TOWN OF CORTLAND
DEKALB COUNTY, ILLINOIS

TOWN OF CORTLAND
ORDINANCE NO. 2019-XX

AN ORDINANCE AMENDING TITLE 3 BUSINESS AND LICENSE REGULATIONS, CHAPTER 9 ALCHOLIC BEVERAGES,

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ADOPTED BY THE
MAYOR AND BOARD OF TRUSTEES
OF THE TOWN OF CORTLAND

This ___ day of _____, 2019

Effective date: _____, 2019

Published in pamphlet form by the authority of the President and Board of Trustees of the Town of Cortland, DeKalb County, Illinois, this ____ day of _____, 2019.

AN ORDINANCE AMENDING TITLE 3 BUSINESS AND LICENSE REGULATIONS,
CHAPTER 9 ALCHOLIC BEVERAGES,
OF THE CORTLAND TOWN CODE

WHEREAS, the Board of Trustees of the Town of Cortland has determined that it is in the best interest and welfare of the citizens of the Town to modify Chapter 9 Alcoholic Beverages of the Town Municipal Code.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Cortland, Illinois, as follows:

Section 1. Chapter 9, Alcoholic Beverages, included as Exhibit A to this Ordinance, is hereby adopted.

Section 2. This Ordinance shall, by authority of the Board of Trustees of the Town of Cortland, Illinois, be published in pamphlet form. From and after ten days after said publication, this Ordinance shall be in full force and effect.

PASSED BY THE BOARD OF TRUSTEES of the Town of Cortland, Illinois, at a regular meeting thereof held on the ___ day of _____, 2019, and approved by me as Town President on the same day.

AYE:
NAY:
ABSENT:

_____
Russell C. Stokes, Town President

ATTEST:

_____
Cheryl Aldis, Town Clerk

Chapter 9
ALCOHOLIC BEVERAGES

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3-9-1: DEFINITIONS:
For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ALCOHOLIC LIQUOR: Includes "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 chapter 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 percent (0.5%) or less of alcohol by volume.

BANQUET HALL: A building or other structure kept, used, maintained, advertised and held out to the public solely for private functions.

BAR: Any public place where alcoholic liquors are sold and the primary purpose of the establishment is for the consumption of such alcoholic beverages on the premises, and food service may or may not be included.

BEER: 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.

CHAMPAGNE: Any "wine", as defined herein, further characterized by effervescence caused by fermentation and consequent generation of carbon dioxide.

CLUB: A corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning or 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 guests.

CONVENIENCE FOOD STORE: A business that derives fifty percent (50%) or more of its gross income from the sale of petroleum products, goods, merchandise, or other articles of value in their original containers, offers a limited quantity and variety of food, household, and sundry items, and does not sell or have for sale prescription drugs.

GROCERY STORE: A building where the primary business consists of the direct retail sale of food items such as meats, cereal grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over the counter medicines, personal products, household goods and similar items are available to be purchased by the consumer.

LICENSED PREMISES: Every building, establishment, structure, place of business or location, whether or not enclosed from the elements, used for the retail sale of alcoholic liquor or where any retail sale or business of alcoholic liquor takes place or occurs.

PRIVATE FUNCTION: A prearranged private party, function or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

RESTAURANT: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, at least five (5) days per week, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

RETAIL SALE: The sale of alcoholic liquor for use or consumption and not for resale.

SALE OR SELL: Any transfer, exchange or barter in any manner, or by any means whatsoever, including, but not limited to, a transaction involving telephone, mail, facsimile, internet or any other electronic or remote messaging device, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The taking of an order for immediate or future remote delivery shall also be deemed a sale.

SPIRITS: 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: 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 defined herein.

3-9-2: LOCAL LIQUOR CONTROL COMMISSIONER:

A. Town President/Mayor To Act As Commissioner: The town president/mayor shall be the local liquor control commissioner and shall be charged with the administration of this chapter and of the appropriate provisions of the Illinois liquor control act, and may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided for such local liquor control commissioner.

B. Powers and Duties: The local liquor control commissioner shall also have the following powers, functions and duties with respect to licenses issued under the provisions of this chapter:

1. To grant or suspend for not more than thirty (30) days or revoke for cause all local licenses issued to persons for premises within the town.

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or of the Illinois liquor control act or any rules or regulations adopted by the local liquor control commissioner or by the Illinois liquor control commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith.
3. To notify the secretary of state where a club incorporated under the general not for profit corporation act of 1986 or a foreign corporation functioning as a club in this

state under a certificate of authority issued under that act has violated this act by selling or offering for sale at retail alcoholic liquors without a retailer's license.

4. To receive complaint from any citizen that any of the provisions of the Illinois liquor control act or any rules or regulations adopted pursuant thereto or any provisions of this chapter have been or are being violated, and to act upon such complaints in the manner provided by said statute and this chapter.
5. To order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community. 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.
6. To receive local license fees and pay the same forthwith to the town.

C. Agents of the Commissioner: The town president/mayor may appoint a person or persons to assist him or her in the exercise of the powers and the performance of the duties provided for in this chapter. When in this chapter the local liquor control commissioner shall be referred to, it shall include any committee or agent appointed by such local liquor control commissioner.

3-9-3: LICENSE REQUIRED:

It shall be unlawful to sell or offer for sale at retail in the town any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

It shall be unlawful for a person directly or indirectly responsible for any premises to which the public is admitted to give or offer to give any alcoholic liquor to any person for consumption or to allow a person upon said premises to consume any alcoholic liquor unless said person is licensed to sell alcoholic liquors on said premises.

