

PALATINE CODE OF ORDINANCES - CHAPTER 3 ALCOHOLIC BEVERAGES

Chapter 3 ALCOHOLIC BEVERAGES

State law reference(s) --Liquor Control Act of January 31, 1934, 235ILCS5; for provisions relating to local control see 235ILCS5/4-1 et seq.

Editor's Note: Ordinance 0-73-06, replaced Chapter 3 in its entirety. This Ordinance was passed on April 17, 2006, with an effective date of June 1, 2006.

Editor's Note: Ordinance 0-34-12, approved on March 19, 2012, replaced Chapter 3 in its entirety.

Editor's Note: Ordinance 0-11-17, approved on February 21, 2017, replaced Chapter 3 in its entirety.

Editor's Note: Ordinance O-19-19, approved March 11, 2019, replaced Chapter 3 in its entirety.

Editor's Note: Ordinance O-53-21, approved June 7, 2021, added Class "B-4" License

Editor's Note: Ordinance O-116-21, approved November 1, 2021, added Class "G-2" License

Editor's Note: Ordinance O-34-22, approved April 11, 2022, added LC 1, LC 2 Late Closing Licenses and VG (Video Gaming) License

Editor's Note: Ordinance O-48-23, approved April 17, 2023, replaced Chapter 3 in its entirety.

Art. I. In General, §§ 3-1--3-25

Art. II. Licenses, §§ 3-26--3-48

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

For the purposes of this chapter the following words shall have the meanings indicated unless their context clearly requires otherwise; provided that, any terms used in this chapter which are not defined herein shall have the meaning as provided in the Liquor Control Act, 235 ILCS 5/1-1:

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

Alcoholic Beverage Seller Server Permit (ABSS) is a Village of Palatine permit issued to an alcoholic drink server or seller that holds the position of Manager or Assistant Manager who completes a state-certified beverage alcohol sellers and servers educational and training (BASSET) program and completes a background check.

Alcoholic Liquor means any alcohol, spirits, wine, beer, or other liquid containing more than one-half of one per cent of alcohol by volume, which is capable of being consumed as a beverage by a human being. Includes alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol, spirits, wine or beer, and in the judgment of the Commission, capable of being consumed as a beverage by a human being.

Alcopop means a flavored alcoholic beverage or flavored malt beverage that includes (i) a malt

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beverage containing a malt base or Beer and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives where such blending material constitutes 0.5% or more of the alcohol by volume contained in the finished beverage; (ii) a beverage containing Wine and more than 15% added natural or artificial blending material, such as fruit juices, flavors, flavorings, adjuncts, water (plain, carbonated, or sparkling), colorings or preservatives; (iii) a beverage containing distilled Alcohol and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives; or (iv) an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5% or more of Alcohol by volume.

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

Club means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common objective other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining 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 their guests; provided that such club files with the Local Liquor Control Commission at the time of its application for a license under this article two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional members name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting; and that no member or any officer, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club 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.

Commission means Palatine Local Liquor Control Commission.

Committee means the Palatine Local Liquor Control Hearing Committee, which shall consist of 3 members appointed by the Commission and may include ex officio members who may be any member of the Commission.

Corporation means any corporate, domestic or foreign, qualified to do business in the state of Illinois under the Business Corporation Act of the Illinois Compiled Statutes, including a limited liability company as defined in said Act.

Keg means any original package container capable of holding more than three gallons of beer.

Licensee means any person issued a license under this chapter.

Limited Liability Company means a legal business entity created and recognized under the Illinois Liability Company Act of the Illinois Compiled Statutes.

Live Entertainment shall be defined pursuant to Chapter 11, Licenses, Permits and Business Regulations. (Ord. #0-1-10, §1, 1/11/10)

Manager or Assistant Manager means any individual of a licensed place of business in a managerial or supervisory position that oversees the merchandising, sale, serving, or identification checking related to

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alcoholic beverages and possesses the same qualifications required of the licensee. Satisfactory evidence of such employment shall be furnished to the Commission in the form and manner as the Commission shall, from time to time, prescribe.

Manufacturer shall include every person who, in the process of filling or re-filling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.

Microbrewery, any public place or establishment that engages in the production, manufacturing, or brewing of beer on the premises by means of adequate and sanitary equipment designed and maintained to facilitate the brewing process and dispenses that beer produced on the premises for consumption on the premises and packaged for retail sale.

Owner shall be defined as the person, partnership, corporation, limited liability company, trustee, trust, or any other legal entity having sufficient proprietary interest of record in the place of business.

Peddling shall be defined pursuant to Chapter 11 Article VI. Solicitors

Person includes a corporation, limited liability company (LLC), partnership, co-partnership(s), association(s), club(s), individual(s), trustee(s), receiver(s), assignee(s), executor(s), administrator(s), or other personal representatives of decedent(s).

Premises or Place of Business, as used in this chapter, means the place or location where alcoholic beverages are manufactured, stored, displayed or offered for sale, or where drinks containing alcoholic beverages are mixed, concocted and served for consumption including the interior of the building, sidewalks, streets, parking areas and grounds adjacent to any such place or location or any other area within the control of the licensee.

Retail sale means the sale for use or consumption, and not for resale in any form.

Sale of Keg means any sale of beer in a keg, even though the keg is to be returned by the purchaser to the seller.

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

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

Video Gaming Café means an establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a Video Gaming Café:

- The layout and design of the establishment;
- The preparation and variety of food and beverages offered;

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- The creation and operation of a full-service commercial kitchen;
- The number of video gaming machines relative to the customer seating capacity of the establishment;
- The square footage of space devoted to video gaming relative to the amount of space devoted to other activities;
- The source of proposed or actual revenue derived from the establishment;
- The number of employees at the establishment and their proposed function; and
- Any other factors as determined as relevant by the Local Liquor Control Commission.

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

Sec. 3-2. Local Liquor Control Commission - duties generally.

The Mayor and Village Council of the Village shall be the Local Liquor Control Commission of the Village. The Mayor shall serve as the Chairman of the Local Liquor Control Commission. The Local Liquor Control Commission is charged with the administration of the Liquor Control Act 235 ILCS 5, and or such ordinances and resolutions relating to alcoholic liquor as may be enacted by the Village. The Local Liquor Control Commission may appoint a person or persons to assist them in the exercise of the powers and performance of the duties herein provided for the Local Liquor Control Commission.

Sec. 3-3. Same--Right of entry.

The Local Liquor Control Commission hereby is given the power 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, the Liquor Control Act 235 ILCS 5, or any rules or regulations adopted by them or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of said license in connection therewith.

Sec. 3-4. Public indecency.

(a) No person who is the owner or occupant of any premises open to the public shall permit on the premises any person to:

- (1) Expose his or her genitals, pubic hair, buttocks, perineum and anal region or pubic hair region; or
- (2) Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- (3) Expose any portion of the female breasts at or below the areola thereof, or
- (4) Commit an act which constitutes public indecency under Section 12-6 hereof.

(b) No person holding a liquor license under this chapter shall permit any officer, associate, member, representative, entertainer or employee of such licensee to:

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- (1) Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or nonalcoholic beverage for himself/herself or any other employee of the licensed establishment; or
- (2) Knowingly serve any employee any alcoholic or nonalcoholic beverage which was purchased by any patron; or
- (3) Allow any employee or, entertainer of the license to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee.

Sec. 3-5. Peddling prohibited.

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

Sec. 3-6. Condition of premises.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

Sec. 3-7. Reserved.

Sec. 3-8. Restricted areas.

It is hereby determined that the following described portions of the Village are predominately residential in character: all of the area of the Village except that portion now zoned as manufacturing zones, business zones or which hereafter may be zoned as business or manufacturing zones.

Sec. 3-9. Location restrictions.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business. Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common objective other than the sale or consumption of alcoholic liquors.

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Sec. 3-10. Promotional restrictions; happy hours prohibited.

All promotions and/or happy hour periods shall be conducted in accordance with Illinois State law.

(a) A violation of this section shall be grounds for suspension or revocation of the retailer's license as provided by section 3-44.

Sec. 3-11. Premises to be in full view and lighted.

In premises upon which the sale of alcoholic liquor for consumption upon the premises or package sales is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises which shall substantially prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk, with the exception of an establishment in which Video Gaming is being conducted. For establishments that hold a Class VG "Video Gaming" license, there shall be screening installed to reduce or eliminate the ability to view the video gaming terminals from the exterior. Such screening for establishments holding a Class "VG" license shall be in a manner acceptable to the Village Manager. All rooms where liquor is sold for consumption upon 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 obscured by the licensee or by him/her suffered to be obscured or in any manner obstructed, then such license shall be subject to suspension or revocation in the manner herein provided. In order to enforce the provisions of this section, the Local Liquor Control Commission shall have the right to require the filing with them of plans, drawings and photographs showing the clearance of the view as above required.

(Ord. No. 0-146-10, §1, 12/6/10; Ord. No. O-15-23, 2/20/23)

Sec. 3-12. Persons under the age of twenty-one.

(1) It shall be unlawful for any person within the Village to sell alcoholic liquor to any person under the age of twenty-one (21) years, for the purpose of preventing the violation of this section, any licensee, or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce not less than two (2) forms of adequate written evidence of identity, at least one of which shall evidence the fact that he or she is over the age of twenty-one (21) years, and it shall be presumed that any licensee, or employee, who does not require at least two (2) such forms of identification has failed to require adequate evidence of age and identity. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

(2) 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 Village where alcoholic liquor is sold.

