



LIQUOR LICENSE SUPPLEMENTAL CHECKLIST

New Manager/ Owner Name _____

Business Name _____

DBA Assumed Name (if applicable) _____

Date Completed

Supplemental Application complete w/ signatures and notaries _____

Responsibility Acknowledgement _____

Basset certification copy for file (*If sells/serves alcohol*) _____

Copy of a Photo ID _____

For Office Use:

Verification of previous to existing owner and manager status _____

Verification of Basset certification with State, *if applicable* _____

Fingerprint Submission (Completed by PD) _____

Invoice _____

Payment (\$125.00) _____

Received and reviewed by Date

Police Department Review and Approval Date



VILLAGE OF FOX LAKE

SUPPLEMENTAL APPLICATION FOR OWNERS, MANAGERS, OFFICERS

Name of Business _____ Today's Date _____

DBA Name (if applicable): _____

Location of Business _____ Bus. Phone _____

1. Name of Individual _____
2. Address _____
3. Telephone _____ Email _____
4. Birthdate _____ Social Security Number _____
5. State your position/title in the business _____ Hire Date _____
6. Are you a citizen of the United States? YES _____ NO _____
7. Has a liquor license ever been issued to you directly or to a corporation or partnership you had an interest in?
YES _____ NO _____ If yes, Name of business, location and dates.

8. Has a liquor license issued to you ever been suspended/revoked? YES _____ NO _____
9. Have you ever served as a manager or supervisor of a liquor licensed establishment? YES _____ NO _____
If yes, name of business, location and dates.

10. Have you ever been convicted of a felony? YES _____ NO _____
If yes, please state felony of which you were convicted; where and when it was committed, as well as state of U.S.
court in which conviction took place and final disposition.

11. Have you ever been convicted of pandering? YES _____ NO _____

12. Have you received a violation from Village of Fox Lake Police Department in the previous licensing year?
YES____ NO____ If yes, date _____ Violation _____

13. Have you received a liquor related violation and/or have been required to attend a Liquor Hearing required by the Village of Fox Lake Police Department or any other jurisdiction either directly or as an interest in a corporation and/or partnership?
YES____ NO____ If yes, date _____ Results _____

14. Has a federal gaming device stamp or a federal wagering stamp been issued to applicant for the current taxing period? YES____ NO____
15. Have you ever been convicted of a gambling offense as prescribed by subsection (a) (3) through (a) (10) of Section 28-1 or by Section 28-3 of the Criminal Code of Illinois?
YES____ NO____ If yes, please state offense, date of conviction, sentence imposed and jurisdiction in which convicted.

16. Are you BASSET certified? YES____ NO____ Date of Issuance _____

Signature of Applicant

VERIFICATION

I, _____, (*applicant name*) being duly sworn, depose and say that I am the _____ (*applicant position*) and have answered the questions in the application with a complete understanding of the questions asked and the answers given. The answers given are true in substance and in fact are offered to induce the Liquor Control Commissioner to issue a liquor License to the applicant.

Subscribed and sworn to me, before me, this _____ day of _____, _____

NOTARY PUBLIC



Village of Fox Lake Liquor License Responsibility Acknowledgment

The following acknowledgments are required for all individuals listed as owners, officers, and managers on a liquor license issued by the Village of Fox Lake. These acknowledgments confirm that each party understands and accepts their respective responsibilities and obligations under Chapter 3 of the Village's Liquor Control Ordinance (attached).

Manager Responsibility Acknowledgment

As a listed and fingerprinted manager on a Village of Fox Lake liquor license, I understand that I am required to meet all qualifications applicable to the license holder, including background and eligibility requirements under Chapter 3 of the Village Liquor Control Ordinance. I am responsible for ensuring the licensed premises operate in full compliance with all local, state, and federal liquor laws and regulations. This includes supervising staff, preventing unlawful sales or service of alcohol, maintaining current BASSET certification, and ensuring all employees serving alcohol are properly trained and certified. I understand that any violation of liquor laws or ordinances occurring on the licensed premises may result in penalties, including fines, suspension, or revocation of the liquor license, and that I may be held personally accountable for violations occurring under my supervision.

Manager Name: _____

Signature: _____

Date: _____

Owner/Officer Responsibility Acknowledgment

As an owner or officer listed on a Village of Fox Lake liquor license, I understand that I am required to meet all eligibility and background requirements set forth in Chapter 3 of the Village Liquor Control Ordinance. I acknowledge that the liquor license is a privilege, not a right, and that I am ultimately responsible for ensuring that all operations under this license comply with all applicable local, state, and federal liquor laws and regulations. I further acknowledge that I am responsible for employing qualified and BASSET-certified managers and staff, maintaining current and accurate information with the Village, and ensuring that the licensed premises operate in accordance with all conditions of the license. I understand that any violation of these requirements may result in fines, suspension, or revocation of the liquor license and may subject me or the business entity to additional penalties.

Owner/Officer Name: _____

Signature: _____

Date: _____

CHAPTER 3

LIQUOR CONTROL

SECTION:

3-3-1: Definitions

3-3-2: Commissioner; Commission

3-3-3: License Required

3-3-4: Applications

3-3-5: License Issuance; Term

3-3-6: Classification; Fees

3-3-7: Hours

3-3-8: Persons Ineligible For License

3-3-9: Transferability

3-3-10: Change Of Location

3-3-11: Premises Inspected

3-3-12: Regulations Governing Licenses

3-3-13: Buildings Belonging To Or Under The Control Of The Municipality

3-3-14: Penalty, Liquor Hearing, Appeal

3-3-1: DEFINITIONS:

A. All words and phrases used in this chapter which are defined in the Illinois Liquor Control Act, entitled, "an Act relating to alcoholic liquors", enacted January 31, 1934, and in force February 1, 1934¹, shall have the same meanings herein as they have in said Act.