3-9-4: APPLICATION; SUBMISSION OF LIST OF MEMBERS:

A. Application for a retail liquor dealer's license, as provided for in this chapter, shall be made to the town president/mayor in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:
   1. The name, age and address of the applicant in the case of an individual; in the case of co-partnership, the persons entitled to a share in the profits thereof; and 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 one person or his nominee, the name and address of such person;

   2. The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;

3. The character of business of the applicant; and in case of a corporation, the objects for which it was formed;
4. The length of time the applicant in question has been in business of that character, or in the case of a corporation, the date when its charter was issued;
5. The amount of goods, wares and merchandise on hand at the time application is made;
6. The location and description of the premises or place of business which is to be operated under such license;
7. A statement whether the applicant has made application for a similar or other license on premises other than those described in his application, and the disposition of such application;
8. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of this state, or the ordinances of this town;
9. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked, and the reason therefor;
10. A statement that the applicant will not violate any of the laws of the state or of the United States or any of the provisions of this code or ordinances of the town in the conduct of his place of business;
11. That applicant has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period of not to exceed 30 days, as expressly permitted under 235 Illinois Compiled Statutes 5/6-5 of the Illinois liquor control act), directly or indirectly from any manufacturer, importing distributor or distributor representative of any such manufacturer;
12. That adequate dramshop insurance is in force covering the applicant and the premises which is to be operated under such license during the entire license period. Further, in addition to the foregoing statement made under oath, all applicants shall be required to attach to said application as proof of insurance a copy of the policy for dramshop insurance coverage, which policy shall contain at a minimum the following information: insurer's name, agent's name, amount of coverage and type of coverage, and dates of coverage under the policy which must demonstrate insurance coverage during the entire license period;
13. The classification of the license for which application is made;
14. The date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois business corporations act to transact business in Illinois if a foreign corporation.
    All managers of the premises to be operated under such license must file documents entitled "statement of manager", providing information necessary for the local liquor commissioner's determination. Any and all persons who become managers during the application process or during the term of the license must also file a "statement of manager". Failure to do so will be grounds for revocation or suspension of the license;
15. The commissioner may, within his or her discretion, require any applicant for a new town liquor license, or any applicant for a renewal of a town liquor license, to be

fingerprinted. Should the applicant be a partnership or corporation, the commissioner may, within his or her discretion, require the following to be fingerprinted:

a. The officers, manager or director of the corporation, or any stockholder or stockholders owning in the aggregate of more than five percent (5%) of the capital stock of said corporation.

   Any general partners or any limited partners of a partnership owning more than five percent (5%) of the aggregate limited partner interest in such partnership.

   Any members of an LLC owning more than five percent (5%) of the aggregate interest in such LLC.

b. All such fingerprinting shall be done by the town police department. Said fingerprints shall be submitted to the appropriate state and/or federal agencies for processing as available. The cost of fingerprinting shall be included in the license fee.

   In addition to the foregoing information, such application shall contain such other and further information as the Illinois liquor control commission and local liquor control commissioner may by rule or regulation not inconsistent with law prescribe.

   If said application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members of such partnership or the president and secretary of such corporation.

   All applications shall be upon forms provided by the local liquor control commissioner.

B. A club shall file with the local liquor control commissioner at the time of its application for a license under this section, two (2) copies of a list of names and residences of its members, and similarly file within ten (10) days of the election of any additional member his name and address; and provided, 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 receives, in any form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members 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.

3-9-5: EXAMINATION OF APPLICANT:

The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom

notice of revocation has been served in the manner hereinafter provided, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof of his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

Every applicant for an initial liquor license shall personally present to the local liquor control commissioner and his or her designee all information required under section 3-9-4 of this chapter and shall truthfully answer all questions about the operation of the proposed licensed premises. The local liquor commissioner and his or her designee shall recommend to the town board of trustees whether to authorize the creation of a liquor license for the applicant.

The town board of trustees shall have sole authority to authorize the creation of any liquor license. The town president/mayor shall have sole authority to issue any liquor license, or in his or her discretion, to refuse to issue any liquor license.

3-9-6: RESTRICTIONS ON ISSUANCE:

A. No retail liquor dealer's license, as provided for in this chapter, shall be issued to:
    1. A person who is not a resident of the town;
    2. A person who is not of good character and reputation in the town;
    3. A person who is not a legal permanent resident of the United States;
    4. A person who has been convicted of a felony under any federal or state law, unless the commissioner 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 commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
    5. A person who has been convicted of being the keeper of a house of ill fame;
    6. A person who has been convicted of pandering or crime or misdemeanor opposed to decency and morality;
    7. A person whose license under this chapter has been revoked for cause;
    8. 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;
    9. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the Town;
    10. A corporation, if any officer, manager or director thereof, or any stockholder or stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than residence within the Town;
    11. An LLC, if any member owning in the aggregate more than five percent (5%) of the interest of such LLC, would not be eligible to receive a license hereunder for any reason other than residence within the Town;

12. 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;
13. An LLC unless it is organized in Illinois, or unless it is a qualified and registered to transact business in Illinois.
14. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee;
15. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this act or has forfeited his bond to appear in court to answer charges for any such violation;
16. 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;
17. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, a president of the town board of trustees, any member of a town 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 such official in relation to premises that are not located within the territory subject to the jurisdiction of the official if the issuance of such license is approved by the state liquor control commission and except that a license may be granted, in a city or town with population of fifty thousand (50,000) or less, to any alderman, member of city council, or member of a town board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if: a) the sale of alcoholic liquor pursuant to the license incidental to the selling of food, b) the issuance of the license is approved by the state commission, c) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and d) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected;
18. A person who is not a beneficial owner of the business to be operated by the licensee;
19. 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 criminal code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
20. 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;
21. A person who intends to sell alcoholic liquors for use or consumption on his or her 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 subsection (a) of section 6-21 of the Illinois liquor control act;

B. A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license application for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation.