(3) It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

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(4) Any place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be displayed and which shall read substantially as follows:

"Warning to persons under the age of twenty-one, you are subject to a fine up to one thousand five hundred dollars (\$1,500.00) under the Code of Ordinances of the Village of Palatine if you are under the age of twenty-one (21) and you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."

(5) It shall be unlawful for any holder of a retail liquor dealers license, or its employee, to suffer or permit any person, including employees, under the age of twenty-one (21) years to be or remain in any room or place where such licensed premises is located at any time such premises is open for business and while alcoholic beverages are being served or are permitted to be served; provided that this paragraph shall not apply to any person under the age of twenty-one (21) years who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale or service of other commodities than alcoholic liquor.

(6) It shall be unlawful for any person under the age of twenty-one (21) years to serve or sell liquor in establishments where alcoholic liquor is sold and it shall be unlawful for the holder of a retail dealer's license, his/her employee, to suffer or permit any such person to serve or sell alcoholic liquor of any kind, except as permitted pursuant to the holder liquor license classification.

(7) It shall be unlawful for any person under the age of twenty-one (21) years to carry, transport, consume, or to have in such person's possession any alcoholic liquor anywhere in the Village; provided however that nothing herein shall be construed to prevent any person under the age of twenty-one (21) from carrying, transporting or possessing sealed alcoholic liquor when the carrying, transporting or possession shall be directly related to said person's employment by a transport or trucking company engaged in the cartage, delivery, or storage of alcoholic liquor for hire.

(8) It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or otherwise deliver such alcoholic liquor to any other person under the age of 21 years except in the performance of a religious ceremony or service.

(9) In addition to all other fines and penalties, the Local Liquor Control Commission may suspend or revoke the retail dealer's license for any violation of this section.

(10) It shall be unlawful for any parent or guardian to permit any minor child of which he may be parent or guardian to violate any provision of this section.

(11) Notwithstanding anything hereinabove to the contrary, the Village hereby adopts the provisions of Section 6-16.1 of the State Liquor Code (235 ILCS 5/6-16.1) which allows the Palatine Liquor Control Commission to employ or direct a "person under 21 years" of age to assist in investigations of possible sale to minors.

Sec. 3-13. Sale to intoxicated persons.

It shall be unlawful for the holder of an alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person.

Sec. 3-14. Gambling prohibited.

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There shall be no card games or gambling allowed on any premises licensed to sell alcoholic liquor unless otherwise exempted by law or through the issuance of a Class VG Liquor License from the Commission.

Sec. 3-15. Transporting of alcoholic liquor into restaurant prohibited.

It shall be unlawful for any person to bring, carry, transport or otherwise convey alcoholic liquor into a restaurant establishment or other eating establishment for purposes of consumption in such restaurant or other eating establishment, whether or not consumed with a meal, and regardless of whether such restaurant or other eating establishment has been issued a liquor license. Nothing herein shall prevent the bringing in, carrying, or transporting of alcoholic liquor into a restaurant or other eating establishment in connection with the holding of a private party, with the permission of the owner or manager of said establishment, if otherwise authorized pursuant to the provisions of this Code.

Sec. 3-16. Complaint of violation.

Any resident of the Village shall have the right to file a complaint with the Local Liquor Control Commission that any licensee has been or is violating the provisions of this chapter or the rules or regulations issued pursuant thereto. Such complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provisions, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the Local Liquor Control Commission is satisfied that the complaint substantially charges a violation, it shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint in the manner hereinafter provided.

Sec. 3-17. Transportation of alcoholic liquor.

No person within the Village shall transport, carry, possess or have any alcoholic beverage within the passenger area of any motor vehicle except in the original package and with the seal unbroken.

Sec. 3-18. Sale of alcoholic liquor from drive-up windows, in drive-through facilities or to persons within the passenger areas of motor vehicles; penalty.

(a) It shall be unlawful for any person, retail licensee or employee of such licensee to sell or deliver alcoholic liquor, including, but not limited to, the sale or delivery of alcoholic beverage in the original package with the seal unbroken and alcoholic beverage in a glass or cup:

- (1) From a drive-up window or in a drive-up manner; or
- (2) To a person within the passenger area of a motor vehicle.

Nothing herein shall prevent the person or licensee from assisting in loading a vehicle where the sale was otherwise consummated in compliance with Village ordinances.

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Sec. 3-19. Penalty.

Except as may be imposed pursuant to Section 3-44, any person, firm, or corporation violating any provision of this chapter shall be fined not less than one hundred twenty-five dollars (\$125.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 3-20. Sale of Kegs

A licensee who sells a keg shall keep a logbook of all kegs sold showing the purchaser's name, address, telephone number, driver's license/state identification number, date of birth, and signature. The logbook shall be available for inspections by the Village Police Department during normal business hours.

Secs. 3-21-3-25. Reserved.

ARTICLE II. LICENSES

Sec. 3-26. Required.

It shall be unlawful to sell or offer for sale at retail, in the Village any alcoholic liquor either without a valid retail liquor dealer's license, or other than as is specifically permitted in the terms of such a license.

It shall be unlawful to serve, deliver, or to permit the consumption of alcoholic liquor on any premises for which a retail liquor dealer's license is required, other than as is specifically permitted in the terms of such a license.

No licensee under this Code shall sell or distribute alcoholic beverages outside the licensed premises.

Notwithstanding the foregoing, the holder of a Class B or B-1 Liquor License shall be permitted to conduct off premise delivery, as defined in the Illinois Liquor Control Act, subject to a plan approved by the Liquor Commission that specifies at a minimum, the point of sale age verification process and point of delivery age verification process and is otherwise in conformance with the Illinois Liquor Control Act. (Ord. No. 0-082-24,9/16/24)

Sec. 3-27. Alcoholic beverage seller and server permit and registry required.

(a) Each Manager and Assistant Manager of any licensed premise must possess a valid Alcoholic Beverage Seller and Server Permit pursuant to the granted liquor license requirements in Section 3-35. Further, each Manager and Assistant Manager shall be listed on the annual Liquor License Application.

- (1) Owners not involved in the daily operations or the serving and selling of alcohol of a licensed premise are not required to obtain an Alcoholic Beverage Seller and Server Permit but are not exempt from a background check pursuant to Section 3-29.

(b) An Alcoholic Beverage Seller and Server Permit shall be issued by the Village to such applicant upon proof of completion of a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements of the Department of Human Services (DASA) 77 Adm. Code 3500.101 et seq. or its equivalent (to be determined by the Palatine Police Department) and upon receipt from the Police Department of a background check of the applicant (to be conducted every three {3} years).

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(c) No permit shall be issued to:

- (1) A person who has been convicted of a felony under the laws of the State of Illinois or any other state or of the United States, unless the Village Manager determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Village Manager's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant; or
- (2) Has been convicted of being the keeper of or is keeping a house of ill repute; or
- (3) Has been convicted of pandering; or
- (4) A person whose Alcoholic Beverage Seller and Server Permit issued under this Code has been revoked for a cause.

(d) The Chief of Police or his/her designee shall issue to the applicant an Alcoholic Beverage Seller and Server Permit. A facsimile of such permit is to be kept on the premises of the employer at all times.

(e) New Managers or Assistant Managers of an establishment licensed to sell or serve alcoholic beverages are required to secure an Alcoholic Beverage Seller and Server Permit within thirty (30) days from the beginning of their employment. Until receipt of such a permit, the new Manager or Assistant Manager shall work under the supervision of a person who has been licensed by the Village.

(f) Each permit shall be valid for three (3) years from the date of issuance. Renewal licenses shall be issued upon proof of completion of a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements of the Department of Human Services (DASA) 77 Adm. Code 3500.101 et seq. or its equivalent (to be determined by the Palatine Police Department) and upon receipt from the Police Department of the background check of the applicant.

(g) The Owner of any licensed establishment shall register with the Village any employee engaged in the sale, serving or giving away of any alcohol, spirits, wine, beer or other alcoholic beverages and/or the checking of identification for the purchase or consumption of alcoholic beverages. Said registration must occur within thirty (30) days of employee's employment. All employees subject to this section shall be required to comply with the BASSET requirements as noted in 3-27(f), which shall be recorded in the registration form. The registry shall be confirmed with the Village on an annual basis as part of the liquor license renewal process. A facsimile of registered employees' BASSET completion is to be kept on the premises of the employer at all times. Failure of the Owner to register an employee shall be grounds for a violation of the liquor license and subject to all remedies available in the Code of Ordinances. (Ord. No. O-15-23, 2/20/23)

Sec. 3-28. Applications.

No application for a liquor license may be considered by the Palatine Liquor Commission unless the number of licenses authorized under section 3-33 of this Code for the class of liquor license for which such application is made is greater than the number of such licenses then issued and outstanding, except that a person or persons holding a signed contract to purchase an already licensed establishment may make application for a license of the same class regardless of the number of licenses issued and outstanding. A copy of the contract to purchase must accompany such application.

