

TITLE 3

ALCOHOLIC BEVERAGES

Subject	Chapter
Alcoholic Liquor.....	1
Video Gaming	2

CHAPTER 1

SALE OF ALCOHOLIC LIQUOR

SECTION:

Purpose	3-1-1
Definitions	3-1-2
Number of Licenses.....	3-1-3
License Required	3-1-4
Classification; Fees	3-1-5
Limitations	3-1-6
Applications	3-1-7
Restriction on Licenses	3-1-8
Term	3-1-9
Forfeiture; Assignment	3-1-10
Disposition of Fees	3-1-11
Record of License	3-1-12
Posting License	3-1-13
Temporary License	3-1-14
Change of Form of Ownership	3-1-15
Transfer of License	3-1-16
Change of Location	3-1-17
Hours	3-1-18
Examination of Applicant	3-1-19
Entry Powers	3-1-20
Gambling	3-1-21
Revocation; Suspension	3-1-22
Sanitation	3-1-23
Sale to Minors	3-1-24
Minors; Possession	3-1-25
Employees	3-1-26
Location Restrictions	3-1-27
View from Street	3-1-28
Sale to Certain Persons	3-1-29
Drunkenness	3-1-30
Clubs	3-1-31
Emergency Closing	3-1-32
Enforcement	3-1-33
Zoning	3-1-34
Penalty	3-1-35
Separability	3-1-36
Ordinances Repealed	3-1-37
Adoption of State Law by Reference	3-1-38

3-1-1: PURPOSE:

This Chapter shall be construed to the end that the health, safety and welfare of the people of this village be protected and temperance in the consumption of alcoholic liquors be fostered and promoted.

3-1-2: DEFINITIONS:

Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

A. ALCOHOLIC LIQUOR: Includes alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (.5%), or less, of alcohol by volume. No tax provided for in this Code shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under this Chapter.

B. PERSON: Any individual, firm, partnership, club, association or corporation.

C. RETAILER: Any person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

D. SALE AT RETAIL: Sales for use or consumption and not for resale in any form.

E. SALE: Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiations of warehouse receipts or certificates, for a consideration, and includes and means all sales made by any person whether principal proprietor, agent, servant, or employee.

F. TO SELL: Includes to keep or expose for sale and to keep with intent to sell.

G. RESTAURANT: 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.

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

I. LICENSEE: Any person receiving a license under this Chapter.

J. PACKAGE LIQUOR STORE: Any establishment catering to the general public whose principal business is the sale of alcoholic liquors, not for consumption on the premises.

K. LICENSED PREMISES: The premises described in the license.

L. OWNER OR PROPRIETOR: Includes all persons who are owners or are in control of any place where the sale or distribution of alcoholic liquor is carried on whether they be individuals, partnerships, corporations, joint stock companies, fiduciaries or officers, directors or otherwise.

3-1-3: NUMBER OF LICENSES:

The Village Board of Trustees shall have the right and power to limit the number of licenses of each class to be issued within the corporate limits of the Village and may also limit the number of each class in any locality or section or portion of the Village in accordance with the public interest.

3-1-4: LICENSE REQUIRED:

It shall be unlawful for any person to sell at retail any alcoholic liquor, or have in his possession or offer for sale at retail any alcoholic liquor within the corporate limits of the Village without first having obtained a license therefor as herein provided and having paid to the Village Clerk of the Village the license fee for such license hereinafter fixed; or in violation of the terms of such license. All licenses hereunder shall be granted and issued by the President of the Village Board of Trustees, as local Liquor Commissioner. Upon the local Liquor Commissioner granting the issuance of a liquor license, the liquor license holder must pick up the liquor license at the next scheduled Village board meeting, or make alternative arrangements with the Liquor Commissioner to pick up the license.

