

VILLAGE OF BRADLEY

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ORDINANCE NO. 0-3-21-2

AN ORDINANCE REPEALING AND REPLACING CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE BRADLEY VILLAGE CODE

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ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BRADLEY

THIS 22<sup>nd</sup> DAY OF March, 2021

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Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 22<sup>nd</sup> day of March, 2021

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**AN ORDINANCE REPEALING AND REPLACING CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE BRADLEY VILLAGE CODE**

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**WHEREAS**, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, pursuant to Section 4-1 of the Illinois Liquor Control Act (235 ILCS 5/4-1), the Corporate Authorities of the Village are authorized “to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with [the] Act and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued in their political subdivision . . . ; to regulate or prohibit the presence of persons under the age of 21 on the premises of licensed retail establishments of various kinds and classifications where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises; to prohibit any minor from drawing, pouring, or mixing any alcoholic liquor as an employee of any retail licensee; and to prohibit any minor from at any time attending any bar and from drawing, pouring or mixing any alcoholic liquor in any licensed retail premises; and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require; and to provide penalties for the violation of regulations and restrictions . . . relative to operation under local licenses”; and

**WHEREAS**, the Corporate Authorities of the Village previously exercise the foregoing authority by enacting Chapter 4 (Alcoholic Beverages) of the Bradley Village Code; and

**WHEREAS**, the Corporate Authorities of the Village have determined that it is necessary, expedient, and in the best interests of the Village and its citizens to repeal and replace said Chapter 4 (Alcoholic Beverages) as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

**SECTION 2.** That Chapter 4 (Alcoholic Beverages) of the Bradley Village Code is hereby repealed and replaced in its entirety with the following:

**CHAPTER 4. – ALCOHOLIC BEVERAGES**

**ARTICLE I. – IN GENERAL**

**Sec. 4-1. - Definitions.**

- (a) Interpretation. This chapter shall be liberally construed to the end that the health, safety, and welfare of the residents of the Village shall be protected.

(b) Definitions. Unless the context shall otherwise require, terms used in this chapter shall have the definitions given in Illinois Liquor Control Act, 235 ILCS Act 5, §§ 1-1 et seq. or as set forth below.

**ALCOHOL.** The product of fermentation and/or distillation of any liquid, whether refortified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.

**ALCOHOLIC LIQUORS.** 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. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume.

**APPLICANT.** The person or persons named in the application for a retail liquor license, including but not limited to all general or limited partners if a general or limited partnership; all officers, directors, and shareholders holding directly or beneficially more than five percent of the ownership interest in a corporation, if a corporation; each trustee and beneficiary, in the case of a trust, land trust, or joint venture; all managing members and all members holding directly or beneficially more than five percent of the ownership interest in a limited liability company (LLC) or who otherwise has a proprietary interest, interest in profits and losses, or right to control such entity, if an LLC; and each liquor manager, as that term is used herein.

**BAR.** A counter or other surface upon or over which alcoholic liquor is the principal commodity served by persons at such counter or surface.

**BEER GARDEN.** Use of an adjacent, outside area by a licensed tavern for the same eating and/or drinking activities that occur within the establishment. A beer garden shall be subject to the requirements as provided for in this Chapter.

**BEER.** A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and including but not limited to ale, stout, lager beer, porter, etc.

**DINING AREA.** The seating area where patrons or customers are to be seated at tables or a counter primarily for service of meals.

**DRUGSTORE CONVENIENCE STORE:** A store engaged primarily in the dispensing of prescription medications by a pharmacist, whether or not combined with the retail sale of convenience items, including but not limited to milk, bread, packaged and fresh prepared fast food items, bottled drinks, fountain drinks, cosmetics, toiletry items, first-aid supplies and non-prescription medications, greeting cards, gift cards, magazines, and other such sundries, for which the retail sale of alcoholic liquors is incidental.

**ENTERTAINMENT.** The offering or permitting of any amusement, including but not limited to live musical performances, vaudeville, acting, dancing, and/or contests (including, but not limited to, karaoke). Entertainment shall not be construed to include radio, television, electronic reproduction of music or coin-operated game machines. Entertainment does not include any form of Video Gaming.

**ESCAPE ROOM ESTABLISHMENT:** An establishment for which the primary business focus is the operation of a recreational facility in which members of the public cooperatively discover clues, solve puzzles, and accomplish tasks in one or more rooms in order to progress and accomplish a specific goal in a limited amount of time, which may include but is not limited to escaping from the establishment.

**GAS STATION CONVENIENCE STORE:** A store engaged primarily in the retail sale of groceries and convenience items, including but not limited to milk, bread, packaged and fresh prepared fast food items, bottled drinks, fountain drinks, cosmetics, toiletry items, first-aid supplies and non-prescription medications, greeting cards, gift cards, magazines, and other such sundries, in connection with the sale of gasoline and/or diesel fuel, and for which the retail sale of alcoholic liquors is incidental.

**GROCERY STORE:** A building where the primary business consists of the retail sale of food items, including but not limited to meats, cereals, produce, baked goods, dairy products, canned goods, prepared food products, beverages, cleaning supplies, pet food and supplies, personal products, household goods and similar items available to be purchased by the consumer, and for which the sale of alcoholic liquors is incidental.

**GROWLER/CROWLER:** A reusable, rigid container that holds up to 128 fluid ounces of beer and is designed to be sealed on premises by the licensee for off-premises consumption. Any and all references to "Growler" in this Chapter shall be deemed to also include "Crowler." The use of Growlers for any purpose permitted by this Code must at all times comply with the sanitation and use requirements of Section 6-6.5 of the Illinois Liquor Control Act (235 ILCS 5/6-6.5) and any other applicable statute, regulations, or other rule howsoever provided. Further, any violation of said Section 6-6.5 or any other applicable statute, regulation, or rule shall be deemed to be a violation of this Chapter and may be punished in any manner provided for herein.

**HOTEL OR MOTEL.** A building or structure, that is kept, used, maintained, advertised and held out as open to the public where sleeping accommodations are offered for consideration, whether on a transient or permanent basis, and where a meal is offered to guests either complimentary or for compensation in any dining area, including but not limited to a Restaurant. Such dining area(s) where meals are served to guests shall be contained in the same building or structure as the sleeping accommodations. Such building or structure shall provide adequate and sanitary kitchen and dining room equipment and capacity. For the purposes of this Chapter, any reference to "Hotel" also includes "Motel" and vice versa, except where the context clearly requires otherwise.

**LEGAL GUARDIAN:** Any foster parent or other person that has been appointed to act as guardian for or otherwise been given legal custody of a person of nonage by a court of this State or under the Illinois Juvenile Court Act, but shall not include any person that has appointed to act as guardian only for the estate of a person of nonage.

**LICENSE:** A local liquor license issued by the Village of Bradley pursuant to this Chapter.

**LICENSEE:** A person, including but not limited to any partnership, company, or corporate entity however described, to whom a valid and active license has been issued pursuant to this Chapter.

**LICENSED PREMISES:** Every building, establishment, structure, place of business, or location, whether or not enclosed from the elements, owned or leased by any licensee, having been designated on the license application as the location for the operation of the licensed business, for

which a current license is in effect. Each such premise must have its own license and no single license shall be effective for more than one premises.

**LIQUOR STORE:** A commercial retail establishment with the primary revenue source for its licensed premises being the sale of alcoholic products in their original unopened packages.

**LOCAL LIQUOR CONTROL COMMISSIONER:** When, in this chapter, the local liquor control commissioner shall be referred to, it shall include any committee or other agency appointed by such local liquor control commissioner.

**LOUNGE AREA:** A seating or standing area where patrons or customers are to be served primarily alcoholic liquor.

**MINOR:** Any person who has not attained the age of eighteen (18) years.

**NON-PROFIT ORGANIZATION.** Any civic, charitable, governmental, or other not for pecuniary profit organization duly formed and valid under the laws of the State of Illinois or otherwise authorized to conduct business within the State of Illinois, including but not limited to clubs.