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All applications for liquor licenses shall be made to the Local Liquor Control Commission in writing, signed by the applicant, if an individual, by all the partners, if a partnership, or by a duly authorized officer thereof, if a club or corporation, verified by oath or affidavit, accompanied by a non-refundable two hundred fifty dollar (\$250.00) filing fee, with the exception of an application for a Class E Temporary Liquor License which shall have a non-refundable filing fee of fifty dollars (\$50.00), and shall contain the following information and statements: (Ord. O-19-19, 3/11/19; O-102-19, 12/02/19)

- (1) The name, age and residence address of the applicant, if an individual or in the case of a copartner, of each person entitled to share in the profits thereof and, in the case of a corporation for profit or a club, the date and state of incorporation, the objects for which organized, the names and addresses of the officers and directors, and the name and address of each stockholder owning in the aggregate more than five (5) per cent of the total issued and outstanding stock of such corporation;
- (2) The same information in regard to the manager, if any, by whom such business will be conducted;
- (3) The citizenship of each person mentioned in sub-paragraph (1) of this section, his/her place of birth and if a naturalized citizen, the time and place of his/her naturalization;
- (4) The type of business then conducted by the applicant and his/her co-partners, if any, and also the length of time that said applicant or his/her co-partners, if any, has been in business of that character;
- (5) The location and description of the premises or place of business which is to be operated under such license and that the licensee owns said premises or has a lease thereon for the full terms for which the license is requested.
- (6) A statement whether applicant, his/her co-partners, if any, corporation or club has made application for a liquor license on premises other than described in said application, and the disposition thereof.
- (7) The name and address of the landlord if the premises are leased;
- (8) A statement that applicant and each of his/her co-partners, if any, have never been convicted of a felony and are not disqualified to receive a license by reason of any matter or thing contained in this Code, laws of this state, or other ordinances of this Village.
- (9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;
- (10) A statement whether the applicant and each of his/her co-partners have ever owned and/or operated another liquor licensed establishment that has ever had any violations related to the liquor license.
- (11) A statement that the applicant will not violate any of the laws of the state or of the United States, or any provision of this Code or other ordinance of the Village in the conduct of his/her business.

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- (12) All applicants for Class “E” licenses shall submit concurrently with the filing of their license application a layout of the premises wherein alcoholic liquor service will be provided, including a detailed sketch of screening or other physical barriers to be placed around the serving area.
- (13) Certificate of Dram Shop insurance evidencing coverage for the full term of the Palatine Liquor License in compliance with the following.
 - a. The certificate shall insure the applicant and the owner or lessor of the premises for not less than the amount in this section \$500,000.00 per occurrence.
 - b. The Village of Palatine shall be named as an additional insured on the policy of comprehensive general liability insurance.
 - c. Such certificate shall also on its face name the Village of Palatine as a certificate holder and provide that the Village of Palatine shall be entitled to thirty (30) days advance written notice of cancellation before expiration of such policy.
 - d. Said coverage shall be from an insurer licensed to do business in the State of Illinois and shall be kept current at all times. Licensees shall have certificates of insurance immediately provided to the Village at the time of renewal and/or within ten (10) days of the date when at such time as a change in insurance carriers occurs. Upon request of the Village, a Licensee shall provide evidence of current coverage at times other than initial application and renewal. All required insurance shall be required to provide coverage for the Premises and Building where a liquor license is maintained, and also to any Permitted Area for any Sale of Alcoholic Liquors (including any outdoor seating area or the area where any Outdoor Special Event, Caterer Event, Nonprofit Special Event or similar event is to be conducted).
- A. For purposes of this Section, the required insurance shall be defined to include:
 - a. Dram shop insurance with policy limits at or in excess of the statutory minimum required under Illinois law.
 - b. Comprehensive General Liability insurance with policy limits of not less than one million dollars per person/per occurrence.
- B. In addition to the foregoing requirements, applicant and Licensees are also required to maintain workers compensation, automobile liability and any other insurance required under applicable Illinois law as a condition of being eligible to obtain or maintain a liquor license. The Village may demand proof of such coverage, in the form of a current certificate of insurance or other proof of insurance acceptable to the Village, at any time a license is in place, or at any time while processing a license application or renewal application.
- C. Both the comprehensive general insurance policy and the dram shop insurance policy required hereunder shall name the Village as additional primary and non-contributory insured, without right of subrogation, and without any limiting clauses other than those which may be acceptable to the Village. Upon request, the policy and any endorsements must be tendered to the Village.
(Ord. O-19-19, 3/11/19)
- (14) Previous year’s State of Illinois Liquor License number.

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- (15) Any other requested information that is listed in 235 ILCS 5/7-1, or as requested by Village Manager.
- (16) A statement as to whether any federal, state, county or local official or law enforcement public official owns any interest in the applicant.

Upon issuance of a state liquor license, Licensee shall submit proof of said issuance to the Village of Palatine within thirty (30) days of issuance of the State Liquor License. Failure to file proof of issuance of the state license within thirty (30) days of the issuance of the Village of Palatine license shall constitute a violation of Section 3-44(b) of this Code.

Sec. 3-28(B). Incomplete or Inaccurate Applications

- (1) Applications for liquor licenses which are incomplete, inaccurate or fail to contain the statements or information required by this Chapter shall be rejected by the Village. The Village shall issue a written rejection of such application, setting forth the deficiencies in said application within sixty (60) days of its receipt. Prior to such rejection, the applicant may submit the additional information or statements required to complete such application.
- (2) Administrative or legal expenses incurred in reviewing incomplete or inaccurate liquor license applications, advising the applicant of such deficiencies, and rejecting such applications shall be paid by the applicant exclusive of the \$250.00 application fee. A bill or invoice shall be submitted to the applicant specifying the additional administrative or legal expenses incurred in processing the applicant's incomplete or inaccurate liquor license application, which shall be paid by the applicant, together with the annual license fee prior to the issuance of such license.

Sec. 3-29. Examination of applicant for local license.

The Local Liquor Control Commission 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 or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for the information of the members of the commission in the performance of their duties, and for such purpose any member of the commission may 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 Commission, under this section, it may authorize its agent to act on its behalf, as provided by statute.

Each liquor license applicant, as determined by the Village Manager, shall every three (3) years submit his or her fingerprints to the Palatine Police Department in the form and manner prescribed by the Department of State Police or Palatine Police Department. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Village may charge a fee for conducting the criminal history records check of a liquor license applicant. The Palatine Police Department shall furnish pursuant to positive identification, records of conviction to the Local Liquor Control Commissioner.

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Sec. 3-30. Restrictions.

No such license shall be issued to:

- (1) A person who is not a resident of the Village of Palatine;
- (2) A person who is not of good character and reputation in the community in which he resides or operates a business;
- (3) A person who is not a citizen of the United States;
- (4) A person who has been convicted of a felony under the laws of the State of Illinois or of any other state or of the United States;
- (5) A person who has been convicted of being the keeper of or is keeping a house of ill fame;
- (6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (7) A person whose license issued under this Code has been revoked for a cause;
- (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license under a first application;
- (9) A copartner, if any general partner thereof, or any limited partner thereof, owning more than five (5) per cent of the aggregate limited partner interest in such copartner would not be eligible to receive a license hereunder for any reason other than residence within the Village.
- (10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) per cent of the stock thereof, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (11) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- (12) A person whose place of business is conducted by a manager unless said manager possesses the same qualifications required of the licensee;
- (13) 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 January 31, 1934 or shall have forfeited his/her bond to appear in court to answer charges for any such violation;
- (14) 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;
- (15) Any federal, state or local law enforcing public official, any Mayor of the Village, any member of a Village council, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission

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- (16) Any person, association, or corporation not eligible for a state retail liquor dealer's license.
- (17) A person who does not submit proof that all coin operated amusement devices in the establishment have been licensed by the Village of Palatine and the fee paid. Failure to submit said proof as required will be grounds for denying the issuance of the license or the renewal of the same.
- (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 Illinois State Law.
- (21) A person or corporation that has outstanding, past due financial obligations owed to the Village, including but not limited to fines, fees, utility charges and property taxes.
- (22) Any person or entity where the owner of the proposed licensed premises or any person from whom the licensee derives the right of possession of such premises or the corporate officer of such person or owner is ineligible to hold a liquor license.

In the event there is a violation of any of the foregoing restrictions by a person, corporation or partnership holding a license or any officer, manager, director, stockholder, or partner thereof, while said license is in effect, such license may be revoked by the Local Liquor Control Commission upon proof of such violation established at a hearing called by the Local Liquor Control Commission in the manner hereinafter provided.

Sec. 3-31. Conditions to the issuance of liquor licenses.

(a) All new licensees shall be required to comply with section 3-27 as a condition to the issuance of any new liquor license. A copy of the Alcoholic Beverage Seller and Server Permit of all applicable employees and the list of registered employees shall be kept on the premises of the establishment at all times and made available to the Village for inspection upon demand. Upon request, a licensee shall provide a list of all employees which are required to be registered and required to hold an Alcoholic Beverage Seller and Server Permit. Included on the list shall be the employee's date of hire and the expiration date of the Alcoholic Beverage Seller and Server Permit.

(b) In addition to any other requirements in this Chapter or conditions associated with the type of license obtained, the Local Liquor Control Commission may impose reasonable conditions on the issuance or renewal of a liquor license. Such conditions may be based on the past operating history of the establishment, the neighborhood or environs in which the establishment is located and may include additional limitations on the hours otherwise permitted in the license classification sought by the applicant.

(c) At all times when the premise is open, the licensee shall have no less than one manager or assistant manager on duty with an Alcoholic Beverage Seller and Server Permit.

(d) A licensed establishment shall have on file with the Liquor Commission a current site plan of the premises indicating the location of the display, selling, and serving of alcoholic beverages, including but not limited to bars, lounges, shelving, and registers. (Ord. No. 0-34-10, §1, 4/19/10; Ord. No. O-15-23, 2/20/23)

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Sec. 3-32. Term; prorating fee.

Each license shall terminate on June 30 next following its issuance, excepting a temporary license provided that this section shall not affect the period of termination of any license issued before the effective date of this article. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the fiscal year prior to the issuance of the license.

Sec. 3-33. Failure to operate; lapse of license.

In the event that the operation of any business for which a liquor license is granted hereunder shall close down, terminate or cease for a period of thirty (30) consecutive days, such license shall forthwith lapse and be of no further force, effect or validity.