3-9-7: TERMINATION DATE:

Each retail liquor dealer's license, as provided for in this chapter shall terminate on April 30 next following the date of issuance.

3-9-8: RENEWAL OF LICENSE:

The holder of any retail liquor dealer's license issued under this chapter may renew such license at the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought is suitable for the purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the town president/mayor and board of trustees from decreasing the number of licenses to be issued within the town.

Applications for renewal of liquor licenses shall be submitted to the town on or before the last business day of March for a renewed license to take effect on May 1.

3-9-9: CONDITIONS OF LICENSE:

A. Licensing Conditions: The following shall be express conditions of the granting of any license hereunder:
    1. Every licensee shall submit to the local liquor control commissioner the proof of insurance as more fully set forth in subsection 3-9-4(A)(12) of this chapter, said proof to be furnished at the time of application for renewal or for a new license. The insurance shall be an annual policy covering the full license period, stating on its face or within the certificate of insurance to be attached thereto, that the insurance is in force for said period and that no cancellation, rescission or revocation of said insurance shall take place unless and until said insurer provides to the town local liquor control commissioner ten (10) business days' notice of such impending cancellation, rescission or revocation. In addition, a duplicate of said notice shall be provided by said insurer to the business office manager.
    2. Every licensee whose dramshop insurance has lapsed or has been revoked, terminated, canceled or suspended, and every licensee who has received oral or written notice of such lapse, revocation, termination, cancellation or suspension shall immediately notify the local liquor control commissioner of such occurrence. Failure to provide such notification will be grounds for the exercise by the local liquor control commissioner of his emergency powers as more fully

set forth in subsection 3-9-2(B)(5) of this chapter, or as set forth under any other provision in this chapter.

3. Upon notification that a licensee's dramshop insurance has lapsed or has been revoked, terminated, canceled or suspended, the local liquor control commissioner may invoke emergency powers as set forth in subsection 3-9-2(B)(5) of this chapter, or in his discretion, may invoke his powers as set forth in subsection 3-9-2(B)(1) of this chapter, and shall take appropriate steps to terminate the license held by the uninsured licensee. Any license so terminated may be reinstated, and any license threatened with termination may be brought into compliance with the provisions of this chapter, without further cost to the licensee, by submitting to the local liquor control commissioner proof of renewal of previously held insurance or reinsurance under the terms of a new policy. All such renewal or reinsurance shall comport with the requirements of subsection 3-9-4(A)(12) of this chapter.

B. Fingerprinting: Each applicant shall, within thirty (30) days of request made by the local liquor control commissioner for fingerprints pursuant to subsection 3-9-4(A)(15) of this chapter, submit said fingerprints to the town in the form requested by the commissioner. Failure to comply with this subsection shall be cause for revocation or suspension of a liquor license.

C. Reporting of Violations: Every licensee and every officer, agent or employee thereof shall have an affirmative duty to immediately notify the town police department upon the occurrence of either a violation of law which is taking or has taken place upon the licensed premises or a threatened or actual physical altercation between any two (2) or more persons upon the licensed premises. The failure of a licensee, officer, agent or employee to so notify shall constitute cause for suspension or revocation of the licensee's liquor license. For the purpose of this subsection "licensed premises" shall include, but is not limited to, any building, structure, parking lot or vacant area directly or indirectly related to the retail sale of alcoholic liquor.

D. Access to Licensed Premises: The main entrance to the licensed premises shall be unlocked at all times during business hours; provided, however, that the main entrance may be locked no earlier than ten (10) minutes before the closing hour of the premises. If the licensee, or an officer, agent or employee thereof, closes the licensed premises prior to the regular closing time, all individuals who are not officers, agents or employees must first vacate the licensed premises. If the main entrance is locked for any reason during business hours, the licensee or officer, agent or employee thereof, shall immediately allow access to any law enforcement officer wishing to enter the premises. The failure to comply with any provision of this subsection shall constitute cause for suspension or revocation of the licensee's liquor license.

E. Termination By Dormancy: A license shall be rendered dormant and shall abate when the licensed premises have been closed or when no alcoholic liquor has been sold or served on the premises for thirty (30) days, and no request for transfer to a new location or request for an extension of time has been received by the local liquor control

commissioner. A license shall be rendered dormant and shall abate immediately when a licensee sells or otherwise conveys the licensed premises, and such license shall be deemed to have been surrendered to the local liquor control commissioner. Upon a determination of abatement by the commissioner, and his written notice of such determination to the licensee, the number of licenses in the class of the license that has been rendered dormant shall be reduced by one.

3-9-10: PRORATION OF FEES:

If the license fee provided for in subsection 3-9-14(A) of this chapter is paid less than six (6) months before the expiration of the license on April 30, the fee shall be reduced by one-half ($^1/_2$). A license fee paid between six (6) months and one year prior to expiration of the license shall not be prorated.

3-9-11: DISPOSITION OF FEES:

All fees, as referred to in subsection 3-9-14(A) of this chapter, shall be paid to the local liquor control commissioner at the time application for a retail liquor dealer's license is made, and shall be forthwith turned over to the town clerk. The license fee is nonrefundable, except under the conditions set forth in section 3-9-12 of this chapter. If the license is granted, the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the board of trustees by proper action.

3-9-12: LICENSE A PERSONAL PRIVILEGE; ATTACHMENT, TRANSFER, DEVOLUTION; RENEWALS:

A retail liquor dealer's license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution; provided, that executors or administrator of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consist in part of alcoholic liquor may continue the business of the sale of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

3-9-13: RECORD OF LICENSES TO BE KEPT:

The local liquor control commissioner shall keep or cause to be kept a complete record of all retail liquor dealers' licenses issued under this chapter.

