



LIQUOR LICENSE APPLICATION PROCESS

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Dear Business Person:

The Mundelein Village Board is committed to continually improving the economic climate of our community. We are dedicated to promoting local businesses and marketing Mundelein as a great place to live, work and play. At the same time, we are focused on providing a safe, wholesome, and healthy atmosphere for our residents, businesses and visitors. We take the control of alcoholic beverages very seriously.

At the present time there are no liquor licenses available for issuance. Based on information supplied in a letter of interest, the Liquor Commissioner may recommend to the Liquor Control Commission that a license be created for a specific establishment. The decision to create a liquor license rests solely with the Village Board, which also serves as the Liquor Control Commission.

Because the license to sell liquor is a privilege and not a matter of right, the process a business must follow to get approved for a liquor license is not easy or quick. It requires the submission of accurate, detailed information for review by the Village staff; a well-conceived business plan on the part of the business; and a thorough background check of the applicant. In addition, the business must be properly located and follow specific construction standards. The licensee must be a United States citizen of good character and a resident of Lake County. If the licensee is a corporation, the local manager must be a resident of Lake County.

In October 2012, the Village Board approved video gaming in the Village. Video gaming is permitted at licensed establishments with a Class A, A1 or H license. A local liquor license must first be granted before a video gaming license can be issued. Intentions to file for video gaming must be stated at the time of application for a liquor license.

The following materials will provide you with the information you need to understand the process. If you have any questions, contact Ann Watson at 847-949-3282. I hope that your business goals are met and that you have a pleasant experience working with the Village staff and Village Board.

Sincerely,

Steve Lentz
Mayor and Liquor Commissioner

LIQUOR LICENSE PROCESS

1. Schedule a meeting or phone conference with the Administrative Assistant in Community Development.
2. An original Letter of Interest addressed to the Mayor, who serves as the Liquor Commissioner, must be submitted to the Village of Mundelein, 300 Plaza Circle, Mundelein, IL 60060.
3. **The Letter of Interest must include the following information:**
 - a. Name and address of the business.
 - b. Name and address of the business owner.
 - c. Type of ownership of the business: (Corporation, partnership, individual, other). If corporation, provide name, address and percent of ownership of all officers and directors. If partnership, provide name and address of all partners.
 - d. Type of business being proposed: Package liquor, restaurant, motel, etc.
 - e. Video Gaming in addition to Liquor License:

Only for Video Gaming Applicants

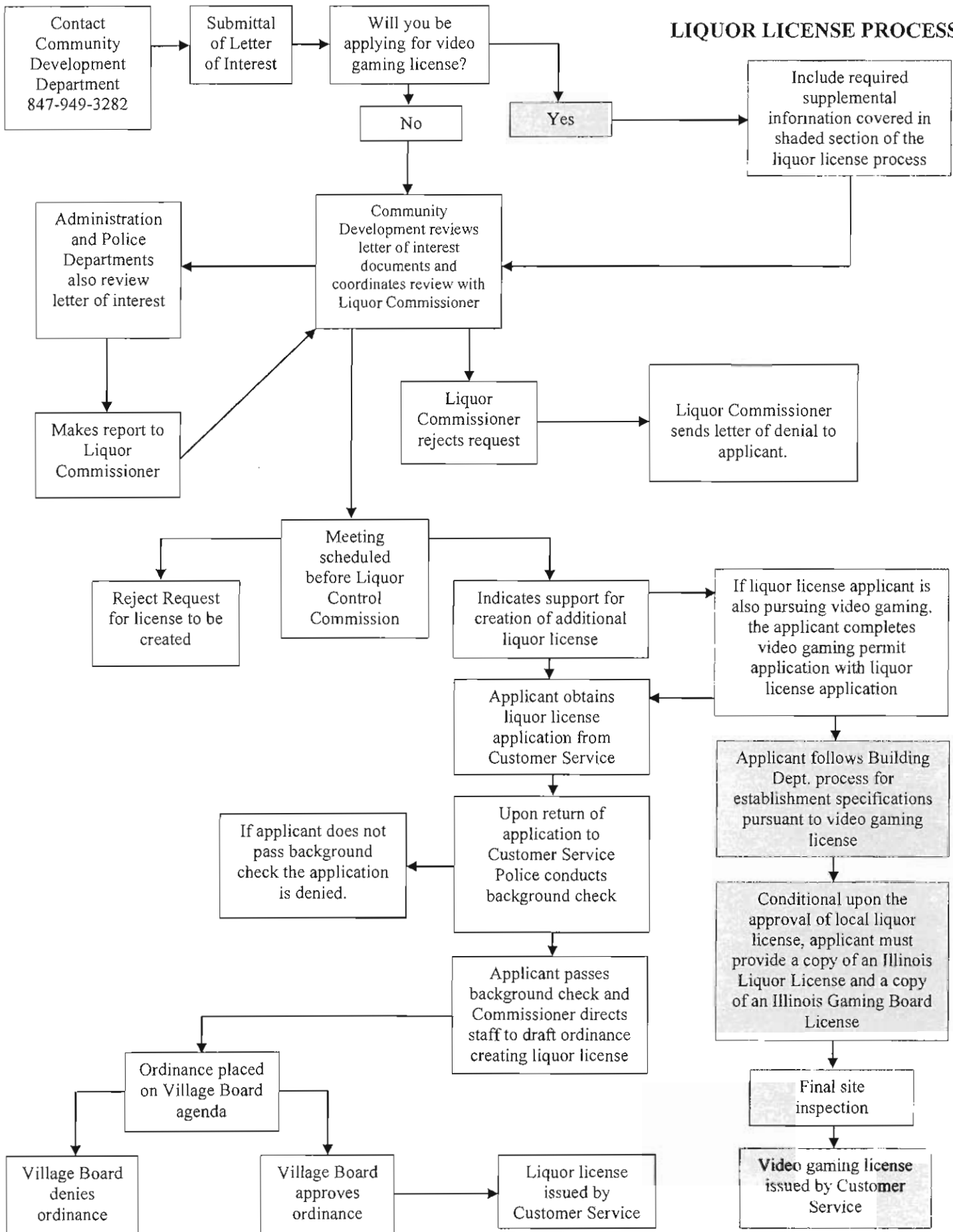
If a video gaming license from the Village of Mundelein is being requested, the following additional information must be provided with the letter of interest. **Notice:** If you are only applying for a liquor license then you do not need to provide this information.

- 1) Number of video gaming terminals proposed.
 - 2) Will the proposed location serve food?
 - 3) Hours of operation of the restaurant.
 - 4) Hours of operation of the bar.
 - 5) Estimated annual revenue to the business sale of food and beverage (separate estimate for both).
 - 6) Estimated annual revenue to the business from video gaming.
 - 7) Estimated annual revenue to the Village from video gaming.
 - 8) Acknowledgement that there will not be ATM machines on the premises. ATM machines are prohibited by Ordinance in all video gaming establishments.
 - 9) Provide floor plan highlighting restricted video gaming area, square footage, and any other relevant information.
- f. License classification requested.
 - g. Is the property owned or leased? If leased, a copy of the executed lease must be provided.
 - h. Floor plan of the establishment (minimum 1/4" scale) including total square footage and square footage of each room. The floor plan must include bar location, seating location and number of seats, kitchen, and restrooms.
 - i. Will the establishment have a bar?
 - j. Seating capacity if food is being served.
 - k. Is the business new to the Village? If new, has it been in operation in another location? How long? If not new, how long has it been in business in Mundelein.
 - l. If the proposal involves the purchase of an existing business with a Village of Mundelein liquor license, please be aware that liquor licenses are not transferable from the existing business to the new business. The letter of interest should contain a letter from the seller confirming that the existing liquor license will be relinquished upon the closing of the sale of the business.
 - m. Approximate distance from the proposed location to the nearest school and nearest church.
 - n. A statement of why the liquor license is needed for the proposed business and an explanation of owner's experience with the retail sales of liquor and whether or not the applicant has ever held a liquor license in the past either from the Village of Mundelein or some other community.
 - o. Statement of citizenship (liquor license recipients must be U.S. citizens).