B. The term "Village" as used in this chapter shall include and mean all territory within the geographical limits of the Village of Fox Lake, State of Illinois. (1975 Code § 22.01)

Notes

¹ 1. 235 ILCS.

3-3-2: COMMISSIONER; COMMISSION:

A. The President of the Board of Trustees shall be the Local Liquor Control Commissioner, and he may appoint a person, or persons, to assist him in the exercise of the powers and the performance of his duties as such Commissioner. Such persons shall be known as the Local Liquor Control Commission (together with said Local Liquor Control Commissioner).

B. The Local Liquor Control Commissioner, and Local Liquor Control Commission, in addition to the powers and duties herein given and provided, shall have all the powers and duties as provided for in the Illinois Liquor Control Act. (1975 Code § 22.02)

C. In addition to his salary as Village President, commencing with the April 2, 1985 election, the Liquor Commissioner shall receive as compensation the sum of one hundred dollars (\$100.00) per year ¹. (Ord. 85-3, 1-17-1985)

D. The Local Liquor Control Commissioner is hereby given the power to enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Dram Shop Act ², or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine the premises of said licensee in connection therewith. (1975 Code § 22.18)

E. The Local Liquor Commissioner is given the power to grant exemptions from the operation of 235 Illinois Compiled Statutes 5/6-11(a) which prohibits issuance of a license for a location within one hundred feet (100') of churches, schools or certain other facilities. Such exemptions, once granted, shall remain in effect for the premises for which granted until and unless the license expires without renewal or is revoked. (Ord. 2018-40, 9-11-2018)

Notes

¹ 1. See also section 1-5-2 of this Code.

² 2. 235 ILCS.

3-3-3: LICENSE REQUIRED:

No person shall sell or permit the use or consumption of any alcoholic liquors in the Village without first having obtained a license from the Liquor Control Commissioner of the Village for each location, place or premises where the retailer is located to sell the same. (1975 Code § 22.04)

3-3-4: APPLICATIONS:

A. Original Applications: Original applications for liquor licenses shall be filed with the Village Clerk on forms prescribed by the Village and shall be accompanied with the following:

1. Certification from the Chief of Police that the applicant, manager and all officers of a corporate applicant have been fingerprinted and cross referenced as appropriate. (Ord. 2008-14, 4-22-2008)
2. Names, addresses, and current BASSET certification for all persons who will sell or serve alcoholic beverages pursuant to that license. (Ord. 2008-14, 4-22-2008; amd. Ord. 2008-21, 6-10-2008)
3. Evidence, satisfactory to the Village Liquor Control Commissioner, of the issuance of a policy of liquor liability insurance (dramshop) and insuring against liability for an injury or death on account of acts of negligence, omission or violating the Liquor Control Act. Said policy shall carry a minimum of the then current statutory limits for recovery for injury or death and for loss of means of support. Each licensee shall furnish the Village Liquor Control Commissioner with a certificate of such insurance and, in the event of cancellation, notify the Village Liquor Control Commissioner immediately of such cancellation.
4. Such other information as is reasonably requested by the Liquor Control Commissioner. (Ord. 2008-14, 4-22-2008)
5. It shall be the duty of the licensee to supplement the original application from time to time so as to supply complete information on changes to information supplied on the application, including, but not limited to, officers, owners, managers, sellers or servers. Such supplemental information shall be provided to the Village Clerk within three (3) business days after any change occurs. (Ord. 2016-18, 5-24-2016)

B. **Renewal Applications:** All renewal applications shall be filed on forms prescribed by the Village at least thirty (30) days prior to the renewal date of July 1, and shall be accompanied with the following: (Ord. 2008-14, 4-22-2008)

1. Names, addresses and social security numbers of the applicant, manager and all officers of a corporate applicant and all officers and managers of a limited liability company applicant.

2. Certification from the Chief of Police that any applicant, manager and officer of a corporate applicant and any officer or manager of a limited liability company applicant, who was not previously fingerprinted, has in fact been fingerprinted and cross referenced as appropriate. (Ord. 2017-29, 6-13-2017)

3. Names, addresses, and current BASSET certification for all persons who will sell or serve alcoholic beverages pursuant to that license. (Ord. 2008-14, 4-22-2008; amd. Ord. 2008-21, 6-10-2008)

4. Evidence, satisfactory to the Village Liquor Control Commissioner, of the issuance of a policy of liquor liability insurance (dramshop) and insuring against liability for an injury or death on account of acts of negligence, omission or violating the Liquor Control Act. Said policy shall carry a minimum of the then current statutory limits for recovery for injury or death and for loss of means of support. Each licensee shall furnish the Village Liquor Control Commissioner with a certificate of such insurance and, in the event of cancellation, notify the Village Liquor Control Commissioner immediately of such cancellation.

5. Such other information as is reasonably requested by the Liquor Control Commissioner. (Ord. 2008-14, 4-22-2008)

6. It shall be the duty of the licensee to supplement the renewal application from time to time so as to supply complete information on changes to information supplied on the application, including, but not limited to, officers, owners, managers, sellers or servers. Such supplemental information shall be provided to the Village Clerk within three (3) business days after any change occurs.

