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## **CHAPTER 4: LIQUOR CONTROL**

### **ARTICLE I: IN GENERAL**

#### **Sec. 4.01 Definitions.**

The definitions contained in the Illinois Liquor Control Act, 235 ILCS 5/1-3, are hereby adopted and applied to this Chapter. In addition, unless the context otherwise indicates, the following definitions are applied to terms used in this Chapter:

**ALCOHOLIC LIQUOR:** Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

**APPLICANT:** An individual, copartnership, member, officer, manager, director, or stockholder owning more than 5% of the stock of a corporation or LLC seeking a local liquor license or renewal thereof.

**ARTS AND CRAFTS STUDIO:** A place kept, used, maintained, advertised, or held out to the public as a place in which the public may participate in activities that include painting, ceramics, woodworking, and craft design and construction projects using fibers, metals, wood or glass.

**BANQUET HALL:** A place of business which is opened only for specific events and consists of not less than fifteen thousand (15,000) square feet of occupancy space.

**CATERING FACILITY:** A place of business which is opened only for specific events and consists of not less than fifteen thousand (15,000) square feet of occupancy space.

**CATERER RETAILER:** A person who serves alcoholic liquors for consumption, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service.

**CONVENIENCE STORE:** An establishment offering for retail sale, prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods and also may offer the dispensing of motor vehicle fuels for retail sale. The gross floor area shall be not less than one thousand (1,000) square feet excluding the area allocated to the sales of alcoholic beverages.

**LICENSEE:** An individual, copartnership, member, officer, manager, director, or stockholder owning more than 5% of the stock of a corporation or LLC holding a liquor license under this chapter.

**MICRO-BREWERY:** A brewery that produces no more than 930,000 gallons of beer per year and is licensed as a Class 1 brewer by the State of Illinois.

**MINOR:** Any person under the age of twenty-one (21) years old.

**ORIGINAL PACKAGE:** Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

**PRIVATE CLUB OR ORGANIZATION- FOR PROFIT:** A corporation organized under the laws of this State 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.

**RETAIL LIQUOR DEALER:** Any person selling or offering for sale or keeping with the intention of selling liquor, at retail.

**RETAIL SUPER MARKET:** A place of business consisting of not less than ten thousand (10,000) square feet in which food and food products are the principal line of merchandise sold.

**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.

State law reference: 235 ILCS 5/1

#### **Sec. 4.02 Purpose.**

The purpose of this Chapter is to set forth regulations regarding the number, kind and classification of licenses for the sale at retail of alcoholic liquor and to impose reasonable restrictions upon the sale and consumption of alcoholic liquor consistent with the health, safety, and welfare of all citizens of the City of Kankakee.

State law reference: 235 ILCS 5/4-1

#### **Sec. 4.03 Illinois Liquor Control Act.**

All parts of the Illinois Liquor Control Act, 235 ILCS 5/1 et. seq., relating to the retail sale of alcoholic liquors is hereby adopted and made a part of this Chapter as if fully set forth herein. Any violation of such applicable and adopted provisions shall be deemed a violation of this Chapter.

**4.04- 4.09 Reserved.**

## **ARTICLE II. LOCAL LIQUOR CONTROL COMMISSIONER**

#### **Sec. 4.10 Designation.**

- (a) The Local Liquor Control Commissioner shall be the Mayor of the City or his or her designee, and he or she shall be charged with the administration of the applicable provisions of the Illinois Liquor Control Act and all ordinances, resolutions, rules, and regulations relating to alcoholic liquor as adopted by the City Council.
- (b) If the Mayor has an interest in the manufacture, sale, or distribution of alcoholic liquor, he or she must direct the City Council to appoint the Local Liquor Control Commissioner pursuant to the rules contained in the Illinois Liquor Control Act, 235 ILCS 5/4-2. The Mayor shall not participate in meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.

