



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Details (With Text)

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<b>Title:</b>	PROPOSED ORDINANCE				

### ALCOHOLIC LIQUOR

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 6 - Alcoholic Liquor of the Cook County Code is hereby repealed and Chapter 6, Liquor Control Act is hereby enacted as follows:

#### Sec. 6-1. Short Title.

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

#### Sec. 6-2. 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.

"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.

#### Sec. 6-3. Applicability.

This Chapter applies to retail sales of alcoholic liquor which occur within unincorporated Cook County and to activities related to consumption and distribution of alcoholic liquor which may endanger public safety and welfare.

#### Sec. 6-4. Appointment of Liquor Control Commissioner.

The Office of the Liquor Control Commissioner is hereby established. The Liquor Control Commissioner shall be the President of the Cook County Board of Commissioners or shall be appointed by the President with the approval of the Cook County Board. The Liquor Control Commissioner shall be charged with the administration of the provisions of this Chapter, the Liquor Control Act of 1934, as amended, (235 ILCS 5/1-1et seq), and such other ordinances, regulations and resolutions relating to alcoholic liquor as may be enacted.

#### Sec.6-5. Powers of the Liquor Control Commissioner.

(a) The Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats:

1. To grant, suspend for cause and revoke for cause licenses issued pursuant to this Chapter.

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter or any rules or regulations adopted by the Liquor Control Commissioner or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

3. To notify the Illinois Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 (835 ILCS 105/1 et. seq.) or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Chapter by selling or offering for sale at retail alcoholic liquors without a retailer's liquor license;

4. To receive complaints from any person alleging that the provisions of this Chapter or the Liquor Control Act of 1934, as amended, (235 ILCS 5/1-1et seq) or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;
  5. To levy fines in accordance with this Chapter and the Liquor Control Act of 1934, as amended, 235 ILCS 5/1-1et seq)
  6. To examine, or cause to be examined, under oath, any applicant for a license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, 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 or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of Illinois.
  7. To require fingerprints of any applicant for a retailer's liquor license.
  8. To promulgate regulations relating to the enforcement of this Chapter and the Liquor Control Act of 1934, as amended (235 ILCS 5/1-1et seq).
  9. To register outside caterers and revoke the registration of outside caterers pursuant to this Chapter.
- (b) For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this Chapter, the Liquor Control Commissioner may authorize his or her agent to act on his or her behalf.

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 or more than \$15,000. 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.
- (c) Every license shall be valid for a period of one year from the May 1 to the following April 30. 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 5/1-1et 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 Section 32-1 for the licenses sought by the applicant.

#### Sec. 6-8. Application Process for a Retailer's Liquor License, Publication of Notice.

(a) When an application for a retailer's liquor license is received by the Liquor Control Commissioner, the Liquor Control Commissioner shall cause to be published a notice that application has been made for such license in a daily newspaper of general circulation, not devoted to any particular profession, trade or class of business in the County, and a similar notice in the local newspaper published nearest to the premises sought to be licensed. The published notice shall state the name of the applicant, the resident address of the applicant, and the street number and location of the premises covered by the application, and notify all persons that any objections to the granting of the license shall be made to the Liquor Control Commissioner, in writing, signed by the objector, within ten days, and stating specifically the grounds of their objection. The cost of publication of the notices shall be paid by the applicant to the Liquor Control Commissioner shall be set out in 32-1, in addition to the license fee required at the time of the filing of the application for a license. No license shall be issued until 15 days after the first publication of the notice has elapsed. No publication shall be necessary for the renewal of any license that has been issued after the original publication.

(b) Each applicant shall submit his or her fingerprints to the Cook County Sheriff's Office in the form and manner prescribed by the Illinois State Police. These fingerprints shall be forwarded by the Cook County Sheriff's Office to the Illinois State Police and checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. In the event that criminal history information is recovered by the Illinois State Police, the Cook County Sheriff shall forward to the Liquor Control Commissioner all information received from the Illinois State Police relating to the criminal history of the applicants.