7. If the renewal application is not received thirty (30) days prior to the renewal date, then no renewal license shall be issued until the information required in this subsection has been provided and a reasonable time has been allowed for the Village to process the application, and the applicant shall not be authorized to sell or serve alcoholic beverages between the time that the license expires and the time that the renewal license is issued. If both a renewal application and renewal fee are not received by the renewal date, then the license shall be deemed to expire, and a new license must be applied for with all application forms, submittals and fees, and subject to any existing waiting lists. (Ord. 2016-18, 5-24-2016)

3-3-5: LICENSE ISSUANCE; TERM:

A. A license shall be purely a personal privilege good for the license period which shall expire on June 30 next following the date of issuance, unless sooner revoked, and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. (1975 Code § 22.14)

B. Every license issued by the Village Liquor Control Commissioner shall be valid for a period of one year from July 1 following, and shall be issued by the Village Liquor Control Commissioner, subject to the provisions of the General Assembly of the State of Illinois, 235 Illinois Compiled Statutes, and shall be subject to all laws, resolutions, and regulations now in force and in effect or which may hereinafter be enacted, adopted or approved relating to alcoholic liquors. (Ord. 89-13, 2-6-1989)

C. A license for every location, place or premises licensed under the terms and by virtue of this chapter shall be framed and hung in plain view in a conspicuous place on the premises so licensed. (1975 Code § 22.17)

3-3-6: CLASSIFICATION; FEES:

The classes of licenses and fees shall be as follows:

A. Retail Class A:

1. Classifications: Licenses may be issued for the sale of alcoholic liquor in accordance with the classification herein provided:

a. Class A-1 Hotel: A maximum of two (2) Class A-1 licenses for the sale of alcoholic liquors may issue to hotels as they are defined in 235 Illinois Compiled Statutes 5/1-3.25. Alcoholic liquors on such licensed premises may be sold by the drink for consumption upon the premises only.

b. Class A-2(a) Major Restaurants: A maximum of ten (10) class A-2 licenses for the sale of alcoholic liquors may issue to restaurants as they are defined in 235 Illinois Compiled Statutes 5/1-3.23, when such restaurants: 1) have a seating capacity in excess of sixty (60) persons; 2) offer their patrons full and complete meals, including a dinner menu; 3) in which the food preparation and service are not primarily operated as a fast food restaurant; and 4) in which the chef or cook preparing food is a person other than a bartender. Class A-2(a) licenses authorize full bar service for alcoholic liquor on the licensed premises with no restrictions on the type of liquor served provided, however, a separate dining area, exclusive of the bar area, shall be made available. Alcoholic liquors on such licensed premises may be sold by the drink for consumption upon the premises only. Notwithstanding the foregoing, a major restaurant may sell wine by the bottle for consumption on or off the premises, provided that, if wine is sold by the bottle for consumption on the premises and it is not finished, the bottle with its remaining contents must be sealed in plastic by the licensee before a patron is permitted to remove the bottle from the premises. For the purposes of this class A-2(a), a restaurant must derive more than fifty-percent (50%) of its gross revenue (on an annual basis) from the sale of food. The determination of whether the fifty-percent (50%) gross revenue standard has been met shall be made at the time of license renewal for the year just ended. In the event a licensee has not possessed a class A-2 license for a full year, the determination of whether the fifty-percent (50%) standard has been met shall be deferred until the next license renewal period. The records used to determine whether said fifty-percent (50%) standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the village.

c. Class A-2(b) Minor Restaurants: A maximum of seven (7) licenses for the sale of alcoholic liquors may issue to restaurants as they are defined in 235 Illinois Compiled Statutes 5/1-3.23 and 5/6-25, when such restaurants: 1) have a seating capacity of sixty (60) persons or less; or 2) do not offer their patrons full and complete meals, including a dinner menu; or 3) in which the food preparation and food service are primarily operated as fast food restaurants. Alcoholic liquors on such licensed premises may be sold by the drink for consumption upon the premises only. Notwithstanding the foregoing, a minor restaurant may sell wine by the bottle for consumption on or off the premises, provided that, if wine is sold by the bottle for consumption on the premises and it is not finished, the bottle with its remaining contents must be sealed in plastic by the licensee before a patron is permitted to remove the bottle from the premises.

d. Class A-3 Entertainment Centers: A maximum of two (2) licenses for the sale of alcoholic liquors may issue to entertainment centers such as bowling alleys and theaters during an indoor entertainment event, at which admission is charged for that event. Alcoholic liquor may be sold on such premises not in its original container, by the drink for consumption upon the premises only, with or without food.

e. Class A-4 Taverns: A maximum of seventeen (17) Class A-4 licenses may issue to taverns for the sale of alcoholic liquor in taverns in which alcoholic liquors may be sold by the drink for consumption upon the premises only. Package liquors may be sold under a Class A-4 license.

f. Class A-5 Package Stores: A maximum of sixteen (16) Class A-5 licenses may issue to package stores for the sale of alcoholic liquor. Such alcoholic liquor must be in the original package as

it is defined in 235 Illinois Compiled Statutes 5/1-3.06. No alcoholic liquor, except in the original package, shall be sold upon any premises licensed as a package store, Class A-5.

g. Class A-6 Clubs: A maximum of one Class A-6 license may issue to clubs as they are defined in 235 Illinois Compiled Statutes 5/1-3.24. Alcoholic liquors on such premises may be sold by the drink for consumption on the premises only.