3-9-14: CLASSIFICATION OF LICENSES; FEES:

A. License Classifications and Fees: Every person engaged in the retail sale of alcoholic liquor in the town shall pay an annual license fee. Such licenses shall be divided into the following classes and the number of such licenses issued in the town shall be limited as follows:
    1. Class A. Retail sale of alcoholic liquors, but not for consumption on the premises where sold, by establishments which have in excess of seventy percent (70%) of their gross quarterly profits derived from the sale of alcoholic liquors. The licensee shall provide, upon the request of the local liquor commissioner, an audit report prepared by an independent certified public accountant, approved by the local liquor commissioner, at the expense of the licensee for a time period designated by the local liquor commissioner, demonstrating the percentage of sales required for a class A license. The fee for a class A license shall be two thousand two hundred dollars ($2,200.00) per year.
    2. Class B. Retail sale of alcoholic liquor in grocery stores, as defined herein, which have a minimum of twenty thousand (20,000) square feet in area for the conduct of sales to the public, but not for consumption on the premises where sold. The area of the licensed premises dedicated to the sale of packaged alcoholic beverages shall not exceed one-fifth ($^1/_5$) of the gross square footage of the grocery store premises.
        a. Confinement of Alcoholic Liquor: All alcoholic liquor shall be displayed for sale in a confined area separate from other nonalcohol items. The separate alcoholic liquor sales area shall be located in the grocery store in such a manner that customers will be able to access all nonalcohol items without entering or passing through the separate alcoholic liquor sales area. On the perimeter of the separate alcoholic liquor sales area, there shall be a sign prominently displayed stating:

            YOU MUST BE 21 YEARS OLD TO ENTER THIS AREA UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

            The separate alcoholic liquor sales area shall include means of locking the access during prohibited sales hours. All packaged alcoholic liquor that is not yet displayed or offered for sale shall be secured in a locked area that will be accessed only under the supervision of a manager who is at least twenty-one (21) years of age.
        b. Sale at Checkout Counter: The sale of alcoholic beverages may be permitted at the grocery store checkout counter, provided that the cashier is twenty-one (21) years of age.
        c. Drive-Through Sale Prohibited: No Class B licensee shall be permitted to sell alcoholic beverages through a drive-through facility at any time.
        d. Sale in Original Package: A Class B licensee shall not sell a single container of beer unless the volume of the container is equal to or greater than seven (7) fluid ounces. A Class B licensee shall not sell a single container of wine unless the container is greater than sixteen (16) fluid

ounces or 0.473 liter. No Class B licensee shall sell a single container of alcoholic liquor, except wine and beer as provided herein, unless the container is greater than sixteen (16) fluid ounces or 0.473 liter. No Class B licensee shall sell barrels or kegs of beer.

e. Fee: The fee for a Class B license shall be three thousand two hundred dollars ($3,200.00) per year.

3. Class C. Retail sale of alcoholic liquors for consumption only in a "restaurant," as defined herein, on the premises specified and when the establishment's primary business is the sale of food for consumption on the premises. Dancing, entertainment and live music furnished for entertainment of the customers shall be allowed under this license only if the licensee obtains a supplemental live entertainment permit.

   Fee: The fee for a Class C license shall be two thousand two hundred dollars ($2,200.00) per year.

4. Class D. Retail sale of beer and wine for consumption only in a "restaurant," as defined herein, on the premises specified and when the establishment's primary business is the sale of food for consumption on the premises. Dancing, entertainment and live music furnished for entertainment of the customers shall be allowed under this license only if the licensee obtains a supplemental live entertainment permit.

   The fee for a Class D license shall be one thousand seven hundred dollars ($1,700.00) per year.

5. Class E. Temporary license authorizing the retail sale of alcoholic liquor for consumption only on the indoor or outdoor premises where sold and not for resale in any form. A Class E temporary license is to be issued for temporary stands, booths, and counters, such as used at picnics and the like. An applicant for a Class E license shall provide information about the premises or site where alcoholic liquor will be sold, about security arrangements to confine the consumption of alcoholic liquor to the premises or site, about sanitation and cleanup of the site, about supervision of the event, and any other information as the Local Liquor Control Commissioner deems necessary. The Class E temporary license shall be valid only on the day for which the license is issued and only during the hours of that day during which alcoholic liquor may be sold within the Town.

   A Class E temporary license may be issued for the sale of alcoholic liquor for consumption on public property owned by a local governmental body, where permitted by statute.

   The fee for a Class E license shall be one hundred dollars ($100.00). No fee shall be charged to a local governmental body.

6. Class F. Retail sale of alcoholic liquors for consumption on the premises only in a "banquet hall", as defined herein. The sales shall be only to the attendees of private functions held at the banquet hall or for the benefit of the attendees of the private functions. Dancing, entertainment and live music furnished for

entertainment of the attendees at private functions at the banquet hall shall be allowed under this license.

The fee for a Class F license shall be two thousand two hundred dollars ($2,200.00) per year.

7. Class G. Permitting the retail sale of any alcoholic liquor for consumption on the premises of a "club", as defined herein, only by members and their bona fide guests.

   The fee for a Class G license shall be one thousand two hundred dollars ($1,200.00) per year.

