

SCANNED

ATTY: *Lyle*

DATE / CLIENT

*170810 Village of*

DIRECTORY/DESCR:

*Rakota - adopted  
Signed Liquor*

*Ordinance - 07.18.17*

VILLAGE OF DAKOTA

ORDINANCE NO. \_\_\_\_\_

BE IT ORDAINED by the President and the Village Board of Trustees of the Village of Dakota, Stephenson County, Illinois, as follows:

Section One. Title 3 Chapter 1 of Village Code titled Liquor Control Regulations is amended to read as follows:

3-1-1 DEFINITIONS.

~~3-1-1: DEFINITIONS: — Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:~~

ALCOHOLIC  
LIQUOR: \_\_\_\_\_

~~Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (.5%) of alcohol by volume, which is fit for beverage purposes.~~

BEER:

~~A beverage obtained by alcoholic fermentation of an infusion or decoction of barley, or other grain, salt and hops in water, and includes among other things beer, ale, stout, lager beer, porter and the like.~~

All definitions contained in the "Liquor Control Act" of the State (235 ILCS 5/1-1 et seq., as amended) are hereby incorporated herein by reference, as if set forth at length herein, and shall be fully binding on this chapter except only insofar as the same are clearly in conflict with the provisions of this chapter.

In addition to the definitions provided in such Act, the following words and phrases shall be defined as follows, unless the context requires otherwise:

(a) "Change of form of ownership" means a change from individual ownership to corporate or limited liability company ownership, partnership to corporate ownership or limited liability company, or corporate ownership or limited liability company to partnership or individual ownership, where the principals involved in the change are the same.

(b) "Club" means a corporation organized under the laws of the State for charitable, educational, recreational or other not-for-profit purposes, or any other association which excludes the general public from its premises or place of meeting, providing service and use only for its members and guests, and owning, hiring or leasing a building, or space in a building, suitable and adequate for the reasonable and comfortable use and

accommodation of its members and guests, provided that at all times such club maintains at such club building or space an accurate and current list of all members, with addresses, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members and that no person is paid or receives, in salary or other compensation, any profits from the distribution or sale of alcoholic liquor of the club beyond such compensation as may be fixed by the members, board of directors or other governing body.

(c) "Licensed premises" means the premises described and identified in the particular application for license, being one business unit consisting of a room, rooms or a building under the control and jurisdiction of a licensee, by ownership or lease, not leased to another and being no more extensive than the premises in which the business of the licensee is actually conducted, except as otherwise provided in Section 3-1-3(c). Except as approved by the Liquor Commission for specific premises, "licensed premises" excludes any outside areas such as patios, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots and similar outside areas. The term "licensed premises" shall not include drive-up or drive-through windows.

(d) "Meals" means salads, sandwiches, pizza and dinners containing pasta, fish, meat and poultry, together with similar foods prepared or cooked on the premises and ordered by patrons from a menu for consumption on the premises. "Meals" shall not include popcorn, potato chips, pretzels, peanuts, relishes, hors d'oeuvres and similar foods ordinarily consumed as snacks.

(e) "Person" includes individuals, partnerships, firms, associations, clubs and corporations.

(f) "Prohibited hours" means the hours during no alcoholic trade shall be carried on and no alcoholic liquor shall be sold or consumed on the licensed premises. All hours other than those in which sales of alcoholic liquor are expressly permitted are "Prohibited hours"

(g) "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, and 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 food for its guests. Any applicant operating a restaurant shall present proof of compliance with State and County sanitation and public health rules and regulations at the time of filing an initial application and any subsequent license renewal application.

(h) "Partnership" means an association of 2 or more persons to carry on as co-owners a business for profit formed under Section 202 of the Illinois Partnership Act (1997), predecessor law, or comparable law of another jurisdiction and includes Limited Partnerships and Limited Liability Partnerships.

~~3-1-2—SALE OF LIQUOR PROHIBITED: It shall be unlawful to sell or offer for sale in the Village any alcoholic liquor.~~

LICENSES GENERALLY.

(a) Required. No person shall sell, keep, offer or expose for sale, or furnish any alcoholic liquor for beverage purposes for sale at retail, within the corporate limits of the Village, without being first licensed to do so by the Village.

(b) Issuance; Duration. A license shall be purely a personal privilege, issued only in the name of the owner of the business conducted upon the licensed premises, valid for not to exceed one year after issuance, unless sooner revoked, and shall not be alienable or transferable, voluntarily or involuntarily, except as provided in this chapter. Such license shall permit the sale of alcoholic liquors only in the premises described in the application for the license. A license shall be issued to one individual, corporation, limited liability company or club only, except in the case of a bona fide partnership as demonstrated by proof satisfactory to the Liquor Commission.