State Law Reference 235 ILCS 5/4-2

#### **Sec. 4.11 Powers and Duties.**

The Local Liquor Control Commissioner shall have the following powers and duties:

- (1) To prescribe and revise forms used for local liquor licensing;
- (2) To receive and investigate applications, examine applicants under oath, and grant, renew or deny applications for local liquor licenses;
- (3) To receive local liquor license fees and forward them to the City Treasurer;
- (4) To maintain a complete record and copy of all liquor licenses issued pursuant to this Chapter;
- (5) To examine or cause to be examined, the books and records of any applicant or licensee under this Chapter;
- (6) To enter, or to authorize any law enforcement or code enforcement officer to enter, at any time, upon any premises licensed under this Chapter to determine whether any of the provisions of State law or City Ordinance, resolution, or any rules or regulations adopted by the Local Liquor Control Commissioner have been violated.
- (7) To receive and investigate complaints from citizens or other individuals regarding violations of this Chapter;
- (8) To suspend for no more than thirty (30) days or revoke for cause all local liquor licenses issued under this Chapter;

- (9) To preside over hearings for the revocation or suspension of a local liquor license, issue subpoenas, rule on objections, accept or reject consent agreements, levy fines, and issue written findings.

State Law Reference: 235 ILCS 5/4-4; 235 ILCS 5/4-5

**Sec. 4.12 Summary Action.**

The Local Liquor Control Commissioner may close a licensed premises for not more than seven (7) days without notice or hearing subject to the following requirements:

- (1) The Local Liquor Control Commissioner must issue a written order stating the reasons he or she believes that the continued operation of the licensed premises will pose a danger or threat to the health, safety, or welfare of the community.
- (2) An evidentiary hearing must be held within seven (7) days from the date of suspension, with notice of the charges, date, time, and location of the hearing being served upon the licensee.

State Law Reference: 235 ILCS 5/7-5

**Sec. 4.13 Hearings.**

All proceedings to discipline, suspend, revoke, or deny a local liquor license shall comply with the following provisions:

- (1) A licensee shall be given written notice of the charges, date, time, and location of the hearing in writing at least three (3) days prior to hearing.
- (2) The City shall have the burden of proving the charges by a preponderance of the evidence.
- (3) The hearing shall be informal and strict adherence to the rules of evidence is not required.
- (4) An official record of the proceedings shall be made by recording or transcription.
- (5) The Local Liquor Control Commissioner shall preside over the hearing and prepare a written order within five (5) days of the hearing containing findings of fact, conclusions of law, and any penalties imposed.
- (6) The order shall be served on the licensee by certified mail. The licensee shall have twenty (20) days from the receipt of the order to appeal to State Liquor Control Commission.
- (7) Any review of the proceedings by the State Liquor Control Commission shall be limited to a review of the official record of the proceedings. No new or additional evidence

may be admitted or considered. All costs of preparing and transcribing the record on appeal shall be borne by the party seeking State review.

State Law Reference: 235 ILCS 5/7-5; 235 ILCS 5/7-9

**Sec. 4.14-4.19 Reserved.**

### **ARTICLE III. LIQUOR LICENSING**

**Sec. 4.20. License Required.**

- (a) It shall be unlawful to sell, offer for sale, or display for sale any alcoholic liquor in the City without having first obtained a local liquor license from the Local Liquor Control Commissioner.
- (b) It shall be unlawful to sell, offer for sale, or display for sale any alcoholic liquor in the City in violation of the terms of the local liquor license.

**Sec. 4.21 Application.**

All persons seeking a local liquor license shall complete a written application, signed and under oath, provided by the City, containing the following:

(1) Applicant Information:

In the case of a **Sole Proprietorship**: the Applicant's full name (including all aliases), mailing address, email address, date of birth, social security number, copy of government issued identification, and any information required for a background check of the Applicant.

In the case of a **Partnership**: the names, mailing addresses, email addresses, dates of birth, social security numbers, copies of government issued identification, any information required for a background checks for all partners, and a copy of the partnership agreement. The Application shall be signed and sworn to by at least two members of the partnership.

In the case of a **Corporation**: the names, mailing addresses, email addresses, dates of birth, social security numbers, copies of government issued identification, and any information required for background checks for all the officers, directors, managers, and persons who own or have an interest in over five (5%) of the stock; the date of incorporation and a certificate of good standing from the Illinois Secretary of State or evidence that the foreign corporation is qualified to transact business in Illinois under the Business Corporation Act of 1983, a copy of the Corporation's Articles of Incorporation and annual report. The Application shall be signed by the president of the corporation and attested to by the secretary of the corporation.

