

CHAPTER 9
LIQUOR CONTROL

PART 1
DEFINITIONS

SECTION 9-101. DEFINITIONS.

SECTION 9-101. DEFINITIONS.

Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions.

Alcohol: Means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol.

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 there under, nor to any liquid or solid containing one-half (1/2) of one percent (1%) or less of alcohol by volume.

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

Close: Means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

Club: Means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the

~~President at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its members, and similar files within ten (10) days of the election of any additional member, his name and address; and provided, further that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of each salary as may be fixed and voted at any annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club.~~

Club: Means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment; and provided, further that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of each salary as may be fixed and voted at any annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. (Ord 1774, 03/06/2017)

Package Liquor Store: Means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

President, Swansea Board of Trustees: The term shall mean the Local Liquor Control Commissioner as provided in the Illinois Compiled Statutes, Chapter 235, Section 5/4-2.

Public Place: Means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise is offered for sale to the public or any such premises used as a clubhouse, clubroom or meeting place. The terms "public place" and "public premises" shall be interchangeable for the purposes of this Chapter.

Resident: Means one who has his residence in the Village and is a registered voter at that place of residence.

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

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

Sale: Means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

Sell At Retail And Sale Of Retail: Refer to any sales for use or consumption and not for resale in any form.

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

To Sell: Includes to keep or expose for sale and to keep with intent to sell.

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

CHAPTER 9

LIQUOR CONTROL

PART 2 GENERAL PROVISIONS

SECTION 9-201.	LICENSE REQUIRED.
SECTION 9-202.	APPLICATION.
SECTION 9-203.	EXAMINATION OF APPLICATION.
SECTION 9-204.	PERSONS INELIGIBLE TO BE LICENSED.
SECTION 9-205.	TERM.
SECTION 9-206.	CLASSIFICATION - FEES.
SECTION 9-207.	LIMITATION OF LICENSES.
SECTION 9-208.	NATURE OF LICENSE.
SECTION 9-209.	DRAMSHOP INSURANCE REQUIRED.
SECTION 9-210.	DISPLAY OF LICENSE.
SECTION 9-211.	RECORD OF LICENSES.
SECTION 9-212.	REVOCATION OF LICENSES.
SECTION 9-213.	DISPOSITION OF FEES.

SECTION 9-201. LICENSE REQUIRED.

No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of the Village of Swansea without having a license to do so, issued by the President of the Village of Swansea Board of Trustees, in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commission of the State of Illinois.

A similar valid license issued by the President of the Village of Swansea Board of Trustees is hereby required for and with respect to each building, location, and premises, within the aforesaid territory of this Village, at or upon which alcoholic liquor is to be sold or kept or offered for sale or retail.

SECTION 9-202. APPLICATIONS.

The President of the Village of Swansea Board of Trustees is authorized to grant and issue licenses to individuals, firms, and corporation to sell at retail, and to keep and offer for sale at retail alcoholic liquors within the limits and territory of the Village, upon the conditions and in the manner provided by this Chapter and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the President, and attested by the Village Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the President of the Village of Swansea Board of Trustees an application in triplicate, in writing and under oath, stating:

- (A) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, limited liability corporation, or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one (1) person or his nominee, the address and name name and address of such person. (Ord 1651, 06/04/12)
- (B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
- (C) The character of business of the applicant, and in a case of a corporation, the objects for which it was formed. In addition, the applicant shall submit, as applicable, the articles of incorporation and current bylaws, if any, of the corporation or the current operating agreement of the limited liability corporation. The applicant shall also submit proof of its current registration with the State of Illinois. (Ord 1651, 06/04/12)
- (D) The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation, the date on which its charter was issued.
- (E) The location and description of the premises or place of business, which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) 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 the aforesaid Act of the General Assembly or in this Chapter, or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant, by any State or subdivision thereof, or by the Federal Government has been revoked, and the reasons therefore.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto, in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this section shall be furnished as to each partner, and as to the president and secretary of the corporation with the location of the principal office of the corporation.