(c) Records. The Liquor Commissioner shall keep a complete record of all licenses issued, surrendered, canceled, transferred, changed as to location, revoked or suspended, shall furnish the Village Clerk and the Chief of Police with a copy thereof, and shall notify, in writing, each of such officers of any changes in status within forty-eight (48) hours of such action. No correspondence shall be issued except under the signature of the Liquor Commissioner and/or upon a majority vote of the Liquor Commission.

(d) Disposition of Fees. All fees received for the payment of licenses under this chapter shall be deposited in the General Corporate Fund of the Village.

3-1-3 CLASSIFICATION OF LICENSES.

Licenses required by this chapter are hereby divided into the following classes:

(a) Class A Licenses. Class A Licenses shall authorize the sale of alcoholic liquor at retail for consumption on the premises by a restaurant during times when, or within one hour after times when, food is dispensed for consumption on the premises, and for consumption off the premises in original unopened packages. No more than one license of this classification may be in effect at any time.

(b) Class B Licenses. Class B Licenses shall authorize the sale by automobile gasoline establishments of alcoholic liquor in original packages only for consumption off the premises.



(c) Temporary Licenses.

(1) Class T-1, which shall authorize a temporary license, pursuant to conditions hereinafter set forth, for sale of beer or wine by a not-for-profit corporation organized and operating under the laws of the State for charitable, civic or educational purposes and having its principal place of operation within the Village. This License shall not authorize the retail sale of beer or wine in the original package for consumption off the licensed premises.

(2) Class T-2, which shall authorize a temporary license, pursuant to condition hereinafter set forth, as a supplemental license to a holder of a Class A License thereunder. A Class T-2 License may be issued for consumption of beer or wine at catered functions or special events held at a location other than the premises designated in the Class A License. This License shall not authorize the retail sale of beer or wine in the original package for consumption off the licensed premises.

Under subsection (1) and (2) above, no temporary license shall be issued for a period exceeding three (3) consecutive calendar days. No applicant shall receive more than three (3) temporary licenses per calendar year. Unless the Liquor Commission determines that other provisions are necessary to protect the public health and safety, all temporary licenses shall be subject to the provisions of this Chapter.

All applications for a temporary license shall be filed with the Village Clerk's office at least thirty (30) days prior to the date for the special event and shall be made in accordance with the provisions of this Chapter.

An applicant for a temporary license shall provide the following additional information:

A. The location for which the license is sought;

B. A copy of the written, signed lease or rental agreement or other written authority for use of the location if the applicant is not the owner of said location;

C. A statement setting forth the purpose for the issuance of said temporary license;

D. A statement setting forth the applicant's arrangements for crowd control;

E. A certificate of insurance showing evidence of dram shop and liability insurance coverage;

F. A request for a specific time and date for the term of said temporary licenses: and  
G. Proof of issuance of a valid retail liquor license for the licensed premises by  
the State Liquor Control Commission

(d) Supplemental License for Outdoor Sales

Holders in good standing of a Class A License issued pursuant to this Chapter 1 of Title 3 of the Village Code (herein referred to as the "Primary License") may be eligible for a Supplemental License authorizing outdoor sales of alcoholic liquors according to the provisions of in this Section, pursuant to approval by the Commission and payment of the requisite fee as from time to time established.

(i) General Provisions.

(A) Application for any Supplemental License shall be made to the Village Clerk, on forms provided for such purpose, and may be made at any time. The grant of a Supplemental License shall be at the discretion of the Liquor Commission, pursuant to the same procedures applicable to the issuance of a Primary License. A Supplemental License shall renew with, and according to the same process as, the Primary License.

(B) The award of any Supplemental License shall be indicated by an endorsement on the face of the Primary License.

(C) The award of any Supplemental License shall not affect the types of alcoholic liquor allowed to be sold at retail by any licensee pursuant to the Primary License.

(D) If a Supplemental License is awarded by the Liquor Commission under this subsection, the licensed premises of the licensee shall be deemed expanded to include the area in which outdoor sales have been approved while such area is in fact in use. The grant of a Supplemental License under this Section shall be deemed an express approval of the expansion of the Licensed Premises by the Liquor Commission as contemplated by 3-1-1 (c) of the Village Code

(ii) Outdoor Sales Requirements.

In addition to the standard requirements for issuance and maintenance of a license hereunder, a licensee under a supplemental outdoor sales license shall further be required to comply at all times with the following provisions:

(A) The area in which outdoor sales or service are to occur must be contiguous to, and accessible from, the building which is the licensed premises for purposes of the Primary License. Said building shall be referred to herein as the "primary structure".