In the case of a **Limited Liability Company (LLC)**: the names, mailing addresses, email addresses, dates of birth, social security numbers, copies of government issued

identification, and any information required for background checks for all managers and members owning directly or beneficially more than 5% of the ownership of the company; the date of organization and a certificate of good standing from the Illinois Secretary of State or evidence that the foreign LLC is qualified to transact business in Illinois under the Limited Liability Company Act. The Application shall be subscribed and sworn to by the principal member and attested to by a notary public.

- (2) A statement as to whether:
  - a. The Applicant has ever applied for or held a similar license within the City or any other jurisdiction and whether the license was ever denied, revoked, or suspended.
  - b. The Applicant has ever been convicted of: (i) a felony under any Federal or State law, (ii) a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor or has forfeited his or her bond to appear in court to answer charges for any such violation, (iii) keeping a place of prostitution or juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution, (iv) pandering, or (v) a gambling offense.
- (3) The name, mailing address, email address, date of birth, social security number, and copy of government issued identification for the person acting as manager of the Applicant's business. All managers must be residents of the County and shall be fingerprinted and photographed at the City of Kankakee Police Department.
- (4) The legal name of the Applicant's business and any other names it may operate under.
- (5) The Applicant's Sales Tax, Federal ID and State of Illinois Liquor License Numbers.
- (6) The address and PIN of the Applicant's business.
- (7) The class of license and any supplemental licenses the Applicant is seeking.
- (8) A copy of the business's license to operate a restaurant from the Kankakee County Department of Public Health, where applicable.
- (9) A site plan of the Applicant's business including parking areas, security features, seating arrangements, kitchen facilities, and food preparation areas if applicable.
- (10) The nature of the business conducted by Applicant, including all entertainment, and the amount of anticipated gross revenue from sources outside liquor sales.



- (11) Proof of dram shop liability insurance for a minimum of \$30,000 personal injury per person; \$30,000 property damage per person; \$40,000 loss of means support per person.
- (12) Proof of ownership of the premises or valid lease for a period of at least 12 months.
- (13) Proof of completion of a state-certified beverage alcohol sellers and service education and training program for all persons who will serve or sell alcoholic beverages.
- (14) Nonrefundable application fee.

**Sec. 4.22 Renewal Application.**

Every Application for renewal of a local liquor license shall include, at a minimum, the following:

- (1) Proof of ownership of the premises or valid lease for a period of at least 12 months.
- (2) Proof of dram shop insurance.
- (3) Certificate of good standing from the Secretary of State and annual report.
- (4) Copy of current State of Illinois liquor license.
- (5) Copy of current state-certified beverage alcohol sellers/servers training (BASSET) certificates.
- (6) Any information necessary for background checks of the officers, members, owners, and managers if more than three years have elapsed since the last background check.
- (7) Nonrefundable renewal application fee.

**Sec. 4.23 Denial or Refusal to Renew License.**

- (a) The Local Liquor Control Commissioner shall deny or refuse to renew the application for a local liquor license if:
  - (1) The Applicant has knowingly furnished false or misleading information on the Application, or knowingly withheld any relevant information.
  - (2) The Applicant or any manager is ineligible for a license pursuant to 235 ILCS 5/6-2 as amended from time to time.
  - (3) The Applicant has not resided within the County for a minimum of one year prior to the date of filing the application. For purposes of corporations,

partnerships or LLCs, the manager shall have resided within the County for a minimum of one year prior to the date of filing of the application.

- (4) The Applicant fails to complete or pass all required inspections.
- (5) The Applicant is not of good character and reputation in the community.
- (6) The Applicant has been convicted of:
  - a. A felony under any Federal or State law, unless the local liquor commissioner determines that such person will not be impaired by the conviction in engaging in the licensed practice.
  - b. A violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his or her bond to appear in court to answer charges for any such violation, unless the local liquor commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust.
  - c. 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.
  - d. Pandering.
  - e. A gambling offense.
- (7) The Applicant does not own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be issued that authorizes the licensed activities.
- (8) The Applicant is not incorporated or organized in Illinois, nor qualified to transact business in Illinois pursuant to the Business Corporation Act of 1983 or the Limited Liability Company Act.
- (9) The Applicant does not have adequate dram shop insurance.
- (10) The Applicant is not eligible, fails to obtain, or fails to maintain a State liquor license.