The Village Manager may grant a grace period for failure to operate related to construction, remodeling, or other circumstances deemed to be beyond the control of the liquor establishment.

Sec. 3-34. Acquisition of more than five per cent of licensee's stock; report.

Each corporation holding a liquor license and each person who shall acquire in excess of five (5) per cent of the total issued and outstanding stock of the corporation shall report to the Local Liquor Control Commission in writing, not less than thirty (30) days prior to such acquisition, the name and address of the proposed stockholder together with a completed application form and disclosure statement containing the information and statements required under section 3-28 of this Code, together with the intended date of such acquisition.

In the event the proposed stock acquisition will result in a change of stock ownership of the corporation of fifty (50) per cent or more of the total issued and outstanding stock of the corporation as it existed at the time the corporation's existing license was first issued, the acquisition shall be deemed and is hereby declared to be a transfer of the license, and if completed shall cause the license to cease and terminate unless, prior to such completion, an application for a new license is filed with, and a new liquor license is issued by, the Local Liquor Control Commission.

In the event the proposed stock acquisition will result in a change of stock ownership of the corporation in an amount less than fifty (50) per cent of the total issued and outstanding stock of the corporation as it existed at the time the corporation's existing license was first issued, following receipt of such application and disclosure statement, the Local Liquor Control Commission shall have the same rights with respect to the proposed stockholder as are set forth in section 3-29 of this Code. On or before the expiration of the aforesaid thirty-day period, the Local Liquor Control Commission shall complete their review of the qualifications of the proposed stockholder and advise the proposed stockholder and the corporation in writing as to whether they have determined that any grounds exist for revocation of the corporation's liquor license in the event the proposed transfer is consummated.

Failure to report to and file the required application and disclosure statement with the Local Liquor Control Commission as above required, or any transfer of stock in violation of the determination of the Local Liquor Control Commission shall be grounds for revocation of the corporation's liquor license by the Local Liquor Control Commission upon proof of such violation established at a hearing called by the Local Liquor Control Commission in the manner hereinafter provided.

In addition to the above requirements, each corporation holding a liquor license shall report the name

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and address of any person previously holding in excess of five (5) per cent of the issued and outstanding stock of the corporation who acquires additional stock in excess of five (5) per cent of the total issued and outstanding stock of the corporation. The aforesaid report(s) shall be made within five (5) days following such acquisition. Failure to report to the Local Liquor Control Commission, as above required, shall be grounds for the revocation of the corporation's liquor license by the Local Liquor Control Commission upon proof of such violation established at a hearing called by the Local Liquor Control Commission in the manner hereinafter provided.

Nothing herein shall prevent the Local Liquor Control Commission from suspending a license or imposing a fine upon a licensee for violation of any provision of this section.

Sec. 3-35. Classification; fees

Licenses shall be and are hereby divided into the following classes:

(1) **RESERVED.**

- (2) *Class "A-1" License* (Sports and Recreation Facilities) shall authorize the retail sale of alcoholic liquor on the premises only to sports and recreation facilities, subject to the provision that a floor plan be submitted prior to issuance of the license, food service must be available, and that no exterior signage advertising alcohol or the tavern/bar name be permitted.

It shall be unlawful for a holder of a Class "A-1" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday through Friday, or during the hours of 2:00 a.m. and 6:00 a.m. on Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on the first day of January of every year. The annual fee for such license shall be as provided in the fee schedule supplemental to the Palatine Code of Ordinances.

It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person obtains from the Village Manager a license to sell or serve alcoholic beverage

- (3) *Class "B" License* (package liquor store) shall authorize the retail sale of all alcoholic beverages in its original package, not for consumption on the premises where sold. The establishment shall not have more than ten percent (10%) of its shelf space used for consumable goods ("consumable goods" does not include tobacco and soft drinks), derive more than ten percent (10%) of its gross income from consumable goods, and derive more than ten percent (10%) of wholesale purchases of consumable goods.

In addition to all other applicable requirements, a sign shall be posted on every entrance to the establishment (the size of said sign and the type size to be prescribed by the Village Manager's office) providing that no one under the age of 21 may enter the establishment unless accompanied by a parent or guardian 21 years of age or older. Said establishment shall enforce such restriction by denying admittance to any person under the age of 21 unless accompanied by a parent or guardian 21 years of age or over.

It shall be unlawful for a holder of a Class B license to sell or offer for sale at retail any

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alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages. A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of twenty-one (21) from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with Liquor Commission.

- (4) *Class "B-1" License* (grocery store with package liquor) shall authorize the retail sale of all alcoholic beverages in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is the sale of groceries, with the sale of alcoholic beverages as a subsidiary sale. The establishment must have a minimum of fifteen thousand (15,000) square feet of retail floor space, with no more than ten percent (10%) of the floor area used for the display of alcoholic beverages and no more than ten percent (10%) of its gross income shall be derived from the sale of alcoholic beverages.

The primary liquor display area shall be located in the designated area as indicated on the approved floor plan on file with the Liquor Commission. Any change to the primary liquor display area on the approved floor plan shall require Liquor Commission approval.

In addition to the primary liquor display area, a holder of a Class B-1 license shall be permitted up to three (3) incidental display areas for beer and wine only subject to the Village Manager's review and approval and shall be indicated on a plan on file with the Liquor Commission.

A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of twenty-one (21) from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with Liquor Commission.

It shall be unlawful for a holder of a Class B-1 license to sell or offer for sale at retail any alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to Sec 3-27 to sell alcoholic beverages.
(Ord. No. 0-146-10, §2, 12/6/10)

- (5) *Class "B-2" License* (General Merchandise store with package liquor) shall authorize the retail sale of all alcoholic beverages, in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is the sale of household items, groceries, medicine, health or beauty aids, and clothes, with the sale of alcoholic beverages as a subsidiary sale. The establishment must have a minimum of fifty thousand (50,000) square feet of floor area, with no more than five percent (5%) of the floor area used for the display of alcoholic beverages and no more than ten percent (10%) of its gross income shall be derived from the sale of alcoholic beverages.

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A General Merchandise store holding a B-2 license shall have a valid State of Illinois Pharmacy license, pursuant to the Pharmacy Practice Act (225 ILCS 85), at the liquor licensed location and actually employ at least one licensed pharmacist who works at the liquor licensed premises, and shall provide proof to the Village upon request.

The liquor display area shall be located in the designated area as indicated in the approved floor plan on file with the Liquor Commission. Any change to the liquor display area on the approved floor plan shall require Liquor Commission approval.

A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of twenty-one (21) from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with Liquor Commission.

It shall be unlawful for a holder of a Class B-2 license to sell or offer for sale at retail any alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to Sec 3-27 to sell alcoholic beverages.
(Ord. No. 0-159-12, §1, 12/3/12)

- (6) *Class "B-3" License* (Drug store with package liquor) shall authorize the retail sale of all alcoholic beverages, in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is the sale of pharmacy items, prescription drugs, health and wellness services, with the sale of alcoholic beverages as a subsidiary sale. The establishment must have a minimum of ten thousand (10,000) square feet of floor area, with no more than five percent (5%) of the floor area used for the display of alcoholic beverages and no more than ten percent (10%) of its gross income shall be derived from the sale of alcoholic beverages.

A Drug Store holding a B-3 license shall have a valid State of Illinois Pharmacy license, pursuant to the Pharmacy Practice Act (225 ILCS 85), at the liquor licensed location and actually employ at least one licensed pharmacist who works at the liquor licensed premises, and shall provide proof to the Village upon request.

The liquor display area shall be located in the designated area as indicated in the approved floor plan on file with the Liquor Commission. Any change to the liquor display area on the approved floor plan shall require Liquor Commission approval.

A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of twenty-one (21) from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with Liquor Commission.

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It shall be unlawful for a holder of a Class B-3 license to sell or offer for sale at retail any alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to Sec 3-27 to sell alcoholic beverages.
(Ord. No. 0-34-10, §2, 4/19/10; Ord. No. 0-146-10, §3, 12/6/10)

- (7) *Class "B-4" License* (Restaurant/Convenient Store with package liquor) shall authorize the retail sale of all alcoholic beverages, in its original package, not for consumption on the premises where sold, in an establishment whose primary purpose is both the sale of freshly prepared on-site food, the sale of gasoline and the sale of general merchandise and other prepackaged food items. The sale of alcoholic beverages shall be secondary to the sale of the above items. The establishment must have a minimum of four thousand five hundred (4,500) square feet of floor area, with no more than ten percent (10%) of the floor area used for the display of alcoholic beverages.

The establishment shall offer their patrons full and complete meals during hours approved by the Palatine Liquor Commission as a condition of the liquor license. The establishment's full menu shall be on file with the Liquor Commission.

The establishment shall maintain a minimum of twelve (12) gasoline pump stations at all times.

The liquor display area shall be located in the designated area as indicated in the approved floor plan on file with the Liquor Commission. Any change to the liquor display area on the approved floor plan shall require Liquor Commission approval.

A point of sale control procedure/policy indicating the liquor license holder's procedures and policies to prevent persons under the age of twenty-one (21) from accessing and purchasing alcoholic beverages and to prevent the sale of alcoholic beverages outside the permitted hours of the granted liquor license shall be on file with Liquor Commission.

It shall be unlawful for a holder of a Class B-4 license to sell or offer for sale at retail any alcoholic liquor on the licensed premises, between the hours of 10:00 p.m. and 8:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to sell alcoholic beverages at the register unless such person is registered or permitted pursuant to Sec 3-27 to sell alcoholic beverages.
(Ord. No. 0-34-10, §2, 4/19/10; Ord. No. 0-146-10, §3, 12/6/10)

- (8) *Class "C" License* (Club) shall authorize the retail sale of alcoholic liquor on the premises designated therein, for consumption on the premises only, by a club as defined in this chapter.