If the application is made in 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, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the President of the Village of Swansea Board of Trustees, and one (1) copy given to the Village of Swansea Chief of Police. The Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the President and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused.

SECTION 9-203. EXAMINATION OF APPLICANT.

The President of the Village Board of Trustees shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for 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 President under this

section, he may authorize his agent to act on his behalf.

SECTION 9-204. PERSONS INELIGIBLE TO BE LICENSED.

No retail license shall be issued by the President of the Village of Swansea Board of Trustees to:

(A) A person who is not a resident of the Village of Swansea.

(B) A person who is not of good character and reputation in the community in which he resides.

(C) A person who is not a citizen of the United States.

(D) A person who has been convicted of a felony under the laws of the State of Illinois or of the United States of America.

(E) A person who has been convicted of being a keeper of or keeping a house of ill fame.

(F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.

(G) A person whose license has previously been revoked for cause.

(H) A person who, at the time of the application for renewal for any license issued hereunder would not be eligible for such license upon a first application.

(I) A co-partnership, if any general partner thereof, or any limited partner thereof, owning more than 5 percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason.

(J) A corporation, if any officer, manager, or director thereof or any stockholder or stockholders 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 citizenship and residence within the Village of Swansea.

(K) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.

(L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications by the licensee.

- (M) 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.
- (N) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- (O) Any law enforcing public official, including members of the Village of Swansea Liquor Control Commission, if any, any President of the Village of Swansea Board of Trustees, any member of the Village of Swansea Board of Trustees; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- (P) A person who is not a beneficial owner of the business to be operated by the licensee.
- (Q) A person who has been convicted of a gambling offense as described by any subsections (a)(3) through (a)(10), Sec. 28-1 as described by Sec. 28-3 of the "Criminal Code of 1961" approved July 28, 1961 as heretofore or hereafter amended, or as prescribed by the statute replaced by any of the aforesaid statutory provisions.
- (R) A person to whom a federal wage earning stamp has been issued by the federal government for the current tax period.
- (S) A co-partnership to which a federal wage earning stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal gaming device stamp or federal wage earning stamp by the federal government of the current tax period.
- (T) A corporation, if any, officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20 per cent (20%) of the stock of such corporation or any stockholder owning in the aggregate more than 20 percent (20%) of the stock of such corporation has been issued a federal wage earning stamp for the current tax period.
- (U) Any premises for which a federal wage-earning stamp has been issued by the federal government for the current tax period. (Ill. Com. Stat. Ch. 235; Sec. 5/6-2)

SECTION 9-205. TERM.

The term of each license year shall run from the 1st day of May through the 30th day of April in the following year. Each license issued later than May 1st shall terminate on the 30th day of April, next following its issuance, and the fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. Annual license fees shall be paid in advance of the ensuing license year. Failure to pay in advance shall be a violation of this Chapter and give the Village of Swansea the power to revoke the license issued and make the offender liable for a penalty under this Chapter.

SECTION 9-206. CLASSIFICATION - FEES.

Such licenses shall be and are hereby divided into four (4) classes, to-wit:

- (A) Class "A" Licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises, as well as other retail sales of such liquor, during the hours specified in Section 9-301 hereof. The annual fee for the license shall be Two Hundred Fifty Dollars (\$250.00). There shall be no more than ~~eight (8)~~ ~~ten (10)~~ ~~eight (8)~~ ~~nine (9)~~ ~~ten (10)~~ Class "A" Licenses issued. Provided further, that charitable, educational and benevolent corporations not organized for pecuniary profit may pay in lieu of the above fee a daily license fee of Five Dollars (\$5.00) for twenty-four (24) consecutive hours for the sale of alcoholic liquor, payable in advance. Such fee shall not exceed Two Hundred Fifty Dollars (\$250.00) per year. (Ord. 1402, 01/03/2005) (Ord. 1542, 03/16/2009) (Ord. 1638, 03/05/2012)(Ord. 1748, 04/25/2016)
- (B) Class "B" Licenses shall authorize the wholesale or retail sale of alcoholic liquor, but not for consumption on the premises where sold during the hours specified in Section 9-301. The annual fee for such license shall be Three Hundred Dollars (\$300.00). There shall be no more than ~~three (3)~~ ~~four (4)~~ ~~five (5)~~ ~~six (6)~~ ~~five (5)~~ Class "B" Licenses issued. (Ord 1436, 01/03/2006) (Ord 1568, 03/01/2010) (Ord 1687, 11/18/13)
- (C) Class "C" Licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises where sold, as well as other retail sales of liquor during the hours specified in Section 9-301. The annual fee for such license shall be Five Hundred Dollars (\$500.00). There shall be no more than ~~two (2)~~ ~~three (3)~~ ~~two (2)~~ three (3) Class "C" Licenses issued. (Ord. 1542, 03/16/2009)(Ord. 1676, 05/06/13) (Ord. 1693, 02/03/14)