**OFF-SITE CATERING BUSINESS:** A business which serves food at a location not owned or leased by such business.

**ORIGINAL PACKAGE.** Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container (including but not limited to a growler) whatsoever that is (i) used; (ii) corked, capped, or sealed; and (iii) labeled by the manufacturer of the alcoholic liquor for the purpose of containing and conveying said alcoholic liquor.

**OUTDOOR DINING AREA.** Use of an adjacent, outside area by a licensed restaurant for the same eating and/or drinking activities that occur within the establishment. An outdoor dining area shall be subject to the requirements as provided for in this Chapter.

**PACKAGE SALE.** The Sale of Alcoholic Liquors in their Original Package, not for consumption on the licensed premises.

**PARENT:** Includes the birth or adoptive father, the birth or adoptive mother, and/or the Legal Guardian of any minor.

**PATRON BAR:** The bar area where patrons or customers will be seated on stools or standing immediately adjacent to the bar primarily for the service of alcoholic liquor.

**PERSON OF NONAGE:** Any person not yet twenty-one (21) years of age.

**PRIVATE FUNCTION:** A pre-arranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

**PROPERTY:** The area under the control of the licensee, including but not limited to the licensed premises and other areas such as sidewalks, parking lots, landscaped areas, streets, patios, open porches, rooftops, balconies, stoops, yards, driveways, and similar outside areas and grounds.

**RENTAL HALL.** A business organized in such a way that it provides a place available for rental by members of the general public. The licensed premises must be designed in accordance with its

determined maximum occupancy. Such a business is typified by wedding celebrations, parties, or dances by private clubs or individuals. The lessor/licensee is paid a fee by the lessee for use of the hall and for providing alcoholic liquor for a private function as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract, which may include a cash bar.

**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. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen or premade foods such as pizzas, hamburgers, or sandwiches which can be prepared by heating or warming in an oven shall not be considered food prepared or cooked.

**RETAIL SALE.** The sale of alcoholic liquor for use or consumption and not for resale in any form.

**SALE.** Any transfer, exchange, or barter including the transfer of alcoholic liquor by and through the transfer of warehouse receipts or certificates, including all sales made by any person, principal, proprietor, agent, or employee.

**SERVICE BAR:** A fixed facility or area where alcoholic beverages and supplies are stored and displayed solely for the licensee's employees to mix and serve alcoholic beverages to patrons seated or standing in a lounge or dining area.

**SPIRITS.** Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and including but not limited to brandy, rum, whiskey, gin, other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

**TASTING:** A limited or special event, supervised by a representative of a manufacturer or distributor of alcoholic liquors wherein said representative provides members of the public with an educational presentation regarding certain alcoholic products on the licensed premises of a Village licensee for the purposes of disseminating product information and education with consumption of alcoholic products being an incidental part of the presentation.

**TAVERN:** Any business establishment kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is offered for sale to the public for consumption on the licensed premises or for consumption off the license premises when sold to the public in its original package. The service of food or meals in a Tavern is incidental to the service of alcoholic liquor.

**VIDEO GAMING.** The ownership, placement, maintenance, operation or use of a video gaming terminal.

**VIDEO GAMING CAFE.** An establishment for which the primary or major business focus is video gaming and the service of alcohol and food is incidental to the operation of the video gaming terminals.

**VIDEO GAMING TERMINAL.** Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the

Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only. The location of Video Gaming Terminals within the corporate boundaries of the Village shall at all times be subject to the requirements set out in this Chapter.

WINE. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

**Sec. 4-2. - Penalty for violation generally.**

- (a) Any retail alcoholic beverage licensee who violates any of the provisions of this chapter shall be subject to graduated minimum fines, as follows:
  - (1) For a first violation within a 12-month period, not less than \$250.00;
  - (2) For a second violation within a 12-month period, not less than \$500.00; and
  - (3) For a third or subsequent violation within a 12-month period, not less than \$750.00.
- (b) Each day any person violates any of the provisions of this chapter shall constitute a separate offense.
- (c) Nothing in this provision is intended or shall be construed as limiting in any way the Village's authority to seek other remedies against any licensee that violates this Chapter, including but not limited to suspension or revocation of the licensee's license.

**Sec. 4-3. - Additional penalty for violations.**

In addition to all other fines and penalties, whenever any licensee, or employee or agent of such licensee, is convicted of or otherwise pleads guilty to any violation of this chapter, the local liquor commissioner may, in his discretion, also suspend or revoke said licensee's license, provided that the licensee shall be entitled to notice and a hearing before the local liquor commissioner prior to any such suspension or revocation. It shall be unlawful and shall constitute a further violation of this chapter for any licensee whose license has been revoked or suspended pursuant to this Section to continue to operate under the license at any time that it is so revoked or suspended.

**Sec. 4-4. - Adoption of state law.**

Every part of the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq., as the same is or may be now or hereafter amended, which relates in any manner to the sale at retail of alcoholic liquors, not used or adopted by reference or otherwise in this chapter, is hereby adopted in this section and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth in this chapter, and any violation of the applicable and adopted provisions of the Act shall be deemed a violation of this chapter and be subject to penalties fixed in this chapter. To the extent of any conflict between this Chapter, as amended, and the Act, as amended, the provisions of the Act shall control, but only to the extent necessary to avoid the conflict.

**Secs. 4-5—4-26. - Reserved.**

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

**Sec. 4-27. - Designation; duties generally; compensation.**

The village president shall be the local liquor control commissioner and shall be charged with the administration of this chapter and with the administration of the rules and regulations of the state liquor control commission and the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq. The liquor control commissioner shall receive compensation in the amount of \$100.00 monthly for his work.

**Sec. 4-28. - Authorized to enter licensed premises for inspection.**

The local liquor control commissioner hereby is given the power to enter or to authorize any law enforcement officer to enter, at any time, upon any premises licensed under this chapter to determine whether any of the provisions of the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq. or any rules or regulations adopted by him or by the state commission have been or are being violated, and at such time to examine such premises of such licensee in connection therewith.

**Secs. 4-29—4-59. - Reserved.**

**ARTICLE III. - LICENSES**

**DIVISION 1. - IN GENERAL**

**Sec. 4-60. - Required.**

No person shall sell, at retail, alcoholic liquor in the territory of the village without having a valid retail alcoholic beverage license issued by the village liquor control commissioner.

**Sec. 4-61. - Separate license required for each location.**

Licenses issued under this article apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. After a license has been granted for any particular premises, the local liquor control commissioner, upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by him, but in order to obtain such approval the licensee shall file with state commission and local liquor control commissioner a request in writing and a statement under oath which shall show that the premises to which removal is to be made comply in all respects with the requirements of law and this chapter. The local liquor control commissioner may endorse such change upon the license of licensee, if in his discretion he deems such change proper.

**Sec. 4-62. - Persons ineligible for license.**

No license of any kind required by this article shall be issued to:

- (1) A person who is not a resident of the village, except where (i) the Applicant is a corporate entity (however described) and (ii) said Applicant nominates a liquor manager to manage all sales of liquor on behalf of the Applicant and (iii) the nominated liquor manager is not ineligible, in his/her own right, to receive a license under this Chapter (except that the liquor manager need not be a resident of the Village so long as said manager is a resident of Kankakee county);
- (2) A person who is not of good character and reputation in the community in which he resides;



- (3) A person who has been convicted of a felony under any federal or state law if the state commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust;
- (4) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (5) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- (6) A person whose license issued under this article has been revoked for cause;
- (7) A person who at the time of application for renewal of any license issued under this article would not be eligible for such license upon a first application;
- (8) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the Village, provided that such partnership nominates and maintains an eligible liquor manager at all times that its license is in effect;
- (9) A corporation or limited liability company, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship and residence within the Village, provided that such corporation or company nominates and maintains an eligible liquor manager at all times that its license is in effect;
- (10) A corporation or limited liability company unless it is incorporated in this state, or unless it is a foreign corporation or foreign limited liability corporation which is qualified under the Illinois Business Corporation Act or the Limited Liability Company Act to transact business in the state; the village shall permit and accept from an applicant for a license under this section proof prepared from the secretary of state's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in the state;
- (11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- (12) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Liquor Control Act of 1934 or has forfeited his bond to appear in court to answer charges for any such violation;
- (13) 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;
- (14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, member of the commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in

relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission;

- (15) A person who is not a beneficial owner of the business to be operated by the licensee;
- (16) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1, 720 ILCS 5/28-1.1 or 720 ILCS 5/28-3, as amended, of the Criminal Code of 1961, 720 ILCS 5/1-1 et seq.;
- (17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act, 230 ILCS 15/0.01 et seq., as amended, or the Illinois Pull Tabs and Jar Games Act, 230 ILCS 20/1 et seq., as amended; or
- (18) A person who intends to sell alcoholic liquors for use or consumption on his licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 ILCS 5/6-21(a).