3-1-5: CLASSIFICATION; FEES:

The classification of licenses issued hereunder, and the fees therefor are as follows:

Class	Annual Fee
A	\$600.00
B	\$200.00
C	\$200.00 (Added by Ord. No. 0-2-86-4-8)
D	\$300.00 (Added by Ord. No. 0-1-98-1-13)

- A.** Class A authorizes the retail sale of all alcoholic liquor on the premises specified.
- B.** Class B authorizes the retail sale of beer only on the premises specified.
- C.** Class C authorizes the retail sale of packaged beer and wine only, not for consumption on the premises. Packaged beer must be sold in units of four (4) or more individual containers unless the individual containers are at least twenty-four (24) fluid ounces, in which case they may be sold separately. Wine shall be sold in individual containers of at least five hundred (500) milliliters per container. (Amd. by Ord. No. 0-3-05-9-13)
- D.** Class D authorizes the retail sale of beer containing not more than 4% of alcohol by weight and wine containing not more than 20% of alcohol by weight on the premises specified.

3-1-6: LIMITATIONS:

The number of licenses to be issued under the classifications set forth in this Chapter shall be:

Class A	2
Class B	3
Class C	1
Class D	1

3-1-7: APPLICATIONS:

Applications for all liquor licenses are to be submitted annually to the Liquor Control Commissioner on each anniversary date of the establishment. Applications for such licenses shall be made to the President of the Village Board of Trustees, as local Liquor Control Commissioner and be in writing, signed by the applicant, if an individual; by all parties, if a partnership; or by duly authorized officers thereof, if a club or corporation; verified by oath or affidavit and shall contain the following information and statements:

A. The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a

majority of the stock of such corporation, in interest, is owned by one person or his nominee, the name and address of such a person.

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

C. The character of business of the applicant; and in the case of a corporation, the objects for which it was Formed.

D. The length of time that said applicant has been in business of that character, or in the case of the corporation, the date on which its charter was issued.

E. The amount of goods, wares and merchandise on hand at the time application is made.

F. 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 term for which the license is requested.

G. A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.

H. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter.

I. Whether a previous license by a state or subdivision thereof, or by the Federal Government, has been revoked and the reasons therefore.

J. That he will not violate any of the laws of the State of Illinois or of the United States in the conduct of his place of business.

3-1-8: RESTRICTION ON LICENSES:

No license shall be issued to:

A. A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

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

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

D. A person who has been convicted of a felony under the laws of the State of Illinois and of the Federal Government.

E. A person who has been convicted of being the keeper of 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. A partnership, unless all the members of such co-partnership shall be qualified to receive a license.

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

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

K. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, after the passage of this Chapter, or shall have forfeited his bond by failure to appear in court to answer charges for any such violation.

L. A person who does not 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.

M. Any law enforcing public official, including members of local liquor control commissions, any president of the 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 license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.

N. Any person not eligible for a State retail liquor dealers license.

O. Any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors.

P. Except in the case of clubs or motels, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

3-1-9: TERM:

All licenses shall be for the term of one year and shall expire on the thirtieth (30th) of April following their issue, and fees shall be due and payable semi-annually on May 1 and October 1 of each year. Provided that, for any license issued on or after the first day of May and October, said fee shall be prorated.

3-1-10: FORFEITURE; ASSIGNMENT:

Going Business: The premises for which a license has been issued shall be operated as a going business and in the event said premises are closed for more than thirty (30) days without specific authorization from the Liquor Commissioner, the said license issued to said premises shall be declared vacated and Forfeited.

3-1-11: DISPOSITION OF FEES:

All license fees herein provided for shall be paid to the Village Clerk at the time application is made, and shall be turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Corporate Fund.

3-1-12: RECORD OF LICENSE:

The Village Clerk shall keep or cause to be kept a complete record of such licenses issued by the Village; and shall furnish the Treasurer and Chief of Police each with a copy thereof; upon the issue of any new license or the revocation of any old license the Clerk shall notify each of said officers thereof.

3-1-13: POSTING LICENSE:

Every person licensed hereunder shall immediately post the license so issued and keep the same posted while in force in a conspicuous place on the licensed premises.