h. Class A-7 Caterers: A maximum of two (2) Class A-7 licenses may issue to holders of Class A-2(a) licenses who provide catering of food and liquor off the premises established for the A-2(a) license. Class A-7 licenses shall authorize the sale of alcoholic liquor within the Village as an incidental part of the catering of food service, excluding the serving of snacks as the primary meal, by caterers for catered events conducted off the premises of the licensee. The sale of alcoholic liquor shall be permitted only for consumption at the location where the catered event is taking place, and alcoholic liquor sold under this license must be consumed in an enclosed location upon the premises, such as within a building or tent. Alcoholic liquor under this license may not be consumed at a location upon the premises that is visible from neighboring properties, public streets, or sidewalks. The annual fee for issuance of an A-7 license shall be one hundred dollars (\$100.00).

i. Class A-8 Licensed Truck Stop Establishments: A maximum of one Class A-8 license may issue to licensed truck stop establishments as they are defined in 230 Illinois Compiled Statutes 40/5. Alcoholic liquor sold at licensed truck stop establishments must be in the original package as it is defined in 235 Illinois Compiled Statutes 5/1-3.06. No alcoholic liquor, except in the original package, shall be sold upon any premises licensed as a licensed truck stop establishment, Class A-8. No general consumption on the premises shall occur; however sampling may be allowed with the following restrictions: a product sample, offered at an on premises retail licensee that has a Class A-8 license, for a sales promotion, of no more than the following amounts:

Distilled spirits	1/4 ounce
Wine	1 ounce
Beer	2 ounces

Only products registered with the State Liquor Commission may be sampled.

j. Class A-9 Small Hotel Recreation Establishments: A maximum of two (2) Class A-9 licenses may issue to establishments that offer hotel accommodations and recreation facilities which satisfy the following criteria:

(1) A minimum of six (6) hotel rooms with no tenancy term exceeding thirty one (31) days, and with the Village's Hotel Tax to be imposed on the premises;

(2) Availability of pier space for boating on the Chain of Lakes for hotel patrons;

(3) Availability of outdoor recreation activities such as volleyball, bocci ball, bags and horseshoes;

(4) Alcoholic beverages to be served outside the hotel building, but on site in a tiki-bar type structure or other indoor-outdoor type structure, with additional recreation facilities in said structure; and

(5) Such other criteria as may be imposed by the Liquor Commissioner because of the specific location of the premises or special conditions related to operation of the business on the premises.

2. Class A-1 Through A-5 And A-9 Fees: The fees for licenses issued under Classifications A-1, A-2(a), A-2(b), A-3, A-4, A-5 and A-9 shall be two thousand seven hundred fifty dollars (\$2,750.00) for

the first year and six hundred seventy five dollars (\$675.00) for the annual renewal of such license, such fees to accompany such original and such renewal application. Said fees shall include the charges for one State and Federal background check and fingerprinting. If applicant in either an original or renewal application requests background check and fingerprinting for additional persons, applicant shall pay the costs for such additional background checks and fingerprinting. In the event that an application is made for the first year after July 1 of the first year, then forty percent (40%) of the fee shall be prorated on a daily basis using one thousand dollars (\$1,000.00) as the basis for said proration (i.e., $\$1,000.00 \div 365 = \2.74 x the number of days from and including the date of application through the following June 30) and the prorated figure plus one thousand seven hundred fifty dollars (\$1,750.00) shall be the actual fee charged. In addition to the foregoing, if supplemental information supplied by a licensee requires additional background checks and fingerprinting in the opinion of the Chief of Police, then the licensee shall pay the fees for such additional background checks and fingerprinting.

3. Class A-6 Fee: The fee for licenses issued under Classification A-6 shall be one thousand one hundred dollars (\$1,100.00) for the first year and five hundred dollars (\$500.00) for the annual renewal of such licenses, such fee to accompany such original and such renewal application. In the event that an application is made for the first year after July 1 of the first year, then forty percent (40%) of the fee shall be prorated on a daily basis using four hundred dollars (\$400.00) as the basis for said proration (i.e., $\$400.00 \div 365 = \1.10 x the number of days from and including the date of application through the following June 30) and the prorated figure plus seven hundred dollars (\$700.00) shall be the actual fee charged.

4. Class A-8 Fee: The fees for licenses issued under Classification A-8 shall be two thousand seven hundred fifty dollars (\$2,750.00) for the first year and seven hundred seventy five dollars (\$775.00) for the annual renewal of such license, such fees to accompany such original and such renewal application. Said fees shall include the charges for one State and Federal background check and fingerprinting. If applicant in either an original or renewal application requests background check and fingerprinting for additional persons, applicant shall pay the costs for such additional background checks and fingerprinting. In the event that an application is made for the first year after July 1 of the first year, then forty percent (40%) of the fee shall be prorated on a daily basis using one thousand dollars (\$1,000.00) as the basis for said proration (i.e., $\$1,000.00 \div 365 = \2.74 x the number of days from and including the date of application through the following June 30) and the prorated figure plus one thousand seven hundred fifty dollars (\$1,750.00) shall be the actual fee charged.

5. Hours 1 :

a. Clubs: It shall be unlawful for any club licensed by the Village to sell alcoholic liquor to sell or offer for sale, give away or deliver, permit to be consumed, either in, upon or from any licensed premises, any alcoholic liquor between the hours of two o'clock (2:00) A.M. and five o'clock (5:00) A.M. on any day.

b. Other Licensees: Except as provided herein, it shall be unlawful for any person or entity to sell or offer for sale, give away or deliver, permit to be consumed, either in, upon or from any licensed premises, any alcoholic liquor between the hours of two o'clock (2:00) A.M. and five o'clock (5:00) A.M. Monday through Friday, and between the hours of three o'clock (3:00) A.M. and five o'clock (5:00) A.M. on any Saturday or Sunday.