(B) Access to the area in which outdoor sales or service occur shall either be

(1) Exclusively by means of passing through the primary structure: or

(2) Through an access point which is within an unobstructed line of sight from the area in which outdoor sales of alcoholic liquor are occurring

(C) The area in which outdoor sales or service are to occur must be delineated by a clear and unambiguous physical barrier in a form approved by the Liquor Commission. If said barrier is to be of a temporary or semi-permanent nature, the barrier shall be in place and intact at all times when outdoor sales are occurring.

(D) No outdoor sales or service of alcoholic liquor shall be allowed after 10:00 p.m. on any Sunday through Thursday, inclusive, or after 11:00 p.m. on any Friday or Saturday.

(E) No outdoor sales of packaged goods shall be allowed.

(F) Temporary structures such as freestanding tents or sunshades may be utilized in connection with outdoor sales or service, but no such temporary structure shall be allowed to be erected for more than twenty one (21) days in any ninety (90) day period.

(iii) Any violations of the requirements set forth in this section with respect to a Supplemental License shall be deemed a violation of the Primary License for all purposes of this chapter.

(iv) Nothing contained herein, nor any approval granted by the Liquor Commission pursuant to this section shall be deemed to relieve any person of its obligation to comply with all relevant zoning and building codes applicable to a location or structure.

#### 3-1-4 FEES FOR LICENSES.

(a) Fees for the various classifications of licenses as provided in this Chapter shall be as

provided in the Section. Licensees shall pay their Annual License Fees in advance to the Village Clerk at the same time as the Licensee files his/her/its Application for License or renewal thereof. The Village Treasurer shall refund the Annual License Fee to the Applicant if the Village denies the issuance or renewal of the License.

(b) The Annual License Fee to be paid by the Applicant or Licensee to the Village as provided above in the following amounts shall be as follows:

- (1) Class A License in the amount of One Thousand Dollars (\$1,000.00);
- (2) Class B License in the amount of One Thousand Dollars (\$1,000.00);
- (3) Supplemental Outdoor Sales License in the amount of One Hundred Fifty Dollars (\$150.00);
- ~~(3)~~ (4) Class T-1 License in the amount of Fifty Dollars (\$50.00); and
- ~~(9)~~(5) Class T-2 License in the amount of Twenty-Five Dollars (\$25.00);

**Section 4.** In all other respects, and except as expressly indicated above, the remaining text of any Chapter or Section referenced herein shall remain unchanged.

**Section 5.** This Ordinance shall be effective upon its passage by the Village Board, its approval by the Village President, and its publication as provided by law.

**Section 6.** This ordinance is expressly adopted pursuant to the Regulatory Authority granted to the Village of Dakota by the Illinois Municipal Code, the Illinois Liquor Control Act, and other applicable statutes.

**Section 7.** All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

**Section 8.** If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this Village Board hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.



3-1-5 DEPOSITS FOR LICENSES:

Prior to the issuance of a Class A License, the applicant shall deposit Seven Thousand Five Hundred Dollars (\$7,500.00) with the Village Clerk or his or her designee. Prior to the issuance of a Class B License, the applicant shall deposit Seven Thousand Five Hundred Dollars (\$7,500.00) with the Village Clerk or his or her designee. The amounts of such deposits shall NOT be credited towards the payment of the Annual Fee as may be required by the Village Board under this Chapter. Such deposits shall be placed in the General Corporate Fund of the Village and are nonrefundable, provided that if the license is issued pursuant to a transfer authorized by Section 3-1-10, the deposit shall not be required.

3-1-6 PERSONS INELIGIBLE FOR LICENSES:

No license of any class shall be issued to, or renewed for:

- (a) A person who is not a resident of Stephenson County;
- (b) A person who is not a citizen of the United States;

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

(d) A person who has been convicted of a felony under the laws of any state;

(e) A person who has been convicted of any crime or misdemeanor opposed to decency or morality;

(f) A person whose license has been revoked for cause;

(g) A partnership, if any general partner thereof, or any limited partner thereof owning more than 5% of the aggregate limited partner interest in such partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(h) A corporation or limited liability company, if any officer, manager or director thereof, or stockholder or stockholders or member or members owning in the aggregate more than five percent of the stock of such corporation, are unqualified under the provisions of this Article and Chapter for any reason other than citizenship and residence.

(i) 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;

(j) A club where any person eligible for election or to act as an officer, director, stockholder or stockholders owning in the aggregate more than 5% of the stock of such club, owner or manager has been convicted of any felony or of violating any of the gambling or prohibitory laws of any state or of the United States, or convicted of violation of any gambling or prohibitory liquor ordinances of any unit of local government in the State;

(k) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required for holding a license;

(l) A person who has been convicted of a violation of any Federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited his or her bond to appear, in court to answer charges for any such violation;

(m) A person who does not beneficially own the premises for which a license is sought, or does not have a written lease thereon for the full period for which the license is to be issued; and



(n) Any law enforcing public official, including any member of the Police Department, the Village President, any Village Trustee, or any officer of the Village. None of these officials shall be interested in any way, either directly or indirectly, in the sale or distribution of alcoholic liquor.