- (D) **Class "D" Licenses** shall authorized the wholesale or retail sale of alcoholic liquor, but not for consumption on the premises where sold during the hours specified in Section 9-301. The annual fee for such license shall be Five Hundred Dollars (\$500.00). There shall be no more than four (4) Class "D" Licenses issued.

SECTION 9-207. LIMITATION OF LICENSES.

- (A) **Annexing License Holders.** The restrictions contained in Section 9-207 shall in no way affect taverns and other businesses holding retail liquor licenses duly licensed by the County, which are located in any territory annexed to the Village of Swansea. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

- (B) **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm, or corporation for a longer period than ninety (90) days, without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God, and cannot be rebuilt or repaired within the ninety (90) day period, then in that event the President of the Village of Swansea Board of Trustees shall extend the period of time for which a liquor license may be held by the payment of fees without the tavern or liquor business being in full and complete operation for an additional ninety (90) days. If either of the above stated period of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this chapter shall have been met. (Ill. Com. Stat., Ch. 235, Sec. 5/6-1)

SECTION 9-208. NATURE OF LICENSE.

A license shall be purely a personal privilege, good for and not to exceed one year after issuance, except a non-beverage users license, unless sooner revoked as in this Act provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrator of the estate of any deceased licensee, and the trustee of any involvement or bankrupt licensee, and the

trustee of any part of alcoholic liquor, may continue the business of sale or manufacture of alcoholic liquor under 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 no longer than (6) months after the death, bankruptcy, or insolvency of such licensee. Except in the case of a non-beverage user's license, 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 such license in accordance with the provisions of this paragraph.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought or suitable for such purpose; and provided further that the renewal privilege herein shall not be construed as a vested right which shall in any case prevent the Village of Swansea President and Board of Trustees, from decreasing the number of licenses to be issued within its jurisdiction.

SECTION 9-209. DRAMSHOP INSURANCE REQUIRED.

Any licenses issued by the President of the Village of Swansea Board of Trustees shall be revoked if the licensee does not provide a copy of an effective Liquor Liability Insurance Policy that insures the licensee from liability not less than Thirty Thousand Dollars (\$30,000.00) per person for "bodily injury;" Thirty Thousand Dollars (\$30,000.00) for "property damage;" and Thirty Thousand Dollars (\$30,000.00) for "means of support," under the Dramshop Act of the State of Illinois, Chapter 235 of the Illinois Compiled Statutes, Section 5/6-21, as amended.

SECTION 9-210. DISPLAY OF LICENSE.

Every licensee, under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (Ill. Com. Stat., Ch. 235, Sec. 5/6-24)

SECTION 9-211. RECORD OF LICENSES.

The President of the Village of Swansea Board of Trustees shall keep a complete record of all licenses issued by him and shall supply the Village of Swansea Clerk, Treasurer, and Chief of Police a copy of the same. Upon issuance or revocation of a license, the President shall give written notice to these same officers within forty-eight (48) hours.

SECTION 9-212. REVOCATION OF LICENSES.

The President of the Board of Trustees shall serve as the Local Liquor Control Commissioner and shall have the following powers, functions, and duties with respect to licenses granted under this Code.