- (11) The premises for which the license is sought is within 100 feet of a church, school, hospital, home for the aged, home for the indigent, or home for veterans, their wives or children.
  - (12) The Applicant has any outstanding debt to the City or other governmental entity for the payment of any fees, fines, charges, bill, or taxes.
  - (13) The Applicant has excessive code violation citations for the licensed premises.
  - (14) At the time of application for renewal, the Applicant would not be eligible for such license upon a first application.
- (b) The Local Liquor Control Commissioner shall set forth the reasons for denial or refusal to renew a local liquor license in writing within thirty (30) days of receipt of the application and shall serve said document upon the Applicant by certified mail. The Applicant may request a hearing before the License and Franchise Committee within fourteen (14) days of receipt of the notice of denial.

State law reference: 235 ILCS 5/6-2

**Sec. 4.24 Issuance of License.**

Upon review of a completed application for a local liquor license, the Local Liquor Control Commissioner shall consider the following criteria in determining whether to issue or renew a liquor license:

- (1) The class of liquor license applied for and the number of licensed premises within a one-mile radius and within the City as a whole.
- (2) The location of the premises, the general character of the surrounding neighborhood and the potential impact of the premises on the neighborhood and City as a whole.
- (3) The general design, operation, and layout of the premises, including the ability to control access by minors, staffing levels, and security measures.
- (4) The character and nature of any proposed entertainment the Applicant will provide.
- (5) The past performance, character, and reputation of the Applicant.
- (6) The compliance of the premises with all applicable State and local laws including health, building, property, fire, and safety ordinances.
- (7) The potential impact on City services including public safety, utilities, transportation, and parking.

- (8) Whether the applicant or licensee has been delinquent in payment for services, loans, or other contractual agreements.
- (9) Whether the applicant or licensee has had a prior license issued by State, Federal, or local authorities suspended or revoked.

**Sec. 4.25 Liquor license- term.**

Each liquor license issued under this Chapter shall expire at midnight on April 30<sup>th</sup> of each year.

**Sec. 4.26 Renewal of License.**

Licensees seeking renewal shall submit a completed application for renewal to the Local Liquor Control Commissioner at least thirty (30) days prior to the expiration date or be assessed a late fee.

**Sec. 4.27 Transferability of liquor license.**

- (a) No liquor license issued under this Chapter shall be transferable between any persons, premises, locations, or entities except upon the written permission of the Local Liquor Control Commissioner.
- (b) Licenses issued under this Chapter apply only to the single premises described in the application. The Local Liquor Control Commissioner may approve a change in premises upon a proper showing from the licensee that the new premises comply with this Chapter.

**Sec. 4.28 Revocation or Suspension of Liquor License.**

- (a) The Local Liquor Control Commissioner may suspend or revoke any license issued under this Chapter for any of the following reasons:
  - (1) Violation of any law of the United States, State of Illinois, or any Kankakee Ordinance, resolution, or regulation occurring as part of the operation of the licensee's business or upon the licensed premises.
  - (2) Knowingly permitting any violation of this Chapter or any disorderly or immoral practice upon the licensed premises.
  - (3) Willfully making any false statements as to a material fact to the City.
  - (4) Failure to operate and maintain a place of business at the location and on the premises pursuant to the purpose for which the license was issued under this Chapter.
  - (5) Failure to comply with the fire, life, safety, or property maintenance codes of the City of Kankakee.

- (b) Every licensee shall be deemed responsible for the acts of his or her agents or employees whether or not such licensee knowingly permits or has actual knowledge of such unlawful acts.

**Sec. 4.29 -4.39 Reserved.**

**ARTICLE IV: LOCAL LIQUOR CLASSIFICATIONS**

**Sec. 4.40 Liquor License Classifications**

**CLASS A: Taverns and Lounges.**

- Authorizes the retail sale of alcoholic liquors for consumption on the premises where sold.
- Authorizes the retail sale of alcoholic liquors in the original package, not for consumption on the premises where sold.
- Prepackaged and/or heated food may be sold, but the establishment must not derive more than 15% of its revenue from food sales.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (S) Sampling

**CLASS B: Retail Supermarket, Drugstores**

- Authorizes the retail sale of alcoholic liquors in the original package, not for consumption on the premises where sold.
- Supplemental Licenses: Eligible for (S) Sampling

**CLASS C: Convenience Stores.**

- Authorizes the retail sale of beer and wine in the original package, not for consumption on the premises where sold.
- Refrigerated single servings of beer may be sold if no larger than 32 oz.
- Supplemental Licenses: Eligible for (S) Sampling

