beverage by any person under twenty-one (21) years of age is unlawful.

9.20 MISREPRESENTATION OF AGE; FALSE IDENTIFICATION CARDS

Any person under the age of twenty-one (21) years who presents or offers to any licensee, his or her agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who falsely states in writing that he or she is at least twenty-one (21) years of age when receiving alcoholic beverage from a representative, agent or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is in violation of this ordinance.

9.21 PUBLIC POSSESSION BY UNDERAGE PERSONS

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

9.22 PERMITTING PROPERTY TO BE USED IN VIOLATION OF THIS CHAPTER

It is unlawful for any parent or guardian to knowingly permit his or her residence, or any other private property under his or her control, to be used by an invitee of the parent's child or the guardian's

ward, if the invitee is under the age of twenty-one (21) in a manner violating this ordinance. A parent or guardian is deemed to have knowingly permitted his or her residence, or any other private property under his or her control, to be used in violation of this ordinance if he or she knowingly authorizes or permits consumption of alcoholic beverage by underage invitees. Nothing in this section shall be construed to prohibit the giving of alcoholic beverage to a person under the age of twenty-one (21) in the performance of a religious ceremony or service in observation of a religious holiday.

9.23 PERMITTING RESIDENCE TO BE USED BY UNDERAGE PERSONS

A. Any person shall be guilty of an offense of this ordinance where he or she knowingly authorizes or permits a residence which he or she occupies to be used by an invitee under twenty-one (21) years of age and:

1. The person occupying the residence knows that any such person under the age of twenty-one (21) is in possession of or is consuming any alcoholic beverage; and
2. The possession or consumption of the alcohol by the person under twenty-one (21) is not otherwise permitted by the Liquor Control Act of 1934.

For purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. Nothing in this section shall be construed to prohibit the giving of alcoholic beverage to a person under the age of twenty-one (21) years in the performance of a religious ceremony or service in observation of a religious holiday.

B. A person shall not be in violation of this ordinance if he or she requests assistance from the Police Department or other law enforcement agency to either remove any person who refuses to abide by the person's performance of the duties imposed by this section or terminate the activity because the person has been unable to prevent a person under the age of twenty-one (21) years from consuming alcohol despite having taken all reasonable steps to do so and his assistance is requested before any other person makes a formal complaint to the Police Department or other law enforcement agency about the activity.

9.24 PENALTY

In addition to the remedies available to the Village in 9.17, Revocation, any person violating any of the provisions of Sections 9.19 through 9.23 and 9.25 shall be fined not less than \$500.00 nor more than \$1,000.00 per violation; provided, however, that the minimum fine shall be \$750.00 for any subsequent violation committed within any twelve (12) month period.

9.25 VIDEO GAMING *2019-18, 2022-03*

A. Video gaming license required: All gambling devices and slot machines— other than video gaming terminals, are prohibited except as authorized by this Section 9.25, and subject to all requirements and restrictions of the Illinois Video Gaming Act (230 ILCS 40/1 et. seq.), as amended. No more than three video gaming terminals may be operated in the Village within a Licensed Establishment as defined by Section 9.02 and in accordance with this Section 9.25. In the event that an applicant seeks to add up to two additional video gaming terminals within a licensed establishment

in the Village, such applicant must demonstrate to the Commissioner that the addition of up to two additional video gaming terminals can be accommodated by such Licensed Establishment through a site plan and a plan of operation.

B. Application requirements: Application to the Village for a video gaming license shall be made to the Commissioner or his/her designee on forms furnished by the Commissioner or his/her designee. The application shall contain the following information:

1. The name, address, age, date of birth of the video gaming terminal operator and owner of the establishment where the video gaming terminal is to be located;
2. Prior convictions of the video gaming terminal operator and owner of the establishment, if any;
3. A description of the nature of the business of the establishment and whether persons under the age of 21 will be allowed to enter the premises;
4. A site plan which depicts the location and dimension of any bars located within the establishment, as well as the area in which the video gaming will take place. In the event that persons under the age of 21 will be allowed within the premises, the site plan shall depict the manner in which access to persons under the age of 21 shall be restricted;
5. A description of the video gaming terminal(s) to be covered by the license;
6. A copy of the applicant's complete license application, and all supporting documents, to the Illinois Gaming Board;
7. Evidence that the video gaming license has been or will be promptly issued by the Illinois Gaming Board to the operator of the video gaming terminal and the owner of the establishment;
8. Such other information as the Village may determine is necessary as set forth in the application form.