(o) A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.

### 3-1-7 APPLICATION FOR ISSUANCE OR RENEWAL OF LICENSES.

(a) Application for the issuance or renewal of a license shall be made to the Liquor Commission, upon forms furnished for said purpose, and shall be filed with the Village Clerk. Such application shall be accompanied by the executed bond or certificate of insurance as hereinafter required. The applicant shall deposit a certified or cashier's check of a bank, or a postal money order or cash for the full amount of the annual license fee pursuant to Section 3-1-4. Upon receipt of the application, the Village Clerk shall forward the same and all accompanying documents to the Village Attorney for determination of completeness, deficiency or compliance with subsection (d) hereunder. In order to provide the Village's Liquor Commission with an adequate and full opportunity for investigation and consideration of the application, no new liquor license shall be issued until at least thirty days after the receipt by the Village Attorney's office of the application, unless the Liquor Commission has completed its investigation and consideration of the application and has voted to issue the new liquor license.

(b) At the time of filing any application for issuance or renewal of a license, the applicant, if a corporation, limited liability company or a partnership, shall file with the Village Clerk a current copy of its Articles of Incorporation, Articles of Organization and Operating Agreement, or its Agreement or Articles of Partnership, respectively. A corporate or limited liability company license holder shall annually file, as part of its application for renewal of its license, proof of good standing to conduct business in the State as issued by the office of the Secretary of State. Each license holder shall file any amendments to its Articles of Incorporation, Articles of Organization, or its Agreement or Articles of Partnership, whichever the case may be, with the office of the Village Clerk within ten days of the effective date of such amendments or changes. A club requesting the issuance or renewal of a license shall also file with the office of the Village Clerk, at the time it makes application for a license issuance or transfer, a current copy of its bylaws and shall timely file with the Village Clerk any amendments or changes in such bylaws within ten (10) days of the effective date of such amendments or changes. As used in this section, "amendments" shall include additions, deletions or any other type of change. The applicant's failure to file any of the above-named documents at the time of making such applications to the Village shall render the



applications incomplete, and the applications shall be totally null and void, unless in accordance with subsection (d) hereof.

(c) If an applicant is a partnership, then it shall also file by May 1 of each year with the Village Clerk a true and accurate copy of its signed Federal partnership income tax return for that year. If a partnership applicant does not maintain a written Agreement or Articles of Partnership, then it shall file any document establishing the existence and conditions of the partnership in lieu of the above-mentioned Agreement or Articles. The Liquor Commissioner may require each member of the partnership applicants to appear before the Liquor Commission to render sworn testimony concerning the terms and conditions of the partnership.

(d) If an applicant is unable to provide all information required under this section, such applicant may make application to the Liquor Commission for a temporary license to be valid for a period of sixty (60) days. In order to grant such a temporary license, the Liquor Commission must make a determination that the information is forthcoming and there is good cause for failing to provide the same. Application for a temporary license under this subsection shall be made in writing to the Village Attorney setting forth the nature of the information not provided, the anticipated date of compliance and cause for the same.

(e) All information required for issuance or renewal of a license under this Chapter shall be considered part of the terms of and material to the granting of the license and shall remain current throughout the period of the license. Should any of the information required under this Chapter change after the time the application for license or renewal is submitted or after the same is approved, the applicant is required to receive approval of same from the Liquor Commission prior to the effective date of the change, unless another time frame is provided herein. Should the applicant fail to keep in effect any requirement hereunder, specifically, but not limited to dram shop insurance, or should the applicant change any of the terms of the application without approval, it shall be considered a violation of this Chapter.

### 3-1-8 PROOF OF LIABILITY INSURANCE.

Each application for issuance or renewal of a license shall be accompanied by a certificate of insurance showing evidence of insurance against liability under the provisions of the Illinois Dram Shop Act, 235 ILCS 5/6-21.

### 3-1-9 PAYMENT OF LICENSE FEES; EFFECTIVE PERIOD OF LICENSES.

All license fees shall be payable to the Village Clerk or his or her designee in full no later than May 1 of each year. All licenses shall expire on the April 30th next after the date of issue. For new licenses issued between November 1st in any year and April 30th in the immediately following year, the fee for the remainder of the annual period shall be one-half (½) the annual fee. For new licenses issued between



May 1 and October 31st in any year, the full annual fee shall be payable. The Village Clerk shall keep a record of current license fees in effect. Should an applicant be granted a temporary license under Section 9-203(d), and subsequently not be granted a license, no fees shall be returned to the applicant.