3-1-14: TEMPORARY LICENSE:

The President of the Village Board of Trustees shall have power to issue temporary licenses for the sale at retail of alcoholic liquor at any banquet, picnic, fair, game, bazaar or similar assembly. Such temporary permits shall only be issued to a fraternal or benevolent or charitable or religious organization organized not for pecuniary profit and shall be for a period not to exceed three (3) days. No more than one such temporary permit shall be granted to any such organization in any one period of seven (7) days. Such a permit shall not permit the sale of alcoholic liquor in any place where the same is otherwise prohibited by law.

3-1-15: CHANGE OF FORM OF OWNERSHIP:

Whenever any licensee changes the manner in which it conducts its business at the licensed premises such licensee shall inform the commissioner of such change. The licensee's new business entity shall be required to meet the requirements of this chapter in order to be eligible to continue to hold the license issued to licensee.

3-1-16: TRANSFER OF LICENSE:

A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked 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 of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death or insolvency or bankruptcy of said licensee until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Section. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose.

3-1-17: CHANGE OF LOCATION:

Licenses issued hereunder shall apply only to the premises described in the application and in the license issued thereon, and only one location shall be described in each license. After a license has been granted for a particular premises, the President, 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 President a request in writing and a statement under oath which shall show that the premises for which removal is sought comply in all respects with the provisions of this Chapter.

3-1-18: HOURS:

A. Any licensee holding a Class "A" license may sell or offer alcoholic liquor in the Village on any day of the week as follows: On Monday through Thursday inclusive except between the hours of 1:00 a.m. and 6:00 a.m.; on Friday and Saturday inclusive except between the hours of 2:00 a.m. and 6:00 a.m.; and on Sunday provided that food is also served except between the hours of 2:00 a.m. and 10:00 a.m.

B. Any licensee holding a "B" license may sell or offer beer in the Village on any day of the week as follows: On Monday through Thursday inclusive except between the hours of 1:00 a.m. and 6:00 a.m.; on Friday and Saturday inclusive except between the hours of 2:00 a.m. and 6:00 a.m.; and on Sunday provided that food is also served except between the hours of 2:00 a.m. and 10:00 a.m.

C. Any licensee holding a "C" license may operate on any day of the week as follows: On Monday through Saturday inclusive, except between the hours of 1:00 a.m. and 6:00 a.m. and on Sundays except between the hours of 1:00 a.m. and 10:00 a.m.

D. Any licensee holding a "D" license may sell or offer alcoholic liquor in the Village on any day of the week as follows: On Monday through Saturday inclusive except between the hours of 1:00 a.m. and 6:00 a.m. and on Sunday provided that food is also served on Sundays except between the hours of 1:00 a.m. and 10:00 a.m. (Amd. by Ord. No. 0-3-22-7-19)

All license holders for any Class may open for breakfast at 4:30 a.m., but may not sell any alcoholic beverage, including beer, prior to 6:00 a.m. Monday through Saturday and 10 a.m. on Sunday. (Amd. by Ord No, 0-3-22-7-19).

It shall be unlawful to keep open for business, except as provided, or admit the public to any place in which alcoholic liquor is sold at retail during the hours which the sale of liquor is prohibited except as set forth in the preceding paragraph; and further that no one but the licensee or their employees or members of their immediate family shall be allowed in or on said premises during said prohibited hours except as set forth in the preceding paragraph, but they shall not be allowed to remain longer than 30 minutes after the time for sale of alcoholic liquor expires. (Amd. by Ord. No. 0-3-05-9-13)

3-1-19: EXAMINATION OF APPLICANT:

The local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation 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 proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the local Liquor Control Commissioner under this Section, he may authorize an agent to act on his behalf, as provided by Statute.

3-1-20: ENTRY POWERS:

The local Liquor Control Commissioner 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 the Dram Shop Act, Illinois Revised Statutes, Chapter 43, or any rules or regulations adopted by him or by the State Liquor Commission have been or are being violated, and at such time to examine the premises of said licensee in connection therewith.