C. Video gaming license issuance, term, limitations and number:

1. The Commissioner or his/her designee shall be authorized to issue a video gaming license to the holder of a Class A, B or C liquor license from the Village for which the owner possesses for such location.
2. A video gaming license shall expire no later than December 31 of each year. A video gaming license issued pursuant to this section shall expire immediately upon the voluntary surrender or revocation of the licensee's video gaming location license issued by the Illinois Gaming Board, or revocation of the Class A, B or C liquor license issued by the Village in accordance with Chap-

ter 9 of this Code. No video gaming license shall be issued or renewed where the applicant owes a debt, fine, fee or penalty to the Village.

3. Video Gaming Cafés are prohibited.
4. In no case shall the total number of video gaming licenses exceed the number of Class A, B or C liquor licenses issued by the Village.

D Renewal of video gaming licenses: Any permittee may renew his/her/its permit at the expiration thereof, provided he/she/it would qualify for an initial video gaming license at the time of renewal. This subsection shall not be construed as providing a permittee with a vested right in any video gaming license issued pursuant to this Chapter, as the President and Board of Trustees reserve the right to decrease the number of video gaming licenses to be issued within the Village.

E. No Assignment. Any license issued to a terminal operator under this Code shall not be assignable or transferable by the licensee or by operation of law or otherwise; nor may the licensee sublet or contract out any part of the work to be performed by the terminal operator.

F. Application and Annual Fees:

1. The fee for the initial issuance and each annual renewal fee for a video gaming terminal permit shall be \$100.00 per terminal. The cost of the fee be shared equally between the terminal operator and the applicable licensed establishment, licensed veterans establishment, licensed truck stop establishment, licensed large truck stop establishment, or licensed fraternal establishment.
2. The permit fees for the first year of the video gaming terminal permit period shall not be prorated from the month of issuance to the last month of the first permit year. A video gaming terminal permit shall not constitute property nor shall it be subject to attachment, garnishment to execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated.

G. Hours of operation: Video gaming terminals may only be operated during the legal hours of operation allowed for an operation with a Class A, B or C liquor license within the Licensed Establishment in accordance with Chapter 9 of this Code.

H. Location, screening and supervision: Video gaming terminals shall be placed in an area restricted to individuals age 21 or over. If individuals under the age of 21 are allowed in any portion of the Licensed Establishment, the video gaming terminals shall be located in a segregated area which shall not be accessible to persons under the age of 21. If an establishment's layout does not reasonably allow for a completely segregated area, the video gaming terminals shall be located in an area determined by the Commissioner or his/her designee as being the most segregated area of the establishment. An application for a video gaming license shall be accompanied by a site plan which depicts the area in which the video gaming will take place, which site plan shall be subject to the review and approval of the Commissioner or his/her designee. The area constructed for video gaming

shall be constructed in such a manner so that video gaming terminals may not be visible from the exterior of the building in which they are located.

I. Compliance: Licensed establishments shall comply with all provisions of this Code and the Illinois Video Gaming Act. If a licensee violates any provision of the Video Gaming Act (230 ILCS 40/1 et. seq.), or the rules of the Illinois Gaming Board, or any provision related to video gaming terminals contained in this Section, such violation shall be deemed a violation of the video gaming license and subject such video gaming license to suspension or revocation, along with revocation or suspension of such Licensed Establishment's liquor license, after a hearing conducted before the Commissioner in addition to any monetary penalty provided for herein.

J. Inspections: Licensed establishments shall permit inspection during regular business hours by Village officials to determine compliance with the provisions of this Code and/or state law.

K. Signage: No video gaming signage or advertising of any type or size, including, but not limited to, posters, paper signage, fliers, neon signage, banners, video or audio feed, or any other form of advertisement, shall be allowed on the exterior of the Licensed Establishment or on the inside of such establishment if such signage is visible from the outside in any way including, but not limited to, visibility through any window or door areas facing the public way.