**Sec. 4-63. - Retail sales at or near churches, schools, etc.**

- (a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, non-profit organizations, or to restaurants, food shops or other places where sale of alcoholic liquors 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 ordinance from which this chapter is derived; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.
- (b) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

**Sec. 4-64. - Contents of application.**

An applicant for a retail alcoholic beverage license shall file with the village clerk his written application under oath on forms as provided by the village clerk, stating the following information:

- (1) Identity of applicant.
  - a. In the case of an individual, the name, age, and address of the applicant;
  - b. In the case of a co-partnership, the persons entitled to share in the profits thereof; and
  - c. In the case of a corporation for profit or a non-profit organization:

- i. The date of incorporation;
  - ii. The objects for which it was organized;
  - iii. The names and addresses of the officers and directors; and
  - iv. If a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;
- (2) The location and description of the premises or place of business which is to be operated under such license, specifying the building and the part of such building, as applicable, sought to be licensed and including a complete floor plan or layout;
  - (3) Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons thereof;
  - (4) That such applicant is qualified under the statutes to obtain a state license in the state;
  - (5) That such applicant, or in the case of any corporate entity, its liquor manager, has been an actual resident of the county continuously for at least one year immediately prior to the date of his application for a license.

**Sec. 4-65. - Application by partnership or corporate body.**

If the application for a retail alcoholic beverage license is made on behalf of a partnership, firm, association, non-profit organization, limited liability company, corporation, or any other corporate entity, however described, then the application shall be signed and sworn to by at least two owners, members, and/or officers of such entity, as appropriate, except that in the case of a corporation, the required signatures shall be those of the president and secretary of the corporation.

**Sec. 4-66. - Certain items to accompany application.**

An application for a retail alcoholic beverage license shall be accompanied by the following:

- (1) The full amount of the license fee as set forth in Section 4-77 of this Chapter; and
- (2) Proof of ownership or lease of the premises described in the application, for the license term; and
- (3) Proof of insurance coverage as required by Section 4-67 of this Chapter.

**Sec. 4-67. - Insurance.**

No license shall be issued pursuant to this Chapter to any person unless that person has deposited a certificate of insurance, issued by an insurance company licensed to do business in the state and covering the entire life of the license with the Village. Said certificate shall demonstrate, at a minimum, that the applicant and the owner or lessor of the licensed premises (as appropriate) are covered by dram shop liability insurance in at least the following amounts:

- (1) \$1,000,000.00 - general liability/personal injury per person; and
- (2) \$1,000,000.00 - general liability/property damage per person; and
- (3) \$1,000,000.00 - general liability/loss of means of support per person.

If the insurance or any part thereof shall be cancelled or become ineffective for any reason during the life of the license, said license shall immediately terminate.

**Sec. 4-68. - Classifications and amounts of fees.**

Licenses shall be and are hereby divided into classes, with fees for such licenses as follows:

**Class A1 license (Restaurant with Full Liquor & Entertainment).** Issued to authorize the retail sale of alcoholic liquors for consumption on the licensed premises of a restaurant, where alcohol is served at tables, as an integral part of a food service operation or in a patron bar area within the specified licensed premises. A full menu, including entrees and appropriate side dishes and a fully staffed and operational kitchen shall be required at all times liquor sales are being conducted or until 10:00 p.m., as the case may be. This class shall permit entertainment in the licensed premises. All entertainment must be confined within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises. The licensed premises shall have a seating capacity for the service of meals in its Dining Area for not less than thirty (30) patrons at the same time. The full amount of the annual license fees for such Class A1 license shall be as set forth in Section 4-77 of this Chapter.

**Class A2 license (Restaurant with Service Bar Only – Full Liquor & Entertainment).** Issued to authorize the retail sale of alcoholic liquors for consumption on the licensed premises of a restaurant, where alcohol is served at tables, as an integral part of a food service operation and where there is a service bar only in the licensed premises. A full menu, including entrees and appropriate side dishes and a fully staffed and operational kitchen shall be required at all times liquor sales are being conducted or until 10:00 p.m., as the case may be. This class shall permit entertainment on the licensed premises. All entertainment must be confined within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises. The licensed premises shall have a seating capacity for the service of meals in its Dining Area for not less than thirty (30) patrons at the same time. The full amount of the annual license fees for such Class A2 license shall be as set forth in Section 4-77 of this Chapter.

**Class A3 license (Restaurant with Service Bar for Beer & Wine Only & Entertainment).** Issued to authorize the retail sale of beer and wine only for consumption on the licensed premises of a Restaurant, where alcohol is served at tables, as an integral part of a food service operation and where there is a service bar for beer & wine only in the licensed premises. A full menu, including entrees and appropriate side dishes and a fully staffed and operational kitchen shall be required at all times liquor sales are being conducted or until 10:00 p.m., as the case may be. This class shall permit entertainment on the licensed premises. All entertainment must be confined within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises. The licensed premises shall have a seating capacity for the service of meals in its Dining Area for not less than thirty (30) patrons at the same time. The full amount of the annual license fees for such Class A3 license shall be as set forth in Section 4-77 of this Chapter.

**Class A4 license (Restaurant with Age-Restricted Lounge and Package Sales).** Issued to authorize the retail sale of alcoholic liquors (i) for consumption on the licensed premises of a restaurant, where alcohol is served at tables, as an integral part of a food service operation, (ii) for

consumption on the license premises within an age-restricted Lounge Area, and (iii) for consumption off the licensed premises in its original packages, unopened. A full menu, including entrees and appropriate side dishes and a fully staffed and operational kitchen shall be required at all times liquor sales are being conducted or until 10:00 p.m., as the case may be. No person of nonage (*i.e.* under the age of 21) may be suffered or permitted in the Lounge Area unless accompanied by a Parent or Legal Guardian. Package sales shall only be permitted in the age-restricted Lounge Area. This class shall permit entertainment in the licensed premises. All entertainment must be confined within the fully enclosed building of the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises. The licensed premises shall have a seating capacity for the service of meals in its Dining Area for not less than thirty (30) patrons at the same time. The full amount of the annual license fees for such Class A4 license shall be as set forth in Section 4-77 of this Chapter.

**Class B1 license (Tavern with Package Sales & Entertainment).** Issued to authorize (i) the retail sale of alcoholic liquors for consumption on the licensed premises of a Tavern, as well as (ii) the retail sale of alcoholic liquors in its original packages, unopened, for consumption off the licensed premises. This class shall permit entertainment in the licensed premises. All entertainment must be confined within the fully enclosed building on the licensed premises. Sound from the entertainment must not be audible outside the enclosed building of the licensed premises. The full amount of the license fees for such Class B1 license shall be as set forth in Section 4-77 of this Chapter.