(c) The applicant shall request the Cook County Department of Building and Zoning and the Cook County Department of Public Health to inspect the premises sought to be licensed to determine whether those premises conform to the relevant county building, zoning and public health ordinances. No license shall be issued until the Cook County Department of Building and Zoning reports to the Liquor Control Commissioner that the premises sought to be licensed are in conformity with the relevant building and zoning requirements and the Cook County Department of Public Health reports to the Liquor Control Commissioner that the premises sought to be licensed are in conformity with the relevant public health requirements.

(d) No license shall be issued unless the applicant provides satisfactory documentation of liquor liability insurance (dram shop) coverage for the premises, in the aggregate amount of at least one

million dollars.

(e) In the discretion of the Liquor Control Commissioner, any misstatements made by the applicant in the application shall be cause for denial of the application or revocation of any license issued or sought to be issued under this Section.

#### 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.

(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 shall be subject to a late fee. The late fee shall be listed in Section 32-1.

#### Sec. 6-10. Refund of Fees Where the License Application Is Denied.

Where a license application is denied, payments for fingerprinting and publication are nonrefundable; payments made for the license fee shall be refunded within 60 days of the date of notice of decision to deny license application; however, \$250.00 of the license fee that was paid shall be non-refundable.

#### 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.

(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.

Sec. 6-12. Live Music Entertainment License.

(a) The annual fee for a live music entertainment license is hereby established and the fee for this license is set out in Section 32-1.

(b) Persons holding a Live Music Entertainment license shall have the privilege of providing music within the licensed premises to which the privilege applies. Live music is prohibited in any licensed establishment, unless the establishment has received a live music entertainment license. In the event that the underlying retail liquor license is terminated for any cause, the Live Music Entertainment License shall immediately terminate. Additionally, any person holding a Live Music Entertainment License must pay the county amusement tax for any event for which an entrance fee is charged, unless a tax exemption applies.

(c) A Live Music Entertainment License shall not be issued to any applicant who does not hold a retailer's liquor license.

(d) No music entertainment license shall be issued to an outdoor location licensed as a beer garden where such licensed premises is located within 1,000 feet of property used for residential purposes.

Sec. 6-13. Special Event Licenses

(a) A special event license is hereby established and the fee for this license is set out in Section 32-1. A special event license may be issued to an educational, fraternal, political, civic, religious, or non-profit organization and authorize the sale beer or wine, or both, only for consumption at the location and on the dates designated on the special event retail license. The decision to grant or deny the license shall be in the sole discretion of the Liquor Control Commissioner.

(b) Such special event license shall be issued subject to the following conditions:

(1) No more than twelve (12) special one-day licenses shall be issued to any sales address in any one (1) calendar year.

(2) No applicant shall receive more than twelve (12) special one-day licenses within any one (1) calendar year.

(3) The applicant must obtain a special event license from the Illinois Liquor Control Commission.

(4) The license shall authorize the consumption of beer and wine only.

(5) The sale of beer and wine shall only take place from 10:00 a.m. to 10:30 p.m. (Monday through Thursday), from 10:00 a.m. to 2:00 a.m. (Friday through Sunday), from 12:00 p.m. to 10:30 p.m. (Sunday).

(6) The license shall be issued to and valid only for the "sales premises" described on the application.

(7) No person under twenty-one (21) years of age will be allowed to purchase or sell alcoholic liquor at licensed event

(8) The applicant must complete the entire application provided by the Liquor Control Commissioner and agree in writing that the Liquor Control Commissioner may revoke this license at any time at the absolute discretion of the Liquor Control Commissioner and consent to all requirements, including the requirement of immediate forfeiture without reason.

Sec. 6-14. Registration of Outside Caterers.