- (A) In addition to, and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for thirty (30) days, or revoke, any liquor license issued under this Code for the violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.
- (B) The Local Liquor Control Commissioner may suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.
- (C) The Local Liquor Control Commissioner may enter, or authorize any law enforcement officer to enter, at any time, upon any premises licensed, to determine whether any of the provisions of this Code or the laws of the State of Illinois pertaining to the sale of alcoholic liquor have been or are being violated at such time, and to examine the premises of the licensee in connection therewith.
- (D) Complaint by Residents. Any five (5) residents of the County shall have the right to file a complaint with the Local Liquor Control Commissioner, stating that any licensee under this Code has been, or is, violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Local Liquor Control Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause of such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (Ill. Com. Stat., Ch. 235; Sec. 5/4-4)

SECTION 9-213. DISPOSITION OF FEES.

All such fees shall be paid to the Village of Swansea at the time application is made, and shall be forthwith turned over to the Village of Swansea Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Corporate Fund or in such other fund as shall have been designated by the Board of Trustees by proper action. (Ill. Com. Stat., Ch. 235, Sec. 5/4-4)

This Page Intentionally Left Blank



CHAPTER 9
LIQUOR CONTROL

PART 3
REGULATIONS

- SECTION 9-301. HOURS.
- SECTION 9-302. OPEN VIEW INTO INTERIOR.
- SECTION 9-303. PROHIBITED LOCATIONS.
- SECTION 9-304. STORES SELLING SCHOOL SUPPLIES, LUNCHES.
- SECTION 9-305. CHANGE OF LOCATION.
- SECTION 9-306. TRANSPORTING IN MOTOR VEHICLES.
- SECTION 9-307. LIQUOR IN VEHICLES; MINORS.
- SECTION 9-308. RESTRICTED RESIDENTIAL AREAS.
- SECTION 9-309. ELECTION DAYS.
- SECTION 9-310. UNLAWFUL ACTS.
- SECTION 9-311. UNLAWFUL ENTERTAINMENT.
- SECTION 9-312. SANITARY CONDITIONS.
- SECTION 9-313. DISEASED EMPLOYEES.
- SECTION 9-314. PEDDLING.
- SECTION 9-315. GAMBLING.
- SECTION 9-316. DISORDERLY HOUSE.
- SECTION 9-317. PROHIBITED SALES - GENERALLY.
- SECTION 9-318. MINOR SELLING LIQUOR.
- SECTION 9-319. UNLAWFUL PURCHASE OF LIQUOR.
- SECTION 9-320. IDENTIFICATION REQUIRED.
- SECTION 9-321. TRANSFER OF IDENTIFICATION CARD.
- SECTION 9-322. ~~RESTRICTION OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.~~
- SECTION 9-322. RESTRICTIONS ON THE OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES.
- SECTION 9-323. POSTING WARNING.
- SECTION 9-324. EXCLUSIONARY PROVISION.
- SECTION 9-325. INSPECTIONS.

SECTION 9-301. HOURS.

- (A) Class "A" Licenses authorize the retail sale on the premises specified of alcoholic liquors between six o'clock (6:00) A.M. and twelve o'clock (12:00) Midnight on Sunday through Thursday, provided, however, that on each Friday and Saturday, the third (3rd) of July, the day before Thanksgiving Day, the day before Christmas Day, and the last day of the year, Class "A" licenses are authorized to sell alcoholic liquor between the hours of six o'clock (6:00) A.M. and one o'clock (1:00) A.M.
- (B) Class "B" Licenses authorize the wholesale or retail sale of alcoholic liquor, but not for consumption on the premises where sold. Such sales shall be authorized between six o'clock (6:00) A.M. and twelve o'clock (12:00) Midnight on Sunday through Thursday, provided, however, that on each Friday and Saturday, the third (3rd)

of July, the day before Thanksgiving Day, the day before Christmas Day, and the last day of the year, Class "B" licenses are authorized to sell alcoholic liquor between the hours of six o'clock (6:00) A.M. and one o'clock (1:00) A.M.