6. Classification Changes: The liquor commissioner shall have the right to designate a different classification to a license if he or she finds that the existing classification is not the proper classification for the actual operation of the business. If the liquor commissioner makes such a designation, then the village board shall increase the number of authorized licenses to accommodate the newly designated license and shall decrease the number of authorized licenses for the prior license classification, in order to offset the change as designated.

B. Retail Class B:

1. A twenty four (24) hour permit to sell, deal and traffic in intoxicating liquor by the glass only on the premises so licensed. If more than one premises will be utilized by the holder of the permit (as for example for a winetasting occurring at several locations simultaneously), then each such premises which is not already a liquor license holder shall be listed on the permit and a copy of the permit shall be displayed at each such premises during the event for which the permit was issued.

2. The fee shall be twenty dollars (\$20.00) and shall permit the holder to sell, deal and traffic intoxicating liquor by the glass only on the premises licensed for a period of twenty four (24) hours provided that the permit may be extended an additional four (4) days at a fee of four dollars (\$4.00) for each additional twenty four (24) hour period or fraction thereof.

3. No more than four (4) such permits shall be issued to any organization or person representing any organization in any one year. Retail class B permits will be issued only to specific organizations, and in no case to private individuals. The liquor commissioner may make the issuance of the permit subject to any condition that the commissioner determines is appropriate to protect the public health, safety, and welfare, including, without limitation, restrictions on the location and hours for sales of alcoholic liquors, the type of alcoholic liquors that may be sold pursuant to a particular permit, and the type of activities that may be conducted as part of the event for which the permit is sought.

C. Nonrestaurant BYOB License:

1. License Required: No person shall allow alcohol to be carried in for consumption on the premises of a public accommodation without having a BYOB license, which is hereby created.

2. Application Requirements:

a. Applicant must show proof of ownership or present a fully executed lease for the period for which the license is to be issued for the premises for which the license is sought.

b. If applicant is not the property owner, proof must be provided of consent of property owner to obtain BYOB license for the premises.

c. Applicant must be the beneficial owner of the business to be licensed.

d. Applicant must provide a certificate of insurance reflecting general liability in the amount of two hundred fifty thousand dollars (\$250,000.00), naming the village of Fox Lake as certificate holder and additional insured.

e. Applicant must agree in writing to save and hold harmless the village of Fox Lake from any and all claims arising out of consumption of alcoholic liquor on the premises.

f. Applicant must agree to abide by the village of Fox Lake liquor control ordinance, including the prohibition of allowing minors to consume and the observance of the hours of consumption.

3. Terms And Conditions: All BYOB licenses shall be subject to the following terms and conditions. Violation of these terms and conditions may be cause for revocation of license at the discretion of the liquor commissioner.

a. Term: A license is purely a personal privilege, good for not to exceed one year from the date of issuance. The one year period shall expire on June 30 of each following year, unless sooner revoked or suspended.

b. Expiration: All licenses, regardless of the date of issuance, shall terminate on June 30 of each year following the date of issuance.

c. Hours: No holder of a BYOB license shall allow service or consumption of any alcoholic liquor on the premises between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. on any day. The hours mentioned herein shall be Central Standard Time except when daylight saving time is in effect, and then said hours shall be Central Daylight Saving Time.

d. **Serving Or Furnishing Alcohol:** No license holder under this section shall serve or allow alcoholic liquor to be consumed by any person under the age of twenty one (21), or to any intoxicated person, or to any person known by him or her to be under legal disability or in need of mental treatment, or harbor or permit any intoxicated persons to loiter on the premises described in the license or allow any conduct which shall tend to disturb the peace and quiet of the neighborhood, or the premises.

e. **Educational Events:** The license holder shall not allow any alcoholic beverages other than wine or beer to be served or consumed on the premises of a retail establishment at artistic or educational events.

f. **Amenities:** The licensee is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.

g. **Open And Pour:** No licensee, nor any employee or staff member of licensee is permitted to open and pour the wine or beer.

h. **Storage:** No storage of beer or wine is permitted.

i. **Removal:** An opened bottle of wine or beer may not be removed from the premises but must be disposed of before the customer leaves the premises.

j. **Certificate Of Insurance:** In addition to general liability insurance, the licensee must provide a certificate of insurance naming the Village of Fox Lake certificate holder and additional insured in the amount of two hundred fifty thousand dollars (\$250,000.00) per person and five hundred thousand dollars (\$500,000.00) per occurrence for bodily injury liability; fifty thousand dollars (\$50,000.00) for loss of means of support; fifty thousand dollars (\$50,000.00) for property damage liability, or a five hundred thousand dollar (\$500,000.00) single limit dramshop policy.

k. **BASSET Certified:** The licensee shall be required to be BASSET certified. Any employees who are present when the licensee is not present (or the licensee is not supervising the activity) shall also be BASSET certified.

l. **Fee:** The annual fee for a BYOB nonrestaurant license shall be two hundred dollars (\$200.00) and there shall be no proration of charges for midyear issuance of a license.

m. **Issuance:** A maximum of two (2) nonrestaurant BYOB licenses may be issued. (Ord. 86-16, 6-2-1986; amd. Ord. 2007-50, 9-25-2007; Ord. 2010-09, 4-13-2010; Ord. 2011-26, 9-13-2011; Ord. 2014-18, 6-24-2014; Ord. 2015-18, 4-14-2015; Ord. 2015-25, 4-28-2015; Ord. 2016-18, 5-24-2016; Ord. 2016-28, 8-23-2016; Ord. 2016-31, 9-13-2016; Ord. 2016-41, 11-22-2016; Ord. 2017-56, 12-12-2017; Ord. 2018-40, 9-11-2018; Ord. 2018-43, 9-25-2018; Ord. 2019-26, 7-9-2019; Ord. 2020-18, 7-14-2020; Ord. 2021-17, 8-10-2021; Ord. 2021-34, 12-14-2021)

Notes

¹ See also section 3-3-7 of this chapter.

