

## TITLE 3

# BUSINESS AND LICENSE REGULATIONS

General License And Permit Provisions	1
Municipal Occupation Taxes	2
Peddlers And Solicitors	3
Amusements	4
Theatricals, Musicals And Other Entertainments	4A
Raffles	4B
Auctions	5
Scavengers	6
Tobacco Products (Rep. by Ord. 2013-02, 3-11-2013)	7
Sale, Use And Possession Of Class C Fireworks	8
Alcoholic Beverages	9
Donation Drop Box License	10

## CHAPTER 1

### GENERAL LICENSE AND PERMIT PROVISIONS

#### SECTION:

#### **3-1-1: License Or Permit Required**

#### **3-1-2: Application For License Or Permit**

#### **3-1-3: Investigations And Inspections**

#### **3-1-4: Expiration Of License**

#### **3-1-5: License To Be Posted**

#### **3-1-6: Building And Premises Requirements**

#### **3-1-7: Change Of Location**

#### **3-1-8: Nuisances**

#### **3-1-9: Suspension Or Revocation Of License Or Permit**

#### **3-1-10: Appeal**

#### **3-1-1: LICENSE OR PERMIT REQUIRED:**

Whenever in this title, or in any town ordinance, a license or permit is required for the maintenance, operation or conduct of any business establishment, or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if by himself or through an agent, employee or partner, he is held forth as being engaged in the business, activity or occupation, or if he solicits patronage therefor, actively or passively, or if he performs or attempts to perform any part of such business, activity or occupation in the town. (1998 Code)

#### **3-1-2: APPLICATION FOR LICENSE OR PERMIT:**

A. Application Procedure: Applications for all licenses and permits required by ordinance shall be made in writing to the town clerk in the absence of provision to the contrary. Each application shall contain: 1) the name of the applicant; 2) the permit or license desired; 3) the location to be used, if any; 4) the time covered; and 5) the fee to be paid. Each application shall also contain the number of the certificate of registration required under the retailers' occupation tax act 1 , service occupation tax act 2 and/or use tax act 3 , if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the town officials in the issuing of the license or permit applied for. (1998 Code)

B. Forms And Signature: Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the town clerk. Each license or permit issued shall bear the signature of the town president/mayor and the town clerk in the absence of any provisions to the contrary. (1998 Code; amd. Ord. 2014-05, 7-28-2014)

## Notes

1. 35 ILCS 120/1.
2. 35 ILCS 115/1.
3. 35 ILCS 105/1.

### **3-1-3: INVESTIGATIONS AND INSPECTIONS:**

A. Investigation Of Applicant; Report: Upon the receipt of an application for a license or permit, where an inspection or investigation is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the town clerk, within forty eight (48) hours of such receipt, shall refer the application to the appropriate official(s) for the making of such investigation or inspection. The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise, within ten (10) days after receiving such application or a copy thereof. (1998 Code)

B. Investigation And Inspection Officials: The proper town official shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease and the protection of health. The building inspector shall make or cause to be made any inspections which relate to compliance with the building code and other related regulations. All other investigations, except where otherwise provided, shall be made by the town police officers or by some other person designated by the town president/mayor. (1998 Code; amd. Ord. 2014-05, 7-28-2014)

#### C. Powers And Duties Of Inspectors:

1. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the town, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection, any officer or employee of the town who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

2. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the town requesting the same sufficient samples of such material or commodity. (1998 Code)

3. In addition to any other penalty which may be provided, the town president/mayor may revoke the license of any owner or operator of a licensed business in the town who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the town after first having presented a warrant authorizing such entry. (1998 Code; amd. Ord. 2014-05, 7-28-2014)

### **3-1-4: EXPIRATION OF LICENSE:**

All annual licenses shall terminate on the last day of the calendar year of the town where no provision to the contrary is made. (1998 Code)

### **3-1-5: LICENSE TO BE POSTED:**

It shall be the duty of any person conducting a licensed business in the town to keep his license posted in a prominent place on the premises used for such business at all times. (1998 Code)

### **3-1-6: BUILDING AND PREMISES REQUIREMENTS:**

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the town. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the town. (1998 Code)

### **3-1-7: CHANGE OF LOCATION:**

In the absence of any provision to the contrary, the location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days' notice thereof is given to the clerk; provided, the building and zoning requirements of this code are complied with. (1998 Code)

### **3-1-8: NUISANCES:**

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (1998 Code)

### **3-1-9: SUSPENSION OR REVOCATION OF LICENSE OR PERMIT:**

A. Suspension Of License Or Permit: When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the town president/mayor shall be authorized to summarily order the cessation of business, the closing of the premises and the suspension of any license or permit for a period not to exceed ten (10) days.

B. Hearing: Within eight (8) days after he has so acted, the town president/mayor shall call a hearing for the purpose of

determining whether or not the license or permit should be revoked.

C. **Revocation Of License Or Permit:** Licenses and permits issued under the ordinances of the town, unless otherwise provided, may be revoked by the town president/mayor after notice and hearing as provided in subsections E and F of this section for any of the following causes: (1998 Code; amd. Ord. 2014-05, 7-28-2014)

1. Any fraud, misrepresentation or false statement contained in the application for the license or permit.
2. Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied.
3. Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude.
4. Failure of the licensee or permittee to pay any fine or penalty owing to the town.
5. Refusal to permit an inspection or sampling, or any interference with a duly authorized town officer or employee while in the performance of his duties in making such inspections, as provided in section 3-1-3 of this chapter.