### 3-1-10 TRANSFER OF LICENSES.

(a) Nontransferability. Except as provided herein, no license shall be transferable by any licensee to any other person, firm or corporation or limited liability company. Licenses shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that the personal representative of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, may continue the business of the sale of alcoholic liquors under the order of an appropriate court and may exercise the privileges of the deceased, insolvent or bankrupt licensee after the death, insolvency or bankruptcy of such licensee, until the expiration of the license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

(b) Change in Interest; Corporate Structure.

(1) Nothing shall prohibit the transfer of a license by an individual or partnership licensee to a corporation or limited liability company formed by the licensee, or partners of the partnership, provided that the ownership of the stock or membership interest, including all voting rights thereunder in the corporation or limited liability company, are held by the same persons in the same proportion as was held by the individual or partnership prior to such transfer, and provided that, after formation of the corporation, the corporation shall comply with all of the provisions regarding licenses.

Upon such transfer under a newly formed corporate or limited liability company structure, the Liquor Commission may transfer such license, but not the fee paid, to the transferee of the business for the unexpired period of the original license, provided, however, that such transferee shall first file an application and bond in the same manner as for a new license, and shall pay the license fee for the full year, or half year, as the case may be, in cash or its equivalent, as provided in this chapter. No such license shall be transferred until after the expiration of thirty days from the receipt by the Village Clerk's office of the application for transfer, unless the Liquor Commission has completed its investigation and consideration of the application and has voted to permit the transfer of the liquor license.

(2) Any of the following events shall be deemed an attempt to transfer a license, and the license shall be void following that event:

A. In the case of a partnership, the sale or transfer of more than fifty percent of the partnership interest to another person, firm or corporation;

B. In the case of a corporation, the sale or transfer of more than fifty percent (50%) of the voting stock or voting rights of said corporation to any other person, firm or corporation;

C. In the case of a corporation owned or controlled by a holding company, the sale or transfer of more than fifty percent (50%) of the voting stock or voting rights of the holding company to any other person, firm or corporation.

(3) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, such license shall terminate effective on the date of such change.

(4) When a license has been issued to a corporation and a change takes place in the officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of office, or such shares by one who is not eligible for a license, such license shall terminate effective on the date of such change.

### 3-1-11 REVOCATION OR SUSPENSION OF LICENSES.

In addition to the penalty provided in Section 3-1-99, any license may be revoked or suspended for cause by the Liquor Commission, after notice in writing served either by certified mail, return receipt requested, by personal service or by posting a notice on the licensed premises, and after formal hearing. A license may be suspended or revoked for any of the following reasons:

(a) A violation of any provision of this Chapter or Title 3 Chapter 1.1;

(b) Indebtedness to the Village for any reason;

(c) Conviction for a violation of the criminal laws of any state, other than minor traffic offenses, or forfeiture of a bond in connection therewith;

(d) Misstatement or withholding of material information in an application for a license or in connection with the transfer of a license;

(e) A violation of any laws of the United States relating to the sale of alcoholic liquor, or any of the provisions of the Illinois Liquor Control Act, or any ordinance enacted by the Village Board of Trustees, including this Chapter, or any applicable rules and regulations adopted by the local Liquor Commission or by the State Liquor Commission; or

(f) Revocation or suspension of the license of the licensee by the State Liquor Commission.

### 3-1-12 APPEALS.



(a) Appeals from an order or action of the Liquor Commission may be taken as provided by law. Any appeal to the State Liquor Control Commission shall be limited to a review of the official record of the proceedings of the Village Liquor Commission. Within five (5) days after the filing with the Liquor Commission of a notice of appeal, the appellant shall procure, at his or her own expense, a certified official record of the proceedings, taken and prepared by a certified shorthand reporter, and file the same with the Liquor Commission. No new or additional evidence shall be included. The Liquor Commission shall timely file the official record with the State Liquor Control Commission.

(b) It shall be the duty of the Village Attorney, or independent counsel retained by the Village, to attend all appeals from the Liquor Commission. The Liquor Commission shall have the power to make all necessary rules and regulations governing the hearings before the Liquor Commission.

### 3-1-13 SANITARY CONDITIONS OF LICENSED PREMISES.

All licensed premises shall be kept in a clean, ventilated and sanitary condition, and shall be kept in full compliance with the ordinance and statute regulating the condition of premises used for the storage or sale of food for human consumption. Any applicant operating a restaurant shall present proof of compliance with State and County sanitation and public health rules and regulations at the time of filing an initial application and any subsequent license renewal application, and shall operate at all times in compliance with said rules and regulations.

