



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED ORDINANCE AMENDMENT

ALCOHOLIC LIQUOR

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 6 - Alcoholic Liquor, Sections 6-6, 6-7, 6-9, 6-11, and 6-16 of the Cook County Code is hereby amended as Follows:

Sec. 6-1. - Short title.

This Chapter shall be known and may be cited as the Cook County Liquor Control Act

Sec. 6-6. - Retailer's liquor license required.

(a) No person shall sell at retail any alcoholic liquor in unincorporated Cook County without first having obtained a County retailer's liquor license for each premise where the retailer is located to sell the same. Any violation of a provision in this article shall be punishable by a fine of not less than \$1,000.00 or more than \$15,000.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. 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.

(b) The annual fee for a retailer's liquor license is hereby established and the fee for this license is set out in Section 32-1. However, due to the COVID-19 pandemic, for the 2021-2022 licensing year, the application fee for a license will be \$2,000.00.

(c) Every license shall be valid for a period of one year from ~~the~~ May 1 to the following April 30. Due to the COVID-19 pandemic, the 2020-2021 license year is extended through June 30, 2021. The 2021-2022 license year will be from July 1, 2021 through April 30, 2022. The 2021-2022 license must be obtained by July 1, 2021. Except as herein otherwise provided, every license shall be subject to the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) and shall be subject to all laws, resolutions and regulations now in force and effect or which may hereinafter be enacted, adopted, or approved relating to alcoholic liquor.

(d) No person shall sell at retail any alcoholic liquor in unincorporated Cook County in violation of any part or portion of the Liquor Control Act of 1934, as amended, 235 ILCS 5/1-1 et seq.) or the provisions of this Chapter.

(e) No liquor shall be sold, offered for sale, kept for sale, displayed or advertised for sale at retail or delivered to any person purchasing same at retail, within unincorporated Cook County except at a location, place, or premises described in a retailer's liquor license.

(f) Where two or more locations, places or premises are under the same roof or at one street address, a separate license shall be obtained for each such location, place or premises, unless all the rooms which the licensee uses for the retail sale of alcoholic liquor are directly connected, adjacent and contiguous with and to each other. Each license shall define with certainty the room or rooms in which liquor is to be sold. No person licensed to sell liquor under a license, shall sell, give away or otherwise dispose of alcoholic liquor at any place other than the place specifically described in their license, whether such place be in the same building or not; provided that nothing herein contained shall be so construed as to prevent any hotel operator licensed under the provisions of this article from serving alcoholic liquor to

such person's registered guests in any room or part of such person's hotel, if such liquor so served shall be kept in and served from a licensed location, place or premises in the hotel as specified in the license. The foregoing provision shall apply only to hotels conducted and maintained as such.

(g) A license for every location, place or premises licensed under the terms and by virtue of the above provisions shall be framed and hung in plain view in a conspicuous place on the premises so licensed.

(h) When the United States government or any of its agencies issues a retailer liquor dealer tax stamp for the existing tax period, then that issuance or possession shall constitute prima facie evidence that such person is subject to the provisions of this Chapter.

Sec. 6-7. - Application and license fees.

Applications for retailer's liquor license, late filing fees, late hour licenses, extended late hour licenses, live music entertainment licenses, and beer garden licenses shall be made to the Liquor Control Commissioner on forms provided by the Liquor Control Commissioner. At the time application is made, the applicant shall pay to the Department of Revenue the sum of all selected fees as set out in this Chapter and Section 32-1 for the licenses sought by the applicant.

Sec. 6-9. - Late payment of renewal fees.

(a) Renewal fees for retailer's liquor licenses, beer garden licenses, late hour licenses, extended late hour licenses and additional late liquor licenses shall be remitted to the Liquor Control Commissioner on or before May 1, except for the 2021-2020 licensing year. For that year, the fees listed in this subsection shall be remitted to the Liquor Control Commissioner on or before July 1, 2021.

(b) Remittance of renewal fees shall be considered late unless payment is actually received by the Liquor Control Commissioner on or before the due date.