4. Village staff will review the information provided. If all the information listed above is not provided, Village staff will ask that the letter of interest be supplemented with missing information from original letter of interest.
5. Upon receipt of a complete letter of interest, Village staff will review the letter of interest and report to the Liquor Commissioner.
6. The Liquor Commissioner will then decide to either issue a letter of denial or schedule a meeting of the Liquor Control Commission for its consideration of the request. The Village Board serves as the Liquor Control Commission.
7. The Liquor Control Commission will decide if it is in the best interest of the Village to create a liquor license. If there is interest on the part of the Liquor Control Commission, the business will be directed to complete a liquor license application.
 - a. If the liquor license applicant is also pursuing a video gaming license, the applicant shall at this time submit a video gaming license application to the Customer Service Office.
 - b. Video gaming applicants must meet the Building Department's inspection requirements. Location of the gaming facility and floor plan must conform to State Statute and local ordinance.
8. Liquor and video gaming license applications are available from the Customer Service office. Completed applications are submitted to the Customer Service Office. Applications are reviewed for completeness and a copy is forwarded to the Police Chief to perform a background investigation of the applicant.
9. The Police Chief reports to the Liquor Commissioner on the results of the background check. Depending on the results of the background check, the Liquor Commissioner will issue a letter of denial or recommend that a license be created.
10. If the Liquor Commission recommends a liquor license be created, an ordinance creating an additional liquor license will be placed on the next available agenda of the Village Board for consideration. The Board has full discretion to approve or deny the ordinance.
11. Upon adoption of the ordinance amendment and payment of the license fee, a local liquor license will be issued.
 - a. If video gaming is a component of the liquor license application the establishment must provide a copy of an Illinois Liquor License and a copy of an Illinois Gaming Board License prior to the issuance of a Mundelein Video Gaming License. A video gaming license will be issued upon payment of the license fees and a final site inspection by the Building Department.

PLEASE NOTE: There are no liquor licenses currently available for issuance. A license to sell liquor is a privilege and not a matter of right. The receipt by the Village of a letter of interest and/or a liquor license application is simply a preliminary step to the Village Board deciding whether or not to adopt an ordinance to create an additional liquor license and should not give rise to an expectation that an additional liquor license will, in fact, be created by ordinance and issued.

LIQUOR LICENSE PROCESS



LIQUOR COMMISSIONER

Mayor Steve Lentz
Village of Mundelein
300 Plaza Circle
Mundelein, IL 60060
847-949-3200

LIQUOR CONTROL COMMISSION/VILLAGE BOARD

Dawn Abernathy
Holly Kim
Robin Meier
Ray Semple
Ed Sullivan
Terri Voss

VILLAGE ADMINISTRATOR

John Lobaito

CHIEF OF POLICE

Eric Guenther

VILLAGE CLERK

Katy Timmerman

APPENDICES

APPENDIX – A

Chapter 5.76 - ALCOHOLIC LIQUORS* [□]

Sections:

- 5.76.010 - Definitions.
- 5.76.020 - License required.
- 5.76.030 - Separate licenses: change of location.
- 5.76.040 - Application.
- 5.76.050 - Persons not eligible for license.
- 5.76.060 - Term—Fee prorated.
- 5.76.070 - Records.
- 5.76.080 - Licenses—General regulations.
- 5.76.090 - Payment of fees.
- 5.76.100 - Renewal.
- 5.76.110 - Change of class.
- 5.76.120 - Transferability.
- 5.76.130 - Joint tenancy.
- 5.76.140 - License classification; fees; number; hours.
- 5.76.150 - Consumption of alcohol in nonlicensed establishments.
- 5.76.160 - Employees.
- 5.76.170 - Sanitary conditions.
- 5.76.180 - Location restrictions.
- 5.76.190 - Sale to persons under twenty-one prohibited.
- 5.76.200 - Purchase, possession or consumption by persons under twenty-one prohibited.
- 5.76.210 - Prohibited conduct.
- 5.76.220 - Complaints.
- 5.76.230 - Peddling.
- 5.76.240 - Closing hours.
- 5.76.250 - License displayed.
- 5.76.260 - Penalties for violations.
- 5.76.270 - Violations of other laws.
- 5.76.280 - Suspension—Revocation—Fine.
- 5.76.290 - Termination.
- 5.76.300 - Happy hours prohibited.

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5.76.310 - BASSET training programs.

5.76.320 - Sale of kegs.

5.76.330 - Appeals from liquor commission orders.

5.76.010 - 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. The term "alcoholic liquor" means any spirits, wine, beer, ale, or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.

Banquet Service. The "banquet service" shall mean an activity conducted by a liquor license holder on the premises, at which the catering of private parties is performed, whereat there is service for food consumption at tables, at a prearranged fixed unit price, of a full multiple course meal, hors d'oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served or sold in conjunction with such services; provided that each of such private parties is prearranged under the sponsorship of a particular person or organization.

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

Brew Pub. The term "brew pub" means a microbrewery, as defined herein, that conducts the retail sale of beer manufactured on the premises, and other alcoholic beverages not manufactured on premises, in conjunction with the operation of a restaurant on the premises.

Corkage Fee. The term "corkage fee" means a charge imposed by a restaurant on a customer who brings their own bottle of wine into the restaurant for the purpose of consuming it at the restaurant.

Growler. The term "growler" means a glass jug no larger than a U.S. half gallon (one thousand eight hundred ninety milliliters) used to transport draft beer, sold at breweries and brew pubs, as a means to sell takeout beer.

Holiday. The term "holiday" shall apply to the following days: Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve and New Year's Day.

Licensed Premises. The term "licensed premises" means every building or other structure or area adjacent thereto where such alcoholic beverage(s) is (are) to be served, dispensed or sold, by a licensee.

Licensee. The term "licensee" means any person holding a license under the provisions of this chapter.

Liquor Control Act. The term "Liquor Control Act" or "Act" means "An Act Relating to Alcoholic Liquors" approved January 31, 1934, as amended (Chapter 235 ILCS5). Unless otherwise provided in this chapter, any words or phrases used in this chapter and defined in the Liquor Control Act shall be construed in accordance with the definitions set forth in the Act.

Microbrewery. The term "microbrewery" means a brewery that produces less than thirty thousand barrels (thirty-five thousand three hundred hectoliters) of beer or ale per calendar year from malt and hops by infusion, bailing and fermentation.

Original Package. The term "original package" means a bottle, flask, jug, can, barrel, keg, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor.

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

Retail Sale. The term "retail sale" means the sale for use or consumption, and not for resale.

Wine. The term "wine" means a beverage obtained by alcoholic fermentation of grapes or other fruits or plants.

(Ord. 04-12-69 § 1)

(Ord. No. 11-02-07, § 1, 2-14-11; Ord. No. 11-03-10, § 1, 3-14-11)

5.76.020 - License required.

It is unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer's license as stated hereunder.

(Ord. 04-12-69 § 2)

5.76.030 - Separate licenses: change of location.

A retail liquor dealer's license issued hereunder shall permit the sale of alcoholic liquor only on the premises described in the application and in the license issued thereon. Only one location shall be so described in each license, unless (a) a Class L liquor license authorizing the holder to conduct a beer, wine or liquor tasting event on the premises has been issued; or (b) a Class A or Class A1 liquor license has been issued for a restaurant on the premises and a Class J license is issued to permit banquet services at the same address.

After a license has been granted for a particular premises, the local liquor control commissioner, upon proper showing, may endorse upon and license permission to abandon the premises therein described and move therefrom to other premises approved by him/her, but in order to obtain such approval, the license shall file with the local liquor control commissioner, a request in writing and a statement under oath which shall show that the proposed new location is a proper one for the retail sale of alcoholic liquor under the Liquor Control Act and the ordinances of the village.

(Ord. 04-12-69 § 3)

(Ord. No. 11-03-10, § 2, 3-14-11)

5.76.040 - Application.

Application for such licenses shall be made to the local liquor control commissioner in writing, 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 person entitled to share in the profits thereof; and in the case of a corporation, for profit or club, the date of incorporation, the object for which it was organized, the names and addresses of the officers and directors, and the owners of five percent or more of the stock of the corporation;
- (b) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;
- (c) In the case of a corporation, a copy of the Articles of Incorporation;

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- (d) The length of time that the applicant has been in business of that character;
- (e) The amount of goods; wares and merchandise on hand at the time the application is made;
- (f) The location and description of the premises or place of business which is to be operated under such license;
- (g) A statement whether applicant has previously made an application for a license on premises other than described in this application and the disposition of such application;
- (h) A statement that 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, the laws of this state, or the ordinances of this village;
- (i) Whether a previous license or application for a license by any state or subdivision thereof, or by the federal government has been revoked, suspended, or denied, or whether the applicant was ever fined for a previous liquor license violation and the reasons therefore;
- (j) A statement that the applicant will not violate any of the laws of the state of Illinois or of the United States or any ordinances of the village in the conduct of his place of business;
- (k) If the application is made by an individual, it shall be signed by such individual, and if the application is made by a partnership, corporation or club, then it shall be signed by at least two members of such partnership or the president and secretary of such Illinois corporation or club, or an authorized agent of a foreign corporation licensed to do business in Illinois;
- (l) Fingerprints and photos shall be provided as part of the application and shall be taken by the Mundelein police department for which the applicant shall be assessed the cost;
- (m) Certificate of insurance, including dram shop coverage;
- (n) If the premises is not owned by the applicant, a copy of the current lease for the premises.