### 3-1-99 PENALTY.

Any person violating any of the provisions of this Chapter shall be fined not more than five hundred dollars (\$500.00). The levy or payment of any penalty herein provided shall not be deemed a waiver of the power of the Liquor Commission to revoke or suspend any license. Each day any offense continues shall be deemed a separate offense.

Section Two. Title 3 Chapter 1.1 of Village Code is hereby enacted as follows:

#### Chapter 1.1

#### Alcoholic Liquor Offenses

#### 3-1.1-3 DEFINITIONS; CLASSIFICATION OF LICENSES.

Unless the context otherwise requires, words and phrases used in this Chapter shall be defined as provided in Section 3-1-1 of Title 3, Chapter 1, and classification of licenses shall be as provided in Section 3-1-3 of Title 3, Chapter 1.

3-1.1-2 OFFENSES BY LICENSEES.

No licensee under the provisions of this Chapter shall, either individually or through his or her agents or employees:

(a) Sell or possess for sale any package containing alcoholic liquor unless the same shall have affixed thereto all canceled revenue stamps which may be required by State or Federal law;

(b) Sell alcoholic liquor during prohibited hours;

(c) Permit any gambling on the premises except as authorized by the Video Gaming Act (230 ILCS 40/1 et seq.);

(d) Permit any intoxicated person to loiter on the licensed premises, or permit any conduct which shall tend to disturb the peace or quiet of the neighborhood or the premises;

(e) Serve or permit any person to consume any alcoholic liquor in any curtained booth or enclosure;

(f) Make sales of alcoholic liquor in excess of or contrary to the powers granted in the license for the premises, in violation of the Liquor Control Act of the State, or in violation of any other statute of the State;

(g) Serve any alcoholic beverage to any person for consumption on the streets of the Village, or in or upon any other public place in the Village, or to any persons in motor vehicles on such streets;

(h) Permit any person to consume any alcoholic liquor on the licensed premises unless such alcoholic liquor has been purchased on the premises;

(i) Sell alcoholic liquor to any person under the age of twenty-one (21) years;

(j) Sell alcoholic liquor to any intoxicated person;

(k) Employ or permit any person under the age of twenty-one (21) years to draw, pour or mix alcoholic liquor, however persons of 15, 16, 17, 18, 19, and 20 years of age may be employed by the license holder or by an independent contractors called by the license holder or his/her designee for purposes other than drawing, pouring, mixing, selling, stocking or serving alcoholic liquor, including but not limited to employees of independent contractors only for the purpose of servicing the mechanical or other equipment located on the premises or making deliveries to the premises; also provided that persons of 18, 19, and 20 years of age may deliver alcoholic beverages opened, drawn, poured or mixed by another to customers on the licensed premises;



(l) Have in his or her possession, or have registered in his or her name, a Federal Wagering Stamp or Stamps, as provided by the Revenue Acts of the United States of America;

(m) Fail to extinguish the lighting of any electric or neon sign which advertises any alcoholic liquor during prohibited hours;

(n) Prevent or refuse the inspection of the licensed premises by the Liquor Commissioner, or his or her designated agent, or any police officer of the Village, without a search warrant, at any time, for the purpose of enforcing this chapter.

(o) Permit any person to carry an alcoholic beverage in an open container from the licensed premises onto public property or private property other than the licensed premises.

(p) Employ or permit any person under the age of twenty-one (21) years to sell or serve alcoholic liquor except as provided in this subsection (k) of this section.

(q) Permit any person serving or selling alcoholic liquor at the licensed premises to be visibly impaired from then ingestion of alcohol or illegal drugs or intoxicated on the licensed premises while on duty.

#### 3-1.1-3 OFFENSES BY EMPLOYEES OF LICENSEES.

It shall be unlawful for any bartender, agent or employee of a licensee to commit any of the acts prohibited in Section 3-1.1-2 of this Chapter.

#### 3-1.1-4 POSSESSION OR CONSUMPTION IN PUBLIC PLACES.

It shall be unlawful for any person to carry or possess any alcoholic beverage, other than in the original package and with the seal unbroken, or to consume any alcoholic beverage upon any public street in the Village, or in or upon any other public place in the Village.

#### 3-1.1-5 CONSUMPTION ON LICENSED PREMISES.

It shall be unlawful for any person to consume any alcoholic liquor on any licensed premises unless such alcoholic liquor has been purchased from the licensee.

# **Village of Dakota**

**PO Box 162, Dakota, IL 61018**

**(815) 449-2218**

**villageofdakota@outlook.com**

June 23, 2021

To whom it may concern,

This letter is to service as notice of a Village of Dakota ordinance amendment that occurred on June 3, 2019; whereas the Village Board approved the motion to allow the Route 75 Bar & Grill to start pourable/serving liquor sales on Sundays at 7:00am CT. Questions surrounding this change can be directed to myself, Timothy Wilson, Village Clerk.