3-1-21: GAMBLING:

No license holder shall at any time engage in gambling, games of chance, raffles or other activities prohibited by the Illinois Compiled Statutes except said prohibition and any other prohibition in the Tiskilwa Village Code that may reference or govern gambling or gaming, shall not apply to any device for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., so long as such device is conducted in compliance with all requirements of said Act and all rules and regulations of the Illinois Gaming Board. (Amd, by Ord. 0-1-13-1-8)

3-1-22: REVOCATION; SUSPENSION:

The President may suspend or revoke for cause any retail liquor dealers license for violation of any provision of this Chapter, or for violation of any state law pertaining to the sale of alcoholic liquor. (Illinois Revised Statutes, Chapter 43, Section 112, et seq.)

3-1-23: SANITATION:

All premises licensed hereunder shall be kept in a sanitary condition and shall be open to inspection by the health officer, or by any official or employee authorized by the President.

3-1-24: SALE TO MINORS:

It shall be unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor, beer or wine, in any tavern or other place in the Village where alcoholic liquor, beer or wine is sold. It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor, beer or wine in any tavern or other place in the Village where alcoholic liquor, beer or wine, is sold. In every tavern or other place in the Village where alcoholic liquor, beer or wine is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the clerk and which shall read substantially as follows: "WARNING TO PERSONS UNDER THE AGE OF TWENTY-ONE YEARS: You are subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of five hundred dollars

(\$500.00) under the ordinances of the Village if you purchase alcoholic liquor, beer or wine or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor, beer or wine, or be present in or loiter in any tavern or place where alcoholic liquor, beer or wine is sold unless accompanied by a parent or guardian." It shall be unlawful for any licensee hereunder or his agent or employee, to suffer or permit any person under the age of twenty-one (21) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his parent or guardian, or to any licensed premises which derived its principal business from the sale of service or commodities other than alcoholic liquor. In addition to all other fines and penalties, the President may revoke the retail liquor dealer's license for any violation of the above paragraph. It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be parent or guardian to violate any provision of this section. It shall be unlawful to sell, give, or deliver alcoholic liquor, beer or wine to persons under the age of twenty one (21) years. For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one (21) years.

3-1-25: MINORS; POSSESSION:

It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or to have alcoholic liquor in his possession. If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquors is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery demand presentation of some form of positive identification containing proof of age, issued by a public officer in the performance of his official duties. No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

3-1-26: EMPLOYEES:

It shall be unlawful for any person to allow any employee who is under the age of 21 years to sell alcoholic liquor, beer or wine except as follows:

- A. A food server in an establishment licensed to sell alcoholic liquor on the premises may be 19 years of age or older as long as said server's responsibility is solely the delivery of alcoholic beverages to persons consuming food on the premises.
- B. A person selling alcoholic beverages pursuant to a Class C license may be 19 years of age or older. (Amd. by Ord. No. 0-1-20-6-9)

It shall be unlawful for any person to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal diseases and it shall be unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in any way in the handling, preparation, or distribution of such liquor.

3-1-27: LOCATION RESTRICTIONS:

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

3-1-28: VIEW FROM STREET:

In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors in such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road, or sidewalk at all times. All rooms where alcoholic liquor is sold for consumption on the premises

shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible.

3-1-29: SALE TO CERTAIN PERSONS:

It shall be unlawful for the holder of any alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift, insane, feeble-minded or distracted person.

3-1-30: DRUNKENNESS:

No licensee or other person in charge of the premises licensed for the sale of alcoholic liquor shall permit the use or utterance of obscene or profane language at said premises or any act creating a disturbance, without protest; and if the protest goes unheeded such person in charge shall forthwith notify the Police Department and request assistance, if necessary, to eject the offender. Any person who shall use obscene or profane language or who shall create any disturbance, as aforesaid, in or on said premises shall be deemed guilty of violating this Chapter.

3-1-31: CLUBS:

A Club License shall entitle the licensee to sell alcoholic liquor, subject to the provisions of the Village Code, at retail for consumption on the licensed premises. To obtain a Club License, the applicant must have the qualifications as provided by the laws of the State of Illinois relating to alcoholic liquor. The license fee for a Club License shall be \$100.00 payable in advance semi-annually. The license fee shall not be reduced in proportion to the full calendar months which have expired prior to the issuance of the license.