D. **Revocation In Addition To Penalty:** Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the town.

E. **Notice Of Hearing:** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing. (1998 Code)

F. **Representation Of Town; Presiding Officer:** At the hearing, the town attorney shall present the complaint and shall represent the town. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The town president/mayor shall preside and shall render the decision. (1998 Code; amd. Ord. 2014-05, 7-28-2014)

### **3-1-10: APPEAL:**

Any person aggrieved by the decision of the town president/mayor in regard to the denial of the application for a business license, as provided in section 3-1-3 of this chapter, or in connection with the revocation of a license or permit, as provided in section 3-1-9 of this chapter, shall have the right to appeal to the board of trustees. Such appeal shall be taken by filing with the town clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The board of trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in subsections 3-1-9E and F of this chapter. The decision of the board of trustees on such appeal shall be final. (1998 Code; amd. Ord. 2014-05, 7-28-2014)

## **CHAPTER 2**

### **MUNICIPAL OCCUPATION TAXES**

SECTION:

#### **3-2-1: Municipal Utility Tax**

#### **3-2-2: Electric Utility Tax**

#### **3-2-1: MUNICIPAL UTILITY TAX:**

A. **Definitions:** For the purposes of this section, the following definitions shall apply:

**GROSS RECEIPTS:** The consideration received for distributing, supplying, furnishing or selling gas or electricity, for use or consumption and not for resale as the case may be and for all services rendered in connection therewith valued in money, cash, credit, services and property of every kind and material and for all services rendered therewith and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of the materials used, labor or service cost or any other expenses whatsoever. "Gross receipts" shall not include receipts received from the town for the sale to the municipality of any of the utility products or services mentioned above.

**PERSON:** Any natural individual, firm, trust estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator, or other representative appointed by order of any court. (Ord. 1985-8, 3-10-1985; amd. Ord. 2003-09, 3-10-2003)

B. **Tax Imposed:** A tax is imposed on all persons engaged in the following occupations or privileges, the business of: (Ord. 1985-8, 3-10-1985)

1. Distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of Cortland, and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.
2. Distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the town, and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.

C. Exemptions: No tax is imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision hereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, be subject to taxation under the provisions of this section for such transactions as are or may become subject to taxation under the provisions of the municipal retailers' occupation tax act authorized by section 8-11-1 of the Illinois municipal code, approved May 29, 1961, as amended <sup>1</sup>. (Ord. 1985-8, 3-10-1985; amd. Ord. 2003-09, 3-10-2003)

D. Additional Tax: Such tax shall be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business. (Ord. 1985-8, 3-10-1985)

E. Tax Return; Payment Of Tax:

1. On or before July 31, 1986, each taxpayer shall make a return to the town for the month of June 1986, stating: (Ord. 1985-8, 3-10-1985; amd. Ord. 2014-05, 7-28-2014)

- a. His name.
- b. His principal place of business.
- c. His gross receipts during the month upon the basis of which the tax is imposed.
- d. Amount of tax.
- e. Such other reasonable and related information as the corporate authorities may require. (Ord. 1985-8, 3-10-1985)

2. On or before the last day of every month thereafter, each taxpayer owing more than twenty five dollars (\$25.00) shall make a like return to the town for a corresponding monthly period. Taxpayers owing less than twenty five dollars (\$25.00) per month shall make quarterly returns or, if owing less than twenty five dollars (\$25.00) per quarter, shall make an annual return. (Ord. 1985-8, 3-10-1985; amd. 1998 Code; Ord. 2014-05, 7-28-2014)

3. The taxpayer making the return herein provided for shall, at the time of making such return, pay to the town the amount of tax herein imposed; provided, that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts. (Ord. 1985-8, 3-10-1985; amd. Ord. 2014-05, 7-28-2014)

F. Credit For Overpayment: If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section from the taxpayer who made the erroneous payment; provided, that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited.

G. Statute Of Limitation: No action to recover any amount of tax due under the provisions of this section shall be commenced more than three (3) years after the due date of such amount. (Ord. 1985-8, 3-10-1985)

H. Enforcement; Penalty: Any taxpayer who fails to make a return, or makes a fraudulent return, or who wilfully violates any other provision of this section is guilty of a misdemeanor and shall be liable in a civil action for the amount of tax due. (Ord. 1985-8, 3-10-1985; amd. 1998 Code)

I. Effective Date: This section shall take effect after publication, and the tax provided for herein shall be based on the "gross receipts", as herein defined, actually paid to the taxpayer for services billed on or after June 1, 1986. (Ord. 1985-8, 3-10-1985)

Notes

<sup>1</sup> 1. 35 ILCS 120/1.