8. Class H. Permitting the retail sale of beer and wine in a convenience food store for consumption off the premises and, if desired and only ancillary to the operation of video gaming terminals, for consumption of beer on the premises.
   a. Area Dedicated To Sale Of Beer And Wine For Consumption Off The Premises: The area of the licensed premises dedicated to the sale of beer and wine for consumption off the premises shall not exceed twenty percent (20%) of sales floor area to a maximum of one thousand (1,000) square feet. Such beer and wine shall be displayed for sale in an area separate from all other nonalcohol items. The separate beer and wine area shall have a means of locking or securing access during prohibited sales hours. Packaged beer and wine that is not displayed or offered for sale shall be secured in a locked area that will be accessed only under the supervision of a manager who is at least twenty-one (21) years of age. Beer for on-site consumption shall be located behind the checkout counter in a unit that is locked and accessible only to the cashier on duty.
   b. Sale at Checkout Counter: The sale of beer and wine is permitted at the convenience store checkout counter, provided the cashier is at least twenty-one (21) years of age. The service of beer for on-site consumption shall be limited to the video gaming area and shall only be served by the cashier on duty.
   c. Drive-Through Sale Prohibited: No Class H licensee shall sell any beer and wine through a drive-through or via curb service at any time.
   d. Hours Of Sale: Notwithstanding any other provision of this chapter, permitted hours of sale of beer and wine by a Class H licensee shall be six o'clock (6:00) A.M. to one o'clock (1:00) A.M. Monday through Thursday, six o'clock (6:00) A.M. to two o'clock (2:00) A.M. Friday and Saturday, and eleven o'clock (11:00) A.M. to one o'clock (1:00) A.M. Sunday.
   e. Sale in Original Package for Beer and Wine to Be Consumed Off the Premises: No Class H licensee shall sell a container of wine and beer for consumption off the premises unless the container is greater than sixteen (16) fluid ounces or 0.473 liter. Beer shall be sold in 6-packs or more. No Class H licensee shall sell barrels or kegs of beer.

f. Sale of Beer for Consumption on The Premises Ancillary to Video Gaming: A Class H licensee may serve beer for consumption on the premises ancillary to video gaming, provided that the video gaming terminals are physically separated from the area where retail services are to be conducted. Such on-site consumption may only occur in the separate video gaming area, and video gaming terminals must be located in the direct line of site of the cashier from the location of the cashier counter. Beer served for on-site consumption shall be located behind the checkout counter in a unit that is locked and accessible only to the cashier on duty. Such beer may only be sold and served in a clear container. No serving of beer shall be greater than twelve (12) fluid ounces. Sales to a single person shall be limited to no more than one beer at a time, and no more than two (2) servings in a 24-hour period. No open containers shall be permitted to leave the video gaming area.

g. On Duty Employees: Employees of a Class H licensee shall be prohibited from consuming alcohol or operating a video gaming machine while on duty.

h. Audit Report: The licensee shall provide, upon the request of the Local Liquor Commissioner, an audit report prepared by an independent certified public accountant, approved by the Local Liquor Commissioner, at the expense of the licensee for a time period designated by the Local Liquor Commissioner, demonstrating the percentage of sales required for a Class H license.

i. Fee: The fee for a Class H license shall be three thousand two hundred dollars ($3,200.00) per year.

9. Class H-1. Permitting the retail sale of alcoholic liquor in a convenience food store for consumption off the premises and, if desired and only ancillary to the operation of video gaming terminals, for consumption of beer on the premises.

a. Area Dedicated to Sale of Alcoholic Liquor for Consumption Off The Premises: The area of the licensed premises dedicated to the sale of alcoholic liquor for consumption off the premises shall not exceed twenty percent (20%) of sales floor area to a maximum of one thousand (1,000) square feet. Such alcoholic liquor shall be displayed for sale in an area separate from all other nonalcohol items. The separate alcoholic liquor area shall have a means of locking or securing access during prohibited sales hours. Packaged alcoholic liquor that is not displayed or offered for sale shall be secured in a locked area that will be accessed only under the supervision of a manager who is at least twenty-one (21) years of age. Beer for on-site consumption shall be located behind the checkout counter in a unit that is locked and accessible only to the cashier on duty.

b. Sale at Checkout Counter: The sale of alcoholic liquor is permitted at the convenience store checkout counter, provided the cashier is at least twenty-one (21) years of age. The service of beer for on-site consumption shall be limited to the video gaming area and shall only be served by the cashier on duty.

c. Drive-Through Sale Prohibited: No Class H-1 licensee shall sell any

alcoholic liquor through a drive-through or via curb service at any time.

d. Hours Of Sale: Notwithstanding any other provision of this chapter, permitted hours of sale of alcoholic liquor by a Class H licensee shall be six o'clock (6:00) A.M. to one o'clock (1:00) A.M. Monday through Thursday, six o'clock (6:00) A.M. to two o'clock (2:00) A.M. Friday and Saturday, and eleven o'clock (11:00) A.M. to one o'clock (1:00) A.M. Sunday.

e. Sale in Original Package for Alcoholic liquor To Be Consumed Off The Premises: No Class H-1 licensee shall sell a container of alcoholic liquor for consumption off the premises unless the container is greater than sixteen (16) fluid ounces or 0.473 liter. Beer shall be sold in 6-packs or more. No Class H-1 licensee shall sell barrels or kegs of beer.

f. Sale of Beer for Consumption on The Premises Ancillary To Video Gaming: A Class H-1 licensee may serve beer for consumption on the premises ancillary to video gaming, provided that the video gaming terminals are physically separated from the area where retail services are to be conducted. Such on-site consumption may only occur in the separate video gaming area, and video gaming terminals must be located in the direct line of site of the cashier from the location of the cashier counter. Beer served for on-site consumption shall be located behind the checkout counter in a unit that is locked and accessible only to the cashier on duty. Such beer may only be sold and served in a clear container. No serving of beer shall be greater than twelve (12) fluid ounces. Sales to a single person shall be limited to no more than one beer at a time, and no more than two (2) servings in a 24-hour period. No open containers shall be permitted to leave the video gaming area.

g. On Duty Employees: Employees of a Class H-1 licensee shall be prohibited from consuming alcohol or operating a video gaming machine while on duty.

h. Fee: The fee for a Class H-1 license shall be three thousand five hundred dollars ($3,500.00) per year.