3-1-32: EMERGENCY CLOSING:

In all cases where, in the opinion of the President, the public peace is likely to be endangered by the keeping open of premises licensed hereunder, it shall be lawful for the President to issue his proclamation, under the Seal of the Village, commanding and enjoining all persons licensed hereunder and their servants and agents, to close their shops and places of business for such time as the President shall deem necessary; and neither to sell, give away, or suffer to be drawn, any of said liquors in or about their premises during the time mentioned in said proclamation.

3-1-33: ENFORCEMENT:

The actions of the Liquor Commissioner shall be subject to Board approval to accept, modify or make stricter findings regarding the issuance of liquor licenses under this ordinance, and with regard to the enforcement of the provisions of this ordinance.

3-1-34: ZONING:

Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms of the Village Zoning regulations.

3-1-35: PENALTY:

Any person violating any provision of this Chapter in addition to the revocation or suspension of license held hereunder shall be fined not more than five hundred dollars (\$500.00) for the first offense; and not more than one thousand dollars (\$1,000.00) for the second and third offenses occurring within a twelve-month period. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. If a liquor license holder violates any provisions of this Chapter on more than three separate occasions during a twelve-month period, the liquor license shall be revoked.

3-1-36: SEPARABILITY:

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

3-1-37: ORDINANCES REPEALED:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3-1-38: ADOPTION OF STATE LAW BY REFERENCE:

Each and every part, provision and section of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, and regulations promulgated thereunder which relate in any manner to the sale at retail of alcoholic liquor, is hereby adopted by reference and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth herein except as otherwise specifically changed or amended in this chapter. Any violation of such applicable and accepted provisions of said Act shall be deemed a violation of this chapter and be subject to the penalties provided herein.

CHAPTER 2

VIDEO GAMING

	SECTION:
Applicability of Provisions.....	3-2-1
Definitions	3-2-2
License	3-2-3
License Applications Requirements.....	3-2-4
Application Filings; Renewals.....	3-2-5
License Fees.....	3-2-6
License Revocation or Suspension.....	3-2-7
Limitation on Number of Video Gaming License.....	3-2-8
Limitation on Number of Video Gaming Terminals on Premises.....	3-2-9
Prohibition	3-2-10
Exceptions	3-2-11
Licensed Establishments.....	3-2-12
Seizure of Unauthorized Gambling Devices and Gambling Funds	3-2-13
Repeal of Conflicting Provisions.....	3-2-14
Severability	3-2-15
Effective Date	3-2-16

3-2-1: APPLICABILITY OF PROVISIONS:

The provisions of this chapter, except as otherwise provided, shall apply to all video gaming as hereinafter defined, whether specifically licensed or regulated under other provisions of this code or other ordinances, or not.

3-2-2: DEFINITIONS:

A. Board: the Illinois Gaming Board.

B. Commercial Motor Vehicles: as defined in Section 18b-101 of the Illinois Vehicle Code, 625 ILCS 5/18b-101.

C. Licensed Establishment: any business licensed by the State of Illinois to have or operate a video gaming device in the Village of Tiskilwa, including any licensed fraternal establishment, licensed veterans establishment, licensed truck stop establishment and licensed large truck stop establishment as those terms are defined in the VGA, 230 ILCS 40/5.

D. Video Gaming Terminal: any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to, video poker, line up and blackjack, as authorized by the Board utilizing a video display and 3 microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.

3-2-3: LICENSE:

A. No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal, as defined herein, at any premises within the Village of Tiskilwa without first having obtained a video gaming license from the Village of Tiskilwa. The license provided for in this Article shall permit a licensee to operate video gaming terminals at the specified establishment.