- (C) Class "C" Licenses authorize the retail sale on the premises specified of alcoholic liquor between six o'clock (6:00) A.M. and two o'clock (2:00) A.M. during all days of the week, including Sunday. Places operated under this class of license shall cease the dispensing of all alcoholic liquor at two o'clock (2:00) A.M. on each day.
- (D) Class "D" Licenses authorizes the wholesale or retail sale of alcoholic liquor, but not for consumption on the premises where sold. Such sales shall be authorized between six o'clock (6:00) A.M. and two o'clock (2:00) A.M. during all days of the week including Sunday. Places operated under this class of license shall cease

the sale of all alcoholic liquor at two o'clock (2:00) A.M. on each day.

It shall be unlawful to keep open for business or to admit the public to any tavern, in 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, clubs, hotels, grocery stores, convenience stores, and any such business where other products and services are sold, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

SECTION 9-302. OPEN VIEW INTO INTERIOR.

- (A) When the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club, as defined in the aforesaid Act of the General Assembly, other than one situated on the first or ground floor), no screen, blind, curtain, partition, article, or thing shall be permitted 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 licensed premises which shall prevent a full view of the entire interior of the premises from the street, road or sidewalk and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk.
- (B) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white lights so that all parts of the interior of the premises shall be clearly visible.
- (C) In case the view into any such licensed premises required by the foregoing provision shall be willfully obscured by the licensee, or by him willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided.
- (D) In order to enforce the provisions of this Section, the Local Liquor Control Commissioner shall have the right to require the filing with him plans, drawings, and photographs showing the clearance of the view, as above required.

SECTION 9-303. PROHIBITED LOCATIONS.

No license shall be issued for the sale of any alcoholic liquor at retail within one hundred feet (100') of any church, school, hospital, home for the aged or

indigent persons or for veterans, their spouses 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 purposes prior to the taking effect of this Act; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (Ill. Com. Stat. Ch. 235, Sec. 5/6-11)

SECTION 9-304. STORES SELLING SCHOOL SUPPLIES, LUNCHESES.

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 where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors.

SECTION 9-305. CHANGE OF LOCATION.

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

SECTION 9-306. TRANSPORTING IN MOTOR VEHICLES.

Within the Village of Swansea, no person shall, transport, carry, possess or have any alcoholic liquor in, upon or about any motor vehicle in or on any public street, alley or place, except in the original package with the seal unbroken.

SECTION 9-307. LIQUOR IN VEHICLES, MINORS.

The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of, and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances;

- (A) If such liquor is found on the person of one of the occupants therein; or
- (B) If such vehicle contains at least one (1) occupant over twenty-one (21) years of age.

SECTION 9-308. RESTRICTED RESIDENTIAL AREAS.

It shall be unlawful to establish a retail liquor business within the Village of Swansea in violation of the Swansea Zoning Code.

SECTION 9-309. ELECTION DAYS.

All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections, during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours in this Chapter set forth.

SECTION 9-310. UNLAWFUL ACTS.

It shall be unlawful for any person to do or commit any of the following acts within the Village of Swansea, to-wit:

- (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Village of Swansea Board of Trustees.
- (B) Drink any alcoholic liquors in any public park, except with the permission of an owner thereof.
- (C) Drink any alcoholic liquors on any private property without permission of an owner thereof.
- (D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

SECTION 9-311. UNLAWFUL ENTERTAINMENT.

No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act, or any topless and/or bottomless employee and/or employees [topless being defined as naked and substantially without clothing or covering of the body

from the waist to neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward], or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest; nor shall any licensee, his agent, servant or employee permit or allow any employee or guest, or any other person whomever to solicit or encourage the purchasing or any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of any such employee of guest.

In the Village of Swansea, the following kinds of conduct, on premises licensed to sell 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 exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, 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 licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;
- (E) The displaying of films or pictures depicting acts, a live performance of which is prohibited by the regulations quoted above. (Ill. Com. Stat. Ch. 720, Sec. 5/11-9; 5/11-20)

SECTION 9-312. SANITARY CONDITIONS.

All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. (Ill. Com. Stat. Ch. 410; Sec. 650/1)

SECTION 9-313. DISEASED EMPLOYEES.