In addition to the foregoing information, such application shall contain such other and further information as the local liquor control commissioner may, by rule or regulation not inconsistent with the law, prescribe.

(Ord. 05-11-71 § 1; Ord. 04-12-69 § 4)

5.76.050 - Persons not eligible for license.

No such license shall be issued to:

- (a) A person who is not a resident of Lake County, Illinois;
- (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 any state;
- (e) A person who has been convicted of being a keeper or is keeping a house of ill fame;
- (f) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (g) A person whose license 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;
- (i) A co-partnership, unless all the members of such co-partnership shall be qualified to obtain a license, except for citizenship and residence within the political subdivision, provided that the

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person who actually manages the day-to-day operation of the licensee's business is a resident of Lake County, Illinois and meets all the other qualifications of a licensee;

- (j) A corporation, unless all officers, directors and stockholders owning in the aggregate more than five percent of the stock of such corporation, shall be qualified to obtain a license, except for citizenship and residence within the political subdivision provided that the person who actually manages the day-to-day operation of the licensee's business is a resident of Lake County, Illinois and meets all the other qualifications of a licensee;
- (k) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee;
- (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 shall have forfeited his 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 lease thereon for the full period for which the license is to be issued;
- (n) Any law enforcing public official, or any member of the local liquor control commission, the president and any member of the village board of trustees; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
- (o) Any person, associate or corporation not eligible for a state retail liquor dealer's license;
- (p) A person convicted of a gambling offense.

(Ord. 04-12-69 § 5)

5.76.060 - Term—Fee prorated.

Each such license issued hereunder shall terminate at midnight on the thirtieth day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired from the first day of May prior to the issuance of the license.

(Ord. 04-12-69 § 6)

5.76.070 - Records.

The local liquor control commissioner shall keep or cause to be kept a complete record of all such licenses issued by him or her; and shall furnish the clerk, treasurer and police chief with a copy thereof. Upon issuance of any new license, or the revocation of any old license, the local liquor control commissioner shall give written notice of such action to each of these officers within forty-eight hours of such action.

(Ord. 04-12-69 § 7)

5.76.080 - Licenses—General regulations.

A license shall be purely personal privilege, good for not to exceed one year after issuance, unless sooner revoked as in this chapter provided or as provided in the Liquor Control Act, and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntary or involuntary, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or in testate 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 or any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may

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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 of such decedent or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, insolvency or bankruptcy 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.

The foregoing provisions shall not be construed so as to prevent any licensee or any such executor, administrator or trustee from transferring and assigning the privilege of renewal or reissuance of his license, pursuant to Section 5.76.100 of this chapter, nor so as to prevent the issuance of a new license to the assignee upon full compliance with the provisions of this chapter, provided that the privilege of any executor, administrator or trustee to transfer and assign such privilege shall be limited to the aforesaid six-month period.

(Ord. 04-12-69 § 8)

5.76.090 - Payment of fees.

At the time an original application or an application for a transfer is made for a license hereunder, a nonrefundable application fee of two hundred fifty dollars shall be deposited with the local liquor control commissioner of the village. In the event that any license applied for is granted, the full amount payable, as provided in Section 5.76.060 of this chapter, for the license shall be deposited with the local liquor control commissioner before any license is issued (which shall be in addition to the two hundred fifty dollar application fee). All sums so deposited with the local liquor control commissioner shall be turned over to the village treasurer and shall be placed by the village treasurer in the general corporate fund of the village or in such other fund as shall have been designated by the board of trustees by proper action.

(Ord. 04-12-69 § 9)

5.76.100 - Renewal.

Any licensee may apply for renewal of his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided further that the renewal privilege provided in this chapter for shall not be construed as a vested right which shall in any case prevent the president and board of trustees from decreasing the number of licenses to be issued within the village or to be issued within the village within any class.

(Ord. 04-12-69 § 10)

5.76.110 - Change of class.

Subject to the limitation on the number of licenses which may be issued and the making of such additional payment as may be necessary to meet license fee requirements in case of a change to a higher fee class of license, a change may be made from one class of license to another upon renewal or reissuance of a license.

(Ord. 04-12-69 § 11)

5.76.120 - Transferability.

Except as otherwise provided in this chapter, a liquor license is not transferable. The owner, or legal representative of a deceased, bankrupt or insolvent owner of a retail liquor license issued hereunder, may transfer and assign the privilege to the renewal or reissuance of such license. All such assignments shall

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be in writing, shall be signed by the assignor, and shall be filed with the local liquor control commissioner. The applicant for such reissued license may first file his application and have it passed upon conditionally by the local liquor control commissioner before filing such assignment and depositing the old license for cancellation.

In the event of such a transfer or assignment during the twelve-month period beginning on any May 1 and ending on the following April 30, and upon the payment by the transferee or assignee of the prorated license fee pursuant to Section 5.76.060 of this chapter, the transferor or assignor shall be refunded the unused portion of the license fee theretofore paid for such period less a transfer or assignment fee in the sum of one hundred dollars which shall be retained.

(Ord. 04-12-69 § 12)

5.76.130 - Joint tenancy.

A license may be issued to two or more persons as joint tenants with the right of survivorship, and in case of the death of one of such joint tenants, the surviving joint tenant or tenants shall thereupon succeed to all the rights therein by the right of survivorship.

(Ord. 04-12-69 § 13)

5.76.140 - License classification; fees; number; hours.

The local liquor control commissioner is authorized to grant liquor licenses for the selling at retail of alcoholic liquor for the period beginning on the first day of May of any year and ending on the thirtieth day of April of the next or succeeding year.

Such licenses shall be, and are hereby divided into the following classes and are to adhere to the following specifications provided. No license holder shall permit a customer to supply their own alcoholic liquor for sale, distribution or consumption on a licensed premises. Restaurants shall not permit patrons to bring their own alcohol to be consumed on the premises with their meal. Corkage fees are not permitted. Restaurants may permit a patron to take wine off premises that has been sold to be consumed with the meal, but unfinished, provided the bottles have been properly sealed for transport in compliance with state law.

- A. Class A license (establishments with off-premises beer sales), which shall authorize the retail sale on the licensed premises described of alcoholic liquor for consumption on such premises as well as other retail sales of beer only. Said premises shall have a full service bar thereon. The annual fee for each such license shall be two thousand five hundred dollars. There shall be no more than a total of three Class A licenses outstanding and in force at any one time. Said establishment shall be closed from two a.m. through six a.m. on weekdays, and from three a.m. through six a.m. on Saturdays, Sundays and holidays, during which no alcoholic liquor shall be sold, or offered for sale, on the premises. Sale of beer not be consumed on the licensed premises shall be prohibited from twelve a.m. to six a.m.

Class A license holders are permitted to offer banquet services within the licensed facility, provided the facility and room meets the occupancy requirements set by the Mundelein fire department.

- B. Class A1 license (establishments without off-premises beer sales), which shall authorize the retail sale on the licensed premises described of alcoholic liquor for consumption on such premises. Said premises shall have a full service bar thereon. The annual fee for each such license shall be two thousand dollars. There shall be no more than a total of thirteen Class A1 licenses outstanding and in force at any one time. Said establishment shall be closed from two a.m. through six a.m. on weekdays, and from three a.m. through six a.m. on Saturdays,

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Sundays and holidays, during which no alcoholic liquor shall be sold, or offered for sale, on the premises.

Class A1 license holders are permitted to offer banquet services within the licensed facility, provided the facility, and room meets the occupancy requirements set by the Mundelein fire department.

- C. Class B license, which shall authorize the retail sale on the licensed premises described of alcoholic liquor in their original packages, but not for consumption on the premises where sold. The annual fee for each such license shall be one thousand five hundred dollars. There shall be no more than a total of eighteen Class B licenses outstanding and in force at any one time. Sale of alcoholic liquor shall be prohibited from twelve midnight through six a.m.
- C.1. Class B1 License (packaged liquor sales-beer and wine only), which shall authorize the retail sale on the licensed premises described of beer and wine and no other type of alcoholic liquor in their original packages, but not for consumption on the premises where sold. The annual fee for each such license shall be one thousand five hundred dollars. There shall be no more than a total of one Class B1 license outstanding and in force at any one time. Sale of alcoholic liquor shall be prohibited from twelve midnight through six a.m.
- D. Class D license (special event), which shall authorize the retail sale on the licensed premises described of alcoholic beverages, including any gift, sale or dispensing of same, for special events.