**CLASS D: Clubs and Organizations- not for profit**

- Authorizes the retail sale or giving away of alcoholic liquors for consumption on the licensed premises.
- This license shall be only available to not for profit clubs and governmental agencies of the State of Illinois, County of Kankakee County, Township of Kankakee and Kankakee Valley Park District.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (S) Sampling

**CLASS E: Banquet Halls, Catering Facilities**

- Authorizes the retail sale of alcoholic liquor for consumption on the specified premises to invited guests during a scheduled event.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (S) Sampling

**CLASS F: Special Use**

- Authorizes the holder of a Class A or Class E license to transfer a portion of its liquor inventory from the licensed premises to the premises specified in this Class F Special Use License for retail sale or giving away and consumption on the premises where sold for a special event.
- A special use license may be granted for the following time periods: one day; two days or three days to a maximum of seven days. Any applicant shall be limited to a maximum of fifteen days per Class “A” or Class “E” license in any 12 month period.
- An applicant for the special use license must also submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits and have a special use license provided by the State of Illinois.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (S) Sampling

**CLASS G: Restaurant, Liquor**

- Authorizes the retail sale of alcoholic liquor for consumption at tables or counters on the premises where sold as an incidental part of food service.
- The licensed premises must be primarily devoted to the preparation, cooking, and serving of meals and must have a kitchen, staff, and appropriate equipment.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption, (Q) BYOB, (S) Sampling

**CLASS H: Restaurant, Beer and Wine**

- Authorizes the retail sale of beer and wine for consumption at tables or counters on the premises where sold as an incidental part of food service.
- The licensed premises must be primarily devoted to the preparation, cooking, and serving of meals and must have a kitchen, staff, and appropriate equipment.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption, (Q) BYOB, (S) Sampling

**CLASS I: Private Clubs and Organizations for profit**

- Authorizes the retail sale of alcoholic liquor for consumption on the premises to members of such club or organization and authorized guests.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (S) Sampling

**CLASS J: Hotels, motels**

- Authorizes the retail sale of alcoholic liquor in its original package to occupants of the hotel or motel for consumption on said premises.
- Supplemental Licenses: Eligible for (S) Sampling

**CLASS K: Grocery Store- on site consumption**

- Authorizes the retail sale of beer and wine for consumption on the premises as an incidental part of a grocery store.

- Alcoholic liquor sold in original packages and intended for off-premises consumption shall not be opened or consumed on the premises or in any designated seating/serving area.
- Supplemental Licenses: Eligible for (S) Sampling

**CLASS L: Business, Complimentary service**

- Authorizes a business engaged in non-food or liquor goods or services to the public to allow the consumption of beer and wine that is brought by the patron over the age of twenty-one (21) or served by the business as complementary to the purchase of goods or services offered by the business. Consumption is limited to two (2) twelve (12) oz. servings.
- Supplemental Licenses: Eligible for (Q) BYOB

**CLASS M: Microbrewery**

- Authorizes the retail sale of manufactured beer products for consumption on the premises.
- Authorizes the retail sale of manufactured beer products in the original package, not for consumption on the premises where sold.
- Authorizes the manufacturing, bottling, and selling of up to 75,000 barrels (31 gallons per barrel) of craft beer products per year on the licensed premises.
- The retail sale of manufactured beer products shall be in a location separate from the remainder of the premises, except during supervised tours and private parties.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (S) Sampling

**CLASS N: Arts and Crafts Studios**

- Authorizes the retail sale of beer and wine for consumption on site as incidental to participation in craft-making activities.
- Authorizes the consumption of beer and wine brought into the premises by a patron over the age of twenty-one (21) for on-site consumption as incidental to participation in craft-making activities.
- Limited to no more than one (1) seven hundred fifty (750) milliliter bottle of wine or thirty six (36) ounces of beer per patron.
- Supplemental Licenses: Eligible for (O) Outdoor Consumption (Q) BYOB (S) Sampling

**CLASS P: Liquor Stores**

- Authorizes the retail sale of alcoholic liquors in the original package, not for consumption on the premises where sold.
- Must have a minimum of one-thousand (1000) square feet of interior space.
- Gross sales revenue shall consist of at least eighty percent (80%) from the sale of alcoholic beverages.
- Supplemental Licenses: Eligible for (S) Sampling