Sincerely,

Timothy J. Wilson  
Clerk  
Village of Dakota

**VILLAGE OF DAKOTA**  
**Meeting Minutes 6/3/19**

Board Member		Board Member	
Jason Knox – Village President	X	Chris Kruger	X
Laura Bremmer	X	Brian Reifschneider	X
Eric Liner	X	Alisha Liner	X
Maggie Geiseman	X	Doug Banks	X
Staff		Guests	
Shirley Knox - Treasurer		Nick Arps - McMahon and Associates	X
Tim Wilson - Clerk	X	Dan Peppin - Community Funding Services	X
Brad Clark – Water/Sewer		Jeff Kinney – The Volunteer	
Ted Jaeger – General Labor		Jim Yeoman - Citizen	X
Brian Geiseman – General Labor		Rte. 75 Bar And Grill - Doug	X
Kyle Toelke – General Labor			
Jason Buss – General Labor			
Chris Riem – General Labor			

Session Called to Order: 7:10pm		
Consent Agenda	Notes	Action Taken
<ul style="list-style-type: none"> <li>Financials/Bills</li> <li>Minutes</li> <li>Treasurer's Report</li> </ul>	Brian R. 1 <sup>st</sup> , Eric L. 2 <sup>nd</sup> Maggie G. 1 <sup>st</sup> , Alisha L. 2 <sup>nd</sup> Eric L. 1 <sup>st</sup> , Brian R. 2 <sup>nd</sup>	Motion Carried Motion Carried Motion Carried

Topic	Notes	Action Taken
Oath of Office	Doug Banks	
Water Billing Jason K.	Board discussed late payments and those making efforts to pay.	Shared with Board
Abandoned Home Jim Yeoman	Presented concerns with an abandoned home in the Village limits. Discussed various wildlife coming into and out of the home, as well as, leaves that have piled up over the years. Concerns with public safety were expressed.	Shared with Board
Rte. 75 Bar & Grill Doug	Requested permission from the Board to begin serving alcohol earlier on Sundays. Doug expressed a desire to begin serving breakfast during this time frame. Doug requested the pourable/serving ordinance be changed to allow for a serving start of 7:00am. Motion made to adjust pourable/serving liquor ordinance to allow for the start liquor sales to 7:00am on Sundays: Brian R. 1 <sup>st</sup> , Eric L. 2 <sup>nd</sup>	Motion Carried
Community Funding (water tower) Dan Peppin	Presented a draw fund request for water tower project. Discussed the checks that would need to be paid out. Discussed setting up separate bank accounts to handle the payment process. Distributed payment identification paperwork. Motion made to approve draw request #1: Maggie G. 1 <sup>st</sup> , Laura B. 2 <sup>nd</sup>	Motion Carried
McMahon and Associates Nick Arps	Water tower project – tree removal needs to be added to change order recommendation. Recommendation for change order #1 \$573.00	Shared with Board
	Water tower manufacturer – Request for new boring to be done as original location has changed. McMahon Engineering to get pricing together for July 8 <sup>th</sup> meeting.	Shared with Board
	Motor Fuel Tax repairs in the amount of \$119,000 were forecasted by McMahon Engineers. Items of notation: State does not require public advertisement of work to be done. State does require an 8 day hold period once work has been agreed upon and announced.	Shared with Board
Copier Jason K	Discussed needing to replace the Village's copier. Office Solutions has provided a quote: \$700 for a refurbished model and \$1995 for a new model. No warranty provided by Office solutions for either. Board to research and come back with additional options in July.	Board Consensus
Committees Jason K	Discussed wanting to re-organize committees within the Village Board. The committees discussed: Road & Sidewalks, Trees, Parks & Events, Ordinances & Safety	Board Consensus



3-1.1-6 PERMITTED HOURS OF SALES.

(a) For holders of all liquor licenses alcoholic liquor sales are permitted only during the following hours: 7:00 a.m. to 1:00 a.m. of the following day, Monday through Saturday, inclusive; and between 12:00 p.m. and 10:00 p.m. on Sunday.

(b) Notwithstanding any of the provisions of this section, all license holders may be open for the retail sale of alcoholic liquors until 2:00 a.m. January 1 of each calendar year.

(c) All times specified herein shall be determined in accordance with the prevailing time under laws of the State.

3-1.1-7 PURCHASE BY INTOXICATED OR UNDERAGE PERSONS.

It shall be unlawful for any person under the age of twenty-one years to purchase any alcoholic liquor. It shall be unlawful for any intoxicated person to purchase alcoholic liquor. It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age or for any other person to misrepresent the age of such person who is under the age of twenty-one (21) years for the purpose of inducing any licensee, agent or employee to sell or give any person under the age of twenty-one (21) years any alcoholic liquor. Each licensee shall display in a prominent place in the licensed premises a card or sign warning persons under the age of twenty-one (21) years of penalties for violations of any of the provisions of this section.