10. Class I. Retail sale of alcoholic liquors for consumption only in a "bar," as defined herein, on the premises specified and when the establishment's sale of alcoholic beverages for consumption on premises constitutes at least eighty percent (80%) of the gross annual receipts. Dancing, entertainment and live music furnished for entertainment of the customers shall be allowed under this license only if the licensee obtains a supplemental live entertainment permit.

    Fee: The fee for a Class I license shall be two thousand two hundred dollars ($2,200.00) per year.

B. Outdoor Restaurant Liquor Sales: Subject to the approval of the Local Liquor Commissioner, the sale, service and consumption of alcoholic liquor in an outdoor seating area shall be permitted adjacent to premises licensed to sell alcoholic liquor for consumption on the premises, subject to the following conditions:

1. The outdoor restaurant seating area is enclosed with a non-barricade type fence or other barrier that allows viewing of the area from the street;
2. The outdoor restaurant seating area is owned or leased by the licensee;
3. The outdoor restaurant seating area is included as part of the regular food service business located on the licensed premises and alcoholic beverages may not be served without food;
4. Access to the outdoor restaurant seating area shall be limited through the licensed premises, or, if not practicable, through monitored entrances that are controlled by employees and/or reasonable fencing of the licensed premises during all operating hours and/or while alcohol is being served;
5. No music, live or recorded, shall be allowed in an outdoor restaurant seating area, without obtaining a supplemental live entertainment permit;
6. Applications for the establishment of an outdoor restaurant seating area or the amendment of an existing outdoor restaurant seating area, shall be filed on such forms and with such information as may be directed by the Liquor Commissioner. The annual (calendar year) fee for such application shall be two hundred dollars ($200.00) in addition to the required liquor license fee.

C. Live Entertainment Permit: Authorizes entertainment in a Class C, D, F, or G licensed premises, including, but not limited to, bands, disc jockeys, personal appearance of amateur or professional entertainers or musicians. The annual (calendar year) fee for a live entertainment permit shall be two hundred dollars ($200.00), in addition to the prescribed fee for the Class C, D, F, or G license.

D. Initial License Fee: The fee for the initial license issued to any licensee shall be twice the amount specified for each class of liquor license described in subsections A, B, and C of this section.

3-9-15: SALE TO, POSSESSION BY AND RESPONSIBILITY FOR MINORS:

A. Age Restriction: It shall be unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any tavern or other place in the Town where alcoholic liquor is sold.

B. Misrepresentation of Age By Minor: 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 tavern or other place in the Town where alcoholic liquor is sold.

C. C. Notice To Be Posted In Premises: In every tavern or other place in the Town 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 Town Clerk and which shall read substantially as follows:

WARNING TO MINORS

You are subject to a fine up to $750 under the ordinances of the Town of Cortland if you

purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

D. Minors Not to Frequent Licensed Premises; Exception: It shall be unlawful for any holder of 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; provided, that this section shall not apply to any minor who is accompanied by his parent or guardian, or to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor.

E. Revocation of License: In addition to all other fines and penalties, the Local Liquor Control Commissioner may revoke the retail liquor dealer's license for any violation of this section.

F. Parents Not to Permit Minors to Violate Provisions: It shall be unlawful for any parent or guardian to permit any minor child of whom he may be a parent or guardian to violate any provision of this section.

G. Unlawful to Sell or Give To Minor: It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to any person under the age of twenty-one (21) years.

H. Unlawful Consumption, Purchase, Acceptance of Delivery Or Possession: It shall be unlawful for any person under the age of twenty-one (21) years to consume, purchase, or accept delivery of alcoholic liquor or have alcoholic liquor in his or her possession within the Town.

3-9-16: PERMITTED POSSESSION AND CONSUMPTION:

The following activities are excluded from section 3-9-15 of this chapter and may be lawfully engaged in by a person under the age of twenty-one (21):

A. The possession and dispensing or consumption of wine in the performance of a religious service or ceremony; and

B. The consumption of alcoholic liquor under the direct supervision and approval of the underage person's parent(s) or guardian(s) in the parent's or guardian's home.

3-9-17: RESPONSIBILITY OF THE OWNER OR OCCUPANT OF PREMISES:

It shall be unlawful for any owner or occupant of any premises located within the Town to permit any person under the age of twenty one (21) other than the owner's or occupant's own child or ward to remain on such premises while the underage person is in possession of alcoholic liquor or while the underage person is consuming alcoholic liquors in violation of section 3-9-15 of this chapter.

3-9-18: PEDDLING OF ALCOHOLIC LIQUOR PROHIBITED:

It shall be unlawful to peddle alcoholic liquor in the Town.

3-9-19: SANITARY CONDITIONS OF PREMISES USED FOR RETAIL SALES:

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 State law regulating the condition of premises used for the storage or sale of food for human consumption.

3-9-20: HEALTH OF RETAIL ESTABLISHMENT EMPLOYEES:

A. Diseased Persons Prohibited: 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. It shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor.

B. Qualification: It shall be unlawful to employ any person not possessing the same qualifications as are necessary for the applicant to possess in order to secure a license under this chapter, except the requirement as to legal permanent residence in the United States.

C. Dispensing Of Liquor By Individuals Under Twenty One Years Of Age/Employment Of Minors: No person under the age of twenty one (21) years shall tend bar, tend a package counter or window, sell or deliver alcoholic liquor for consumption off the premises, or sell, handle, draw, pour, mix, dispense, drain or serve any alcoholic liquor and no licensee or any officer, associate, member, representative, agent or employee of a licensee shall engage, employ or permit any person under the age of twenty one (21) years so to do; provided that, persons eighteen (18) years of age and over who have completed the beverage alcohol sellers and services education and training (BASSET) program approved by the Educational Foundation of the National Restaurant Association or have completed such training at a facility approved under 20 Illinois Compiled Statutes 301/15-10 may serve alcoholic beverages to patrons who are dining at any licensed restaurant premises, if the service of such beverages is only incidental to their primary job function of serving food. The provisions of this subsection shall not be construed to prohibit an employee under the age of twenty-one (21) years from handling unopened containers of alcoholic liquor if such handling is in the capacity of a stocker on a licensed premises and for a licensed employer.