B. No applicant, including any person, either as owner, lessee, manager, officer or agent, shall be eligible for a video gaming license from the Village of Tiskilwa, nor shall an existing license holder be entitled to maintain a video gaming license, unless each of the following requirements are met and continue to be met:

- 1) The applicant holds the appropriate certificate or license from the State of Illinois permitting video gaming and is in good standing with same;
- 2) The establishment has been in operation at the location for at least 6 months at the time the application is filed;
- 3) The establishment must maintain customer seating outside of the gaming area but within the premises at a ratio of at least three seats for each permitted video gaming terminal;
- 4) The applicant is not in arrears in any tax, fee or bill due to the Village of Tiskilwa or State of Illinois;
- 5) The applicant has completed and complies with all the application requirements set forth in Section 4 of this Article and is not disqualified due to a felony, gambling offense, or crime of moral turpitude; and
- 6) The establishment is located outside of a residential zoning district.

C. A new establishment must meet the requirements of this Section unless the applicant is also a current majority owner of an existing business at another location, that has been in operation for at least 6 months, and the business model for the new establishment is proposed to replicate the existing business location and the applicant can provide satisfactory evidence detailing that in the last 12-month period video gaming net terminal income at the other business location did not exceed 50 % of the gross revenues.

F. The Mayor shall be the approving authority for all licenses. In the event a licensee or prospective licensee disagrees with any action taken by the Mayor, an appeal may be made directly to the Village Board at its next regularly scheduled meeting after written notice of the action from which an appeal is made.

3-2-4: LICENSE APPLICATION REQUIREMENTS:

The license applicant shall provide the following information to the Village of Tiskilwa on a form provided by the Village of Tiskilwa:

- A. The legal name of the establishment;
- B. The business name of the establishment;
- C. The address of the establishment where the video gaming terminals are to be located;
- D. The type of establishment, including whether it is classified as gas station, liquor establishment and supporting documentation demonstrating the classification;
- E. A floor plan, drawn to scale using a computer, detailing the overall layout of the establishment, including the location and count of dining seating, the location and count of video gaming terminals and seating for said terminals, and other significant features of the establishment, including exit locations, restrooms and other equipment. A high-resolution electronic copy of the floor plan as well as a paper printed copy (no smaller than 11 inches by 17 inches) shall be submitted at the time of application; hand-drawn floor plans and floor plans not including a scale will not be accepted;
- F. The amount of time the establishment has been in business under the ownership of the applicant at the location where video gaming is proposed to take place;
- G. The business office address of the establishment is different from the address of the establishment;
- H. In the case of a corporation, limited liability company or trust, the name and address of an agent authorized and designated to accept service on behalf of the licensee;
- I. A phone number for the establishment;
- J. An email address for the establishment;
- K. The name and address of every person owning more than a 5% share of the establishment;
- L. The name, address, phone number and e-mail address of any terminal operator or distributor proposed to own, service or maintain video gaming terminals at the establishment;
- M. A copy of the establishment's State of Illinois video gaming license;

N. In the case of a corporation, limited liability company or partnership, a copy of the establishment's state certificate of good standing;

O. A statement as to the number of video gaming terminals which the establishment proposes to have on its premises [not to exceed six (6) for any establishments];

P. A statement that the establishment is not in arrears in any tax, fee or bill due to the Village of Tiskilwa or State of Illinois;

Q. A statement that the establishment agrees to abide by all state and federal laws and any local ordinance;

R. A statement that no manager or owner with more than 5% interest in the establishment has ever been convicted of a felony, a gambling offense or a crime of moral turpitude. In the event that an establishment cannot provide such a statement, the establishment may apply for a certificate of rehabilitation from the Village of Tiskilwa indicating that the individual who would disqualify the establishment from obtaining the video gaming license has been rehabilitated and is no longer a threat to violate the law. The Village of Tiskilwa may consider the nature of the offense, the length of time since the offense, the length of time since release from custody and other factors to determine if the individual has been rehabilitated such that he or she is no longer likely to commit another offense;

S. If the application is for a new establishment based on the business model of another existing location, information regarding the existing business location must be provided, including the type of business, the gross receipts as compared to any video gaming revenue for the prior 12-month period, proof of the length of time the existing business has been operational and proof of ownership verifying the applicant's ownership rights;

T. For renewal applications, a report or reports showing its gross annual revenue for the previous calendar year by category of revenue generated and showing the percentage of gaming revenue payable to the establishment as compared to the total gross revenues of the establishment.