3-3-8: PERSONS INELIGIBLE FOR LICENSE:

No license of any kind issued by the Village Liquor Control Commissioner shall be issued to:

A. A person who is not a resident of the Village. This requirement may be waived by the Liquor Commissioner in the event the applicant shall become a resident of the Village.

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

C. A person who is not a citizen of the United States. (1975 Code § 22.08)

D. A person who has been convicted of a felony under any Federal or State law, unless the commission 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 commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (Ord. 2004-40, 7-13-2004)

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

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

G. A person whose license issued under this chapter has been revoked for cause.

H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application. (1975 Code § 22.08)

I. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision. (Ord. 2004-40, 7-13-2004)

J. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, or any member owning in the aggregate more than five percent (5%) of the membership interests in such limited liability company, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

K. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. (Ord. 2017-29, 6-13-2017)

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

M. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this chapter, or has forfeited his bond to appear in court to answer charges for such violation.

N. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued. (1975 Code § 22.08)

O. Any law enforcing public official, including members of Local Liquor Control Commissions, any Mayor, Alderman, or member of a City Council or Commission, any President of a Village Board of Trustees, any member of a Village Board of Trustees, or any President or member of a County Board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted 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 and except that a license may be granted, in a City or Village with a population of fifty thousand (50,000) or less, to any Alderman, member of a City Council, or member of a Village Board of Trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if: 1) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, 2) the issuance of the license is approved by the State Commission, 3) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and 4) the official granted a license does not vote on alcoholic liquor issues pending before the Board or Council to which the license holder is elected. (Ord. 2004-40, 7-13-2004)

P. A person who is not a beneficial owner of the business to be operated by the licensee.

Q. A person who has been convicted of a gambling offense as proscribed by any of the subsection (a)(3) through (a)(10) of section 28-1 of, or as prescribed by section 28-3 of the Criminal Code of 1961¹, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions. (1975 Code § 22.08)

R. A person or entity to whom a Federal wagering stamp has been issued by the Federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.

S. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of 235 Illinois Compiled Statutes 5/6-21.

T. A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in the State of Illinois as a distributor or importing distributor. For purposes of this subsection T, a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

U. A person who is licensed in the State of Illinois as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in the State of Illinois as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns no more than five percent (5%) of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this subsection U, a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer. (Ord. 2017-29, 6-13-2017)

Notes

¹ 1. 720 ILCS 5/28-3.

3-3-9: TRANSFERABILITY:

A. Any license issued to a corporation for profit or to a limited liability company shall terminate upon transfer of ownership from one (1) individual or individuals to another of more than thirty percent (30%) of the corporate stock or more than thirty percent (30%) of the membership interests in the limited liability company and any application for renewal of a license in the corporation's name or limited liability company's name subsequent to transfer to the ownership of more than thirty percent (30%) of the corporate stock or more than thirty percent (30%) of the membership interests in the limited liability company shall be considered and treated as a new application and the appropriate and applicable fee required of a new applicant shall accompany the application.

B. Whenever a licensee under this chapter forms a corporation or limited liability company to operate in lieu of said licensee, a new application and payment of the appropriate fee is required even

when the shareholder or shareholders of said corporation or the members of the limited liability company and the licensees are the one and same persons. (Ord. 2017-29, 6-13-2017)

C. In case of the death of an individual licensee, the license shall be suspended. If the surviving spouse, or administrator or executor of such deceased licensee designates a qualified successor of the licensee, and said successor files an application for a new license and passes necessary background checks and fingerprinting and pays the cost of a new license, all within a reasonable time, not to exceed one hundred twenty (120) days, then a new license shall be issued to said qualified successor. If no such designation is made, or if the application process is not completed within six (6) months after the date of death, then the license of the deceased licensee shall be deemed to have expired. (Ord. 2016-18, 5-24-2016)

D. In case a licensee shall sell or dispose of his business during the license period, he may waive his license rights and privileges in writing to the Village Liquor Control Commissioner in favor of the successor of his business, who in turn shall make application for a new license and pay the fee hereinbefore described. (1975 Code § 22.15)

3-3-10: CHANGE OF LOCATION:

A. After a license has been granted for particular premises, the local commissioner, upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by him, but in order to obtain such approval, the licensee shall file with the local commissioner a request in writing and a statement under oath which shall show that the premises to which removal is to be made complies in all respects with this chapter, and with the requirements of the Illinois liquor control act. The fee for transfer of a license from one location to another is one hundred dollars (\$100.00) and shall accompany the application for transfer. (1975 Code § 22.16)

B. If the premises in which the licensee is authorized to conduct business is demolished or destroyed by fire, water or other natural catastrophes, the license shall remain valid and subject to renewal for a period of eighteen (18) months thereafter, if within that time ground has been broken for the erection of a new building, otherwise said license shall become void. (1975 Code § 22.22)

3-3-11: PREMISES INSPECTED:

A. All new applicants shall submit certifications from the building commissioner of the village indicating that the proposed licensed premises comply with the regulations and ordinances of his department. The liquor commissioner, if he deems expedient, may require a certification upon renewal. (1975 Code § 22.05)

B. No license shall be issued for the sale of alcoholic liquor in any premises which shall not conform with these provisions and such further rules and regulations with regard to health and fire as the liquor control commissioner may from time to time require. (1975 Code § 22.07)