**Class C1 license (Grocery Store – Package Sales with Tasting).** Issued to authorize the licensee to sell alcoholic liquors in package quantities where the liquor is sold but not consumed on the premises in connection with a Grocery Store business or other substantially similar business establishment, as determined by the Village. It shall be lawful for a Class C1 licensee to permit the tasting of alcoholic liquor on the licensed premises, provided that any and all such tasting events shall be (i) incidental to the licensee's sales of alcoholic liquors, (ii) conducted under the supervision of a duly authorized and qualified representative of a licensed manufacturer or distributor of alcoholic liquors, and (iii) conducted in a manner calculated to confine any and all tasting to the licensee's premises during the actual event. Nothing in this Ordinance permitting tasting is intended or shall be construed as permitting the drawing, pouring, mixing, or service of alcoholic liquor for the consumption on the licensed premises, as those terms are used in Section 5 of the Illinois Video Gaming Act (230 ILCS 40/5); rather, it shall be unlawful for any Class C1 licensee to permit video gaming upon the licensed premises. This class shall not permit entertainment in the licensed premises. The full amount of the license fee for such Class C1 license shall be as set forth in Section 4-77 of this Chapter.

**Class C2 license (Gas Station Convenience Stores/Drugstore Convenience Stores – Package Sales).** Issued to authorize the licensee to sell alcoholic liquors in their original package, unopened, and not for consumption on the licensed premises of a gas station or a drugstore convenience store. This class shall not permit tasting on the licensed premises. This class shall not permit entertainment on the licensed premises. The full amount the license fee for such Class C2 license shall be as set forth in Section 4-77 of this Chapter.

**Class C3 license (Liquor Store).** Issued to authorize the licensee to sell alcoholic liquors in their original package, unopened, and not for consumption on the licensed premises of a liquor store. This class shall not permit tasting on the licensed premises. This class shall not permit entertainment on the licensed premises. The full amount the license fee for such Class C3 license shall be as set forth in Section 4-77 of this Chapter.

**Class D1 license (Non-Profit Organization).** Issued to authorize the retail sale of alcoholic liquors for consumption on the licensed premises of a Non-Profit Organization. The full amount of the licensee fee for such Class D1 license shall be as set forth in Section 4-77 of this Chapter.

**Class E1 license (Golf Courses).** Issued to authorize the retail sale of beer and wine only for consumption on the licensed premises of a golf course, including outdoors during daylight hours when the golf course is in use. The full amount of the fee for such Class E1 license shall be as set forth in Section 4-77 of this Chapter.

**Class F1 license (Special Events).** Issued to authorize the retail sale of beer and wine only for consumption on the licensed premises during a special event(s), including but not limited to festivals, carnivals, or fundraising events. A Class F1 license shall not be valid for more than six (6) consecutive days. A Class F1 license shall not be issued to any one organization for more than twelve (12) days in any twelve (12) month period. A Class F1 license may only be issued to Non-Profit Organizations and current Village of Bradley liquor licensees in good standing. The full amount of the fee for such Class F1 license shall be as set forth in Section 4-77 of this Chapter.

The retail sale of beer and wine only during a special event is expressly subject to the following conditions.

- (1) Any outdoor area licensed under this section at which beer and/or wine is served must be fenced and offer limited access to serve only patrons of legal age (i.e. age 21 or older).
- (2) Sanitation facilities for special events must be provided for patrons and employees and must be inspected and approved by the village.
- (3) A tent or other structure within the fenced area used under this section must be inspected and approved by the Community Development Department and the Fire Department prior to each approved outdoor event, and any and all other required inspections shall be conducted prior to each approved event.
- (4) No special event shall occur unless an applicable location has passed all required inspections.
- (5) Live or recorded music, and amplification systems for the entertainment of patrons, are authorized as part of authorized special events.
- (6) Admission to a location licensed under this section shall be restricted to persons who hold valid admission tickets and/or who present valid identification that they of legal age to consume beer and wine (i.e. age 21 or older).
- (7) The holder of the license shall provide the local liquor control commissioner with a schedule of proposed dates and times of operation for the service of beer and wine under this section upon applying for a license under this section, and shall provide the local liquor control commissioner with a floor plan and/or seating plan for each scheduled event, all to be approved by the local liquor control commissioner.
- (8) The local liquor control commissioner shall be provided with 30-day written notice of any revisions to the approved schedule and such revisions shall be subject to the commissioner's approval.

- (9) The licensee shall give prior notice to the local liquor control commissioner within 48 hours of any changes in dates or starting times of any special event, which change shall be subject to the commissioner's approval.

**Class G1 license (Hotel or Motel with Restaurant, Patron Bar and/or Package Sales).** Issued to authorize the retail sale of alcoholic liquors for consumption on the licensed premises of a Hotel or Motel, whether for private events or in a hospitality area, banquet room, bar, lounge area, and/or restaurant. This class also permits the retail sale of prepackaged individual servings of alcoholic liquors for consumption in a guest room, as well as individual servings of alcoholic liquors for consumption in a designated hospitality area of the Hotel/Motel, which alcoholic liquors shall be dispensed only from a mini-bar or served by a hotel employee from a cooler or service bar located in such hotel guest room or hospitality area. The full amount of the fee for such Class G1 license shall be as set forth in Section 4-77 of this Chapter.

**Class H1 License (Escape Room).** A Class H1 license shall authorize the retail sale of all kinds of alcoholic liquors for consumption on the licensed premises of an Escape Room Establishment. A Class H1 licensee is authorized to operate a full service, indoor bar. The full amount of the fee for such Class H1 license shall be as set forth in Section 4-77 of this Chapter.

**Class I1 (Video Gaming Café).** Issued to authorize the retail sale of all kinds of alcoholic liquors for consumption on the licensed premises of a Video Gaming Café. The class of license shall not permit entertainment on the licensed premises. The full amount of the fee for such Class I1 license shall be as set forth in Section 4-77 of this Chapter.

**Class J1 license (Off-Site Catering add-on).** Issued to an existing licensee holding a Class A1, A2, A3, or A4 license to authorize the retail sale of alcoholic liquors anywhere in the village where the licensee is acting as a caterer, in conjunction with parties or events where the licensee is also providing food services. No Class F1 license may be issued to any person unless that person provides proof of dram shop insurance coverage sufficient to insure the person's catering activities, in full compliance with Section 4-67 of this Chapter, on any and all premises where they may serve alcoholic liquors from time to time. Under no circumstances shall any person be permitted to hold a Class J1 license by itself, and in the event that any Class J1 licensee surrenders, abandons, fails to renew, or loses their underlying Class A1, A2, A3, or A4 license for any reason, such licensee's Class J1 license shall be immediately and automatically terminated, rescinded, and revoked. The full amount of the license fees for such Class J1 license shall be as set forth in Section 4-77 of this Chapter.

**Class J2 license (Rental Hall add-on).** Issued to an existing licensee holding a Class A1, A2, or A3 license to permit the retail sale of alcoholic liquors for consumption on the licensed premises of a Rental Hall operated in conjunction with the licensee's restaurant. Under no circumstances shall any person be permitted to hold a Class J2 license by itself, and in the event that any Class J2 licensee surrenders, abandons, fails to renew, or loses their underlying Class A1, A2, A3 license for any reason, such licensee's Class J2 license shall be immediately and automatically terminated, rescinded, and revoked. The full amount of the annual license fees for such Class J2 license shall be as set forth in Section 4-77 of this Chapter.

**Class J3 license (Beer Gardens/Outdoor Dining Area add-on).** Issued to permit an existing holder of a Class A1, A2, A3, or A4 license to sell alcoholic liquors at retail for consumption on the licensed premises of an outdoor dining area operated in conjunction with the licensee's restaurant or an existing holder of a Class B1 license to sell alcoholic liquors at retail for consumption on the

licensed premises of a beer garden operated in conjunction with the licensee's Tavern. Under no circumstances shall any person be permitted to hold a Class J3 license by itself, and in the event that any Class J3 licensee surrenders, abandons, fails to renew, or loses their underlying Class A1, A2, A3, A4, or B1 license for any reason, such licensee's Class J3 license shall be immediately and automatically terminated, rescinded, and revoked. The full amount of the annual license fees for such Class J3 license shall be as set forth in Section 4-77 of this Chapter.