3-1.1-8 PURCHASE FOR PERSONS UNDER MINIMUM AGE.

It shall be unlawful for any person to purchase for, offer to purchase for, sell, offer to sell, dispense or give away any alcoholic liquor to any person under the age of twenty-one (21) years.

3-1.1-9 POSSESSION BY PERSON UNDER MINIMUM AGE.

Except as provided to the contrary by local ordinance, state statute or by Federal law, it shall be unlawful for any person under the age of twenty-one (21) years to have in his or her possession any alcoholic liquor.



3-1.1-10 CONSUMPTION BY PERSONS UNDER MINIMUM AGE.

It shall be unlawful for any person under the age of twenty-one (21) years to consume any alcoholic liquor, except as may be permitted by Federal or Illinois law.

3-1.1-11 REVOCATION OR SUSPENSION OF LICENSES.

In addition to the penalty provided in Section 3-1.1-99, any license issued to any person under Title 3 Chapter 1 may be revoked or suspended, as provided in Section 3-1-11 of Title 3 Chapter 1, if such person is convicted of or pleads guilty to a violation of any of the provisions of this Chapter.

3-1.1-12 CONFLICTS WITH PROVISIONS RELATING TO ALCOHOLIC LIQUOR.

Whenever a provision of Chapter 1 or Article 1.1 of this Title 3, conflicts with a provision of any other provision of the Village's Codified Ordinances, the provision of Chapter 1 or Chapter 1.1 of this Title 3 shall control.

3-1.1-99 PENALTY.

Any person violating any of the provisions of this Chapter 1.1 shall be fined not more than five hundred dollars (\$500.00). The levy or payment of any penalty herein provided for shall not be deemed a waiver of the power of the Liquor Commission to revoke or suspend any license. Each day any offense continues shall be deemed a separate offense.

Section Three. Title 2 Chapter 2 of Village Code is hereby enacted as follows:

Chapter 2

Liquor Commission

2-2-1 ESTABLISHMENT; MEMBERSHIP; DUTIES.

(a) There is hereby established a Liquor Commission, which shall consist of four members, who shall be residents of the Village, to be appointed by the Village President. The Village President or his or her designee, acting as Liquor Commissioner, shall also serve as a member and as Chair of the Liquor Commission. Each member shall serve a four (4) year term, or until a successor is appointed and qualified.

(b) The Liquor Commission shall have the following powers and duties:

(1) Licenses in general. To grant, to suspend and to revoke for cause all licenses issued under Title 3, Chapter 1 of the Village's Codified Ordinances for premises within its jurisdiction;

(2) Suspension and revocation of licenses. To hear violations Title 3 Chapter 1 and Title 3 Chapter 1.1, and any other provision of the Village's Codified Ordinances which is either specifically or generally applicable to the sales of alcoholic liquors, and to suspend or revoke the license of any licensee for any violations of said chapters;

(3) Examination of applicants. 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 hearing has been served, and to hear testimony and take proof for its information in the performance of its duties;

(4) Rules and regulations. To establish, promulgate, amend, repeal and enforce such reasonable rules and regulations, relating to the administration and enforcement of the provisions of this chapter, as it deems advisable; and

(5) Exercise of powers granted under State law. To exercise all powers, functions and duties which now or hereafter may be granted by the Illinois Liquor Control Act or by Village ordinance.

(c) Except as may otherwise be provided by ordinance, the fiscal responsibility of the Commission is of an advisory nature only, and the Commission shall not have authority to authorize the expenditure of public funds.

2-2-2 ANNUAL REPORTS TO BOARD OF TRUSTEES; RECORDS; COMPENSATION.

The Liquor Commission shall make a written report to Board of Trustees in July of each year of facts and doings for the preceding Village fiscal year, and shall keep a written record of its meetings wherein action is taken in regard to the issuance or revocation of any liquor license. The Village President, Village Trustees and other officers of the Village shall have access to such records for inspection at all reasonable times.

The members of the Liquor Commission shall serve without compensation, but may be reimbursed for reasonable expenses in performing their duties as members of the Liquor Commission.

9-403 DUTIES OF VILLAGE CLERK.

The Village Clerk shall receive all license applications and issue all licenses when directed to do so by the Liquor Commission, and perform such other duties and functions as are assigned to him or her by Village ordinance.

ADOPTED this 18 day of July, 2017.

AYES: 5

NAYS:       

ABSENT: 1

PASSED AND APPROVED the 18 day of July       , 2017.

*Village President - Jason Kny*