(c) Renewal fee payments received after May 1, or July 1, 2021 for the 2021-2022 licensing year, shall be subject to a late fee. The late fee shall be listed in Section 32-1.

Sec. 6-11. - Beer garden license.

(a) The annual fee for a beer garden license is hereby established and the fee for this license is set out in Section 32-1. However, due to the COVID-19 pandemic, for the 2021-2022 licensing year, the fee for a beer garden license will be \$300.00.

(b) In addition to the requirements set forth in Section 6-9 of this Chapter, an applicant for a beer garden shall mail, by first class mail, notices to all persons who reside upon lots lying within 1,000 feet of the property lines of the location for which the license is sought. The applicant must file with the Liquor Control Commissioner the following:

- (i) A certificate of service which shall consist of an affidavit signed by the person or persons who effectuated the mailing, verifying the date of mailing and listing names and addresses of individuals served;
- (ii) An affidavit verifying that all persons entitled to notice under this Section are listed in the certificate of service as having been served with notice;
- (iii) A complete list containing the names and addresses of the persons served with notice; and
- (iv) A written statement certifying that the requirements of this Section have been met.

(c) This notice shall be sent to all persons to whom the current real estate tax bills are sent as shown on the record of

the Cook County Treasurer's Office, and to all persons residing on or in possession of portions of the premises whose names are listed on mailboxes, bells or signs on the premises. When a condominium development is within 1,000 feet of the subject location, the notice need only be sent to the condominium association. The notice shall be sent no sooner than 60 days and no later than 30 days before the filing of the beer garden license application with the Liquor Control Commissioner. Such notice shall state the name and residence address of the applicant, the street number and location of the premises for which the license is sought, the type of license sought, the hours of operation for the premises to be licensed, and the date on which the application will be filed. The notice shall also state that any objection to the granting of the license sought shall be made to the Liquor Control Commissioner, in writing, signed by the objector and sent before or within ten days after the date for filing the application as indicated on the notice, and shall set forth the specific grounds for the objection.

(d) At the time of filing the application for a beer garden license, the applicant shall furnish the Liquor Control Commissioner a complete list containing the names and addresses of the persons served with notice and the applicant shall also furnish to the Liquor Control Commissioner a written statement certifying that the requirements of this Section have been complied with. The Liquor Control Commissioner shall not accept an application for a beer garden license unless the applicant complies in all respects with the requirements of this Section. No beer garden license shall be issued to any applicant who does not hold a retailer's liquor license for the adjacent indoor premises for which a beer garden license is sought.

(e) Temporary beer garden license.

(i) In response to the COVID-19 pandemic, any person who, as of ~~June 1, 2020~~, holds a valid ~~2020-2021~~ current Cook County retailer's liquor license may apply for a temporary beer garden license for that location.

(ii) Applicants must complete an application as provided by the Liquor Control Commissioner.

(iii) Temporary beer garden licenses will be effective until December 31, ~~2021~~ 2020. The fee for a temporary beer garden license is \$300.00. Payment must be remitted at the time of the filing of the application. Pursuant to Section 6-10 of this Chapter, the license fee will be refunded if the temporary beer garden application is denied. Applicants may also apply for a temporary beer garden special late license, subject to the requirements in Section 6-34. There is no fee for a temporary beer garden special late license.

(iv) For the temporary beer garden license only, the notice requirements in subsections (b), (c), and (d) of this Section are not required. However, those notice requirements must still be followed by any applicant applying for a regular beer garden license, even if that applicant has or previously had a temporary beer garden license pursuant to this Section.

(v) Applicant must comply with all other Sections of this Chapter and applicable County ordinances. A temporary beer garden license will not be issued without the approval of the Cook County Department of Building and Zoning and the Cook County Department of Public Health as required by Section 6-8.

Sec. 6-16. - Privilege granted by license; nature as to property; transferability; tax delinquencies.

A license shall be purely a personal privilege, good and valid for only May 1 through April 30 of the year of issuance, or the time period stated in section 6.6(c) of this Article, unless sooner revoked or suspended as in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall terminate and 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 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.

Effective date: This ordinance shall be in effect immediately upon passage