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution for such liquor. (Ill. Com. Stat. Ch. 410; Sec. 650/10)

SECTION 9-314. PEDDLING.

It shall be unlawful to peddle alcoholic liquor in the Village. (Ill. Com. Stat. Ch. 65; Sec. 5/11-42-5)

SECTION 9-315. GAMBLING.

It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away. (Ill. Com. Stat. Ch. 235, Sec. 5/6-2; Ch. 720, Sec. 5/28-1)

SECTION 9-316. DISORDERLY HOUSE.

Any person licensed under this Chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor.

SECTION 9-317. PROHIBITED SALES - GENERALLY.

No licensee, nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to an intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Whoever violates the provisions of this paragraph of the said section is guilty of a Class A misdemeanor. (Ill. Com. Stat. Ch. 235; Sec. 5/6-16 (a))

SECTION 9-318. MINOR SELLING LIQUOR.

It shall be unlawful for any person under the age of eighteen (18) years to attend any bar or to sell, draw, pour, or mix any alcoholic liquor in any licensed retail premises. (Ill. Com. Stat. Ch. 235, Sec. 5/4-1)

SECTION 9-319. UNLAWFUL PURCHASE OF LIQUOR.

A person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor, have such alcoholic liquor in his possession. (Ill. Com. Stat. Ch. 235, Sec. 5/6-20)

SECTION 9-320. IDENTIFICATION REQUIRED.

If a licensee or his agents or employees believes, or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public office in the performance of his official duties. (Ill. Com. Stat. Ch. 235, Sec. 5/6-20)

SECTION 9-321. TRANSFER OF IDENTIFICATION CARD.

No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter. The consumption of alcoholic liquor by any person less than twenty-one years of age is forbidden. (Ill. Com. Stat., Ch. 235, Sec. 5/6-20)

SECTION 9-322. RESTRICTION OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

~~No Class "A" or Class "C" licensee shall sell, give, deliver, or allow to be consumed, any alcoholic liquor on the premises set forth in the application and license issued to, except within the building located on the premises. No person shall leave the licensed building with open liquor.~~

SECTION 9-322. RESTRICTIONS ON THE OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES.

While Class "A" and Class "C" liquor licenses allow consumption on the premises set forth in the license application and the premises to which the license is issued, no such licensee shall sell, give, deliver, or allow to be consumed, any alcoholic liquor on said premises, except within the building and any designated and approved outdoor area located on said premises. It shall be unlawful for any licensee to allow the consumption of alcohol in any area of the premises not specifically approved by the Local Liquor Commissioner and the issued license.

(A) Designated Outdoor Areas – Ongoing.

- (1) Any new establishment that will include an outdoor area where alcoholic liquor will be sold, given, delivered, or allowed to be consumed on an ongoing basis, shall specifically designate, describe and depict each such area in its

application for a Class "A" or Class "C" liquor license.

- (2) Any existing Class "A" or Class "C" liquor license establishment that wishes to add an outdoor area where alcoholic liquor will be sold, given, delivered, or allowed to be consumed on an ongoing basis, shall submit each such area to the President of the Village Board of Trustees as the Local Liquor Control Commissioner of the Village of Swansea, for approval prior to selling, giving, delivering or allowing the consumption of alcohol within said area.
- (3) If approval for an outdoor area where alcoholic liquor will be sold, given, delivered, or allowed to be consumed on an ongoing basis, is granted by the President of the Village Board of Trustees, the premises set forth in the license application and the premises to which the license is issued shall be considered amended to include the designated and approved outdoor area, and thereafter the licensee shall be allowed to sell, give, deliver or allow the consumption of alcohol within said area.
- (4) The Licensee shall notify its insurance carrier and ensure that dram shop and all other applicable liability insurance coverage is extended to also cover all designated and approved outdoor areas.
- (5) Any fence, landscaping, screening, partitions or other structures around any such designated and approved outdoor area, shall at all times allow a clear, open view into the area, similar to that already required within the licensed building by Section 9-302 of the Swansea Municipal Code.

(B) Designated Outdoor Areas – Temporary.