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It shall be unlawful for a holder of a Class "C" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. Monday through Friday, or during the hours of 1:00 a.m. and 6:00 a.m. Saturday and Sunday, except between the hours of 12:00 midnight and 2:00 a.m. on the first day of January of every year. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (9) *Class "D" License* (Restaurant) shall authorize the retail sale, in restaurant establishments only, of alcoholic liquor for consumption on the premises where sold. Such licenses shall be issued and retained by those restaurant establishments which:
- (a) Are in fact operated as restaurants; and
 - (b) Offer their patrons full and complete meals, including dinner menu. The holder of a Class "D" license may modify the menu of the food to be served after 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold non-alcoholic beverages. The establishment's full menu and limited menu shall be on file with the Liquor Commission. Food Service (taking orders, making and serving prepared foods) may end no earlier than one (1) hour prior to the establishment's closing time. (Ord. No. 0-64-13, §1, 6/3/13)

No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant or a veterans organization. Without limiting the generality of the foregoing, limited food service such as provided by luncheonettes, diners, coffee shops, drive-ins, etc., does not satisfy the requirements for this license classification.

It shall be unlawful for a holder of a class "D" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday through Thursday, or during the hours of 2:00 a.m. and 6:00 a.m. Friday, Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on the first day of January of every year. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

Servers aged 19 and 20 shall be permitted to serve alcoholic beverages at the table within the dining room, provided that said servers are registered pursuant to Section 3-27; and that the establishment has a manager and/or an assistant manager and a bartender, all of whom must be at least 21 years of age, present on the premises at all times, all of whom have registered

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or obtained an Alcoholic Beverage Seller and Server permit pursuant to Section 3-27.

(10) RESERVED

(11) *Class "E" License* (Temporary Special Event) shall authorize the retail sale of alcoholic liquor on the premises designated therein, for consumption on said premises only, by a civic, fraternal, other not-for-profit organization, or holder of valid Palatine liquor license, for a specific function or occasion and for a limited period of time to be set by the Local Liquor Control Commission; provided, however, that the hours shall be no later than 12:00 midnight on any night and begin no sooner than 11:00 am Sundays. As used in this paragraph (11) "premises" shall mean the entire premises designated in the Class "E" license even though such premises may extend beyond the interior of a building.

In the event the Village Manager receives an application for a Class "E" license, complete in all respects and accompanied by a detailed sketch and letter from the Police Department as required under section 3-28(12) of this Code, and because of unavoidable conflicts or other reasons beyond the control of the commission, the application cannot be acted upon in timely fashion by the full Local Liquor Control Commission, a Class "E" license may be issued upon the signatures of any four (4) commissioners, with a report of said approval and copies of the application and all supporting documents being mailed or delivered promptly to each commissioner.

Temporary licenses may be issued by the Local Liquor Control Commission to holders of any licenses, for operations away from the licensed premises for special events. The events, for which such special licenses away from the licensed premises shall be granted, shall be subject individually to the approval of the Local Liquor Control Commission. Such special licenses shall be issued for a period not to exceed seven (7) days in any one year for any license holder. Each individual site for such sale away from licensed premises shall be subject to approval by the Local Liquor Control Commission.

It shall be unlawful for the holder of a Class "E" license to sell or offer for sale at retail any alcoholic liquor in the Village other than as is specifically permitted in the license.

It shall be unlawful for any person to sell or serve alcoholic liquor unless the seller or server has satisfactorily completed the Village of Palatine Liquor Ordinance Compliance Training Course.

There shall be an application fee of \$50 for each Class "E" license application.

(12) *Class "F" License* (Park District) shall authorize the retail sale of alcoholic liquor at or from buildings and other facilities located on the premises designated therein, for consumption on premises and also from beverage carts operating solely on golf course premises owned by Park Districts, duly established under the Park District Code. The holder of a Class "F" license shall upon issuance and renewal of the license, submit to the Village a list showing those hours at which alcoholic liquor will be sold, offered for sale at retail, served or permitted to be consumed at each respective Park District site; provided, however, the holder of a Class "F" license may sell or serve alcoholic liquor on such premises for special events at hours other than those contained on the aforesaid list upon at least forty-eight (48) hours prior notice to the Village Manager.

It shall be unlawful for any person to be employed as a bartender, server, to manage such an

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establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (13) *Class "G" License* (Beer and Wine) shall authorize the retail sale in restaurants only, of beer and wine and alcopop for consumption on the premises where sold. Such licenses shall be issued to and retained by only those establishments which:
- (a) Offer their patrons' food service during all hours that the sale of alcohol is permitted. The establishment's full menu shall be on file with the Liquor Commission.
 - (b) No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant.

It shall be unlawful for a holder of a Class "G" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. Monday through Friday, or during the hours of 1:00 a.m. and 6:00 a.m. Saturday and Sunday. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (14) *Class "G-1" License* (Seasonal Beer and Wine) shall authorize the retail sale in restaurants only, of beer and wine for consumption on the premises where sold and in conjunction with a sidewalk café license agreement between the restaurant and Village of Palatine. Such licenses shall be issued to and retained by only those establishments which:
- (a) Offer their patrons' food service during all hours that the sale of alcohol is permitted. The establishment's full menu shall be on file with the Liquor Commission.
 - (b) No such license shall be granted to or retained by any establishment in which the facilities for food preparation and service are not primarily those of a restaurant.
 - (c) Have a valid Outdoor Seating License Agreement with the Village of Palatine allowing for the use of Village right of way for the purpose of food service.

It shall be unlawful for a holder of a Class "G-1" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. Monday through Friday, or during the hours of 1:00 a.m. and 6:00 a.m. Saturday and Sunday. The license shall be valid only during the dates allowed by the Outdoor Seating License Agreement. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

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It shall be unlawful for any person to be employed as a bartender, alcohol server, or to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (15) *Class "G-2" License* (Beer and Wine Single-Serve Package) shall authorize the retail sale in restaurants only, of single-serve beer, wine and seltzer. Consumption on the premises where sold shall be approved by the Village Manager and such approved site plan shall be on file with the Liquor Commission. Such licenses shall be issued to and retained by only those establishments which:

- (a) Offer their patrons' food service during all hours that the sale of alcohol is permitted. The establishment's full menu shall be on file with the Liquor Commission.
- (b) No such license shall be granted to or retained by any establishment in which the facilities for food preparation and other non-alcoholic beverage service are not primarily those of a restaurant.

It shall be unlawful for a holder of a Class "G-2" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 09:00 p.m. and 09:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to be employed as a bartender, server, or to manage such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

(Ord. No. O-116-21, 11/1/2021)

- (16) *Class "H" License* (Banquet Hall) shall authorize the serving and retail sale of alcoholic liquor for consumption on the premises designated therein in establishments containing banquet hall facilities and authorized for banquets as a principal use; provided that alcoholic liquor under this license may be served and sold only to invited guests. The annual fee for such license shall be provided in the fee schedule supplement to the Palatine Code of Ordinances.

"Banquet hall facility" shall mean a business conducted on premises at which the exclusive activity is the catering of private parties whereat there is service for consumption at tables of a full multiple course meal at a prearranged fixed unit price, or hors d'oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served or sold as an incident to such food services; provided that each of such private parties is prearranged under the sponsorship of a particular person or organization.

It shall be unlawful for a holder of a Class "H" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday through Friday, or during the hours of 2:00 a.m. and 6:00 a.m. Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on the first day of January of every year. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

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It shall be unlawful for any person to be employed as a bartender or to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (17) *Class "K" License* (Hotel) shall authorize the retail sale in hotel rooms on the licensed premises of alcoholic liquor for consumption only in the hotel rooms on said premises and for special events in hotel meeting rooms. A Class K licensee shall be required to install cabinets for the storage of liquor for the use of room guests in each room provided each such cabinet shall be securely locked with a separate key from the room key. Only guests 21 years or older at the time of registration shall be issued the separate cabinet key.

A Class "K" license shall authorize a hotel to serve alcoholic beverages to registered guests between the hours of five o'clock (5:00) p.m. and ten o'clock (10:00) p.m. Hors d'oeuvres or other food shall be continuously available during the hours when alcoholic beverages are served. Service of the alcoholic beverages and food shall take place in a room (reception lounge) or area separated from the lobby of the hotel.

It shall be unlawful for any person to be employed as a bartender or to manage such reception lounge unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages. (Ord. #0-21-09, §1, 3/2/09)

The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

- (18) *Class "M" License* (Institutional Conference Center) shall authorize the serving and sale of alcoholic liquor for consumption on the premises designated therein in an Institutional Conference Center establishment; provided that alcoholic liquor under this license may be served and sold only to invited guests that are utilizing the services and facilities of the Institutional Conference Center for educational, cultural, philanthropic, governmental, business and/or training activities and said alcoholic liquor is incidental to such activities. Service and sale of alcoholic beverages shall be restricted to only those events in an Institutional Conference Center.

"Institutional Conference Center" shall mean an event on premises at William Rainey Harper College at which the exclusive activities are those events associated with educational, cultural, philanthropic, governmental business or training activities, and said alcoholic liquor is incidental to such activities. The sale or serving of alcohol at weddings, receptions or other events not involving the educational, cultural, philanthropic, governmental programming or training activities is prohibited.

It shall be unlawful for a holder of a Class "M" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 12:00 midnight and 6:00 a.m. The annual fee for such license shall be \$10.00.