The operation of an outdoor dining area/beer garden, and the retail sale alcoholic liquor thereupon, expressly subject to the following conditions:

- (1) The beer garden/outdoor dining area shall be approved by the village as to location and construction and operated as part of the premises licensed to sell such alcoholic beverages; and
- (2) A class J3 license shall only be valid from March 1st through November 1st each year.
- (3) The beer garden/outdoor dining area shall occupy the same property (identical P.I.N.) as the premises licensed by the underlying license, with no other business or residence occupying the same property; and
- (4) The licensee shall provide adequate security to protect the patrons of the beer garden/outdoor dining area; and
- (5) The beer garden/outdoor dining area shall be completely enclosed with a pedestrian barrier, which not to exceed six (6) feet in height. In the event, however, that an outdoor dining area (but not a beer garden) is situated within a public right-of-way (with the approval of the Village), the pedestrian barrier shall not to exceed 42 inches in height; and
- (6) Floors of the beer garden/outdoor dining area shall be of a hard surface (i.e. concrete, asphalt or brick material); and
- (7) Access into and out of the beer garden/outdoor dining area shall only be from the principal building located on the licensed premises, however the beer garden/outdoor dining area shall provide for an emergency exit; and
- (8) The beer garden/outdoor dining area shall be monitored at all times (i) to prevent the passing of beverages to patrons off the licensed premises, (ii) to prevent open containers of alcoholic liquor from being removed from the licensed premises, and (iii) to ensure that no person under the age of 21 consumes any alcoholic beverages; and
- (9) If located in close proximity to a parking lot, driveway, or other vehicular area, as determined by the Village, the patrons using the beer garden/outdoor dining area shall be protected from vehicular traffic by a crash-proof barrier approved by the Village, such as concrete bollards or some similar protective measure; and
- (10) No live bands, live entertainment, nor amplification speakers attached to any sound producing device will be permitted in any beer garden/outdoor dining area; and
- (11) Noise resulting from the beer garden/outdoor dining area may not be disturbing to the surrounding residents or businesses; and
- (12) No physically demanding athletic events will be permitted in the beer garden/outdoor dining area; and



- (13) Prior to opening in any given year (or else after any significant layout or structural changes have been made to the beer garden/outdoor dining area), the beer garden/outdoor dining area shall be inspected for compliance with all applicable codes and requirements of the Village; and
- (14) Hours of operation for the sale and consumption of liquor in the beer garden/outdoor dining area shall be the same as those applicable to the licensee's underlying Class A1, A2, A3, A4, or B1 license; however, under no circumstances shall any licensee permit the use of any beer garden/outdoor dining area at any time that the principal business is not in operation and open for business. If any persons other than the licensee or licensee's employees are in the outdoor area after the aforementioned hours and there are open alcoholic beverages in any form or container other than in appropriately re-sealed packages in compliance with Section 4-106, it shall be presumed that a violation of this section has occurred. All unfinished drinks shall be cleared from the outdoor area within ten (10) minutes after closing of the area; and
- (15) No sales or dispensing of alcoholic liquors may be made from the beer garden/outdoor dining area to any person upon the adjoining property, public street, sidewalk or alley, and no alcoholic liquors served in an open or unsealed container may be removed from the beer garden/outdoor dining area (except into other areas of the licensed premises where alcoholic liquors are permitted); and
- (16) Proof of dram shop insurance coverage sufficient to insure the beer garden/outdoor dining area in full compliance with Section 4-67 of this Chapter must be submitted with the complete liquor license application, including renewals, and no Class J3 license shall be submitted in the absence of such proof.

**Sec. 4-69. - Examination of applicant.**

The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute.

**Sec. 4-70. - Processing of application.**

The village clerk shall receive all applications for alcoholic beverage licenses, along with accompanying items, and shall deliver them to the local liquor control commissioner as soon as practicable. The local liquor control commissioner shall act on each such application as soon as he has had a reasonable time to investigate the qualifications of the applicant, the premises and the proofs submitted.

**Sec. 4-71. - Refusal of license.**

If a retail alcoholic beverage license is refused, the local liquor control commissioner shall immediately refund the license fee to the applicant and tender to the applicant the return of the proofs submitted with the application.

**Sec. 4-72. - Contents.**

The retail alcoholic beverage license shall state thereon the name and address of the licensee, a description of the premises for which the license is granted, and the dates of its issuance and expiration.

**Sec. 4-73. - Term; expiration date.**

All retail alcoholic beverage licenses shall be issued upon an annual basis and shall expire at 12:00 midnight on April 30, following their issuance.

**Sec. 4-74. - Renewals.**

- (a) All applicants for the renewal of existing alcoholic liquor licenses shall submit their complete applications on or before April 20 of each year, provided that the Local Liquor Control Commissioner may extend the time for filing renewal applications on a case-by-case basis if (i) the applicant in question files a written request for such extension on or before April 20 and (ii) the Local Liquor Control Commissioner determines, in his sole discretion, that good cause exists to grant the extension. Failure to timely submit a renewal application as set forth above shall result in any late-filed application being treated as an initial license application.
- (b) No retail alcoholic beverage license shall be refused to any licensee in good standing so long as they timely submit their renewal application as required by this section, provided (i) that said license remains available and (ii) that said licensee is and remains eligible to receive said license.

**Secs. 4-75 – 4-76. - [Reserved]**

**Sec. 4-77. - Number of licenses, annual license fees, and automatic license reduction.**

- (a) The number of license in each classification, as well as the annual fee for said license, shall be as follows:

Class	Maximum Number of Available Licenses in Class	Annual Fee
Class A1 license (Restaurant with Full Liquor & Entertainment).	16	\$1,200
Class A2 license (Restaurant with Service Bar Only – Full Liquor & Entertainment).	3	\$1,200
Class A3 license (Restaurant with Service Bar for Beer & Wine Only & Entertainment).	0	\$1,200
Class A4 license (Restaurant with Age-Restricted Lounge and Package Sales).	1	1,200
Class B1 license (Tavern with Package Sales & Entertainment).	6	\$1,200
Class C1 license (Grocery Store – Package Sales with Tasting).	3	\$1,500
Class C2 license (Gas Station Convenience Stores/Drugstore Convenience Stores – Package Sales).	9	\$1,500
Class C3 license (Liquor Store).	4	\$1,500
Class D1 license (Non-Profit Organization).	1	\$1,200
Class E1 license (Golf Courses).	1	\$1,200
Class F1 license (Special Events).	1	\$250
Class G1 license (Hotel or Motel with Restaurant, Patron Bar and/or Package Sales).	4	\$1,200
Class H1 License (Escape Room).	1	\$1,200
Class I1 (Video Gaming Café).	5	\$1,500
Class J1 license (Off-Site Catering add-on).	As requested	\$200
Class J2 license (Rental Hall add-on).	As requested	\$200
Class J3 license (Beer Gardens/Outdoor Dining Area add-on).	As requested	\$200

(b) In the event that any license issued pursuant to this chapter (i) is surrendered or abandoned by the licensee for any reason, (ii) is not renewed by the licensee as required by this chapter, or (iii) is revoked by the Local Liquor Control Commissioner for cause pursuant to Section 4-3 of this Chapter, such license shall cease to exist, the number of available licenses in the appropriate class, as set forth above, shall be immediately and automatically deemed and construed to have been reduced by one, and said license and shall not be available to be re-

issued unless and until the number of available licenses in the appropriate class is again increased by an ordinance of the Corporate Authorities of the Village.

**Sec. 4-78. - Record.**

The local liquor control commissioner shall keep or cause to be kept a complete record of all alcoholic liquor licenses issued by him.

**Sec. 4-79. - Transfer.**

A license shall be purely a personal privilege and the license shall not constitute property, nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable, voluntarily or involuntarily. To the extent of any conflict between this provision and any other provision of this Chapter, this provision shall control but only to the extent necessary to avoid the conflict.