3-9-21: LOCATION OF RETAIL ESTABLISHMENTS RESTRICTED:

A. Location Restrictions: No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children or any military or naval

station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such a purpose prior to the taking effect of this chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred feet (100') of any undertaking establishment or mortuary.

B. Stores Selling School Supplies: No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business wherein the majority of customers are minors of school age or where the principal business transacted consists of schoolbooks, school supplies, food, lunches or drinks for such minors.

C. Access From Licensed Premises To Dwelling Quarters: In the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purpose and which is permitted to be used or kept accessible for any use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

D. Change of Location: A retail dealer's license shall permit the sale of alcoholic liquor only within the premises or portion described in the application for such license. A location may be changed or altered only after a written application has been made to the local liquor control commissioner and the same has been approved.

E. Town Buildings: No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the town, with the exception of shelters erected in town parks.

3-9-22: HOURS OF BUSINESS:

All places where alcoholic liquor is sold shall be closed from one o'clock (1:00) A.M. until eleven o'clock (11:00) A.M. on Sunday and between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of every day, with the exception of Fridays and Saturdays, when the closing hour shall be one o'clock (1:00) A.M.; provided, also, that all places where alcoholic liquor is sold may remain open until three o'clock (3:00) A.M. on New Year's Eve.

3-9-23: PREMISES NOT TO BE OPENED FOR BUSINESS DURING HOURS SALE IS PROHIBITED; EXCEPTIONS:

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, clubs, grocery stores, or drugstores, such establishments may be kept open at such hours but no alcoholic liquors shall be sold or consumed by the public during such hours.

3-9-24: VIEW OF PREMISES FROM STREET:

No premises upon which the sale of alcoholic liquor for consumption on the premises is licensed other than as a restaurant, hotel or club or any bowling alley other than one situated on a first or ground floor, shall be permitted to have any screen, curtain, partition, article or thing in the windows or upon the doors of such licensed premises nor inside such premises which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully permitted to be obscured or in any manner obstructed, then such licensee shall be subject to revocation of his license in the manner provided in section 3-9-32 of this chapter. In order to enforce the provisions of this section, the local liquor control commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

3-9-25: SALE TO INTOXICATED PERSONS AND 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 or to any person known to be under legal disability or in need of medical treatment.

3-9-26: HAPPY HOURS PROHIBITED:

A. Schedule of Prices: All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multiuse establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multiuse establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

B. Acts Prohibited: No retail licensee or employee or agent of such licensee shall:
    1. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
    2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
    3. Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection C7 of this section;

4. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
5. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
6. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections B1 through B5 of this section.

C. Acts Permitted: Nothing in subsection B of this section shall be construed to prohibit a licensee from:
    1. Offering free food or entertainment at any time;
    2. Including drinks of alcoholic liquor as part of a meal package;
    3. Including drinks of alcoholic liquor as part of a hotel package;
    4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multiuse establishment and another group for the holding of any function, meeting, convention or trade show;
    5. Providing room service to persons renting rooms at a hotel;
    6. Selling pitchers (or the equivalent, including, but not limited to, buckets), carafes or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two (2) or more persons at one time; or
    7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

D. Free Tastings: Free tastings are prohibited for all classes of liquor licenses except Classes A and B. Free tastings may only be given by premises with a Class A or B liquor license for advertising purposes with the prior approval of the Local Liquor Control Commissioner. Requests for approval of a free tasting shall be submitted in writing to the Local Liquor Control Commissioner, with a copy to the Town Clerk, a minimum of five (5) business days before the scheduled event. Requests for approval for multiple free tastings may be made in a single request; however, no free tasting may be held without the express approval of the Local Liquor Control Commissioner.

3-9-27: POSSESSION OF ALCOHOLIC LIQUOR IN VEHICLES:

No person shall transport, carry, possess or have any alcoholic liquor in or upon any motor vehicle except in the original package and with the seal unbroken.

3-9-28: OPEN CONTAINER PROHIBITED:

It shall be unlawful for any person to carry on any street, alley or other public way, an open container of alcoholic beverage. Provided, however, this prohibition shall not be applicable on premises which have been issued a Class E temporary license. A "container" of alcoholic beverage for the purpose of this section shall be any bottle, glass, cup, can or other container. "Open" shall mean unsealed to the air; the same being a bottle with its cap off, a can with its lid open in any manner, a glass or cup not hermetically sealed.

3-9-29: AWOL DEVICE PROHIBITED:

No licensee shall permit the use or possession of an alcohol without liquid ("AWOL") machine or device on the licensed premises.

3-9-30: PROHIBITED CONDUCT ON LICENSED PREMISES:

It shall be unlawful for any licensee under this chapter to permit in the licensed premises, the exposure of any male or female performer in the presence of the audience, or the giving of the illusion of nudity in the presence of the audience, or exposure of the lower abdomen, genital organs, buttocks or breasts, and it shall further be unlawful for any licensee to advertise and/or conduct on the premises any "topless" or "bottomless" entertainment or activity.

The following kinds of conduct on premises in the Town licensed to sell alcoholic liquor are prohibited:

A. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

B. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

C. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals;

D. The permitting, by a licensee, of any person to remain in or upon the premises who exposes to public view his or her entire breasts or buttocks;

E. The permitting, by a licensee, of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, vulva or anus;

F. The displaying of moving pictures or photographic slide presentations depicting acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act.