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It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (19) *Class "N" License* (Microbrewery) shall authorize establishments dispensing alcoholic liquors for consumption on the premises and engaged in the actual brewing and production of beer on the premises and for the dispensing of beer that has been brewed and produced on site for consumption off the premises and in packaged form only. Holders of a Class N license shall offer their patrons full and complete meals, including dinner menu. The holder of a Class "N" license may modify the menu of the food to be served after 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold non-alcoholic beverages. The establishment's full menu and limited menu shall be on file with the Liquor Commission. Food Service (taking orders, making and serving prepared foods) may end no earlier than one (1) hour prior to the establishment's closing time. This license shall be issued only to establishments with a microbrewery, having meal service, and a restaurant capacity of not less than 100 seats. (Ord. No. 0-64-13, §1, 6/3/13)

It shall be unlawful for a holder of a Class "N" license to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 1:00 a.m. and 6:00 a.m. Monday through Thursday, or during the hours of 2:00 a.m. and 6:00 a.m. Friday, Saturday and Sunday, except between the hours of 1:00 a.m. and 2:00 a.m. on the first day of January of every year. The annual fee for such -license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

It shall be unlawful for any person to be employed as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker in such an establishment unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

- (20) *Class "O" License* (Temporary Commercial Special Events, Daily Fee) Authorizes the retail sale of wine and/or beer only, on the premises specified, for consumption on said premises at a business event, grand opening or similar function. Such temporary licenses are to be granted to local businesses promoting a common object rather than the sale of wine and/or beer. Such licenses may also contain further restrictions or conditions which are deemed necessary to ensure that the events are properly supervised and otherwise conducted such that the health, safety and welfare of the general public will be protected. These restrictions or conditions may include, but are not limited to, the event's hours of operation or specific operational conditions.

Such licenses shall be authorized on a day-to-day basis, but for not more than three (3) consecutive days. Such licenses shall permit not more than twenty (20) days of events per calendar year. Such licenses shall only be authorized to a single user premises.

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In conjunction with the license application a list of event(s) shall be submitted to the Village. Any proposed changes to the approved event(s) following the issuance of a license shall be submitted in writing to the Village Manager at least seven (7) days prior to the proposed event. The Village Manager shall be authorized to either approve or deny any proposed changes to the event(s) following the issuance of the license.

It shall be unlawful for any person to be employed as a bartender or to manage such event unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.

The fee for such licenses shall be two hundred and fifty dollars (\$250) for five (5) event days or less, or five hundred dollars (\$500) for six (6) event days or more.

(Ord. #0-28-09, §1, 3/9/09)

(21) *Class "P" License (Caterer)* shall authorize an establishment to provide catering services. A "Caterer" means a person or business that provides food and/or alcoholic beverage service to private events within the Village of Palatine. Holders of a Class "P" license may sell, dispense, and serve alcohol beverages as part of a private event within the Village of Palatine. Such licenses shall be issued and retain by those establishments which:

- (a) The primary business is located in the Village's corporate limits.
- (b) Hold a valid Food Dealer Permit issued by the Village.
- (c) Demonstrate the ability to store, handle, prepare, transport and serve food in a safe and sanitary manner, in accordance with the standards promulgated pursuant to Village Code of Ordinances. The Department of Community Services shall inspect an applicant's license premises for compliance with this Code and shall report its findings to the Local Liquor Control Commission.

1. "Outside Caterer" which means a caterer whose primary business is located outside of the Village's corporate limits, may register with the Village by supplying the following information to the Village Manager for approval:

- a. Location, date, and time of the Catering Event; and
- b. Proof of a valid license for the preparation of food for service of the licensed premises, issued by the appropriate licensing authority of the jurisdiction of where the applicant's catering business is located; and
- c. Proof of its ability to store, handle, prepare, transport and serve food in a safe and sanitary manner in accordance with the standards no less stringent than those imposed by the Village Code of Ordinance; and
- d. Proof of a valid license for the sale of alcoholic liquor issued by the appropriate licensing authority; and
- e. Proof of dram shop insurance in an amount equal to that required by the license under this Chapter; and
Proof of completion of a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements of the Department of Human Services (DASA) 77 Adm. Code 3500.101 et seq. or its equivalent for any person employed by an Outside Caterer as a bartender, server, to manage such an establishment, or to act as a bouncer or identification checker for the Catering Event.
- f. Any additional information as required by the Village Manager.

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A registered outside caterer may engage in the sale and service of alcoholic liquor on the same terms and conditions as the holder of the caterer's liquor license under this Code. The registration period for each Outside Caterer shall be on a per event basis, with no event exceeding five (5) consecutive days.

Any person desiring an Outside Caterer registration shall file an application therefor with, no less than fourteen (14) days before the intended date of the event, to the Village Manager or his/her designee, upon a form provided by him/her. The Village Manager may include additional restrictions or conditions to the approved registration.

The annual fee for Class "P" license and registration fee for Outside Caterer shall be as provided in the fees schedule supplement of the Palatine Code of Ordinances.

Every person engaged in the sale of alcoholic liquor as a caterer shall keep a record of each event catered by that person. The record shall indicate the place and time of the event and include the name of the person hiring the caterer; the compensation paid to the caterer; the types of alcoholic liquor and the quantity of each type sold at the event. All such records shall be kept at the caterer's place of business and available for inspection by any authorized representative of the Village for at least three (3) years after the event.

A caterer shall sell alcoholic liquor only to the client or sponsor of a catered event, and only by the full, unopened container.

Either the caterer, or an employee of the caterer, shall be present at all times during a catered event where alcoholic liquor is dispensed. The caterer or caterer's employee shall have on his/her person a copy of the caterer's liquor license or Outside Caterer's registration.

It shall be unlawful for any person to be employed by a holder of a Class "P" License as a bartender, server, bouncer, identification checker, manager, unless such person is registered or permitted pursuant to Sec 3-27 to sell or serve alcoholic beverages.
(Ord. No. 0-45-10, §1, 5/3/10)

(22) *Class "LC" License (Late Closing License)* Effective July 1, 2022 there shall be no further "LC" License (Late Closing License) issued by the Village of Palatine. However, holders of a "LC" License as of June 30, 2022 shall be subject to the following classifications and regulations:

(a) Class "LC 1" License (Late Closing License). For holders of an unconditional Class "LC" License issued prior to January 05, 2005, if the license holder is located within the area bounded by Colfax Street on the north, Palatine Road on the south, the Gateway Center Parking Deck on the west and Plum Grove Road on the east, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village, or to deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 2:00 a.m. and 6:00 a.m.

Any Class "LC" License issued prior to January 05, 2005, may not be transferred to any new operator. Further, any "LC 1" License shall not be transferred to any new operator.

The holder of a Class "LC 1" License may modify the menu of the food to be served after 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday, Friday and

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Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold non-alcoholic beverages. The establishment's full menu and limited menu shall be on file with the Liquor Commission. Food Service (taking orders, making and serving prepared foods) may end no earlier than one (1) hour prior to the establishment's closing time. (Ord. No. 0-64-13, §1, 6/3/13)

Except for renewal of existing licenses issued prior to July 1, 2022, there shall be no further new Class "LC 1" licenses issued.

- (b) Class "LC 2" License (Late Closing License). For holders of an unconditional Class "LC" License issued prior to January 05, 2005, if the license holder is located north of Dundee Road and east of Rand Road, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village or deliver or permit the consumption of alcoholic liquor on the licensed premises, between the hours of 3:00 a.m. and 6:00 a.m.

Any Class "LC" license issued prior to January 05, 2005, may not be transferred to any new operator. Further, any "LC 2" License shall not be transferred to any new operator.

The holder of a Class "LC 2" license may modify the menu of the food to be served after 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday, Friday and Saturday, provided such modified menu includes a variety of sandwiches or similar hot and cold foods and hot and cold non-alcoholic beverages. The establishment's full menu and limited menu shall be on file with the Liquor Commission. Food Service (taking orders, making and serving prepared foods) may end no earlier than one (1) hour prior to the establishment's closing time. (Ord. No. 0-64-13, §1, 6/3/13)

Except for renewal of existing licenses issued prior to July 1, 2022, there shall be no further new Class "LC 2" licenses issued.

The annual fee for such licenses shall be provided in the fee schedule supplement to the Palatine Code of Ordinances.

- (23) *Class "PS" License* (Product sampling) shall authorize product sampling. Only those establishments holding a Class B and Class B-1 liquor license may apply for the Class PS license. (Ord. 0-148-06, §1, 8/21/06)

Holders of a Class "PS" License may conduct product sampling for consumption at the licensed retail location only. Up to 10 samples, consisting of no more than (i) 1/4 ounce of distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of beer may be served to a consumer in one day.

Holders of a Class "PS" license may conduct product sampling for consumption outside the licensed retail premises for offsite events in accordance with the following conditions:

- a. Approval to conduct product sampling outside the licensed retail premises must be granted by the Village Manager in writing with whatever conditions the Village Manager deems appropriate. In addition, the granting of this license shall not give

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the establishment the right to conduct samples or sales of products it would not otherwise be entitled to provide under the establishment's B or B-1 license. Request for approval must be submitted in writing to the Village Manager not less than fourteen (14) days prior to the event.

- b. All sampling must be held within the corporate limits of the Village of Palatine.
- c. All servers at the events must be registered or permitted pursuant to Sec 3-27.

Any violation of the Class "PS" license or any conditions related thereto shall also be considered a violation of the B or B-1 liquor license held by the licensed establishment and shall be grounds for the revocation, suspension, or other action pursuant to the Village Code of Ordinances, related to all Village licenses held by the establishment.
(Ord. No. 0-122-08, §1, 9/2/08)

- (24) *Class "PS-1" License* (Full Serving Product Sampling) shall authorize the sale and full serving size service of products available for retail purchase in the establishment. Only those establishments holding a Class B liquor license and with a square footage in excess of 5,000 sq. ft. may apply for the Class "PS-1" license.