**3-2-2: ELECTRIC UTILITY TAX:**

A. Tax Imposed:

1. A tax is imposed on all persons engaged in the following occupations or privileges:

The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

- a. For the first 2,000 kilowatt hours used or consumed in a month, 0.556 cents per kilowatt hour;
- b. For the next 48,000 kilowatt-hours used or consumed in a month, 0.365 cents per kilowatt-hour;
- c. For the next 50,000 kilowatt-hours used or consumed in a month, 0.328 cents per kilowatt-hour;
- d. For the next 400,000 kilowatt-hours used or consumed in a month, 0.319 cents per kilowatt-hour;

- e. For the next 500,000 kilowatt-hours used or consumed in a month, 0.310 cents per kilowatt-hour;
- f. For the next 2,000,000 kilowatt-hours used or consumed in a month, 0.292 cents per kilowatt-hour;
- g. For the next 2,000,000 kilowatt-hours used or consumed in a month, 0.287 cents per kilowatt-hour;
- h. For the next 5,000,000 kilowatt-hours used or consumed in a month, 0.283 cents per kilowatt-hour;
- i. For the next 10,000,000 kilowatt-hours used or consumed in a month, 0.278 cents per kilowatt-hour;
- j. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.274 cents per kilowatt-hour.

The tax rates set forth in the preceding table will be used at least through December 31, 2008, and are proportional to the rates enumerated in 65 Illinois Compiled Statutes 5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 Illinois Compiled Statutes 5/8-11-2 (as modified by Public Act 90-561). (Ord. 1998-9, 8-24-1998)

2. Pursuant to 65 Illinois Compiled Statutes 5/8-11-2, the rates set forth in subsection A of this Section shall be effective:

- a. For residential customers on October 1, 1998; and
- b. For nonresidential customers on the earlier of:
  - (1) The first bill issued on or after January 2001, or
  - (2) The date of the first bill issued pursuant to 220 Illinois Compiled Statutes 5/16-104. (Ord. 1999-03, 2-22-1999)

3. The provisions of this Section, shall not be effective until October 1, 1998.

**B. Exceptions:**

1. The tax imposed under Section 3-2-1 of this Chapter, shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing, or sale of electricity where the use or consumption of the electricity is subject to the tax imposed under this Section.

2. None of the taxes authorized by this Section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling, or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Section for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by section 8-11-1 of the Illinois Municipal Code; nor shall any tax authorized by this Section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the Municipality, whether privately or Municipally owned or operated, or exercising the same privilege within the Municipality.

**C. Additional Taxes:** Such tax shall be in addition to other taxes levied upon the taxpayer or its business. (Ord. 1998-9, 8-24-1998)

**D. Collection:** The tax authorized by this Section shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Section and any such tax collected by a person delivering electricity shall constitute a debt owed to the Municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Municipality in the manner prescribed by the Municipality. Persons delivering electricity who file returns pursuant to this subsection shall, at the time of filing such return, pay the Municipality the amount of the tax collected pursuant to this Section, provided that the person delivering electricity shall be allowed a credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further that, if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. (Ord. 1999-03, 2-22-1999)

**E. Reports To Municipality:** On or before the last day of each month, each taxpayer shall make a return to the Town for the preceding month stating:

- 1. His name;
- 2. His principal place of business;
- 3. His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;

4. The amount of tax;
5. Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Town the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

F. Credit For Overpayment: If it shall appear that an amount of tax has been paid which was not due under the provisions of this Section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due or to become due under this Section from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Section shall be commenced more than three (3) years after the due date of such amount.

G. Penalty: Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of this Section is guilty of a misdemeanor and shall be liable in a civil action for the amount of tax due <sup>1</sup>. (Ord. 1998-9, 8-24-1998)

Notes

- <sup>1</sup> 1. 65 ILCS 5/8-11-2.

## CHAPTER 3

### PEDDLERS AND SOLICITORS <sup>1</sup>

SECTION:

**3-3-1: Generally**

**3-3-2: Peddlers**

**3-3-3: Solicitors**

**3-3-4: Penalties**

Notes

- <sup>1</sup> 1. See also subsection 7-2-4U of this code.

**3-3-1: GENERALLY:**

A. Invitation Required: It shall be unlawful for any person to go upon the residential premises of another for the purpose of soliciting orders, selling, or peddling without the consent or invitation of the owner or occupant. (Ord. 2000-18, 10-23-2000)

**3-3-2: PEDDLERS:**

A. Definition: The term "peddler" shall mean any person or persons who sell or offer to sell goods, wares, or merchandise of any kind or character on foot or from any vehicle along any street or public way or in any public space within the town.

B. License Required: It shall be unlawful to engage in peddling or in the business of peddler in the town without a license. A separate license shall be required for every individual engaged in any peddling enterprise within the town.

C. License Application: Applications for peddler's license shall be made to the town clerk along with a nonrefundable fee and shall state thereon the description and registration number of all vehicles, if any, intended to be used; the type of goods, wares or merchandise to be peddled; the permanent address of the peddler; and the Illinois business tax number of the peddler.

D. License Fee: The nonrefundable fee for such license shall be twenty five dollars (\$25.00) per license.

E. Period In Effect: A peddler's license shall be in effect for one year from the date of issuance. (Ord. 2000-18, 10-23-2000)

**3-3-3: SOLICITORS:**

A. Definitions: For the purpose of this chapter the following words as used herein shall be construed to have the

meanings herein ascribed thereto:

**REGISTERED SOLICITOR:** Shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**RESIDENCE:** Shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING:** Shall mean and include any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type of publication; or
4. Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

**B. Certificate Of Registration:** Every person desiring to engage in "soliciting" as herein defined from persons in residences within this municipality is hereby required to make written application for a certificate of registration as hereinafter provided. (Ord. 2000-18, 10-23-2000)