3-9-31: SERVER TRAINING REQUIREMENTS:

All Class C, Class D, Class E, Class F, Class G, Class H, and Class I licensees shall comply with server training requirements as follows:

A. "Certified alcohol server" means any person who has completed a State of Illinois certified alcohol server education or training program.

B. If a Class C, D, E, F, G, H, or I license is issued to an individual and the individual either greets, seats or serves patrons at the location indicated on such license for thirty (30) or more days in any calendar year, such individual shall be a certified alcohol server.

C. If a Class C, D, E, F, G, H, or I license is issued to a partnership or LLC, then any individual partner or member who greets, seats or serves patrons at the location indicated on such license for thirty (30) or more days in any calendar year shall be a certified alcohol server.

D. If a Class C, D, E, F, G, H, or I license is issued to a corporation, then any officer, manager, director, or any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation who greets, seats, or serves patrons at the location indicated on such license for thirty (30) or more days in any calendar year shall be a certified alcohol server.

E. All Class C, D, E, F, G, H, and I licensees shall have at least one certified alcohol server working and present at all times such licensee may legally serve alcohol. For purposes of this subsection, the certified alcohol server shall be stationed or assigned responsibilities that allow such person to observe patrons in the serving areas.

F. Every Class C, D, E, F, G, H, and I license holder shall promptly furnish to the Local Liquor Commissioner a copy of each certificate or other satisfactory document for each person working in the establishment who has become a certified alcohol server.

3-9-32: REVOCATION OR SUSPENSION OF LICENSE:

A. Duties; Chief of Police: It shall be the duty of the Chief of Police to report to the Local Liquor Control Commissioner the following occurrences:
    1. Receipt by the Chief of Police of a report by a law enforcement officer or Town official of a violation by a licensee of any law or ordinance pertaining to the sale of alcoholic liquor; or
    2. A conviction of a licensee by a court of law of violation of any ordinance or law pertaining to the sale of alcoholic liquor.

B. Notice; Order; Penalty:
    1. Notice Of Violation: Upon receipt of any report or notice, including a report referenced in subsection A of this section, of any violation by the license holder or his agents of any Town ordinance or State or Federal Statute, regulation or order relating to the conduct of such business or occupation, the Local Liquor Control Commissioner may issue notice to the holder of the license so charged or convicted to appear before said Commissioner to show cause why he should not be fined or why his license should not be revoked or suspended. No such license shall be so revoked or suspended, and no license shall be fined except after a public hearing before the Local Liquor Control Commissioner, with a three-day written notice to the licensee, affording the licensee an opportunity to appear and defend. Further, in the event that the Local Liquor Control Commissioner shall

find a licensee guilty of violating any provision of this chapter, he/she may order the licensee to pay to the Town reasonable attorney fees incurred by the Town, the Chief of Police, and the Local Liquor Control Commissioner and other reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.

The Local Liquor Control Commissioner shall within five (5) days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.

2. Penalties for Violations: Following the hearing, the Local Liquor Control Commissioner may, if he finds cause, order the license suspended or revoked.

   In addition to or in lieu of suspension, the Local Liquor Control Commissioner may levy a fine on the licensee. The fine imposed shall not be less than one hundred fifty dollars ($150.00) nor exceed one thousand dollars ($1,000.00) for a first violation within a twelve (12) month period, one thousand five hundred dollars ($1,500.00) for a second violation within a twelve (12) month period, and two thousand five hundred dollars ($2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars ($15,000.00) in fines may be imposed against any licensee during the period of his license. Upon a final judgment and determination other than not guilty in any hearing by the Local Liquor Control Commissioner, the Local Liquor Control Commissioner shall require, in addition to a fine, if any, the payment by the licensee of all fees and costs for all hearing sessions concerning the matter. Fees and costs shall include the cost for attendance and transcriptions of the court reporter, fees for the Local Liquor Control Commissioner and his or her assistants, fees of the Town Attorney incurred in connection with the case, and fees of the attorney representing the Local Liquor Control Commissioner at the hearing(s). Any fine or cost imposed upon a licensee pursuant to this section shall be a debt owed by the licensee to the Town and shall be collectible as such.

C. Closure Of Premises; Liquor Control Commissioner: In addition to the powers set forth in subsection B of this section, the Local Liquor Control Commissioner may, at his discretion, order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community. If such licensee shall also be engaged in the conduct of another business or businesses on the licensee's premises, such order shall not be applicable to such other business or businesses.

D. Notice of Appeal: In the event of any appeal from an order or action of the local liquor control commissioner, the appeal to the Illinois state liquor control commission shall be limited to a review of the official record of the proceedings before said local liquor control commissioner. In such event, the local liquor control commissioner shall file with the Illinois state liquor control commission the certified official record of the proceedings within five (5) days after notice of the filing of such an appeal. The appellant shall bear the cost of the official transcript. The state commission shall review the propriety of the order or action of the local liquor control commissioner based on the certified official record.

E. Suspension Ordered; Display Of Sign: At all times during the term of a suspension ordered by the local liquor commissioner, the licensee shall display a sign no less than four (4) square feet containing the following information:

No alcoholic liquor will be sold at this location from (date) to (date), due to the suspension of liquor license.

By order of the Town of Cortland Local Liquor Control Commissioner.

Said sign shall be located in plain view of any person immediately upon entering the licensed premises and shall be clearly legible by such a person.

F. When any license shall have been revoked for any cause, no local liquor license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated or was entered as to the licensee only and the new licensee is not in any way related to the revoked license.

G. Review of the decisions of the Local Liquor Control Commissioner shall be as provided for in section 7-9 of the Illinois Liquor Control Act.

3-9-33: PENALTY:

Whoever violates any provisions of this chapter for which another penalty is not already herein provided shall be subject to the penalty provisions of section 1-4-1, "General Penalty", of this code. Any violation of the provisions of this chapter is hereby declared to be a misdemeanor.