Holders of a Class "PS-1" license shall have a designated and approved area to conduct product sampling of products available for retail purchase at the licensed retail location and limited special offering products from distributors which may or may not be available for retail purchase.

Holders of a Class "PS-1" license shall have a limited food menu, approved by the Village Manager, available at all times product serving is available. Such menu may consist of pre-packaged foods.

It shall be unlawful for a holder of a Class "PS-1" license to sell or offer for sale any alcoholic liquor, or to deliver or permit the consumption of alcoholic liquor on the license premises, between the hours of 9:00 p.m. and 11:00 a.m. The annual fee for such license shall be as provided in the fee schedule supplement to the Palatine Code of Ordinances.

Any violation of the Class "PS-1" license or any conditions related thereto shall also be considered a violation of the B liquor license held by the licensed establishment and shall be grounds for the revocation, suspension, or other action pursuant to the Village Code of Ordinances, related to all Village licenses held by the establishment.

- (25) *Class "VG" License* (Video gaming) shall authorize video gaming on premise. Only those establishments holding a Class D or Class N liquor license may apply for the Class "VG" license.

Eligible applications must demonstrate that, at the time of application, a minimum of 50% of all sales for the previous twelve (12) months shall have come from the sale of alcoholic beverages. If the sale of alcoholic beverages is less than 50% of total sales, the establishment is not eligible to apply for, nor be considered, for a class "VG" license. The 50% requirement shall be demonstrated to the Village Manager to their standard and satisfaction.

The number of Class "VG" licenses shall be limited to no more than eleven (11) licenses and issued only to those license holders in existence on July 1, 2023 with licenses expiring on

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June 30, 2024.
(Ord. O-93-23, 8-14-23)

Holders of a Class “VG” license may conduct video gaming as an ancillary use on premise in accordance with the following conditions:

- a. The establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq, and shall comply with all provisions of the Illinois Video Gaming Act and all rules, regulations, and restrictions imposed by the Illinois Gaming Board.
- b. The operation of video gaming terminals shall only be permitted during the hour’s alcoholic liquor sales are permitted pursuant to the underlying Class D or Class N liquor license.
- c. Video gaming shall be located in a separated area that is restricted to persons 21 years of age or older. Applicants shall submit a floor plan for approval by the Village that clearly indicates the proposed location of all video gaming terminals. Said video gaming area shall be separated by a permanent opaque barrier with a minimum height of four (4) feet. The floor plan shall include specific information as to the type of barrier to be utilized to separate the area, provided however, that such barrier shall not obstruct the view of the entrance to the video gaming area which shall be visible to an employee at all times. The entirety of the separated area shall be visible at all times to an employee through live video surveillance. Additionally, a plan shall be approved as part of the application process that demonstrates frequent physical monitoring of the video gaming terminals by an employee in addition to the video surveillance. Notwithstanding the foregoing and to the extent possible, lighting and sounds from the gaming machines shall be contained within the separated area with minimal intrusion to the remainder of the licensed establishment and the video gaming terminals shall not be visible from outside the establishment.
- d. The separated area must provide for accessibility in accordance with all applicable codes including the Americans with Disabilities Act. A floor plan shall be approved by the Liquor Commission as part of the issuance of the Class “VG” License.
- e. The total number of video gaming terminals located in the establishment shall not exceed six (6).
- f. No video gaming signage or advertising of any type or size, including, but not limited to, posters, paper signage, fliers, neon signage, banners, video or audio feed, or any other form of advertisement, shall be allowed on the exterior of the licensed establishment or on the inside of such establishment if such signage is visible from the outside in any way, including but not limited to, visibility from any street, alley, or public right-of-way within the Village.
- g. Video Gaming is prohibited in any establishment located within 100 feet of any school or place of worship as defined under the Illinois Video Gaming Act 230 ILCS 40/1 et seq.
- h. The establishment must be in good standing with the Village for no less than one (1) year prior to its application for a License which allows Video Gaming. The one (1) year

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requirement is satisfied if an otherwise eligible establishment is acquired by a new owner that operates qualified video gaming in other locations in the State of Illinois. To be in “in good standing” the licensee shall:

- (i) Owe no sums of money to the Village at the time of its application nor have been late in payments to the Village of any sum owed the Village in the previous twelve (12) months prior to date of application;
- (ii) Have held a Village of Palatine liquor license;
- (iii) Been in continuous bona fide operation under that license for no less than twelve (12) months at the time of its application for the License;
- (iv) Have had no legal violations causing a suspension of its liquor or business license in the twelve (12) months prior to its application for the License; and
- (v) Be in compliance with all dram shop and video gaming laws, rules and regulations of the Village of Palatine and the State of Illinois.

The Commission shall have the authority to waive the requirements in subsection (h) (ii) and (iii) upon a petition by the applicant that demonstrates that the one (1) year requirement is not necessary.

Additionally, holders of a Class “VG” license shall be equipped with video surveillance equipment capable of recording clear continuous video of the separated video gaming area and the outside of the establishment. Video Surveillance shall meet the following standards:

- 1) The video surveillance cameras shall be digital in nature (digital video recorder) and shall be of sufficient number, type, placement and location to view and record all activity in front of and on all sides of each entry and exit way used by patrons of the licensee for a distance of 25 feet from the point of entry or exit of the licensed establishment. Further video surveillance cameras shall be installed to record all activity in the portion of the licensed premise approved for video gaming. Full video coverage of this area shall be provided; and
- 2) The video surveillance cameras shall be sufficiently light sensitive and provide sufficient image resolution (supported by additional lighting if necessary) to produce easily discernible images recorded at all times; and
- 3) The video surveillance cameras shall record at a minimum speed of fifteen frames per second; and
- 4) The video surveillance camera image shall be capable of being viewed through use of appropriate technology, including but not limited to a computer screen or closed circuit television monitor; and
- 5) The video surveillance camera system shall be capable of transferring the recorded images to portable format of media, including but not limited to compact disc, digital video disc or USB thumb drive; and
- 6) The video surveillance cameras shall be maintained in good working condition; and

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- 7) The video surveillance cameras shall be in operation and recording continuously, twenty-four (24) hours per day; and
- 8) The recordings made by video surveillance cameras installed and maintained pursuant to this ordinance shall be indexed by dates and times and preserved for a minimum of thirty (30) days so that they may be made available to the liquor commissioner, the Police Department and other governmental agencies in furtherance of a criminal investigation or a civil or administrative enforcement investigation, prosecution or hearing. The Licensee shall allow the inspection of the video surveillance equipment and/or all video surveillance content by the Palatine Police Department at any time during regular business hours upon oral or written request and without warrant, subpoena or other legal process. Once Licensee receives a request for inspection or copies of video surveillance, no preserved material shall be deleted without written direction from the Palatine Police Department. Any knowing or intentional violation of this paragraph shall constitute sufficient grounds for the revocation of the establishments liquor license; and
- 9) The licensee shall post signage, in a conspicuous manner and at appropriate locations, notifying the public that video surveillance cameras are in operation

The annual fee for such License shall be provided in the fee schedule supplement to the Palatine Code of Ordinances. Additionally, any establishment operating pursuant to a Class VG License which allows for and authorizes video gaming must pay an annual fee to the Village in the amount of one thousand dollars (\$1,000) per video gaming terminal authorized in the establishment.

Any holder of a Class A-1, Class C, Class D, Class G, Class H, and Class N permit shall be entitled to weekend hours on the day before Thanksgiving, St. Patrick's Day, and New Year's Eve of every year when such days fall on a Sunday through Wednesday, upon request, provided that two weeks' notice be given to the Village Manager.

(Ord. O-21-21, 3-1-21; Ord. No. O-34-22, 04/11/22, Ord. No. O-15-23; 02/20/23)

Sec. 3-36. Disposition of fees.

All license fees shall be non-refundable and paid, annually in advance of July 1 in each year on or before the specific date set forth by the Village Manager in the license renewal information. Failure to pay by the specific date set forth shall result in a late payment fee of \$125. The license holder may elect to pay in equal semi-annual installments on or before the renewal date set forth above and January 1 in each year. This method of payment is subject to a \$150.00 administration fee on the second installment. Failure to tender good funds for full payment for the proportionate amount due by January 1 shall constitute grounds for suspension or revocation of the license under Section 3-44. (Ord. O-19-19, 3/11/19)

A service charge in the amount of \$100.00 shall be assessed for all checks for license fees that are returned for insufficient funds. Failure to tender good funds for full payment of the license fee within twenty-four (24) hours of notice from the Village of the returned check shall constitute grounds for suspension or revocation of the license under Section 3-44.

If a new license is issued during a term of the license period, the fee shall be only the proportionate amount due based on the remaining number of months during the term of the license.

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Sec. 3-37. Number.

There shall be in force in the Village of Palatine, no more of each classification of Liquor License as designated by Village ordinance from time to time, a complete listing of which shall be maintained at all times by the Village Manager's office and the Village Clerk's office, and no license shall be issued in excess of these limitations. Nothing in the Code or the ordinance adopting this Code shall affect any such ordinance and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 3-38. List required.

The Village Manager shall keep or cause to be kept a complete record of all such licenses issued, and shall furnish the Clerk and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Village Manager shall post notice of such action.

Sec. 3-39. Transfer.