Class D licenses shall be limited to not-for-profit organizations. Under no circumstances, shall a Class D license be issued to persons, firms or corporations operating a for profit business where alcoholic liquor is served either to the public or persons attending a private party where a charge is made therefore either directly or indirectly through an admission fee, service charge, meal charge, donation, or any other charge whatsoever.

Class D licenses shall not be issued for more than a one week duration, and may be less at the discretion of the local liquor control commissioner.

The fee for a Class D license shall be twenty-five dollars per day, not to exceed one hundred fifty dollars.

There shall be no limit on the number of not-for-profit organizations receiving a Class D license in any one year. However, no not-for-profit organization shall be issued more than six Class D licenses in any year. Said premises shall be closed from two a.m. to six a.m. on weekdays, and from three a.m. to six a.m. on Saturdays, Sundays and holidays, during which no alcoholic liquor shall be sold, or offered for sale, given or dispensed on the premises.

In addition to the usual requirements for application of licenses, the applicant for a Class D license shall furnish the village clerk with evidence of the liquor liability insurance covering the special event. Class D license applications shall be filed with the village clerk at least fifteen days prior to the special event.

- E. Class E License (bingo), which shall authorize the retail sale on the licensed premises described of beer for consumption on such premises, subject to the following provisions:
 - (1) Application is limited to non-for-profit organizations;
 - (2) The applicant shall hold a current bingo license, issued under the Bingo License and Tax Act of the State of Illinois;
 - (3) Any license issued under this section shall only be valid when held in conjunction with a licensed bingo activity;
 - (4) The retail sale of beer shall be limited to a period not exceeding two hours prior to the commencement of the first bingo game and shall terminate at the completion of the last bingo game on the day on which such bingo activity is held;

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- (5) The day of the week and the place for which application is made shall be listed on the application and the license. The day of the week only may be changed by the applicant after receiving approval by the local liquor control commissioner of an amendment to the original application and license;
- (6) No other alcoholic liquor may be consumed on the premises during the valid time of a Class E license;
- (7) The license shall be valid for only one day per week as specified;
- (8) The license shall be subject to all applicable provisions under this chapter.

The fee for a Class E license shall be one hundred dollars for the license year, May 1st through April 30th, and no provision shall be made for a prorated license fee. There shall be no limit on the number of Class E (bingo) licenses issued in any year.

- F. Class F license (restaurants/no bar), which shall authorize the retail sale in restaurants of alcoholic liquor for consumption only at tables on the licensed premises where sold. Consumption of alcoholic liquor at or over a bar or counter is specifically prohibited on premises covered by a Class F license. Such licenses may be issued and retained by those establishments which:

- (1) Have a seating capacity at tables for a minimum of fifty persons for food service; and
- (2) Are, in fact, operated and licensed as restaurants; and
- (3) Offer their patrons full and complete meals, including dinner menu, and in which the service of alcoholic beverages is incidental and complementary to the service of such meals.
- (4) Class F license holders are permitted to offer banquet services within the licensed facility, provided the facility and room meets the occupancy requirements set by the Mundelein fire department.

The annual fee for each such license shall be two thousand dollars and there shall be no more than a total of three Class F licenses outstanding and in force at any one time. Said establishment shall be closed from two a.m. to six a.m. on weekdays, and from three a.m. to six a.m. on Saturdays, Sundays, and holidays, during which no alcoholic liquor shall be sold, or offered for sale, on the premises.

- G. Class G license (restaurant/beer and wine sales only), which shall authorize the retail sale in restaurants of beer and wine and no other type of alcoholic liquor, for consumption only at tables or booths on the licensed premise where sold. Consumption of beer or wine at or over a counter or bar is specifically prohibited on premises covered by a Class G license. Such license may be issued and retained by those establishments which:

- (1) Have a seating capacity at tables and booths for a minimum of twenty-five persons for food service;
- (2) Are, in fact, operated and licensed as restaurants, as defined herein;
- (3) Offer their patrons full and complete meals, including a dinner menu, and in which the serving of beer and wine is incidental and complementary to the service of such meals;
- (4) Have no coin-operated amusement machines on the premises; and
- (5) Do not have drive-through facilities which are designed to allow customers to be served without dining in the restaurant.
- (6) Class G license holders are not permitted to offer banquet services within the licensed facility.

The annual fee for each license shall be one thousand five hundred dollars and there shall be no more than a total of five Class G licenses outstanding and in force at any one time. A

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licensee which possesses a valid Class G license shall not serve, or offer for sale, beer or wine between the hours of twelve a.m. and six a.m. and shall not allow any beer or wine to be present on the tables or booths in the establishment between one a.m. and six a.m.

The term "full and complete meals, including a dinner menu" means food service provided by a licensee on the licensed premise on not less than five days each week, between at least the hours of five p.m. and eight p.m. continuously. Pizza, spaghetti, chop suey, and similar items, (but not sandwiches and snack-type foods), shall be considered a "full and complete meal."

H. Class H license (golf course), which shall authorize the retail sale on the licensed premises described of alcoholic liquor for consumption only on such premises. Said premises may have a full serve bar thereon. Such licenses may be issued and retained by those establishments which:

(1) Have a seating capacity at tables and booths for a minimum of twenty-five persons for food service, which may consist of sandwiches, snacks and items similar thereto;

(2) Have a daily fee golf course having not less than eighteen holes; and

The following shall be permitted at a Class H licensed facility:

(1) The sale of alcoholic liquor at a bar in the clubhouse or at tables.

(2) The sale of alcoholic liquor from a motorized "beverage cart" or from a beverage facility on the golf course.

(3) Consumption of alcoholic liquor on the golf course grounds.

(4) The sale of alcoholic liquor in conjunction with restaurant meal service.

(5) The sale of alcoholic liquor as part of banquet service, provided the facility is equipped with a banquet room that meets the occupancy requirements of the Mundelein fire department.

(6) The sale of alcoholic liquor from a temporary structure erected on the premises for the purpose of expanding the banquet service capabilities of the facility, provided the structure is erected with the proper permits and approval of the village of Mundelein.

The annual fee for each such license shall be one thousand five hundred dollars and there shall be no more than a total of three Class H licenses outstanding and in force at any one time. No alcoholic liquor shall be served or offered for sale on the licensed premises from twelve a.m. to six a.m.

I. Class J license (hotel, motel and university), which shall authorize the retail sale in hotels and motels, having at least seventy-five individual rental units, and at universities of higher education with overnight accommodations having at least one hundred dormitory rooms, of alcoholic liquor for consumption on the licensed premises by guests of the licensed premises where sold. Consumption of alcoholic liquor at or over a bar or counter is specifically prohibited on premises covered by a Class J license. Alcoholic liquor may only be sold or provided in:

(1) Designated meeting/banquet rooms approved by the local liquor commissioner. Banquet services are permitted provided the banquet room meets Mundelein fire department standards for a place of assembly.

(2) In a lounge area providing a maximum seating capacity of fifty persons;

(3) In a swimming pool area;

(4) Alcoholic liquor may be consumed in the individual rental units or dormitory rooms. Alcoholic liquor may not be sold from individual rental units or dormitory rooms.

Alcoholic liquor for sale or distribution in any of the permitted locations on premises must be provided by the license holder.

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Alcoholic liquor may be sold or offered for sale to rooms which contain sleeping accommodations through room service only if delivered to the room by an individual of at least twenty-one years of age with a BASSET, or equivalent, license and pursuant to the license holder's operational plans, approved by the local liquor commissioner, or his designee, delineating additional administrative controls to ensure that underage drinking does not occur in the rooms which contain sleeping accommodations.

If the license holder intends to offer the sale of alcoholic liquor through room service, the application for the Class J license shall include the applicant's operations plan ensuring that underage drinking does not occur in the rooms which contain sleeping accommodations.

The annual fee for each such license shall be one thousand five hundred dollars and there shall be no more than a total of two Class J licenses outstanding and in force at any one time. No alcoholic liquor shall be sold, or offered for sale, on the premises between two a.m. and eight a.m. on all days of the week.

- J. Class K license (banquet services only), shall authorize the serving and retail sale of alcoholic liquor for consumption on the premises of establishments constructed as banquet service facilities and authorized for banquet services as the principal use, or in such public facilities in which banquet services are permitted, but where no other type of liquor license has been issued for the facility.