**C. Application For Certificate Of Registration:**

1. **Form, Filing, Contents:** Application for a certificate of registration shall be made upon a form provided by the chief of police of this municipality and filed with such chief along with a nonrefundable application fee of twenty five dollars (\$25.00). (The fee may be waived by approval of the town president/mayor.) The applicant shall truthfully state in full the information requested on the application: (Ord. 2000-18, 10-23-2000; amd. Ord. 2014-05, 7-28-2014)

- a. Name and address of place of business;
- b. State of Illinois business tax identification number;
- c. Name and address of the person, firm, corporation, or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- d. Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- e. Period of time for which the certificate is applied (maximum of 30 days);
- f. The date, or approximate date, of the previous application for certificate under this chapter, if any;
- g. Has a certificate of registration issued to the applicant under this chapter ever been revoked;
- h. Has the applicant ever been convicted of a violation of any of the provisions of this chapter or the ordinance of any other Illinois municipality regulating soliciting;
- i. Has the applicant ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States;
- j. Also such additional information as the chief of police may deem necessary to process the application.

2. **Identification:** At the time of application, the applicant must possess and display a valid identification card or driver's license issued by the state of origin of the applicant. The identification card or driver's license must contain a photo likeness of the applicant and contain an address, date of birth, and physical description of the applicant. This identification shall be photocopied and accompany the application for certificate of registration.

3. **Age:** All applicants wishing to solicit for other than nonprofit organizations must be at least eighteen (18) years of age.

4. **Fingerprinting:** The chief of police may require every applicant to submit to fingerprinting by the police department of this municipality in connection with the application for a certificate.

5. **Records:** The chief of police shall cause to be kept in his office a record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter and of the denial of applications.

6. **Effect Of Conviction Of Commission Of Felony, Violation Of Laws, Ordinances:** No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States within five (5) years of the date of application; nor to any person who has been convicted of a violation of any provisions of this chapter; nor to any person whose certificate of registration has been revoked as herein provided.

**D. Issuance And Revocation Of Certificate:** The chief of police, after consideration of the application and all information



obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, and if the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement shall be made by the chief of police upon the denial of the application.

When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith for a maximum period of thirty (30) days. The certificate of registration shall state the expiration date thereof, which shall be a maximum of thirty (30) days from the date of issuance.

Any certificate of registration issued hereunder shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice shall be given by the chief of police to the holder of the certificate in person or by certified U.S. mail, addressed to his or her residence address set forth in the application. Immediately upon giving of such notice the certificate of registration shall become null and void.

E. Town Policy On Soliciting: It is hereby declared to be the policy of the governing body of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.

F. Notice Regulating Soliciting: Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions:

Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence shall be given in the following manner:

A weatherproof card, approximately three inches by four inches (3" x 4") in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words as follows:

*ONLY SOLICITORS REGISTERED IN THE*

*TOWN OF CORTLAND INVITED*

or

*NO SOLICITORS INVITED*

The letters shall be at least one-third inch ( $\frac{1}{3}$ ") in height. For the purpose of uniformity the cards shall be provided by the chief of police to persons requesting these cards.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

G. Duty Of Solicitors: It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a "residence" as herein defined is located, to first examine the notice provided for in this section, if any is attached, and be governed by the statement contained on that notice. If the notice states "ONLY SOLICITORS REGISTERED IN THE TOWN OF CORTLAND INVITED", then the solicitor not possessing a valid certificate of registration shall immediately and peacefully depart from the premises; and if the notice states "NO SOLICITORS INVITED", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

H. Uninvited Soliciting Prohibited: It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring a doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engaging in "soliciting" as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of this chapter.

I. Hours For Soliciting: It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engaging in "soliciting" as herein defined, prior to nine o'clock (9:00) A.M. or after either dusk or seven o'clock (7:00) P.M., whichever is earlier, of any weekday, or at any time on a Sunday or on a state or national holiday. (Ord. 2000-18, 10-23-2000)

### **3-3-4: PENALTIES:**

A. Fine: Any peddler or solicitor who violates any provision of this chapter shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).

B. Settlement: Any person accused of a violation of this chapter may settle the claim by delivering to the town hall the violator's copy of the town ordinance citation and cash or money order made payable to the town of Cortland. If the fifty dollar (\$50.00) fine is not received within seven (7) days the fine will increase to one hundred dollars (\$100.00). If that fine is not received within the next seven (7) days, the accused will be summoned to court and may be fined up to five hundred dollars (\$500.00). (Ord. 2000-18, 10-23-2000)



## CHAPTER 4

### AMUSEMENTS

#### ARTICLE A. THEATRICALS, MUSICALS AND OTHER ENTERTAINMENTS

##### SECTION:

##### **3-4A-1: Permit Required; Fee**

##### **3-4A-2: Permit Issued; Application**

##### **3-4A-3: Conduct Of Business**

##### **3-4A-1: PERMIT REQUIRED; FEE:**

No person shall, for gain, conduct or manage any festival, moving picture show or other exhibition for which an admission fee is charged, within the town, without first obtaining a permit and paying for the same a fee of twenty five dollars (\$25.00). (Ord. 112, 6-1-1954; amd. 1998 Code)

##### **3-4A-2: PERMIT ISSUED; APPLICATION:**

The town president/mayor and town clerk are hereby authorized to grant permits when the board is not in session for the purpose above specified upon application being made to either of them, setting forth the purpose and the length of time for which such permit is required by the party requesting the permit. (Ord. 112, 6-1-1954; amd. 1998 Code; Ord. 2014-05, 7-28-2014)

##### **3-4A-3: CONDUCT OF BUSINESS:**

A. Preserve Good Order: It shall be the duty of every owner or sponsor to keep and preserve good order in and about the premises and to that end, he shall keep at his own expense a number of officers of the law.