**Sec. 4-80. - Issuance of new license in case of death of licensee.**

In the event that any licensee dies, the Local Liquor Control Commissioner may, in his sole discretion, issue a new license to the former licensee's heirs or legatees. In the event that a new license is issued pursuant to this Section, the new licensee shall pay the appropriate license fee, but the fee shall be prorated based upon the unexpired term of the previous license. Any license issued pursuant to this Section shall terminate on the April 30th next following its issuance. No license shall be issued pursuant to this section unless and until the heir(s) and/or legatee(s) have filed an Application with all required supporting documents and proofs, nor shall any license be issued if the heir(s) and/or legatee(s) are not otherwise eligible to hold a license under this Chapter.

**Sec. 4-81. - No refund of fees.**

- (a) The retail alcoholic beverage license fee shall be paid and, except as provided in subsection (b) of this section, there shall be no refund of any portion of the license fee. The initial license fee shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.
- (b) Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under 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, bankruptcy or insolvency of such licensee. Except in the case of a non-beverage user's license, 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 subsection.

**Sec. 4-82. - Disposition of fees.**

If a retail alcoholic beverage license is granted the local liquor control commissioner shall immediately pay the license fee received to the village treasurer to be deposited in the village general fund.

**Sec. 4-83. - Hearings to suspend, revoke, refuse license to be on record.**

All hearings, if a hearing is held, to suspend or revoke a license, denying a renewal application, or refusing to grant a license on an initial application shall be on the record taken by a certified court reporter or certified shorthand reporter.

**Secs. 4-84—4-89. - Reserved.**

**DIVISION 2. - OPERATION AND PREMISES REGULATIONS**

**Sec. 4-90. - Licensee responsible for acts done by others.**

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager, employee, or other agent of any licensee shall be deemed and held to be the act of the licensee, and the licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

**Sec. 4-91. - View of interior, lighting requirements for licensed premises.**

- (a) In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels, or non-profit organizations, no screen, blind, curtains, partition, article or thing shall be permitted in the windows or upon the doors of the licensed premises nor inside such premises which shall prevent a clear view into the interior of the licensed premises from the street, road, or sidewalk at all times and no booth, screen, partition, or other obstruction or any arrangement of lights or lighting shall be permitted in or about the interior of the premises which shall prevent a full view of the entire interior of the premises from the street, road or sidewalk.
- (b) All rooms where alcoholic liquor is sold or consumed on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible.
- (c) In case the view into the licensed premises required by the foregoing provisions is or is caused to be obscured willfully by the licensee, the license may be revoked in the manner provided in this chapter. In order to enforce the provisions of this section the village president shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the view as required by this section.

**Sec. 4-92. - Licensed businesses must be continuously in operation.**

Retail alcoholic beverage licenses issued under this article shall be kept continuously and uninterruptedly in use during the period for which issued. When the business for which the license has been issued is abandoned or closed for a period of more than 30 days, the local liquor control commissioner shall revoke the license.

**Sec. 4-93. - Entrance to remain unlocked during business hours.**

The entrance to any place, location, premises, or establishment where liquor is sold, offered for sale, or kept with the intention of selling at retail shall at all times during business hours be unlocked.

**Sec. 4-94. - Sanitation requirements for licensed premises.**

All licensed premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances and provisions of this Code which regulate the condition of premises used for the storage or sale of food for human consumption.

**Sec. 4-95. - Sanitary facilities required for licensed premises.**

No person shall be entitled to receive a retail alcoholic beverage license unless the premises wherein the business is to be conducted have available in the building for which the license is issued, for the use of patrons of the business, at least two toilets, one for men and one for women, which toilets shall at all times be kept in good, clean and sanitary condition, and shall have hot and cold running water.

**Sec. 4-96. - [Reserved].**

**Sec. 4-97. - Hours of operation of licensed premises.**

No person shall sell, permit to be sold, offer for sale at retail, or give away any liquor between the hours of 2:00 a.m. and 6:00 a.m. on Mondays to Saturdays inclusive; nor between the hours of 2:00 a.m. and 8:00 a.m. on Sundays. Licensees shall close the establishment described in their respective licenses to entrance by the public, at all hours when the retail sale of alcoholic liquors is not authorized. No licensee shall permit patrons to remain in the licensed premises more than 30 minutes after the closing time set forth in this section. The respective time and times above enumerated and set forth are in the time standard prevailing at the date of the sale at retail of alcoholic liquor and on the dates of the changes to and from daylight saving time the early morning closing hours shall be by central standard time.

**Sec. 4-98. - Free liquor at licensed premises.**

Treating or giving away, directly or indirectly, of any intoxicating liquor by any licensee at his place of business, either by himself or by or through any servant, agent, employee, or person on his behalf, is hereby prohibited.

**Sec. 4-99. - Gambling at licensed premises.**

No gambling devices shall be kept or used for the purpose of gambling, nor shall any gambling be allowed in any place where liquor is sold, kept for sale, offered for sale, at retail, or given away, except that video gaming shall be lawful in licensed establishments to the extent permitted by this Ordinance and the Illinois Video Gaming Act, as amended. The person or persons to whom the retail alcoholic beverage license is issued or the officers of any non-profit organization, association or corporation, licensed under this chapter shall be subjected, in the event of a violation of this section, to the penalties provided by this chapter and the license issued to the person, persons, non-profit organization, association or corporation shall be subject to suspension or revocation as provided by this chapter.

**Sec. 4-99.1. - Location of Video Gaming Terminals.**

- (a) For licensed locations and licensed establishments that admit individuals under the age of 21, the gaming area shall be separated from any area in which individuals under the age of 21 are permitted by a barrier or divider approved by the local liquor control commissioner. Further, the entrance to the gaming area shall be visible to at least one employee of the

establishment who is over 21 years of age, to ensure that no person under 21 years of age are present in the gaming area.

- (b) For licensed locations and licensed establishments that restrict admittance to patrons 21 years of age or older, a separated restricted gaming area is not required.

**Sec. 4-100. - Prostitution, pimping on licensed premises.**

No licensee or employee or bartender of a licensee shall knowingly suffer to be done or commit any act of prostitution, of soliciting for a prostitute, of pandering, of keeping a place of prostitution, of patronizing a prostitute, or of pimping as defined by state statute on or in the immediate vicinity of the licensed premises. The conviction of any licensee in any court having jurisdiction thereof shall be subject to the penalty provided by this Code, in addition to any consistent penalties otherwise provided by law, and the license issued to any licensee so convicted shall be revoked, as provided in article III of this chapter.

**Sec. 4-101. - Peddling.**

It shall be unlawful to peddle alcoholic liquor in the village.

**Sec. 4-102. - Taking liquor into public places.**

No person shall bring any alcoholic liquor into any dining room of any hotel, restaurant, clubroom, or place where lunches are served, or where soft drinks are sold, or a soda fountain is operated, or into any public place for consumption, or for use for mixing with or "spiking" any alcoholic liquor or any other beverage whatsoever.

**Sec. 4-103. - Consuming alcoholic beverages in public places, vehicles.**

No person shall consume any alcoholic liquor on any street, alley, sidewalk, or other public property, or in any automobile or vehicle traveling upon or parked on any street, alley, or public property.

**Sec. 4-104. - Consumption on non-licensed premises.**

No owner or proprietor, or agent or employee thereof, of any restaurant, store, or other commercial establishment inviting or permitting public patronage shall permit the consumption of alcoholic liquors on the premises except those specifically licensed for consumption on the premises.

**Sec. 4-105. - Payment at time of sale.**

Each retail sale of alcoholic liquor, except beer, shall be made and payment received by the licensee or his employee at the time of sale on the premises of the licensee.