- (1) Alcoholic liquor under this license may be served and sold only to invited guests.
- (2) No such banquet facility shall have a bar, lounge, or similar area devoted primarily to the service and consumption of alcoholic beverages only.
- (3) No retail sale of alcoholic beverages shall be made at any time to the general public, other than those in attendance at the banquet event.

The annual fee for each license shall be two thousand five hundred dollars and there shall be no more than a total of zero Class K licenses outstanding and in force at any one time. A licensee which possesses a valid Class K license shall not serve, or offer for sale, alcoholic liquor between the hours of two a.m. and eight a.m.

- K. Class L (Tasting Events). A Class L liquor license shall authorize the holder to conduct beer, wine or liquor tasting events subject to the provisions listed below at which alcoholic liquor is sampled by the public to promote retail sale by the liquor license holder.

Nothing in this section shall prohibit the holder of a Class B liquor license from holding a beer, wine or liquor tasting event on the premises of the license holder for the purpose of featuring a limited quantity of new products without the receipt of a Class L license or payment of an additional fee.

Holders of a Class B liquor license shall be required to obtain a Class L license to hold a tasting promoting the sale of alcoholic liquor off the premises of the license holder. In addition, holders of a Class F, G, H, I, J or K shall be required to obtain a Class L license to hold a tasting promoting the sale of alcoholic liquor on the premises of the license holder.

Nothing in this section shall permit the holders of Class A, A1, F, G, H, J, K or M to hold a promotional tasting event off the premises of the license holder.

The following provisions are required for any Class L liquor license holder:

- (1) Beer, wine and liquor tastings are permitted as promotional events, which shall be limited to a maximum of four per year. No single tasting shall exceed two consecutive days.
- (2) A Class A, A1, B, F, G, H, J or M liquor license holder must apply for and be issued a class I license for each separate tasting period from the local liquor control commissioner.

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- (3) The tasting shall be supervised by an employee of the licensed liquor establishment who has completed BASSET training in accordance with Section 5.76.310 of this chapter, and may only be conducted in a designated area approved by the local liquor control commissioner.
- (4) Food must be served as part of the tasting.
- (5) No licensee shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products.
- (6) If the establishment's existing liquor license is restricted to the sale of beer or wine, the tasting shall also be so restricted.
- (7) The fee for each such license shall be one hundred dollars per day.

L. Reserved.

M. Class M1 license (microbrewery), which shall authorize the operation of a microbrewery producing less than thirty thousand barrels of beer or ale per license year in compliance with state and federal licenses authorizing the production, storage and distribution of an alcoholic beverage.

A Class M1 microbrewery license shall further authorize:

- (1) The retail sale, at a bar or table, of the beer and ale produced on the premises. No retail sale of beer and ale produced off-premises or other alcoholic liquor shall be permitted.
- (2) As part of a microbrewery tour, the consumption of up to four samples, which do not exceed four fluid ounces per sample, of the beer and ale produced on the premises may be provided without charge.
- (3) The sale of beer and ale dispensed into growlers for consumption off premises, provided the growlers are properly sealed for transport in compliance with state law.
- (4) The sale of beer or ale produced on premises and dispensed into kegs for consumption off-premises provided the kegs are sold in accordance with Section 5.76.320 of this code.

The annual fee for each Class M1 license shall be two thousand five hundred dollars. There shall be no more than a total of one Class M1 license outstanding and in force at any one time.

The retail portion of said establishment shall be closed from twelve a.m. through six a.m. on weekdays, Saturdays, Sundays and holidays during which no alcoholic liquor shall be sold, or offered for sale, on the premises.

N. Class M2 license (brew pub), which shall authorize the operation of a microbrewery producing less than thirty thousand barrels of beer per license year in compliance with state and federal licenses authorizing the production, storage and distribution of an alcoholic beverage.

A Class M2 brew pub license shall further authorize:

- (1) The retail sale, at a bar or table, of the beer and ale produced on the premises.
- (2) Retail sale at a full service bar of alcohol produced off-site.
- (3) As part of a microbrewery tour, the consumption of up to four samples, which do not exceed four fluid ounces per sample, of the beer and ale produced on the premises may be provided without charge.
- (4) The sale of beer and ale dispensed into growlers for consumption off premises, provided the growlers are properly sealed for transport in compliance with state law.

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The annual fee for each Class M2 license shall be three thousand five hundred dollars. There shall be no more than a total of zero Class M2 license outstanding and in force at any one time.

The retail portion of said establishment shall be closed from two a.m. through six a.m. on weekdays, and from three a.m. through six a.m. on Saturdays, Sundays and holidays, during which no alcoholic liquor shall be sold, or offered for sale, on the premises.

(Ord. 08-10-57 § 1; Ord. 08-10-56 § 1; Ord. 08-08-48 § 1; Ord. 08-08-47 § 1; Ord. 08-06-26 § 1; Ord. 08-04-22 § 1; Ord. 08-04-21 § 1; Ord. 08-01-04 § 1; Ord. 08-01-03 § 1; Ord. 07-12-65 § 1; Ord. 07-05-29 § 1; Ord. 07-02-07 §§ 1, 2; Ord. 06-11-92 § 1; Ord. 06-05-42 § 1; Ord. 06-04-37 §§ 1—6; Ord. 06-04-29 § 1; Ord. 06-01-05 § 1; Ord. 06-01-04 § 1; Ord. 06-01-03 § 1; Ord. 06-01-01 § 1; Ord. 05-09-65 § 1; Ord. 05-06-42 §§ 1, 2; Ord. 05-03-23 § 1; Ord. 04-12-69 § 14)

(Ord. No. 09-01-06, § 1, 1-26-09; Ord. No. 09-02-09, § 1, 2-9-09; Ord. No. 09-04-26; § 1, 4-27-09; Ord. No. 09-05-29, §§ 1—3, 5-11-09; Ord. No. 09-05-30, § 1, 5-11-09; Ord. No. 09-09-56, § 1, 9-28-09; Ord. No. 09-10-59, § 1, 10-12-09; Ord. No. 09-10-64, § 1, 10-26-09; Ord. No. 10-04-15, § 1, 3-12-10; Ord. No. 10-04-16, § 1, 3-12-10; Ord. No. 10-04-17, § 1, 4-26-10; Ord. No. 10-08-53, § 1, 8-23-10; Ord. No. 10-10-64, § 1, 10-25-10; Ord. No. 10-12-71, § 1, 12-13-10; Ord. No. 11-02-07, § 2, 2-14-11; Ord. No. 11-02-08, § 1, 2-14-11; Ord. No. 11-02-09, § 1, 2-14-11; Ord. No. 11-03-10, § 3, 3-14-11; Ord. No. 11-4-17, §§ 1—4, 4-25-11; Ord. No. 11-05-24, §§ 1, 2, 5-9-11; Ord. No. 11-05-26, § 1, 5-9-11; Ord. No. 11-07-42, § 1, 7-25-11; Ord. No. 11-08-49, §§ 1—4, 8-22-11; Ord. No. 11-11-69, § 1, 11-14-11; Ord. No. 12-01-01, § 1, 1-9-12; Ord. No. 12-06-28, §§ 2, 3, 6-11-12; Ord. No. 12-12-57, § 1, 12-10-12)

5.76.150 - Consumption of alcohol in nonlicensed establishments.

It is unlawful to be in possession of, or to consume, any alcoholic liquor in any restaurant, or other establishment holding a food vendor's license from the county of Lake, within the village of Mundelein unless the possession is on the premises of an establishment holding a valid village of Mundelein liquor license.

(Ord. 04-12-69 § 15)

5.76.160 - Employees.

- (a) Every person in charge of premises where alcoholic liquor is sold shall keep himself and his employees in a clean condition and cleanly clothed, and no person who has any communicable skin disease or who has an infectious, contagious, or venereal disease shall engage in or be employed in and about such business or on such premises.
- (b) It is further unlawful for any person under the age of twenty-one to draw, pour, mix or sell any alcoholic liquor as an employee of any retail licensee; it is further unlawful for anyone under the age of eighteen to serve alcoholic liquor.
- (c) Every business must have a named manager, including sole proprietorships. The manager of the day-to-day operation of the licensee's business must be a resident of Lake County, Illinois and a U.S. citizen. The village of Mundelein must be notified within thirty days of the change of manager for the licensed establishment.

(Ord. 08-02-09 § 1)

5.76.170 - Sanitary conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, shall be kept in full compliance with this chapter and

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ordinances regulating the condition of the premises used for the storage or sale of food for human consumption, and shall have free toilet facilities for both men and women.

(Ord. 04-12-69 § 17)

5.76.180 - Location restrictions.