B. Gambling Prohibited: It shall be the duty of each owner or sponsor to abide by the laws of the state. (Ord. 112, 6-1-1954)

## CHAPTER 4

### AMUSEMENTS

#### ARTICLE B. RAFFLES

##### SECTION:

##### **3-4B-1: License Required; Application**

##### **3-4B-2: Fee; Bond**

##### **3-4B-3: Conditions Of License**

##### **3-4B-4: Denial Of License; Appeal**

##### **3-4B-5: Violation; Revocation Of License**

##### **3-4B-1: LICENSE REQUIRED; APPLICATION:**

No person shall conduct raffles or chances without having first obtained a license therefor pursuant to this Article and also in accordance with Public Act 81-1365. Individual raffles may be licensed upon proper application to the Town Clerk by use of application forms available at said office. (Ord. 1980-7, 1-12-1981)

##### **3-4B-2: FEE; BOND:**

No fee shall be assessed for each application processed under this Article, and a personal bond by the raffle manager shall be made on the application in an amount of twice the value of the prizes to be awarded at said raffle. (Ord. 1980-7, 1-12-1981)

##### **3-4B-3: CONDITIONS OF LICENSE:**

All raffles conducted in the Town shall be in accordance with 230 Illinois Compiled Statutes 15/1, 15/2, 15/3, 15/4, 15/5 and 15/6. (Ord. 1980-7, 1-12-1981)

##### **3-4B-4: DENIAL OF LICENSE; APPEAL:**

Any person who shall be denied a license may appeal to the Town Board by informing the Town Clerk of the desire to appeal and by appearing at the next regular or special meeting of the Town Board. (Ord. 1980-7, 1-12-1981)

### **3-4B-5: VIOLATION; REVOCATION OF LICENSE:**

Any violation of this Article or Public Act 81-1365 shall result in a revocation of any license issued pursuant to this Article in addition to any other penalties provided by law. (Ord. 1980-7, 1-12-1981)

## **CHAPTER 5**

### **AUCTIONS**

#### SECTION:

#### **3-5-1: Permit Requirements**

##### **3-5-1: PERMIT REQUIREMENTS:**

A. Permit Required: No goods, wares, merchandise or other things shall be sold at auction or exposed for sale in any street, alley or public building in the Town, unless permission in writing is first obtained from the Town Board, when, in its opinion, such permission will not interfere with the travel on any such streets, alleys or public places and will not be in any respect injurious to the Town or inhabitants thereof or surrounding communities of the Town. (Ord. 112, 6-1-1954)

B. Permit Fee: Permits shall cost twenty five dollars (\$25.00).

C. Violation: Persons failing to procure a permit shall be guilty of a petty offense. (1998 Code)

## **CHAPTER 6**

### **SCAVENGERS**

#### SECTION:

#### **3-6-1: Definition**

#### **3-6-2: Licensing Procedure**

#### **3-6-3: Restrictions On Licenses**

#### **3-6-4: Penalty**

##### **3-6-1: DEFINITION:**

The term "garbage, trash and other refuse" includes animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables, ashes, cinders, papers, tin cans, bottles and other similar rubbish of an inorganic nature, but does not include stoves and refrigerators. (Ord., 9-19-1963)

##### **3-6-2: LICENSING PROCEDURE:**

A. License Required: No person shall collect, handle, transport or dispose of any garbage, refuse or other waste material in the town, other than the owner, tenant or occupant of the premises upon which the same has accumulated, without first having obtained a scavenger's license.

B. Information Contained In Application: Application for a scavenger's license shall be made annually to the town clerk and shall state:

1. The name and address of the applicant.
2. The equipment that will be used for the collection and transportation of the material.
3. The charge that will be made to householders for the collection of the material.
4. The number of collections that will be made weekly.
5. The days upon which such collections will be made, and the place at which such material will be disposed of.

C. Issuance Of License: When, in the opinion of the board of trustees, the collection of garbage, refuse and other waste material will be handled more efficiently, the sanitary transportation of the same can be more easily controlled and enforced and inspection of the scavenger work performed will be facilitated, and the public health, welfare and safety of the residents of the town will be protected, the board of trustees may, by resolution, authorize the town clerk to issue an exclusive license for a period not to exceed one year.

D. License Fee: Applicants granted a license shall pay to the town clerk a fee of thirty five dollars (\$35.00) upon the issuance of the license. (Ord., 9-19-1963)

E. Revocation Of License: Any license granted, whether exclusive or otherwise, may be revoked by the town president/mayor with the approval of the board of trustees in the event that the licensee shall fail to abide by the terms of his application or the regulations of this chapter. (Ord., 9-19-1963; amd. Ord. 2014-05, 7-28-2014)

**3-6-3: RESTRICTIONS ON LICENSES:**

A. Insurance Required: Within five (5) days after a license is granted, the licensee shall deliver to the town clerk a certificate of insurance evidencing that the licensee carries public liability and property damage insurance in the amounts of one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident for personal injury and one hundred thousand dollars (\$100,000.00) for property damage. (Ord., 9-19-1963; amd. 1998 Code)

B. Equipment Standards To Be Met: No license shall be granted to an applicant and no licensee shall engage in the scavenger business unless the motor vehicle equipment used is covered so as to prevent noxious odors from being emitted into the air, is fitted with a watertight box with a compacting unit and has a lift on the back.