**CLASS T: Live productions of Musical, Dramatic, Comedic Theater or Auctions**

- Authorizes the retail sale of beer and wine for consumption on site on days of scheduled performances or auction sales.
- Sales shall begin no more than sixty (60) minutes prior to the scheduled performance or sale and shall end no greater than sixty (60) minutes after completion of the scheduled performance or sale.
- Supplemental Licenses: Eligible for (S) Sampling

**CLASS U: Temporary License.**

- Authorizes the retail sale or giving away of alcoholic liquors for consumption on the premises of a picnic, bazaar, fair, festival or tournament, or similar private or public assembly where food or drink is sold, served, or dispensed.
- Shall be issued to a club, society, fraternal or benevolent organization, local government unit, or similar organization not for pecuniary profit.
- Shall be issued for a period of not more than four (4) days. No more than six (6) Class U licenses may be granted to any one organization within a period of any twelve (12) months.
- Supplemental Licenses: eligible for (O) Outdoor Consumption and (S) Sampling

**Sec. 4.41 Supplemental Licenses.**

Supplemental licenses may be granted or denied in the sole discretion of the Local Liquor Commissioner and are subject to suspension or revocation as provided in this Chapter.

**(O)Outdoor Consumption:** Authorizes the service and consumption of alcoholic liquor in an outdoor location within or immediately adjacent to the licensed premises at a location that possesses an eligible liquor license. Outdoor Consumption Supplemental Licenses are subject to the following;

- a. Licensee shall provide a site plan showing all existing and proposed buildings, structures, fences, barriers, sidewalks, parking lots, public and private streets, temporary and permanent structures.
- b. The outdoor seating area shall be subject to inspection by the City for compliance with all applicable fire, building, safety, and other State and local regulations.
- c. The outdoor seating area shall not obstruct any pedestrian or vehicular traffic.
- d. The City may require, in its sole discretion, that the applicant enter into a written agreement with the City outlining the terms and conditions of the license.
- e. No alcoholic liquor sales or consumption may take place in the outdoor area after 2:00 am or close of business, whichever is earlier.



**(Q)BYOB:** Authorizes the consumption of beer or wine brought onto the premises by a patron over the age of twenty-one (21) for on-site consumption at a location that possesses an eligible liquor license.

- a. Permitted in conjunction with the purchase and consumption of a meal or services.
- b. Limited to no more than one (1) seven hundred fifty (750) milliliter bottle of wine of thirty six (36) ounces of beer per patron, unless otherwise specified.
- c. License holders may provide glassware, ice, corkage, and service.

**(S) Sampling:** Authorizes the licensee to serve wine or beer sampling in conjunction with promotional sales efforts, subject to the following:

- a. The sampling must be conducted by an authorized representative of the wine or beer company.
- b. Samples may consist of no more than:
  - i. One (1) ounce of wine
  - ii. Two (2) ounces of beer
- c. Each individual may consume up to three samples.
- d. A microbrewery may allow sampling of no more than four (4) craft beer servings to any one (1) customer in one (1) day and each serving shall be limited to either:
  - i. by the glass, having a capacity of not more than sixteen (16) ounces;
  - ii. by the bottle, having a capacity of not more than twelve (12) ounces; or
  - iii. by the flight, having not more than four (4) glasses with each glass not having more than six (6) ounces.

State Law Reference: 235 ILCS 5/6-31

**4.42 – 4.79 Reserved.**

## **ARTICLE V: REGULATIONS**

### **Sec. 4.80 Compliance with laws.**

Every licensee and licensed establishment shall comply with the laws of the City of Kankakee, the State of Illinois, and the United States of America.

### **Sec. 4.81 Payment for purchase of alcohol required.**

- (a) All retail sales of alcoholic liquor shall be made by the licensee, at the time of the sale, and on the licensed premises.
- (b) Treating, or giving away directly or indirectly, of any intoxicating liquor hereunder by the holder of any licensee at his place of business either by himself or by or through any servant, agent, employee or person on his behalf, is prohibited unless authorized by the Local Liquor Commissioner.

**Sec. 4.82 Prohibition of sale of certain products.**

The sale of beer or malt liquor in any sized glass container which contains more than 32 fluid ounces and is refrigerated or cooled in any manner and sold at other than room temperature is prohibited.