No license shall be issued for any location in violation of the zoning code as amended, and no license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet of any church, hospital, school, home for aged, or indigent persons, or for veterans, their wives or children, or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant services, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of the Liquor Control Act; nor for the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred feet of any church where such church has been established within one hundred feet since the issuance of the original license. Also, no such license shall be issued for any premises in violations of the Liquor Control Act.

(Ord. 04-12-69 § 18)

5.76.190 - Sale to persons under twenty-one prohibited.

- (a) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one years or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one years except in the performance of a religious ceremony or service.
- (b) It is unlawful for any licensee, or his agent or employee, to suffer or permit any person under the age of twenty-one years to be or remain in any room or compartment situated in or adjoining or adjacent to the place where such licensed premises are located, provided that this section shall not apply to any person under the age of twenty-one years who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor, such as restaurants, food shops, bowling alleys and golf courses.
- (c) Every place in the village where alcoholic liquor is sold shall display, at all times in a prominent location, a printed card which shall be issued by the village and which shall read substantially as follows:

"WARNING: Minors, you are subject to a fine up to \$500.00 under the ordinances of the Village of Mundelein, Illinois if you PURCHASE alcoholic liquor, or MISREPRESENT YOUR AGE for the purpose of purchasing alcoholic liquor. OFFICIAL PHOTO IDENTIFICATION will be required to prove age before purchase. Any person who purchases or otherwise obtains alcoholic liquor which he or she resells or gives to any minor shall also be subject to a fine up to \$500.00."
- (d) If a licensee or his agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is underage, then he shall, before making such sale or delivery, demand presentation of at least two separate forms of positive identification, each containing proof of age, each issued by a public officer in the performance of his official duties and one of those forms of identification must contain a photograph of the holder thereof. A traffic citation shall not be accepted as identification or evidence of age.

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(Ord. 05-01-11 § 1; Ord. 04-12-69 § 19)

5.76.200 - Purchase, possession or consumption by persons under twenty-one prohibited.

- (a) It is unlawful for any person under the age of twenty-one years to purchase, obtain, accept a gift of, consume or have in his or her possession any alcoholic liquor in any place in the village, unless provided otherwise in this chapter.
- (b) No person shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the village.
- (c) No person shall transfer, alter or deface an identification card as described in Section 5.76.190(D) of this chapter, use the identification card of another, carry or use a false or forged identification card, obtain an identification card by means of false information, or otherwise misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the village.
- (d) This section shall not be construed to prevent the employment of persons who are at least eighteen years of age on the licensed premises for the purpose of serving any alcoholic liquor.
- (e) Persons under the age of eighteen years of age may also be employed on the licensed premises, provided they do not draw, pour, mix, serve, or sell alcoholic liquor.
- (f) It is unlawful for any parent or guardian to knowingly suffer or permit any minor child of which he or she may be the parent or guardian to violate any provision of this section.
- (g) It is unlawful for any owner or occupant of any premises located within the village to knowingly allow any person under the age of twenty-one years to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquor in violation of this section.
- (h) Nothing in this section shall excuse or relieve the licensee or persons in charge of any place in the village where alcoholic liquor is sold from the restrictions and requirements of this chapter or any other ordinance of the village or of the laws of the state of Illinois.

(Ord. 04-12-69 § 20)

5.76.210 - Prohibited conduct.

The following kinds of conduct on premises in the village licensed to sell alcoholic liquor are prohibited:

- (a) The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- (b) The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, genitals or vulva;
- (c) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals;
- (d) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts, buttocks, pubic hair, genitals, anus or vulva;
- (e) The displaying of films or pictures depicting acts, a live performance of which is prohibited by this section.

(Ord. 04-12-69 § 21)

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5.76.220 - Complaints.

Any citizen may make a complaint to the local liquor control commissioner for a violation of any of the provisions of this chapter. Such complaint shall be in writing and shall be signed and sworn to by the party complaining. The complaint shall state the particular provision, rule or regulation that is believed to have been violated, and the facts in detail upon which the belief is based. If the local liquor control commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

(Ord. 04-12-69 § 22)

5.76.230 - Peddling.

It is unlawful to peddle alcoholic liquor in the village.

(Ord. 04-12-69 § 23)

5.76.240 - Closing hours.

It is unlawful to sell or offer for sale at retail any alcoholic liquor outside of the prescribed selling hours (as stated in Section 5.76.140). Except for the restrictions, licensees hereunder may sell alcoholic liquor on Sundays. It is unlawful to keep open for business or to admit the public to any premises in which alcoholic liquor is sold at retail during the hours within which the sale of liquor is prohibited; provided that in the case of restaurants, clubs, hotels, food shops, and other places where the sale of alcoholic liquor is not the principal business carried on, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

No customer, patron, invitee or other person, except the licensee and employees of the licensee, shall be allowed to remain on the premises in which alcoholic liquor is sold at retail more than fifteen minutes following the closing hours stated in Section 5.76.140 of this chapter and the presence of any such customer, patron, invitee or other person on the premises thereafter shall be a violation of this chapter by the licensee or the licensee's employee in charge of the premises at the time.

(Ord. 04-12-69 § 24)

5.76.250 - License displayed.

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Ord. 04-12-69 § 25)

5.76.260 - Penalties for violations.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction by a court of competent jurisdiction, be fined not less than two hundred fifty dollars, nor more than two thousand five hundred dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 04-12-69 § 26)

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5.76.270 - Violations of other laws.

No one selling, handling or making use of alcoholic liquor in the village shall violate any law of the state of Illinois or of the United States, and any violation of this section shall be considered an offense hereunder and shall subject the offender to the penalty of penalties provided for in this chapter.

(Ord. 04-12-69 § 27)

5.76.280 - Suspension—Revocation—Fine.

The local liquor control commissioner may revoke or suspend any license issued hereunder if he determines that the licensee has violated any of the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., and/or Title 11 of the Illinois Administrative Code Subtitle D: Video Gaming, Chapter 1: Illinois Gaming Board, Part 1800 Video Gaming (General), as amended, incorporated by reference in this chapter. No such license shall be revoked or suspended for more than thirty days and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a three day written notice to the licensee affording the licensee opportunity to appear and defend. The local liquor control commissioner may also levy a fine only or a fine in addition to a suspension not to exceed one thousand dollars for a first violation within a twelve-month period; one thousand five hundred dollars for a second violation within a twelve-month period; two thousand five hundred dollars for a third or subsequent violation within a twelve-month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars in fines under this section may be imposed against a licensee during the period of his, her or its license. Proceeds of such fines shall be paid into the general corporate fund of the village.

If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will in any way threaten the welfare of the village, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

The local liquor control commissioner shall, within five days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five days upon the licensee. The licensee shall have the privilege, within a period of twenty days after the receipt of such order of fine, suspension or revocation, of appealing the order to the Illinois Liquor Control Commission and upon the filing of such an appeal by the licensee, the Illinois Liquor Control Commission shall determine the appeal upon the certified record of proceedings of the local liquor control commissioner in accordance with state law.

(Ord. 04-12-69 § 28)

(Ord. No. 09-02-08, § 1. 2-9-09; Ord. No. 12-10-43, § 4. 10-22-12)

5.76.290 - Termination.

If any licensee shall cease doing business on the premises covered by any license or shall remain closed for a period of sixty consecutive days (unless authorized by the local liquor control commissioner for restoration or remodeling following the destruction or partial destruction thereof, or for such other reason as may be approved by the local liquor control commissioner), such license shall thereupon become terminated and void and there shall be no refund of any portion of the license fee; provided, however, that any period in which a golf course (to which a Class H liquor license has been issued) is

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closed between November 1 and March 1 shall not be counted for purposes of this section, but the period between November 1 and March 1 shall not be considered to destroy the consecutiveness of days immediately before and after such period when such premises are closed.

(Ord. 04-12-69 § 29)

5.76.300 - Happy hours prohibited.

- (a) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.
- (b) No retail licensee or employee or agent of such licensee shall:
 - (1) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
 - (2) Sell, offer to sell, or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 - (3) Sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection (c)(7) of this section;
 - (4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
 - (5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 - (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (5) of this section.
- (c) Nothing in subsection B of this section shall be construed to prohibit a licensee from:
 - (1) Offering free food or entertainment at any time;
 - (2) Including drinks of alcoholic liquor as part of a meal package;
 - (3) Including drinks of alcoholic liquor as part of a hotel package;
 - (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
 - (5) Providing room service to persons renting rooms at a hotel;
 - (6) Selling pitchers (or the equivalent, including, but not limited to, buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two or more persons at one time; or
 - (7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(Ord. 04-12-69 § 30)

Title 5 - BUSINESS REGULATIONS AND LICENSES

Chapter 5.76 - ALCOHOLIC LIQUORS*

5.76.310 - BASSET training programs.