C. Cleanliness And Sanitation: The licensee shall maintain his motor vehicle equipment in a clean and sanitary condition and shall so collect, handle and transport said garbage, refuse and other waste material so as not to deposit any of the same on the Town streets or private or public premises.

D. Responsibility To Patrons: The licensee shall not neglect or refuse to make a collection from any householder who has paid the licensee the charge stated in the licensee's application, nor shall the licensee charge any householder more than is so stated; provided, however, that this Section shall not prohibit the licensee from contracting with any householder for the collection and removal of material not included in the definition of "garbage, refuse and other waste material" at a price greater than that stated in his application. (Ord., 9-19-1963)

**3-6-4: PENALTY:**

Any person required to have a license, who collects "garbage, refuse and other waste material", as defined herein, without such a license, shall be guilty of a misdemeanor. (Ord., 9-19-1963; amd. 1998 Code)

**CHAPTER 7**  
**TOBACCO PRODUCTS**

(Rep. by Ord. 2013-02, 3-11-2013)

**CHAPTER 8**  
**SALE, USE AND POSSESSION OF CLASS C FIREWORKS <sup>1</sup>**

SECTION:

**3-8-1: Definition**

**3-8-2: Permit Required**

**3-8-3: Application**

**3-8-4: Application Fee**

**3-8-5: Standards For Fireworks Sales Permits**

**3-8-6: Violations**

Notes

<sup>1</sup> 1. See also section 4-1-2 of this code.

**3-8-1: DEFINITION:**

"Class C fireworks" shall mean 1.46 as defined in chapter 49 of the code of federal regulations. Class C fireworks are those devices that contain less than one-quarter (<sup>1</sup>/<sub>4</sub>) grain of explosive mixture. Firework items that fit this definition include the following:

A. A cap, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with the cap when it is in place for explosion.

B. A toy snake which contains no mercury.

C. A sparkler on a wire or wood stick not exceeding thirty six inches (36") in length that is designed to produce audible or visible effects or to project audible or visible effects.

D. A device to spray out paper confetti or streamers.

E. A fuseless device that is designed to produce audible or visible effects.

F. A device that is designed primarily to burn pyrotechnic smoke producing mixtures at a controlled rate, and that produces no visible or audible effects.

G. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 CFR 173.50.

H. A cone fountain that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 CFR 173.50. (Ord. 2002-13, 5-20-2002, eff. 6-5-2002)

**3-8-2: PERMIT REQUIRED:**

It shall be unlawful for any person or corporation to sell class C-1.46 fireworks in the town of Cortland without having first obtained a fireworks sales permit. A separate fireworks sales permit shall be required for each location at which fireworks are sold. (Ord. 2002-13, 5-20-2002, eff. 6-5-2002)

**3-8-3: APPLICATION:**

The application for a fireworks sales permit shall be made on a form(s) furnished by the town clerk. Applications for a fireworks sales permit shall be filed with the town clerk and shall require, at minimum, the following information:

A. The name, address, and telephone number of the applicant/permit holder.

B. The dates between which fireworks will be sold.

C. The address at which the sale of fireworks will occur. If the applicant is not the recorded owner of the property, written authorization to make application for a fireworks permit from the property owner is required.

D. A detailed description of the premises where the licensed activities are authorized.

E. The applicant's Illinois sales tax identification number.

F. Proof of insurance with a minimum liability amount of two million dollars (\$2,000,000.00) and naming the town of Cortland as an additional insured.

G. A site plan, drawn to scale, indicating the location of the fireworks sales area, any temporary structures, signs and other attention getting devices that may be used.

H. The application fee. (Ord. 2002-13, 5-20-2002, eff. 6-5-2002)

**3-8-4: APPLICATION FEE:**

The fireworks sales permit application shall be accompanied by a nonrefundable fee of two hundred dollars (\$200.00). (Ord. 2002-13, 5-20-2002, eff. 6-5-2002)

**3-8-5: STANDARDS FOR FIREWORKS SALES PERMITS:**

A. All fireworks sales permits shall be valid only for the sale of class C fireworks as defined by 49CFR 173.50.

B. The maximum sales period shall be fifteen (15) days per location.

C. Fireworks sales permits shall be valid only at the location and only between the dates indicated on the permit.

D. No fireworks sales permit shall authorize sales before June 20 or after July 10.

E. Applications for fireworks sales permits shall be filed no more than thirty (30) days and not less than ten (10) days prior to the date sales are intended to begin. (Ord. 2002-13, 5-20-2002, eff. 6-5-2002)

**3-8-6: VIOLATIONS:**

Any violation of this chapter shall result in revocation of any permit issued pursuant to this chapter, in addition to any other penalties provided by law. When any permit shall have been revoked for any cause, no permit shall be granted to said permittee for a period of one calendar year thereafter for the conduct of the business of selling class C fireworks. (Ord. 2002-13, 5-20-2002, eff. 6-5-2002)

## CHAPTER 9

### ALCOHOLIC BEVERAGES

SECTION:

**3-9-1: Definitions**

**3-9-2: Local Liquor Control Commissioner**

**3-9-3: License Required**

**3-9-4: Application; Submission Of List Of Members**

**3-9-5: Examination Of Applicant**

**3-9-6: Restrictions On Issuance**

**3-9-7: Termination Date**

**3-9-8: Renewal Of License**

**3-9-9: Conditions Of License**

**3-9-10: Proration Of Fees**

**3-9-11: Disposition Of Fees**

**3-9-12: License A Personal Privilege; Attachment, Transfer, Devolution; Renewals**

**3-9-13: Record Of Licenses To Be Kept**

**3-9-14: Classification Of Licenses; Fees**

**3-9-15: Sale To, Possession By And Responsibility For Minors**

**3-9-16: Permitted Possession And Consumption**

**3-9-17: Responsibility Of The Owner Or Occupant Of Premises**

**3-9-18: Peddling Of Alcoholic Liquor Prohibited**

**3-9-19: Sanitary Conditions Of Premises Used For Retail Sales**

**3-9-20: Health Of Retail Establishment Employees**

**3-9-21: Location Of Retail Establishments Restricted**

**3-9-22: Hours Of Business**

**3-9-23: Premises Not To Be Opened For Business During Hours Sale Is Prohibited; Exceptions**

**3-9-24: View Of Premises From Street**

**3-9-25: Sale To Intoxicated Persons And Habitual Drunkards**

**3-9-26: Happy Hours Prohibited**

**3-9-27: Possession Of Alcoholic Liquor In Vehicles**

**3-9-28: Open Container Prohibited**

**3-9-29: AWOL Device Prohibited**

**3-9-30: Prohibited Conduct On Licensed Premises**

**3-9-31: Server Training Requirements**

**3-9-32: Revocation Or Suspension Of License**

**3-9-33: Penalty**

**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 pre-arranged 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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 complaints 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 the 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; and
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 the local liquor control commissioner.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2014-05, 7-28-2014; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**3-9-3: LICENSE REQUIRED:**

A. 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.

B. 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 the person is licensed to sell alcoholic liquors on the premises.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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, corporation, or limited liability company, 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; and if a limited liability company, the names and addresses of any members holding five percent (5%) or more of such company and any managers of such company;

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;

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, or in the case of a limited liability company, the date of its organization;

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 thirty (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, of organization if an Illinois limited liability company, or the date of becoming qualified under the Illinois business corporations act or the Illinois limited liability act to transact business in Illinois if not formed or organized in this state.

15. 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;

16. a. 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, corporation, or limited liability company, the commissioner may, within his or her discretion, require the following to be fingerprinted:

(1) 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.

(2) 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.

(3) 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 under the direction and control of the town police department. The 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 initial license fee. In addition to the foregoing information, the 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 the application is made on behalf of a partnership, firm, association, club or corporation, then the application shall be signed and sworn to by at least two (2) members of such partnership or the president and secretary of such corporation. If by a limited liability company, the application shall be signed and sworn to by a manager or member having authority to bind the limited liability company under its operating agreement. 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2014-05, 7-28-2014; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **3-9-5: EXAMINATION OF APPLICANT:**

A. 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.

B. 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.

C. 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2014-05, 7-28-2014; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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 has not been a resident of the state of Illinois for at least thirty (30) days;
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 the 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 partner thereof, or any limited partner thereof, owning more than five percent (5%) of the aggregate limited partner interest in the co-partnership would not be eligible to receive a license hereunder;

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 the corporation, would not be eligible to receive a license hereunder;

11. An LLC, if any member owning in the aggregate more than five percent (5%) of the interest of the LLC, would not be eligible to receive a license hereunder;

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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2007-24, 6-25-2007; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, 9-13-2019)

### **3-9-8: RENEWAL OF LICENSE:**

A. 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.

B. 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2014-05, 7-28-2014; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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 section 3-9-4A.12. of this chapter, 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, cancelled 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 section 3-9-2B.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, cancelled or suspended, the local liquor control commissioner may invoke emergency powers as set forth in section 3-9-2B.5. of this chapter, or in his discretion, may invoke his powers as set forth in section 3-9-2B.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 section 3-9-4A.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 section 3-9-4A.15. of this chapter, submit fingerprints to the town in the form requested by the commissioner. Failure to comply with this division 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 division 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 division 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 (1).

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **3-9-10: PRORATION OF FEES:**

If the license fee provided for in section 3-9-14A. 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 (1) year prior to expiration of the license shall not be prorated.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **3-9-11: DISPOSITION OF FEES:**

All fees, as referred to in section 3-9-14A. 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 non-refundable, 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2014-05, 7-28-2014; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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 (1) 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 administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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:

(1) All alcoholic liquor shall be displayed for sale in a confined area separate from other non- alcohol 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 non-alcohol 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.*

(2) 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:

a. 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.

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

4. Class D:

a. 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.

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

5. Class E:

a. 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.

b. 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.

c. 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:

a. 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.

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

7. Class G:

a. 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.

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

8. Class H:

a. 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.

b. 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 non-alcohol 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.

c. 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.

d. 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.

e. 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.

f. 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 six (6) packs or more. No class H licensee shall sell barrels or kegs of beer.

g. 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 (1) beer at a time, and no more than two (2) servings in a twenty four (24) hour period. No open containers shall be permitted to leave the video gaming area.

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

i. 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.

j. 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 non-alcohol 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 curbside 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 six (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 sight 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 (1) beer at a time, and no more than two (2) servings in a twenty four (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.

a. 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

b. 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 divisions A, B, and C of this section.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2011-18, 7-25-2011; Ord. 2018-12, 7-10-2018; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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. 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.