3-3-12: REGULATIONS GOVERNING LICENSES:

All licenses shall be granted subject to the following regulations, and every applicant for a license shall covenant and agree:

- A. To operate the premises in compliance with every ordinance and law **1**.
- B. To prevent the violation upon the premises of any law or ordinance, federal, state or county.
- C. To keep the premises licensed at all times free from minors who are not escorted by their parent, legal guardian, or other proper person. This restriction does not prohibit serving minors food in a separate dining room maintained on the premises but separated from any bar or service bar.
- D. That any misstatements made by the applicant, or any violations of the terms and conditions of the application, or of any of the laws, statutes, ordinances, rules, regulations and covenants herein, shall be cause for revocation by the village liquor control commissioner. (1975 Code § 22.09)

E. Not to employ any person under sixteen (16) years of age, and not to employ any person under the age of twenty one (21) years of age for the purpose of drawing, pouring, or mixing any alcoholic liquor. (Ord. 89-14, 2-6-1989)

F. Not to engage, employ, or permit the engagement or employment of any female, or permit any other female to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for her, himself or any other person therein on the licensed premises; provided, however, that nothing herein contained shall prohibit any adult manageress or waitress who shall be regularly employed from accepting and serving the order of a patron or customer in the regular course of her employment as such manageress or waitress.

G. The following kinds of conduct on premises in this village licensed to sell alcoholic liquor, are prohibited:

1. The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts.
2. The actual or simulated exhibition, touching, caressing or fondling of the breasts, buttocks, pubic hair, anus, vulva or genitals.
3. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals.
4. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva or anus.
5. The displaying of films or pictures depicting acts, a live performance of which is prohibited by these regulations. (1975 Code § 22.09)

H. That no licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person or to any person known to him or her to be under legal disability or in need of mental treatment.

I. That all bar facilities shall be closed to the public during the hours when the sale of alcoholic liquor is prohibited. (Ord. 87-10, 4-6-1987, eff. 6-30-1987)

J. It shall be unlawful to permit any person to serve or sell alcoholic beverages in a licensed establishment holding a class A-1, A-2(a), A-2(b), A-3, A-4, A-5, A-6, A-7, A-8 or B license unless that person has completed the BASSET program as required by this subsection and has a current BASSET certification.

1. For licenses effective on or after July 1, 2008, any original and any renewal application for any class A-1, A-2(a), A-2(b), A-3, A-4, A-5, A-6, A-7, A-8 or B license shall be accompanied with proof of completion of any required state certified beverage alcohol sellers and servers education and training (BASSET) program and current BASSET certification, for all persons who serve or sell alcoholic beverages pursuant to that license.

2. For licenses effective on or after July 1, 2008, the original or renewal application for any class A-1, A-2(a), A-2(b), A-3, A-4, A-5, A-6, A-7, A-8 or B license shall be accompanied with proof of completion of a state certified BASSET program and current BASSET certification for the manager of the licensee.

3. After July 1, 2008, any new employees and/or new manager of any class A-1, A-2(a), A-2(b), A-3, A-4, A-5, A-6, A-7, A-8 or B licensee shall, within ninety (90) days from the beginning of their employment with that licensee, show proof of completion of a state certified BASSET program and current BASSET certification, and shall, until completion of the BASSET program, work under the supervision of a person who has completed the BASSET program.

4. A photocopy of the certificate of completion of the BASSET program and current BASSET certification for all persons who serve or sell alcoholic beverages must be filed with the village clerk and maintained in the manager's office on the licensed premises of any class A-1, A-2(a), A-2(b), A-3, A-4, A-5, A-6, A-7, A-8 or B licensee. (Ord. 2008-14, 4-22-2008; amd. Ord. 2014-18, 6-24-2014; Ord. 2015-25, 4-28-2015)

5. Notwithstanding any provisions of this code to the contrary, any reference to the BASSET program or to the BASSET training program in this code shall also mean and include any similar training program which has been approved in writing as an equivalent program in advance by the village liquor commissioner and by the chief of police.

6. Violators of any provision of this subsection J shall be subject to penalties set forth in section 3-3-14 of this chapter, and the village president may treat such a violation both as a separate offense and as an aggravating circumstance warranting a greater penalty for violation of other provisions of this chapter.

7. The village may charge a reasonable fee for providing BASSET training and certifications subject to village board approval. (Ord. 2008-14, 4-22-2008)

Notes

- ¹ 1. See also sections 4-1-5, 4-2-2 and 4-2-3 of this code for certain offenses.

3-3-13: BUILDINGS BELONGING TO OR UNDER THE CONTROL OF THE MUNICIPALITY:

A. Statute Authority: This section is enacted pursuant to the power granted this village by 235 Illinois Compiled Statutes 5/6-15 as amended September 4, 1987, and effective January 1, 1988, and as it may from time to time be amended.

B. Sale Or Delivery Of Alcoholic Liquor: Alcoholic liquor may henceforth be sold or delivered in those buildings belonging to or under the control of the village as hereinafter more specifically designated and pursuant to the conditions hereinafter set forth.