- (1) Any existing Class "A" or Class "C" liquor license establishment that wishes to establish a temporary outdoor area where alcoholic liquor will be sold, given, delivered, or allowed to be consumed during a special event, including, but not limited to, St. Patrick's Day and Cinco de Mayo, must first secure written approval from the President of the Village Board of Trustees.
- (2) Any such request shall be in writing specifically identifying and depicting the area of the licensed premises to be designated as the temporary outdoor area. Request should be made at least thirty (30) days in advance.

- (3) The President of the Village Board of Trustees shall consult with the Chief of Police, and after doing so may require specific safety and security plans from the licensee prior to approval of any special event.
- (4) Any approval granted for such a temporary outdoor area shall be in writing, with notification also to the Chief of Police, and shall extend the premises set forth in the license application and the premises to which the license is issued to include the designated and approved temporary outdoor area, but only for the time period specified, not to exceed forty-eight (48) hours.
- (5) The Licensee shall notify its insurance carrier and ensure that dram shop and all other applicable liability insurance coverage is extended to also cover all temporary outdoor areas.
- (6) Any fence, landscaping, screening, partitions or other structures around any such designated and approved temporary outdoor area, shall at all times allow a clear, open view into the area, similar to that already required within the licensed building by Section 9-302 of the Swansea Municipal Code.

(C) Open Alcohol Or Liquor Outside The Licensed Premises.

It shall be unlawful for any person to take open alcohol or liquor outside or beyond any specifically designated and licensed premises, provided, however, that a patron may remove one unsealed and partially consumed bottle of wine for off-premise consumption from a restaurant if that patron purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises, or consumed a portion of the bottle of wine on the winery premises, and the partially consumed bottle of wine that is to be removed from either premise is securely sealed by the licensee in a transparent one-time use, tamper-proof bag, and the licensee provides a dated receipt for the bottle of wine to the patron, but only as permitted by 235 ILCS 5/6-33 as it is then in effect. (Ord 1774, 03/06/2017)

SECTION 9-323. POSTING WARNING.

In every licensed business where alcoholic liquor is sold, there shall be displayed at all times, in a prominent place, a printed card which shall read as follows:

"WARNING TO MINORS"

"YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MIS-REPRESENT YOUR AGE FOR THE PURPOSE OF PUR CHASING OR OBTAINING ALCOHOLIC LIQUOR."

It shall be unlawful for any holder of a retail liquor 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 paragraph shall not apply to any minor who is accompanied by his parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

SECTION 9-324. EXCLUSIONARY PROVISION.

The possession and dispensing, or consumption by a person under twenty-one years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under twenty-one years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty-one years of age in the privacy of a home is not prohibited by this ordinance. (Ill. Com. Stat. Ch. 235, Sec. 5/6-20)

SECTION 9-325. INSPECTIONS.

It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer, the health officer, or any member of the Village of Swansea Board of Trustees, for the purpose of making an inspection of such premises, or any part thereof. (Ill. Com. Stat., Ch. 235, Sec. 5/4-2; 5/4-4)

CHAPTER 9
LIQUOR CONTROL

PART 4
VIOLATIONS AND PENALTIES

SECTION 9-401. OWNER OF PREMISES PERMITTING VIOLATION.
SECTION 9-402. ACT OF AGENT OR EMPLOYEE -LIABILITY OF LICENSEE.
SECTION 9-403. REVOCATION OF LICENSE AFTER CONVICTION.

SECTION 9-401. OWNER OF PREMISES PERMITTING VIOLATION.

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Chapter, said owner, agent or other person shall be deemed guilty of a violation of this Chapter to the same extent as said licensee and be subject to the same punishment.

SECTION 9-402. ACT OF AGENT OF EMPLOYEE - LIABILITY OF LICENSEE.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this code by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been one committed or omitted by him personally.

SECTION 9-403. REVOCATION OF LICENSE AFTER CONVICTION.

Whenever any licensee shall be convicted of any violation of this Chapter, the license of said licensee may, in the discretion of the President of the Village of Swansea Board of Trustees, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Chapter of said licensee to continue to operate under such license.

This Page Intentionally Left Blank