

PROPOSED SUBSTITUTE ORDINANCE AMENDMENT TO FILE #15-3027

Sponsored by: RICHARD BOYKIN, County Commissioner

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 6 – ALCOHOLIC LIQUOR, Section 6-2 “Definitions.” of the Cook County Code is hereby amended as Follows:

Sec. 6-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All words and phrases used in this Chapter which are defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) shall have the same meaning herein as they have in such Act.

“*Alcohol*” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.

“*Alcoholic Liquor*” means any alcohol, spirits, wine and beer, and every liquid or solid, 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, or to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume

“*Applicant*” means an individual, partnership or corporation or any other legal entity which seeks and is required to be licensed under the provisions of this Chapter. In the case of a corporation, it shall mean the officers, directors, all persons owning directly or beneficially more than five percent (5%) of the stock of such corporation and the person operating as manager of the premises. In the case of a combination grocery/drugstore, "applicant" shall mean the officers, directors, all persons owning, directly or beneficially, more than five percent (5%) of the stock of the entity having charge of the licensed premises and any person operating as a manager of the premises.

“*Beer*” means an alcoholic beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes but is not limited to beer, ale, stout, lager, and porter.

“*Beer Garden*” means a privately owned outdoor location adjacent to the premises licensed for consumption on the premises – incidental activity or as a tavern or club, where alcoholic liquor may be sold and consumed subject to the provisions governing beer garden licenses

“*Club*” means a corporation organized under the laws of the state of Illinois, not for pecuniary profit, solely for the promotion of some common objective other than the sale or consumption of

alcoholic liquors, and owning or leasing a building or space in a building for the use of its members and provided with a suitable and adequate kitchen and dining room for cooking, preparing and serving meals for its members and their guests; and operated solely for objects of national, state or local social, patriotic, recreational, benevolent or similar purpose.

"Convenience store" means a retail business with a primary emphasis placed on providing the public with a convenient location to quickly purchase from a wide array of consumable products (predominantly food or gasoline) and services. Convenience stores include the following characteristics: Stock of at least 500 SKUs (stock-keeping units) and Product mix including grocery-type items and also include items from the following groups: beverages; snacks (including confectionery); pharmaceutical items and tobacco.

"Employee" means any agent, manager, employee, entertainer, barkeeper, host, hostess, waiter, waitress or other such person employed in an establishment having obtained a liquor license on any contractual basis, or receiving any remuneration for services.

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however excluded from this definition are:

- (a) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;
- (b) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
- (c) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (d) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (e) An antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Hotel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential.

"Illinois Liquor Control Commission" means the state commission created by the Illinois Liquor Control Act of 1934, as amended ("Act"), 235 ILCS 5/3-1 et seq.

"License" means a license which has been issued pursuant to this Chapter

"Licensee" means a person to whom a retailer's liquor license been issued pursuant to this Chapter and includes an employee or agent of a licensee.

“Licensed establishment” means any place of business for which a retailer’s liquor license has been issued pursuant to this Chapter.

“Live Music” includes music sung or played on the premises by the performer and recorded music played on the premises by a disc jockey.

“Liquor” means alcoholic liquor as defined in this Section.

“Off-site catering” means the preparation of food at one location for service at another location.

“Outside caterer” means a person who performs off-site catering by preparing food at one location for service at a location within the unincorporated Cook County.

“Patron” means any customer, patron or visitor of a licensed establishment who is not employed by the licensee of such establishment.

“Person” means any natural individual, firm, trust, partnership, joint venture, association, corporation or other legal entity, whether acting in his or its own capacity or as administrator, executor, trustee, receiver or other representative appointed by a court. Whenever the word *“Person”* is used in any section of this Chapter prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said section.

“Premises” means the place of business or other completely enclosed location particularly described in a retailer’s liquor license where alcoholic liquor is stored, displayed, offered for sale or where drinks containing alcoholic liquor are mixed, concocted or poured and served for consumption. This term shall not include sidewalks, streets or other portions of the public way or private parking areas.

“Powdered Alcohol” means any powder or crystalline substance containing alcohol, as defined by this Act, that is produced or intended for human consumption either by direct use or reconstitution.

“Restaurant” means any other 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 pursuant to the required licenses and 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 meals for its guests.

“Retailer’s liquor license” means a license issued by the Liquor Control Commissioner, pursuant to this Chapter, to sell alcoholic liquor, at retail.

"*Sheriff*" means the Sheriff of Cook County

Unincorporated Cook County means all territory within the geographical limits of the County, which is not within the boundaries of any city, town or village.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 6 – ALCOHOLIC LIQUOR, Section 6-26 “Prohibited Activities – Sale of Individual Container of Beer Malt Liquor or Ale.” of the Cook County Code is hereby amended as Follows:

Sec. 6-26. Prohibited Activities – Sale of Certain Types of Alcoholic Beverages Individual Containers of Beer Malt Liquor or Ale.

- (a) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to divide a manufacturer's package containing more than one container of beer, malt liquor or ale, if the capacity of an individual container is 16 ounces or less, in order to sell an individual container, except for consumption on the licensed premises.
- (b) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of a licensee to sell, give, offer or expose for sale, or deliver an individual container of beer, malt liquor or ale with a capacity of 16 ounces or less, except for consumption on the licensed premises.
- (c) It shall be unlawful for any licensee under this Act to possess, serve, sell, offer for sale, deliver, barter, exchange, receive, or purchase for resale any product or form of Powdered Alcohol. This provision shall not apply to specific commercial uses as approved by the State of Illinois or bona fide research purposes only by one of the following institutions:
1. health care provider that operates primarily for the purpose of scientific research; or
 2. department, commission, board or other administrative unit of the State of Illinois government, including a state institution of higher education; or
 3. private college or university research facility; or
 4. pharmaceutical or biotechnology company.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 6 – ALCOHOLIC LIQUOR, Section 6-42 “Owner and Employee Personal Liability.” of the Cook County Code is hereby amended as Follows:

Sec 6-42. Owner and Employee Personal Liability.

- (a) Any owner, officer, agent or employee of a licensee shall be personally subject to the assessment of fine in the amounts described in this section where through an affirmative act he or she intentionally, assists in the licensee's violation of one or more provisions in Sections ~~6-223~~ (Alcoholic liquor to persons under the age of 21), ~~6-24~~ (Alcoholic Liquor to an intoxicated person), ~~6-245~~ (Inducing a patron to purchase beverage for others), ~~and 6-256~~ (Lewd behavior), and 6-26 (Sale of Certain Types of Alcoholic Beverages).
- (b) Any owner, officer, agent or employee of a licensee shall be personally subject to the assessment of fine in the amounts described in this section where: (i) there is a violation of one or more the provisions set out in subsection (a) of this section (ii) he or she knows of the violation[s], (iii) he or she has the authority to prevent or stop the violation, and (iv) fails to exercise that authority.
- (c) The personal liability of any person described in Subsection (a) of this section shall survive the dissolution of the licensee.
- (d) Any violation of a provision in this article shall be punishable by a fine of not less than \$1,000 or more than \$15,000. A separate and distinct offense shall be held to have been committed each day any person continues the violation.
- (e) A person charged under this Section may raise as an affirmative defense that the act or omission was based on a reasonable belief that any other course of conduct would have endangered the person charged or others.
- (f) Proceedings for administrative adjudication of alleged violations of this Section shall be conducted pursuant to the procedures set out in Chapter 2, Article IX, of the Cook County Code of Ordinances.

Effective date: This ordinance shall be in effect immediately upon adoption.