**Sec. 4.83 Time for sale of Alcoholic Liquor**

It shall be unlawful to sell or offer for sale, at retail, or to give away any alcoholic liquor between the following hours, unless otherwise authorized by the Local Liquor Control Commissioner:

- (a) 2:00 am and 6:00 am Monday – Saturday; and
- (b) 2:00 am and 10:00 am Sunday, except when Christmas Eve or New Year’s Eve falls on a Sunday, alcoholic liquor may be sold beginning at 10:00 am.

**Sec. 4.84 Closing Time**

No licensee shall permit any person other than himself or employees to remain in the premises where liquor is offered for sale longer than thirty (30) minutes after the closing hour.

**Sec. 4.85 Gambling**

No lottery, game of chance, gambling or gaming device shall be kept or used in any premises licensed under this Chapter unless all proper permits, licenses, and fees have been satisfied.

**Sec. 4.86 Disorderly or Immoral Practices**

No patrons, employees or agents of licensees shall engage in disorderly or immoral practices upon the licensed premises, including but not limited to sexual acts or nudity or the public exposing, touching, or fondling of sexual organs or female breasts on the licensed premises.

**Sec. 4.87 Minors**

- (a) It shall be unlawful for a licensed establishment to employ or allow any persons under the age of twenty-one (21) years old to tend bar, draw, pour, open or mix alcoholic liquor or to dispense or sell any alcoholic liquor.

- (b) It shall be unlawful for any licensed establishment to sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years old.
- (c) It shall be unlawful for any establishment holding a Class A license to allow anyone under the age of twenty-one (21) years old to enter, unless accompanied by an adult. Minors are not allowed in a Class A establishment after 10:00 pm and are prohibited from sitting at the bar.

State Law Reference: 235 ILCS 5/6-16; 235 ILCS 5/6-16.2

#### **Sec. 4.88 Sale to Intoxicated Persons**

It shall be unlawful for any licensed establishment to sell, give, or deliver alcoholic liquor to any intoxicated person.

State Law Reference: 235 ILCS 5/6-16

#### **Sec. 4.89 Display of Liquor License**

Every licensee under this Chapter shall cause his or her liquor license, any supplemental licenses, maximum occupancy load, and county health department certificate to be framed and hung in plain view in a conspicuous place on the licensed premises.

State Law Reference: 235 ILCS 5/6-24

#### **Sec. 4.90 Location Restrictions**

No license shall be issued where the retail sale of alcoholic liquor is the principal business carried on within 100 feet of any preexisting church, school, hospital, home for aged or indigent persons or for veterans, their surviving spouses or children or any military or naval station, unless exempted by State law or the Local Liquor Control Commissioner.

State Law Reference: 235 ILCS 5/6-11

#### **Sec. 4.91 Sanitary Conditions**

- (a) All licensed premises, including storage areas, shall be kept in a clean and sanitary condition and in full compliance with all applicable building, property maintenance, fire, and health codes of the State, City, and County.
- (b) Each retailer dispensing draught beer shall have coils and other equipment used in draught beer cleaned at least once every two weeks in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning.

#### **Sec. 4.92 Inspections.**

All licensees are required to make the licensed premises available for inspection by the Local Liquor Control Commissioner, his or her designee, the fire department, code enforcement and police officers of the City.

#### **Sec. 4.93 Video Surveillance**

All licensed establishments shall install and maintain in good working order video recording and monitoring equipment and shall maintain video recordings for a minimum of fourteen (14) days. Said recording equipment shall be positioned to capture the point of sale location, points of customer ingress and egress, and any areas where video gaming is permitted.

#### **Sec. 4.94 Updated documents**

It is the responsibility of every licensee under this Chapter to provide updated documentation, including Basset certificates, food and sanitation licenses, State liquor license, insurance documentation, and lease, to the local liquor commissioner within fifteen (15) days of any change or expiration.

#### **Sec. 4.95 Consumption outside licensed premises**

It shall be unlawful for any licensed establishment to allow or permit any individual to exit the licensed premises or remain outside of the licensed premises with alcoholic liquor in his or her possession unless it is in its original package and unopened for consumption at another location.