(Ord. 2007-15, 4-23-2007; amd. Ord. 2010-04, 3-22-2010; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

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

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

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2018)

**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 division 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2007-24, 6-25-2007; Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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 multi-use establishment which holds a valid retailer's license operates on its premises more than one (1) establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use 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 (1) time to one (1) person for consumption by that one (1) 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 (1) 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 division C.7. 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 divisions B.1. through B.5. of this section.

C. Acts Permitted: Nothing in division 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 multi-use 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 (1) 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

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

A. 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.

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

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;
3. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals;
4. 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;
5. 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;
6. 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **3-9-31: SERVER TRAINING REQUIREMENTS:**

All class C, class D, class E, class F, class G, class H, H-1, 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, H-1 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, H-1 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, H-1 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, H-1 and I licensees shall have at least one (1) certified alcohol server working and present at all times such licensee may legally serve alcohol. For purposes of this division, 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, H-1 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.

(Ord. 2018-12, 7-10-2018; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

### **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. a. Notice Of Violation: Upon receipt of any report or notice, including a report referenced in division 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 the 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 (3) 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.

b. 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:

a. Following the hearing, the local liquor control commissioner may, if he finds cause, order the license suspended or revoked.

b. 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 division 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:

1. 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.*

2. The 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 (1) 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.

(Ord. 2007-15, 4-23-2007, eff. 5-4-2007; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

**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.

(Ord. 2010-04, 3-22-2010; amd. Ord. 2019-16, 8-26-2019, eff. 9-13-2019)

## CHAPTER 10

### DONATION DROP BOX LICENSE

SECTION:

**3-10-1: Definitions**

**3-10-2: Licensing Procedure**

**3-10-3: Requirements For License**

**3-10-4: Penalty**

**3-10-1: DEFINITIONS:**

"Donation drop box" shall mean an all weather receptacle designed and intended for the collection of used clothing, shoes, books and small household items donated by the public for redistribution. (Ord. 2011-05, 1-24-2011)

**3-10-2: LICENSING PROCEDURE:**

A. License Required: Any commercial enterprise, educational, religious, governmental or charitable use promoting the use of a donation drop box on any lot in the town of Cortland is required to obtain a donation drop box license annually.

B. Application Information: Every donation drop box license shall provide the following:

1. Name And Address: The name and address of the donation drop box owner.
2. Location: The location of the donation drop box.
3. Agreement: A copy of the agreement with the property owner authorizing the donation drop box owner to place a donation drop box on the premises.
4. Proof Of Insurance: The donation drop box owner shall maintain liability insurance in the amount of one million dollars (\$1,000,000.00) and name the town of Cortland as an additional insured.

5. License Fee: Applicants granted a license shall pay to the town a fee specified in section 1-8-13 of this code. (Ord. 2011-05, 1-24-2011)

**3-10-3: REQUIREMENTS FOR LICENSE:**

A. Number: No more than two (2) donation drop boxes (side by side) are allowed on a zoning lot less than two (2) acres in size. No more than three (3) donation drop boxes (side by side) are allowed on a zoning lot equal to or greater than two (2) acres in size.

B. Size: Each donation drop box shall not exceed seven feet (7') in height and twenty five (25) square feet in ground area.

C. Location: Donation drop boxes may be located only in commercial and industrial zoning districts or on properties occupied primarily by an educational, religious, governmental or charitable use. Donation drop boxes shall be located on a parking lot or other paved surface, not adjacent to the front building facade. Donation drop boxes shall not be located within fifteen feet (15') of the front or corner side property line; reduce the width of paved clear space for the passage of pedestrians to less than five feet (5'); be located within five feet (5') of a fire department connection; utilize any parking spaces required by section 9-5-7 of this code; or, disrupt the flow of vehicular or pedestrian traffic on any public right of way.

D. Signs And Identification: The only signs used in connection with the donation drop box shall be affixed to the donation drop box. No such sign shall exceed six (6) square feet on any one side of the donation drop box. The donation drop box shall include language discouraging the placement of items outside of the box.

E. Maintenance: No storage shall be permitted outside the donation drop box. The donation drop box shall be maintained in an operational and good visual condition at all times.

F. Insurance: The donation drop box owner shall maintain liability insurance in the amount of one million dollars (\$1,000,000.00) and name the town of Cortland as an additional insured. (Ord. 2011-05, 1-24-2011)

G. Other Requirements:

1. Upon telephone notification from the town president/mayor or his or her designee that materials are being placed outside of a box, the donation drop box owner shall have twenty four (24) hours to remove said materials. Failure to do so on three (3) or more occasions in any calendar year may result in penalties listed under section 3-10-4 of this chapter. (Ord. 2011-05, 1-24-2011; amd. Ord. 2014-05, 7-28-2014)

2. The name and phone number of the donation drop box owner/operator shall be posted on the box.

3. Donation drop boxes shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. (Ord. 2011-05, 1-24-2011)

**3-10-4: PENALTY:**

A. Any person required to have a license who maintains a "donation drop box", as defined herein, without such license, shall be guilty of a misdemeanor and subject to fines.

B. When a license shall have been revoked for any cause, no license shall be granted to said licensee for the period of six (6) months thereafter for maintaining a donation drop box on the premises. (Ord. 2011-05, 1-24-2011)