3-2-5: APPLICATION FILING; RENEWALS:

A. Applications shall be processed by the Village of Tiskilwa Village Clerk on a first come, first served basis. Every application shall be date and time stamped upon filing. An application received in the mail shall be considered filed on the date and time it is opened by the Village of Tiskilwa Office of the Village Clerk's department.

B. Every video gaming license holder shall be required to file a renewal application, which may contain the same or similar information as set forth in Section 4. Renewal applications shall be due on or before April 1 each year, unless that day falls on a holiday, in which case the application may be received by the Clerk on the following business day.

3-2-6: LICENSE FEES:

The fee for operation of a video gaming terminal shall be \$100.00 per terminal annually. The cost of this fee shall be shared equally between the terminal operator and the applicable licensed establishment. The application fee is not subject to reimbursement or refund upon denial of a license. Said fees are not subject to proration or refund and are due prior to issuance of the license. All licenses required by this division shall be prominently displayed next to the video gaming terminal.

3-2-7: LICENSE REVOCATION OR SUSPENSION:

The Mayor, at any time, may notify any licensee under this division within five (5) business days of any charge of a violation of any of the provisions of this Article in connection with the operation of any video gaming terminal. After a hearing presided over by the Mayor, the Mayor may order the revocation of the license upon a finding that the violation has occurred, and the license shall thereupon be terminated. The licensee may appeal the revocation as prescribed in Section 3(F). In the event of the revocation or denial of any license or registration under this Section, such person shall not be issued any license provided for in this Article for one calendar year following the revocation or any appeal thereof.

3-2-8: LIMITATION ON NUMBER OF VIDEO GAMING LICENSES:

There shall be no more than 10 establishments licensed to operate video gaming terminals in the Village of Tiskilwa at any given time.

3-2-9: LIMITATION ON NUMBER OF VIDEO GAMING TERMINALS ON PREMISES:

There shall be no more than six (6) video gaming terminals allowed and permits issued therefore under this Article for each licensee at any one location.

3-2-10: PROHIBITION:

Except as otherwise excepted in this Article, it shall be unlawful for any person to gamble within the corporate limits of the Village of Tiskilwa or for any person or entity which owns, occupies or controls an establishment within the Village of Tiskilwa to knowingly permit others to gamble on the premises.

3-2-11: EXCEPTIONS:

Nothing in this Article shall be deemed to prohibit or make unlawful the following activities or forms of gambling: the keeping, possession, ownership, use or playing of a video gaming terminal in a licensed establishment which is licensed by the Board to conduct or allow such specific activities under the VGA, 230 ILCS 40/1, et seq.

3-2-12: LICENSED ESTABLISHMENTS:

Any business, liquor or food licensee within the corporate limits of the Village of Tiskilwa that allows gambling to occur on premises in violation of this Section shall be subject to having his/her/its license immediately revoked for a period of sixty (60) days. Any business, liquor or food licensee within the corporate limits of the Village of Tiskilwa that allows gambling to occur on premises in violation of this Article a second time shall have his/her/its license permanently revoked and, thereafter, barred from obtaining any business, liquor or food license within the Village of Tiskilwa.

3-2-13: SEIZURE OF UNAUTHORIZED GAMBLING DEVICES AND GAMBLING FUNDS:

Any gambling device which is not authorized by this Article shall be subject to immediate seizure and confiscation by the Village of Tiskilwa. Any money or other thing of value intrinsically related to acts of gambling not authorized by this Article shall be seized and forfeited as contraband. Disposition of such gambling devices and funds seized or confiscated shall be made in accordance with the law.

3-2-14 REPEAL OF CONFLICTING PROVISIONS:

All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

3-2-15 SEVERABILITY:

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

3-2-16 EFFECTIVE DATE:

Any establishment with any gambling device on its premises must become compliant within 6 months of the effective date. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4. (Adopted 11-14-2023)