- (a) Applications for liquor licenses effective on or after May 1, 2005, and for any licensee guilty of a liquor ordinance violation after December 13, 2004, shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Educational Training (BASSET) program for all managers, anyone acting in a management capacity, all employees who sell or serve alcoholic beverages, and anyone whose job description includes the checking of identification for the purchase of alcoholic beverages.
- (b) Applications for liquor licenses effective before May 1, 2005 shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Educational Training (BASSET) program for the owner or manager.
- (c) Effective May 1, 2009, all applications for liquor licenses shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Educational Training (BASSET) program for all managers, anyone acting in a management capacity, all employees who sell or serve alcoholic beverages, and anyone whose job description includes the checking of identification for the purchase of alcoholic beverages.
- (d) All holders of Class D licenses shall have available for the police department the name, address, and date of birth of all persons serving alcohol.
- (e) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Department of Alcoholism and Substance Abuse (DASA) as required by 235 ILCS 5/6-27 of the Illinois Compiled Statutes and regulated under Title 77 of the Illinois Administrative Code, Chapter X, Section 2056 Subpart F. Providers of BASSET training shall be required to have on file with the liquor commission all licenses and certificates to prove current qualifications.
- (f) Each establishment issued a liquor license shall maintain a record of BASSET training completed by each employee required to receive such training in accordance with subsection (a) above. Such records shall be maintained in a manner that will allow inspection upon demand by any designee of the liquor control commission.
- (g) New employees are required to obtain BASSET certification within thirty days of their date of hire, and provide proof of completion of a State Certified Beverage Alcohol Sellers and Servers Educational Training (BASSET) program to the village.

(Ord. 08-02-09 § 2)

5.76.320 - Sale of kegs.

- (a) A liquor license holder who sells a keg shall affix to each keg sold a tag, furnished by the local liquor control commissioner, containing an identification number enabling the purchaser to be identified.
- (b) The liquor license holder shall keep a logbook of all kegs sold, showing the identification number on the tag affixed to each keg, and the purchaser's name, address, telephone number, driver's license/state identification number, description of second form of identification, if required, date of birth, and signature of party purchasing keg. The log book shall be available for inspection by the village police department during normal working hours.
- (c) The liquor license holder shall require the purchaser to deposit, at the time of the sale of a keg, at least fifty dollars for sale of a keg with a pumper and at least ten dollars for sale of a keg without a pumper. The deposit shall be refunded only upon the return of the keg with the tag properly affixed. Only one deposit fee will be required from a purchaser of more than one keg at any one time.
- (d) The liquor license holder shall require the purchaser, at the time of the sale, to sign a form to be provided by the local liquor commissioner, setting forth the provisions of this section and informing

Title 5 - BUSINESS REGULATIONS AND LICENSES

Chapter 5.76 - ALCOHOLIC LIQUORS*

the purchaser that the deposit will be forfeited if the keg is not returned with the tag properly affixed. The licensee shall retain this form for ninety days after the sale.

- (e) Any keg not returned with the tag properly affixed within sixty days following the date of sale shall be considered lost, and the deposit shall be forfeited.

The licensee shall notify the village police department on a monthly basis of all deposits that are forfeited and forward the form of all deposits forfeited.

- (f) A liquor license holder may retain the forfeited deposit.
- (g) It is unlawful to possess a keg within the village which does not have a proper tax affixed or, if the keg was purchased outside the village, without proof of purchase for the keg, including the name and address of the seller.

(Ord. 05-01-11 § 2; Ord. 04-12-69 § 32)

5.76.330 - Appeals from liquor commission orders.

Any order or action of the liquor commission may be appealed as authorized by law, and in any case where a licensee appeals to the state liquor commission from any order or action of the liquor commission. Such appeals shall be limited to a review of the official record of proceedings held before the liquor commission and as contemplated by State Statute, 235 ILCS 5/7-9. This provision has been adopted for the expressed purpose of requiring that such appeal review be on the record.

(Ord. 08-03-16 § 1)

FOOTNOTE(S):

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* Prior ordinance history: Ords. 03-12-53, 04-03-11, 04-04-15, 04-04-16, 04-06-26, 04-09-55, 04-10-62 and 04-11-64. ([Back](#))

APPENDIX – B

Chapter 5.98 - LOCAL VIDEO GAMING LICENSES

Sections:

5.98.010 - Video gaming terminal definition.

5.98.020 - Premises on which video gaming terminals are permitted.

5.98.030 - Fee.

5.98.040 - License required.

5.98.050 - Application form required.

5.98.060 - Location restrictions.

5.98.010 - Video gaming terminal definition.

For purposes of this chapter, video gaming terminal shall have the same meaning as set forth in the Illinois Gaming Act (230 ILCS 40/65).

(Ord. No. 12-10-43, § 2(I), 10-22-12)

5.98.020 - Premises on which video gaming terminals are permitted.

- (a) Licensed retail establishments in the village of Mundelein where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises as permitted under the Act, the State Gaming Board Regulations and the rules and regulations contained in this chapter, and where no cash-dispensing terminal, as defined in 205 ILCS 616/1 et seq., is located in or on such premises; and
- (b) Licensed fraternal establishments, veteran establishments and truck stop establishments in the village of Mundelein as permitted under the Act, the State Gaming Board Regulations and the rules and regulations contained in this chapter, in which no cash-dispensing terminal, as defined in 205 ILCS 616/1 et seq., is located in or on such premises.

(Ord. No. 12-10-43, § 2(II), 10-22-12)

5.98.030 - Fee.

There is hereby imposed on the privilege of operating every video gaming terminal in this village, as defined in the Illinois Video Gaming Act, 230 ILCS 40/1, et seq., an annual fee of one hundred fifty dollars for each such device.

(Ord. No. 12-10-43, § 2(III), 10-22-12)

Title 5 - BUSINESS REGULATIONS AND LICENSES

Chapter 5.98 - LOCAL VIDEO GAMING LICENSES

5.98.040 - License required.

No person shall keep or display for operation or patronage by the public within this village any video gaming terminal without having first obtained a written license therefor from the village, which license shall be hung in plain view in a conspicuous place on the licensed premises, and such posted license shall include the number of video gaming terminals licensed on such premises. It shall be a prerequisite to any such video gaming terminal license issued by the village that such establishment keeping the video gaming terminal have in place the following licenses:

- (1) A valid license from the Illinois Gaming Board for each such device; and
- (2) If alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, (a) a valid state of Illinois liquor license issued by the Illinois Liquor Commission; and (b) a valid Class A, A1 or H liquor license for service of alcoholic liquor on the premises issued by the Mundelein liquor control commissioner.
- (3) The revocation, loss or suspension of any license set forth in subsections (1), (2) (a) or 2 (b) of this section shall automatically result in the revocation, loss or suspension of the village video gaming terminal license issued hereunder, without refund of any license fee, for all video gaming terminals licensed for the establishment.

(Ord. No. 12-10-43, § 2(IV), 10-22-12)

5.98.050 - Application form required.

An annual application for a video gaming terminal license shall be made to the village on forms furnished by the village clerk. The application shall set forth the number of video gaming terminals for which permission is sought for a particular premises, and shall include a copy of the licenses issued from the state of Illinois for each video gaming terminal at that location, and a copy of the applicant's state of Illinois and village of Mundelein liquor license for that location, if applicable, and shall be accompanied by payment of a non-refundable application fee in the amount of two hundred fifty dollars.

(Ord. No. 12-10-43, § 2(V), 10-22-12)

5.98.060 - Location restrictions.

An establishment requesting a license for video gaming terminals shall be a minimum of one hundred feet from a preexisting school or a place of worship under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). Distance shall be determined by measuring the distance from a proposed or existing licensed video gaming location to a preexisting school or place of worship by drawing a straight line between the closest part of the building used for the proposed or existing licensed video gaming location and the closest part of any building used for the school or place of worship.