C. Applicability: The buildings to which this section pertains are as follows:

1. Fire Station No. 2

80 South Washington Avenue

Ingleside, IL 60041

a. Fire Station No. 2 shall be available for the use solely by the Fox Lake Volunteer Fire Department (the department).

b. Prior to each occasion on which the department proposes to use Fire Station No. 2 and intends to have alcoholic liquor available, the department shall provide the Village with a certificate or policy of dramshop liability insurance coverage in an amount and from a company approved by the Village, together with a receipt evidencing that the premium for said coverage has been paid in full. The certificate or policy of insurance for dramshop liability coverage shall name the Village as an additional party insured under said certificate or policy. Each such certificate or policy of dramshop liability insurance is subject to the approval or rejection by the Village.

c. In addition to the dramshop liability insurance coverage as required in subsection C1b of this section, the department shall also submit an application and requisite fee for a retail Class B, twenty four (24) hour license to sell, deal and traffic in intoxicating liquor as provided and required by section 3-3-6 of this chapter. The requisite application form shall be provided by the Office of the Village Treasurer. (Ord. 2002-59, 10-1-2002)

2. Fox Lake Lakefront Park

Nippersink and Oak Avenue

Fox Lake, Illinois

a. Fox Lake Lakefront Park shall be available for the sale of alcoholic liquor solely by the Village, or by an organization with the consent of the Village.

b. Prior to each occasion on which the Village or other organization proposes to use the Fox Lake Lakefront Park for the sale of alcoholic liquor, the Village or other organization shall obtain a certificate or policy of dramshop liability insurance coverage in suitable amounts, and said certificate or policy shall be filed with the Village Clerk.

c. In addition to the dramshop liability insurance coverage as required in subsection C2b of this section, the Village or other organization shall also obtain a retail Class B, twenty four (24) hour license to sell, deal and traffic in intoxicating liquor as provided and required by section 3-3-6 of this chapter. (Ord. 2016-11, 3-8-2016)

3. Millennium Park

Rollins Road

South of Grand Avenue

a. Millennium Park shall be available for the sale of alcoholic liquor solely by the Village.

b. Prior to each occasion on which the Village proposes to use Millennium Park for the sale of alcoholic liquor, the Village shall obtain a certificate or policy of dramshop liability insurance coverage in suitable amounts, and said certificate or policy shall be filed with the Village Clerk.

c. In addition to the dramshop liability insurance coverage as required in subsection C3b of this section, the Village shall also obtain a retail Class B, twenty four (24) hour license to sell, deal and traffic in intoxicating liquor as provided and required by section 3-3-6 of this chapter. (Ord. 2008-14, 4-22-2008)

4. Community Garden Property

17 Forest Avenue

Fox Lake, Illinois

a. The Community Garden Property at 17 Forest Avenue, Fox Lake, Illinois, shall be available for sale of alcoholic liquor by the Village or by outside vendors upon approval of the Liquor Commissioner.

b. Prior to each occasion on which the department proposes to allow the use of the Community Garden Property for the sale of alcoholic liquor, the Village or outside vendor shall obtain a certificate or policy of dramshop liability insurance coverage in suitable amounts, and said certificate or policy shall be filed with the Village Clerk.

c. In addition to the dramshop liability insurance coverage as required in subsection C4b of this section, the Village or outside vendor shall also obtain a retail Class B, twenty four (24) hour license to sell, deal and traffic in intoxicating liquor as provided and required by section 3-3-6 of this chapter.

d. In addition to the foregoing requirements, if the sale of alcoholic liquor is to be performed by an outside vendor, the outside vendor shall file a copy of its liquor license from the jurisdiction where it is located with the Village Clerk. (Ord. 2017-31, 7-11-2017)

5. Community Garden Property

Grand Avenue and Forest Avenue

- a. The Community Garden Property shall be available for the sale of beer and wine by the glass only on said property, solely by the holder of a single retail Class B license.
- b. The Village shall secure from the licensee a certificate or policy of dramshop liability coverage in suitable amounts, and said certificate or policy shall be filed with the Village Clerk.
- c. The retail Class B license to be issued hereunder shall be exempt from the four (4) event limitation of subsection 3-3-6B3 of this chapter and may be issued for up to seventeen (17) regularly scheduled Farmers' Market sessions on the Community Garden Property. The license shall be subject to the remaining provisions of subsection 3-3-6B3 of this chapter.
- d. The fee for the license shall be twenty dollars (\$20.00), which shall cover up to seventeen (17) sessions in a single year. (Ord. 2019-23, 6-11-2019)

3-3-14: PENALTY, LIQUOR HEARING, APPEAL:

- A. It shall be unlawful for any person to violate any provision of this chapter and every day that such violation is continued shall constitute a separate and distinct offense. (Ord. 88-2, 2-1-1988)
- B. The Village President may revoke any retail liquor dealer's license for any violation of any provision of this chapter, or for any violation of any State law pertaining to the sale of alcoholic liquor. The Village President, in lieu of revoking any retail liquor dealer's license, may suspend the license for a period of time up to thirty (30) days or may fine the license holder up to one thousand dollars (\$1,000.00) for the first violation within a twelve (12) month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve (12) month period, and two thousand five hundred dollars (\$2,500.00) for a third violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars (\$15,000.00) in fines may be imposed against any license holder during the period of his license. If a license has been revoked, no license shall be granted to any person or corporation for the conduct of the business of selling alcoholic liquors in the premises described in such revoked license. Proceeds from such fines shall be paid into the Municipal Treasury. However, no such license shall be revoked or suspended and no licensee shall be fined except after a public hearing by the Village President with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend.
- C. All liquor hearings shall be open to the public and the Village President shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Village President has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The Village President shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five (5) days upon the licensee.

Any appeal from a decision of the Village President shall be taken in accordance with State law, and the Village President shall cause the official transcript of the proceedings to be filed within fifteen (15) days after receipt of notice of appeal and payment of the transcript cost by the applicant. (Ord. 2004-40, 7-13-2004)