**Sec. 4-106. - Sealing and Removal of Wine, Beer, Spirits or Other Alcoholic Liquor from a Licensed Premises.**

- (a) Any Class A1, A2, A3, A4 licensee may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal or food and consumed a portion of the bottle of wine with the meal or food on the licensed premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-

time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with and transported in accordance with the restrictions of subsections (a) and (b) of Section 11-502 of the Illinois Vehicle Code shall not be deemed to violate Section 11-502 of the Illinois Vehicle Code.

- (b) Nothing in this section shall be construed to allow the use of any Growler for the removal, carrying, or transportation of any alcoholic liquor except to the extent that such removal, carrying, and/or transportation fully complies with the requirements of Section 6-6.5 of the Illinois Liquor Control Act (235 ILCS 5/6-6.5) and all other applicable laws, regulations, and rules.

**Sec. 4-107. - Sale to intoxicated persons, drunkards, incompetents.**

It shall be unlawful for the holder of an alcoholic liquor license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment.

**Sec. 4-107.1. - Disorderly Persons.**

No licensee shall permit any person to enter into or remain upon the premises who is engaged in conduct which, under the circumstances, creates or which would tend to create a breach of the peace. Nor shall any licensee serve or sell any alcoholic liquor to any such person.

**Sec. 4-108. - BASSET training required for alcohol sellers and servers.**

- (a) For the purpose of this section, the terms "BASSET" and "BASSET program" shall mean and refer to any state-certified beverage alcohol sellers and servers education training program, except that in order to qualify under this section the training program and any associated testing must be administered in person and no online program or test will satisfy any obligation under this section.
- (b) Training program. Training is required as specified below:
  - (1) All new liquor managers and all employees of the holder of any liquor license, issued by the village, for the sale of alcoholic beverages who mix or serve alcoholic beverages to the public shall be required to complete a BASSET program within 90 days of their employment date.
  - (2) Verification of completion of a BASSET program shall be filed with the village police department's BASSET coordinator and a copy of the same shall be maintained in the licensee's liquor manager's office. All liquor managers and employees must contact the village police department to advise of their name, the licensed premises upon which they are employed, and their hiring date prior to selling or serving any alcoholic liquor within the village. Responsibility for the registration of all liquor managers and employees rests with the licensee.
  - (3) BASSET completion cards are to be carried and exhibited on demand. Every liquor manager or employee who has successfully completed the BASSET training program shall have the BASSET completion card in their immediate possession at all times when serving alcoholic liquor within the village. For the purpose of indicating compliance with this requirement, all liquor managers and employees



shall display their BASSET course completion card upon demand of a village police officer or other agent authorized by the liquor control commissioner.

- (4) Any failure to display a completion card as required by this section shall be deemed a violation of this chapter. Moreover, any such violation shall be deemed and held to be the act of the licensee, and the licensee shall be punishable in the same manner as if the violation had been committed by the licensee personally.
  - (5) Employees of a licensed premises that are of a "temporary status" (Christmas, summer help, etc.) whose employment does not extend past 90 days from the date of employment are not required to complete the training program. Instead, they shall be required, for the duration of their employment, to work at all times under the immediate supervision of a person who has completed the BASSET program. Proof of employment hiring date for any such temporary employees shall be exhibited upon demand of a village police officer or other agent authorized by the liquor control commissioner. In addition, "temporary status" sellers and servers must also contact the village police department to advise of their name, the licensed premises on which they are or shall be temporarily employed, and their hiring date prior to selling or serving any alcoholic liquor within the village. Responsibility for registration of all "temporary status" employees rests with the licensee.
- (c) Service, sale, and management of alcoholic liquors by any person who has not completed all required training is prohibited. It shall be unlawful to permit any person to serve or sell alcoholic beverages on any licensed premises unless that person has completed a BASSET training program as required by this section. Further, it shall be unlawful to employ any liquor manager on such licensed premises unless that person has completed a BASSET training program as required in subsection (b) of this section.
  - (d) Repeating course. In addition to other penalties imposed in this chapter, any person who violates any regulation or provision of this chapter shall be required to again complete the BASSET training program as required in this section before serving, selling, or managing alcoholic liquors within the village.
  - (e) Violations and penalties.
    - (1) The following shall constitute violations of this chapter:
      - i. Any failure by a licensee to require its liquor manager and all employees who mix or serve alcoholic beverages to the public to complete a BASSET program as required in subsection (b)(1) of this chapter;
      - ii. Any failure by a licensee to maintain records of such completion;
      - iii. Any failure by a licensee to submit evidence of such completion when requested or required to do so; and Any failure by a licensee to otherwise comply with the requirements of this section.
    - (2) Any violation of this chapter shall be cause for any one or more of the following:
      - i. Denial of an application for a license or renewal of a license;

- ii. Imposition of a fine as set forth in section 4-2 of this chapter. Each day on which a violation occurs or continues shall be considered a separate violation; and/or
- iii. Suspension or revocation of a license pursuant to section 4-3 of this chapter.

**Sec. 4-109. - Access from Licensed Premises to Dwelling Quarters.**

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

**Secs. 4-110—4-130. - Reserved.**

**ARTICLE IV. - MINOR**

**Sec. 4-131. - Violation by minor; parental liability.**

It shall be unlawful for any parent or legal guardian to knowingly suffer or permit his minor child to violate any provisions of this chapter.

**Sec. 4-132. - Prohibited in licensed establishments.**

- (a) It shall be unlawful for any Class B1 (Tavern with Package Sales & Entertainment) or Class C3 (Liquor Store) licensee or his agent or employee to suffer or permit any person under the age of 21 years to remain in any room or compartment where alcoholic beverages are sold, displayed for sale, stored, or kept, or consumed unless such person under the age of 21 is accompanied by a Parent or Legal Guardian.
- (b) The prohibition in subsection (a) of this section shall not apply to any person who is under the age of 21 years, who is accompanied by his parent or legal guardian, or to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor.

**Sec. 4-133. - Purchase; possession.**

Except as otherwise provided by state law, it shall be unlawful for any person under the age of 21 years to purchase or obtain any alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold or to have alcoholic liquor in his possession.

**Sec. 4-134. - Persons misrepresenting age.**

It shall be unlawful for any person under the age of 21 years to misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor in any tavern, or other place in the village where alcoholic liquor is sold.

**Sec. 4-135. - Warning displayed.**

In every tavern or other place in the village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the village clerk and which shall read substantially as follows:

*"Warning to persons under the age of 21 years: You are subject to a fine of up to \$750.00 under the ordinances of the Village of Bradley if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."*

**Sec. 4-136. - Sale to persons under the age of 21 years.**

It shall be unlawful for any person of the age of 21 years or over to knowingly give, sell, or deliver to any person under the age of 21 years, directly or indirectly, any alcoholic liquor.

**Sec. 4-137. - Working in licensed establishments.**

It shall be unlawful for any person under the age of 21 years to attend (that is, serve drinks or food from) any bar or to draw, pour, or mix any alcoholic liquor in any licensed retail premises.

**Sec. 4-138. - Consumption of alcohol by persons under age 21.**

- (a) It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor.
- (b) It shall be an affirmative defense to the charge of consumption by a person under 21 years of age that the person consumed alcoholic liquor in the performance of a religious service or ceremony or that the consumption by a person under 21 years of age was under the direct supervision and approval of his parent, or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home.
- (c) Any person found to be in violation of this section shall, upon conviction or other finding of guilt, be subject to a fine in an amount no less than \$250.00.

**Sec. 4-139. - Occupant's Responsibility for Underage Drinking**

A person shall be guilty of violating this chapter if he or she knowingly authorizes, enables, or permits any person under the age of 21 to consume alcohol within his or her residential dwelling (including but not limited to a home, apartment, condominium, etc.). Nothing in this chapter shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

**Sec. 4-140. - Prohibition of Renting Hotel by Adults to allow Minors to consume alcohol.**

Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a violation of this chapter.