(Ord. No. 12-10-43, § 2(VI), 10-22-12)

ORDINANCE NO. 12-10-43

AN ORDINANCE AMENDING THE MUNDELEIN MUNICIPAL CODE TO PERMIT VIDEO GAMING TERMINALS AT LICENSED ESTABLISHMENTS IN THE VILLAGE OF MUNDELEIN IN ACCORDANCE WITH THE ILLINOIS VIDEO GAMING ACT, REGULATIONS ESTABLISHED BY THE ILLINOIS GAMING BOARD & RULES & REGULATIONS CONTAINED IN THIS ORDINANCE

WHEREAS, the Village of Mundelein, an Illinois municipal corporation located in Lake County, Illinois is a home rule unit of government that has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, the State of Illinois has enacted the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., which authorized video gaming at video gaming terminals licensed by the Illinois Gaming Board at certain locations in the State, including licensed retail establishments where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, and licensed fraternal establishments, veterans establishments and truck stops, unless a municipality bans video gaming by ordinance or referendum; and

WHEREAS, the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., grants the Local Liquor Control Commissioner of a municipality the power to grant liquor licenses to serve alcoholic liquor on premises within its jurisdiction, and to revoke or suspend such liquor licenses and levy fines on liquor licensees for violations of said Act and/or its ordinances related to liquor control; and

WHEREAS, the Illinois Gaming Act does not expressly preempt municipalities from regulating video gaming but granted the Village limited power to regulate Video Gaming Terminals within the Village's corporate limits; and

WHEREAS, the Village Board of Trustees has determined that it is in the best interest of the Village and the public to permit video gaming terminals in the Village of Mundelein in accordance with the Illinois Video Gaming Act, regulations adopted by the Illinois Gaming Board and rules and regulations contained in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Mundelein, Lake County Illinois, as follows:

SECTION 1: The Illinois Video Gaming Act, 230 ILCS 40/1 *et seq* (the "Act") and Title 11 of the Illinois Administrative Code Subtitle D: Video Gaming, Chapter I: Illinois Gaming Board, Part 1800 Video Gaming (General), (the "State Gaming Board Regulations"), as amended, are hereby adopted by reference.

SECTION 2: The following is hereby added to Title 5, Business Regulations and Licenses of the Mundelein Municipal Code:

Local Video Gaming Licenses

I. Video Gaming Terminal Definition. For purposes of this chapter, Video Gaming Terminal shall have the same meaning as set forth in the Illinois Gaming Act (230 ILCS 40/65).

II. Premises on which Video Gaming Terminals are permitted:

- (a) licensed retail establishments in the Village of Mundelein where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises as permitted under the Act, the State Gaming Board Regulations and the rules and regulations contained in this Ordinance, and where no cash-dispensing terminal, as defined in 205 ILCS 616/1 *et. seq.*, is located in or on such premises; and
- (b) licensed fraternal establishments, veteran establishments and truck stop establishments in the Village of Mundelein as permitted under the Act, the State Gaming Board Regulations and the rules and regulations contained in this Ordinance, in which no cash-dispensing terminal, as defined in 205 ILCS 616/1 *et. seq.*, is located in or on such premises.

III. Fee. There is hereby imposed on the privilege of operating every Video Gaming Terminal in this Village, as defined in the Illinois Video Gaming Act, 230 ILCS 40/1, et seq., an annual fee of \$150.00 for each such device.

IV. License Required. No person shall keep or display for operation or patronage by the public within this Village any Video Gaming Terminal without having first obtained a written license therefor from the Village, which license shall be hung in plain view in a conspicuous place on the licensed premises, and such posted license shall include the number of video gaming terminals licensed on such premises. It shall be a prerequisite to any such Video Gaming Terminal License issued by the Village that such establishment keeping the Video Gaming Terminal have in place the following licenses:

- (1) A valid license from the Illinois Gaming Board for each such device; and
- (2) If alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, (a) a valid State of Illinois liquor license issued by the Illinois Liquor Commission; and (b) a valid Class A, A1 or H liquor license for service of alcoholic liquor on the premises issued by the Mundelein Liquor Control Commissioner.
- (3) The revocation, loss or suspension of any license set forth in subsections (1), (2) (a) or 2 (b) of this Section shall automatically result in the revocation, loss or suspension of the Village Video Gaming Terminal License issued hereunder, without refund of any license fee, for all Video Gaming Terminals licensed for the establishment.

V. Application Form Required. An annual application for a Video Gaming Terminal license shall be made to the Village on forms furnished by the Village Clerk. The application shall set forth the number of Video Gaming Terminals for which permission is sought for a particular premises, and shall include a copy of the licenses issued from the State of Illinois for each Video Gaming Terminal at that location, and a copy of the applicant's State of Illinois and Village of Mundelein liquor license for that location, if applicable, and shall be accompanied by payment of a non-refundable application fee in the amount of \$250.00.

VI. An establishment requesting a license for Video Gaming Terminals shall be a minimum of 100 feet from a preexisting school or a place of worship under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). Distance shall be determined by measuring the distance from a proposed or existing Licensed Video Gaming Location to a preexisting school or place of worship by drawing a straight line between the closest part of the building used for the proposed or existing licensed video gaming location and the closest part of any building used for the school or place of worship.

SECTION 3: Amendment to Chapter 5.08, License Fees and Requirements. Chapter 5.08, Article 1, Fees, subsection 5.08.420 (b) of the Mundelein Municipal Code is hereby deleted and replaced with the following:

(b) Except with respect to video gaming terminals, no gambling, raffle, lottery or chance gift distribution of money or articles of value shall be permitted on any premises wherein a business, occupation, activity, or establishment is licensed under this chapter.

SECTION 4: Amendment to Chapter 5.76, Alcoholic Liquors. Chapter 5.76, Alcoholic Liquors, subsection 5.76.280 Suspension – Revocation - Fine, of the Mundelein Municipal Code is hereby amended to add the following:

The Local Liquor Control Commissioner may revoke or suspend any license issued hereunder if he determines that the licensee has violated any of the provisions of the Video Gaming Act, 230 ILCS 40/1 et. seq., and/or Title 11 of the Illinois Administrative Code Subtitle D: Video Gaming, Chapter 1: Illinois Gaming Board, Part 1800 Video Gaming (General), as amended, incorporated by reference in this Chapter. No such license shall be revoked or suspended for more than thirty (30) days and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee opportunity to appear and defend. The Local Liquor Control Commissioner may also levy a fine only or a fine in addition to a suspension not to exceed \$1,000 for a first violation within a 12 month period; \$1,500 for a second violation within a 12 month period; \$2,500 for a third or subsequent violation within a 12 month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against a licensee during the period of his, her or its license. Proceeds of such fines shall be paid into the general corporate fund of the Village.

If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will in any way threaten the welfare of the Village, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee opportunity to be heard during that period; except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five (5) days upon the licensee. The licensee shall have the privilege, within a period of twenty (20) days after the receipt of such order of fine, suspension or revocation, of appealing the order to the Illinois Liquor Control Commission and upon the filing of such an appeal by the licensee, the Illinois Liquor Control Commission shall determine the appeal upon the certified record of proceedings of the Local Liquor Control Commissioner in accordance with State law.

SECTION 5: Amendment to the Mundelein Criminal Code.

I. Chapter 9.60, Criminal Code, Article III, Gambling, subsection 9.60.300 B of the Mundelein Municipal Code shall be amended to add the following:

6. Licensed Video Gaming establishments licensed in accordance with the provisions provided in Title 5, Business Licenses and Regulations of the Mundelein Municipal Code.

Nothing contained in this Ordinance shall in any way be construed to authorize, license or permit the operation of "gambling devices" as defined in Section 28-2 of the Illinois Criminal Code which for purposes of this subsection is amended to expressly exclude licensed Video Gaming Terminals as defined in the Illinois Video Gaming Act (230 ILCS 40/1, et seq.). Any such gambling device, excluding any duly licensed Video Gaming Terminals, as defined herein, shall be seized by the police in accordance with Section 28-5 of the Illinois Criminal Code.

SECTION 6: Nothing in this Ordinance shall excuse or relieve the owner, proprietor, or person in charge of any licensed video gaming establishment from the restrictions

and requirements of any other ordinance or ordinances of the Village or statutes of the State of Illinois.

SECTION 7: Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8: Repeal of Prior Ordinances. All prior Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 9: Effective Date. This Ordinance shall be effective ten (10) days after its passage, approval and publication in pamphlet form, as required by law.

The foregoing ordinance was adopted by a roll call vote as follows:

AYES

Trustees:

Sullivan
Voss
Meier
Kessler

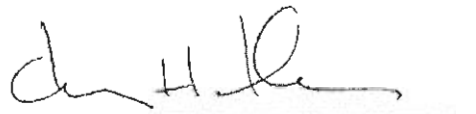
NAYS

Trustees:

Nutschnig
Semple
Lentz

ABSENT AND/OR NOT VOTING

None

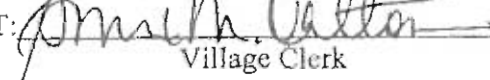


President

PASSED: October 22, 2012

APPROVED: October 22, 2012

PUBLISHED in pamphlet form: October 23, 2012

ATTEST: 
Village Clerk