#### **Sec. 4.96 Alcohol Seller and Servers Training**

- (a) **All licensed establishments:** All managers of licensed establishments shall complete a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter XVI, Part 3500.
- (b) **Licensed establishments that allow on-site consumption of alcoholic beverages:** all employees that serve, sell or distribute alcoholic liquor and all employees performing security and checking identification shall complete a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program or its equivalent, meeting the minimum curriculum requirements of the Illinois Department of Alcoholism and Substance Abuse (DASA), Title 77, Chapter XVI, Part 3500.
- (c) **Proof of Educational Training Compliance.** Prior to liquor license issuance or upon application for liquor license renewal, the licensee shall supply the Local Liquor Control Commissioner a list of all beneficial owners, partners, sole proprietors, managers and employees who serve, sell or distribute alcoholic liquor or whose job description includes the checking of identification for the purchase of alcoholic beverages and a copy of Bassett course completion certificate(s) of the certified training program for same.

(d) **Violation.** Failure to comply with the provisions of this Section may subject the licensee to the penalties for violation, up to and including revocation of the license.

State Law Reference: 235 ILCS 5/6-27.1

#### **Sec. 4.97 Criminal Activity on Licensed Premises**

No licensee or their agents shall allow any illegal drug use, illegal drug sale, or other criminal activity on the licensed premises. All licensees shall immediately notify Kankakee Police of any illegal activity or disturbance.

#### **Sec. 4.98 Adjacent Areas**

Each licensee shall keep the adjacent premises and parking areas under its control well lit and free from litter, debris, and loitering individuals.

#### **Sec. 4.99 Microbrewery Requirements**

- (a) A holder of a Class M license is required to comply with all applicable state and federal regulations relating to the manufacture and sale of beer including but not limited to, procurement of requisite Federal Brewer's Notice, Illinois Manufacturer's (Brewer's) Liquor License, Illinois Craft Brewer's License.
- (b) A holder of a Class M license is required to maintain accurate records as to the total gallons of beer manufactured, kept and sold on the premises and sold for consumption off the premises.
- (c) The retail sale of craft beer is limited to the craft beer manufactured on the Class M licensed premises and shall be permitted during the authorized hours of business subject to the following conditions:
  - (1) The portion of the licensed premises dedicated to the retail sale of craft beer shall be segregated from the remainder of the premises;
  - (2) The location of the retail sale and consumption of craft beer shall be limited to the retail portion of the licensed premises, except during supervised tours and private parties located in the manufacturing area

#### **Sec. 4.100 Records.**

All licensees shall make their books and records available, upon reasonable notice, for inspection by the Local Liquor Control Commissioner or his or her designee.

State Law Reference: 235 ILCS 5/6-10

#### **Sec. 4.101 Violations.**

- (a) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this article, by any officer, director, manager, or agent, or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be subject to punishment in the same manner as if the act or omission had been done or omitted by him personally.
- (b) If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of this Chapter, said owner, agent or other person shall be subject to the same punishment as said licensee

State Law Reference: 235 ILCS 5/10-2; 235 ILCS 5/10-3.

(Ord. 2020-77, 7/20/2020)

**Sec. 4.102 -Delivery and carry out of mixed drinks**

(A) For purposes of this section, “cocktail” or “mixed drink” means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.

(B) A cocktail or mixed drink may be sold for off-premises consumption by a retail licensee if:

1. The cocktail or mixed drink is placed in a “sealed container”;

a) A “sealed container” means a rigid container that contains a mixed drink, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. A sealed container does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

b) The sealed container is affixed with a label or tag that contains the following information:

- i. The cocktail or mixed drink ingredients, type, and name of alcohol;
- ii. The name, Illinois liquor license number and address of the retail licensee that filled the original container and sold the product;
- iii. The volume of the cocktail or mixed drink in the sealed container; and
- iv. The sealed container was filled less than 7 days before the date of sale.

2. The cocktail or mixed drink is transferred within the licensed premises, by a curbside pickup, or by delivery by an employee of the retail licensee. Third party delivery services are not permitted to deliver cocktails or mixed drinks;
3. The cocktail or mixed drink is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger;
4. The employee transferring the cocktail or mixed drink is at least 21 years of age and trained in accordance with Section 4.96 of this Chapter; and
5. The employee transferring the cocktail or mixed drink verifies the age and level of intoxication of the purchaser upon delivery.

(C) This Section will be automatically repealed on June 2, 2021, unless 235 ILCS 5/6-28.8 is extended by State order.

State law reference: 235 ILCS 5/6-28.8  
(Ord. 2020-110, 12/21/2020)