- (a) A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked or terminated as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or 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 or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee.
- (b) Any licensee may renew his/her license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Mayor and Village Council from decreasing the number of licenses to be issued within its jurisdiction. No retailer's license shall be renewed if the Department of Revenue has reported to the Illinois Liquor Control Commission that such retailer is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois until the applicant is issued a certificate by the Department of Revenue stating that all delinquent returns or amounts owed have been paid by guaranteed remittance or the payment agreement to pay all amounts owed has been accepted by the Department. No retailer's license issued by the Local Liquor Control Commissioner shall be renewed unless the applicant provides documentation that any tax owed to by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash.

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Sec. 3-40. Live entertainment on the premises.

Issuance of a retail liquor dealer's license under the terms of this article shall not carry with it the right or privilege for any form of live entertainment as defined in this Chapter to be conducted or performed on the premises described in the application and license. Authorization for any such live entertainment shall be obtained separately pursuant to the provisions of the zoning ordinance of the Village of Palatine, by securing any necessary zoning relief as well as a live entertainment license pursuant to section 11-63 and upon payment of the annual fee as provided in Section 11-63 of Article II, Division 2 of Chapter 11. For those establishments that have a liquor license, only those portions of the premises in which the consumption of alcohol is permitted may seek approval for live entertainment. (Ord. 0-1-10, §2, 1/11/10)

Sec. 3-41. Change of location.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Liquor Commission. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state, provisions of this Code and other ordinances of the Village.

Sec. 3-42. Renewal of license.

- (a) In all establishments seeking renewal of their existing liquor license(s), all renewal licenses shall be required to comply with all applicable sections of this Chapter including but not limited to Secs. 3-27, 3-28 and 3-30. A copy of the Alcoholic Beverage Seller and Server Permit for all applicable employees shall be kept on the premises of the establishment at all times and made available to the Village for inspection upon demand.
- (b) In addition to any other requirements in this ordinance or conditions associated with the type of license obtained, the liquor control commission may impose reasonable conditions on the issuance of a renewal liquor license. Such conditions may be based on the past operating history of the establishment, the neighborhood or environs in which the establishment is located and may include additional limitations on the hours otherwise permitted in the license classification sought by the applicant.

Sec. 3-43. Prohibited licenses.

- (a) No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age.
- (b) No license shall be issued to any establishment which also delivers gasoline for automotive vehicles on the same premises, unless such establishment has been issued a B-4 liquor license.

Sec. 3-44. Revocation or suspension of license.

No person holding a license issued by the Local Liquor Control Commission shall, in the conduct of the licensed premises or upon the licensed premises:

1. Violate or suffer or permit a violation of any Federal or State statutes regulating the sale of alcoholic liquors or any other Federal or State statute.
2. Violate or suffer or permit a violation of any Village, county, or other local ordinance or

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3. resolution regulating the sale of alcoholic liquors or any other such ordinance or resolution.
3. Violate or suffer or permit a violation of the conditions of the license or of any other ordinance of the Village.
4. Commit any fraud or misrepresentation or make a false statement in the application for the license
5. Be convicted of any felony or of a misdemeanor involving moral turpitude.
6. Fail to pay any fee, tax, fine or penalty owing to the Village
7. Refuse to permit an inspection of or interfere with a duly-authorized Village officer or employee while in the performance of his/her duties in making such inspections as provided in the Village of Palatine Code of Ordinances
8. Cause nuisance or danger to public health, safety or welfare
9. Suffer or permit disorderly conduct on the premises or in the parking lot, serving the premises or for such other acts that occur on adjoining land or in any other area within the control of the licensee attributable to patrons or employees of the license holder.
10. Commit fraudulent or unfair business practices
11. Cessation of business for more than thirty (30) consecutive days.
12. Failure to hold a valid Palatine Business License
13. Failure to hold a valid State of Illinois Liquor License
14. Failure to carry valid Dram Shop insurance

A license may be revoked or suspended if the licensee violates any of the above provisions of this chapter, or any applicable rules or regulations established by the local liquor control commission or the Illinois Liquor Control Commission which are not inconsistent with law. However, no such license shall be so revoked or suspended except after a public hearing in the manner hereinafter provided.

License revocation and suspension hearings provided for hereunder shall be conducted by a local liquor control hearing committee consisting of three (3) members appointed by the Local Liquor Control Commission, but who need not be members of the Local Liquor Control Commission. The local liquor control hearing committee shall elect a chairman to preside at all its meetings and hearings. Any two (2) members of the local liquor control hearing committee shall constitute a quorum. When a quorum is present, any decision, recommendation, fine, penalty, revocation, suspension or other action by the local liquor control hearing committee shall require a majority vote of those present. In cases of hearings on violation charges, a majority vote of those present shall be required for a finding of guilty.

All hearings shall be held after not less than a five-day written notice to the licensee, served either personally or by registered or certified mail, affording the licensee an opportunity to appear and defend. A court reporter shall be present at all hearings and shall record all proceedings. The expenses of such court reporter shall be paid for by the Village, except that the cost of any copies of the record as transcribed by the court reporter which are desired by a party to the proceedings shall be paid for by that party.

Upon the conclusion of any hearing, the local liquor control hearing committee shall issue written findings and an order with respect to the evidence presented at the hearing, signed by all members on the prevailing side of the decision and participating in the hearing. A copy of said findings and order shall be delivered as promptly as possible to the Village Manager for transmission to all members of the Local Liquor Control Commission, and also shall be sent by registered or certified mail or served personally upon the licensee within five (5) days of the termination of the hearing. If the local liquor control hearing committee determines that the licensee is guilty of any violation charged, the order shall state the penalty to be imposed upon the licensee. The local liquor control hearing committee may revoke the license of any licensee found guilty of any charges brought before it.

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If the license is not revoked, the local liquor control hearing committee may impose any one or any combination of the following penalties:

- (a) Suspension of the liquor license for a period not to exceed thirty (30) days.
- (b) Require that the licensee and any or all of its employees as designated by the committee (including the authority to designate job types) obtain certification from a state-certified beverage alcohol sellers and servers educational and training (BASSET) program meeting the minimum curriculum requirements pursuant to the Administrative Rules of the Illinois Department of Public Health, Division of Alcoholism and Substance Abuse, Title 77, Chapter XVI, Part 3500 or its equivalent (to be determined by the Palatine Police Department) and obtain an Alcoholic Beverage Seller and Server Permit from the Village as a condition to the continued operation of the establishment.
- (c) Require the submission of written procedures, reasonably satisfactory to the local liquor control hearing committee established by the licensee for the training of his/her employees in proper age identification evaluation.
- (d) Require that appropriate signs be posted with respect to age requirements on the premises. This may be in addition to any signs that may be required under section 3-12 of this chapter.
- (e) The payment of a fine not to exceed five thousand dollars (\$5,000.00) per violation for a first violation within a 12-month period, ten thousand dollars (\$10,000.00) for a second violation, and fifteen thousand dollars (\$15,000.00) for a third or subsequent violation within a 12 month period.

Any appeal from a decision of the local liquor control hearing committee shall be made in accordance with the Illinois Liquor Control Act shall be based on the record made at the hearing before the Local Liquor Control Hearing Committee.

Twenty-four (24) hours before the commencement of any suspension or revocation, the Police Department shall have the right to post on all entrances to the licensed establishment a notice that the premises is prohibited from selling or delivering alcoholic beverages by order of the Village of Palatine Local Liquor Control Hearing Committee.

- (f) In the event that the licensed establishment and/or employee of the licensed establishment is charged with selling to a person under the age of 21, the Village Manager shall have the authority to issue a letter to the licensed establishment offering to settle the matter for payment of a \$500.00 fine in lieu of an appearance before the Liquor Control Hearing Committee. In the event the licensed establishment does not agree to pay the fine or request a hearing, said hearing shall proceed in accordance with the procedure set forth in this Section. This provision shall only apply to a licensed establishment charged for the first time with unlawful sale to a person under the age of 21.

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- (g) In the event that the licensed establishment and/or employee of the licensed establishment is charged with selling or serving without being registered or permitted pursuant to Sec 3-27, the Village Manager shall have the authority to issue a letter to the licensed establishment offering to settle the matter for payment of a \$500.00 fine in lieu of an appearance before the Liquor Control Hearing Committee. In the event the licensed establishment does not agree to pay the fine or request a hearing, said hearing shall proceed in accordance with the procedure set forth in this Section. This provision shall only apply to a licensed establishment charged for the first time with operating without an Alcoholic Beverage Seller and Server Permit pursuant to Sec 3-27.
- (h) In the event that the Mayor or a majority of the Liquor Control Commission has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Mayor shall have the power to issue a written order requiring the licensed premises closed for not more than seven (7) days, giving the Licensee an opportunity to be heard during that period by the Local Liquor Control Hearing Committee.
- (i) Any additional section or conditions deemed appropriate by the Local Liquor Control Hearing Committee.

The notice shall be in letters not less than one-half inch high and shall, in the case of a suspension, give the times of the suspension and in the case of a revocation state the exact time which the revocation goes into effect.

The removal of such notice before the suspension ends by any person is prohibited and shall subject the person to a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00).

Sec. 3-45. Commission rules.

The Local Liquor Control Commission may promulgate such rules of procedure from time to time to govern hearings and other proceedings as it deems appropriate.

Sec. 3-46. Owner of Premises Permitting Violation – Penalty.

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

Sec. 3-47. Acts of Employee – Liability of Licensee – Knowledge.

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

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Sec. 3-48. Granting Licenses after Revocation; Waiting Period; Discretion.

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated, unless relief is given by the Local Liquor Control Commission.

(Ord. No. O-48-23, 04/17/23; Ord. No. O-26-24, 03/18/24)