**SECTION 3.** That Chapter 18 (Fees and Other Charges), Section 18-1 (Fees) is hereby amended to remove the stricken text as set forth herein:

**Sec. 18-1. - Fees.**

Section	Description	Amount (in dollars)
<i>Chapter 2—Administration</i>		
<u>2-628</u>	Black and white copies, letter or legal sized	

		First 50 pages	No charge
		After first 50 pages	0.15 per page
		Color copies or size other than letter or legal	Actual costs
		Record certification	1.00
		Abstract of driver's record	As provided in 625 ILCS 5/6-118
<i>Chapter 4—Alcoholic Beverages</i>			
<u>4-68</u>		Class K license—annually	600.00
<u>4-80</u>		Class A license—annually	1,200.00
		Class B license—annually	1,200.00
		Class C license—annually	1,200.00
		Class D license—annually	1,200.00
		Class E license—annually	1,200.00
		Class F license—annually	1,200.00
		Class G license—annually	1,200.00
		Class H license—annually	1,200.00
		Class I license—annually	1,200.00
		Class L license—annually	1,200.00
		Issuance of new license in case of death of licensee or sale of business	250.00
<i>Chapter 6—Amusements and Entertainments</i>			
<u>6-131</u>		Games of skill—annually, per device	50.00
		Games of chance—annually, per device	200.00

	Video gaming terminal—annually, per device, as set forth in the Illinois Video Gaming Act, 230 ILCS 40/65, as amended	25.00
***	***	***

**SECTION 4.** That Chapter 18 (Fees and Other Charges), Section 18-2 (Penalty; fines) is hereby amended to remove the stricken text as set forth herein:

**Sec. 18-2. - Penalty; fines.**

***	***	***
<i>Chapter 2—Administration</i>		
<u>2-514</u>	Violations of ethics provisions (previously gift ban act)	1,001.00 5,000.00
<u>2-587</u>	Administrative adjudication of ordinance violations—not to exceed	2,500.00
<i>Chapter 4—Alcoholic Beverages</i>		
<del>4-2</del>	<del>Dependent on violations in 12-month period</del>	
	<del>First offense</del>	<del>50.00 1,000.00</del>
	<del>Second offense</del>	<del>50.00 1,500.00</del>
	<del>Third offense</del>	<del>50.00 2,500.00</del>
	<del>Not to exceed in aggregate</del>	<del>15,000.00</del>
<del>4-117</del>	<del>Violation of prohibition of consumption of alcohol by persons less than 21</del>	<del>250.00 750.00</del>
<i>Chapter 10—Buildings and Building Regulations</i>		
***		

**SECTION 5.** That Chapter 18 (Fees and Other Charges), Section 18-3 (Bonds and other miscellaneous dollar amounts in Code) is hereby amended to remove the stricken text as set forth herein:

**Sec. 18-3. - Bonds and other miscellaneous dollar amounts in Code.**

Section	Description	Amount (\$)
<i>Chapter 2—Administration</i>		
***	***	***
<i>Chapter 4—Alcoholic Beverages</i>		
<u>4-27</u>	Compensation of liquor control commissioner—per month	100.00
<u>4-67</u>	Liability insurance required for issuance of alcoholic beverage license	20,000.00
<i>Chapter 12—Business Regulation</i>		
***		

**SECTION 6.** In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

**SECTION 7.** That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

**SECTION 8.** That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

**SECTION 9.** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** by the Board of Trustees on a roll call vote on the 22 day of March, 2021.

**TRUSTEES:**

ROBERT REDMOND	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
MICHAEL WATSON	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

**ACTING VILLAGE PRESIDENT:**

MICHAEL WATSON

Non-Voting - X.

TOTALS:

Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling  
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 22 day of March, 2021.

Michael Watson  
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

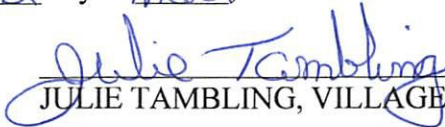
ATTEST:

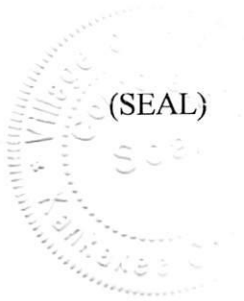
Julie Tambling  
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF KANKAKEE    )        §§

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 03212, "AN ORDINANCE REPEALING AND REPLACING CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE BRADLEY VILLAGE CODE," which was adopted by the Village Corporate Authorities at a meeting held on the 22 day of March, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 22 day of March, 2021.

  
\_\_\_\_\_  
JULIE TAMBLING, VILLAGE CLERK





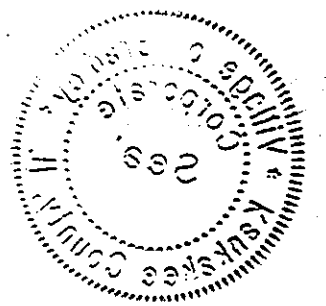
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# Agenda Cover Memorandum

Meeting Date: Special Meeting held on March 22, 2021

Fiscal Year: 2020/21

Agenda Item:

Item Type:  Ordinance  Resolution  Other

Action Requested:  Approval  First Reading  For Discussion  Informational

Staff Contact:  
Name: Khamseo Nelson, Deputy Village Clerk  
Pam Hirth, Assistant Community Development Director  
Phone: (815) 936-5100 extension 1103 (Kym)  
(815) 936-5100 extension 1169 (Pam)  
Email: kbnelson@bradleyil.org  
pjhirth@bradleyil.org

Brief Summary:

Staff began review of the Liquor Code in April 2020. Due to the pandemic and State mandated closures of restaurants and taverns (bars), the Village had to refocus on initiatives that could assist all businesses during this economic downturn and the review/update of the Code slowed, however, a couple specific amendments were approved by the Village Board in July and November. To further assist struggling businesses that sold alcoholic liquors in some form, the Village extended the liquor license renewal deadline and reduced licensing fees by half.

The review/update of the Code resumed in December last year, and an initial draft was presented to the Community Development Committee on January 20<sup>th</sup>. Since that presentation to the Committee, Staff continued to work with the Village Attorney on creating the final draft being presented this evening.

As part of the review/update process, Staff researched several Communities, including Lockport, Bourbonnais, Lisle, Naperville, and New Lenox. A summary of the **key changes** to the Liquor Code is provided below:

1. *Definitions* section - expanded to include specific terminology (did not exist previously)
2. *Classifications and amount of fees* section:
  - a. Redefine/clarify/expand classifications
    - i. Reorganized license classifications with consecutive lettering/numbering & by similar categories
    - ii. Updated hotel/motel class into single classification & included package liquor sales
    - iii. Added a seating capacity for all restaurant classifications
    - iv. Added new classifications for video gaming cafes & escape rooms
    - v. Changed license classification for "clubs" to a license for "non-profit organizations"
    - vi. Created add-on licenses for catering, rental halls, & beer gardens/outdoor dining areas (also added specific provisions for beer gardens)
  - b. Expanded license classification table & fees section to include classification titles, annual fee schedule (part of this overall amendment includes removing the annual fees from Chapter 18) and provision for automated reduction of number of licenses
3. Added provisions for the location of video gaming machines in establishments where under 21 individuals are permitted.
4. Added provisions for automatic deletion of specific licensing limits
5. Added provisions for Sealing and Removal of Wine, Beer, Spirits, or Other Alcoholic Liquor from a Licensed

Internal Review
Initials
Date



## Agenda Cover Memorandum

Premise (also addresses the use of Growlers)

6. Added a provision that addresses Access from Licensed Premises to Dwelling Quarters
7. Added provisions that address an Occupant's Responsibility for Underage Drinking and Prohibition of Renting Hotel by Adults to Allow Minors to Consume Alcohol
8. Increased fees in Classes " A4, C1, C2, C3,11" from \$1,200 to \$1,500

As part of this review, Staff will also be updating the licensing application

### Recommendation

Staff recommends approval of the update to the Village of Bradley Liquor Code, as presented

### Supporting Documents:

1. Ordinance approving the update to the Village of Bradley Liquor Code

### Outcome:

Being presented for 2<sup>nd</sup> read and adoption