- (a) The fee for an outside caterer registration is hereby established and the fee for this registration as set out in Section 32-1. An outside caterer may register with the Liquor Control Commissioner by: (1) presenting proof of a valid license for the preparation of food for service off the licensed premises, issued by the appropriate licensing authority of the jurisdiction in which the applicant's catering business is located; (2) presenting proof of a valid license for the sale of alcoholic liquor, issued by the appropriate licensing authority of the jurisdiction in which the applicant's catering business is located; and, (3) presenting proof of dramshop insurance in an amount of at least \$1,000,000.
- (b) A registered outside caterer may engage in the sale and service of alcoholic liquor on the same terms and conditions as a holder of a Special Event License under this Chapter on the dates, hours, and locations authorized by the Liquor Control Commissioner.
- (c) The registration periods for each outside caterer shall be as required by the Liquor Control Commissioner.
- (d) The Liquor Control Commissioner may revoke an outside caterer's registration for violation of any ordinance or law and for engaging in any activities which would justify the revocation or suspension of a retailer's liquor license. Procedures for revocation shall be in accordance with the procedures for revocation of a business license under Section 6-30.
- (e) Revocation or suspension of an outside caterer's license for the sale of alcoholic liquor or for the preparation and sale of food, issued by another jurisdiction, shall act as revocation of the outside caterer's registration.
- (f) A registered outside caterer must notify the local Liquor Control Commissioner of each suspension or revocation of any such license by another jurisdiction, no later than the business day following the suspension or revocation. For purposes of this section, Saturday is a business day. Notification must be in writing, delivered by the outside caterer or by messenger or transmitted by e-mail, facsimile to a telephone number designated by the local Liquor Control Commissioner.

#### Sec. 6-15. Books and Records Available for Investigation and Control.

It shall be the duty of every retail licensee to make books and records available upon reasonable notice upon request of the Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises, but must be maintained within the boundaries of the State of Illinois; however, if access is available electronically, the books and records may be maintained out of state at the location of the electronically based storage facility. All original invoices or copies thereof covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase, unless the Liquor Control Commissioner has granted a waiver in response to a written request in cases where records are kept at a central business location within the State of Illinois or in cases where books and records that are available electronically are maintained out of state.

#### 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 1st through April 30th of the year of issuance, 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.



Sec. 6-17. License Issuance Prohibited to Certain Persons.

No license for the sale of alcoholic liquor shall be issued to:

- (a) A person who knowingly files false or incomplete information on a retailer's liquor license application;
- (b) A person, other than a corporate entity or partnership, who is not a resident of the County of Cook, Illinois;
- (c) A person who is not of good character and reputation in the community in which he resides or in the community in which his premises are located;
- (d) 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.
- (e) A person who has been convicted of a felony under any federal or state law, if the Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The burden of proving that sufficient rehabilitation has taken place shall be on the applicant.
- (f) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (g) A person who has been convicted of pandering or other felony or misdemeanor opposed to decency and morality, including but not limited to any form of pandering, prostitution or solicitation for prostitution;
- (h) A person whose license issued under this Chapter has been revoked for cause;
- (i) A person who at the time of application or renewal of any license issued pursuant to this Chapter would not be eligible for such license upon a first application;
- (j) Any partnership where any member of the partnership would not be eligible to receive a license hereunder for any reason other than residence within the county;
- (k) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
- (l) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) or the Limited Liability Company Act (805 ILCS 180/1-1 et seq) to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Illinois 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 Illinois.
- (m) 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.
- (n) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation.
- (o) 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.
- (p) Neither the County President or County Board member, any county law enforcement public official, Liquor Control Commissioner nor any staff member that is employed by Cook County

government and assigned to perform their duties in the office of the Liquor Control Commissioner.

- (q) A person who is not a beneficial owner of the business to be operated by the licensee;
- (r) A person who is ineligible for or fails to receive a license to sell alcoholic liquor at retail from the State of Illinois;
- (s) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/28-1, 720 ILCS 5/28-1.1 or 720 ILCS 5/28-3], or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- (t) 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.] or the Illinois Pull Tabs and Jar Games Act [230 ILCS 20/1 et seq.].
- (u) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in the in the aggregate amount of at least one million dollars.

#### Sec. 6-18. License Issuance Prohibited for Certain Premises.

No license shall be issued for the following premises and any license which has been issued pursuant to this Article may be revoked if one or more of the following premises occur:

- (a) Any premises which are not in substantial compliance with Cook County building and zoning, and public health and any other applicable ordinances;
- (b) Any premises engaged in the business of the sale of gasoline, unless the business engaged in the sale of gasoline also operates a convenience store on the same premises, then that business can receive a license to sell alcoholic liquor in the convenience store area of the business;
- (c) Any premises which are ineligible for coverage of a license to sell alcoholic liquor at retail from the State of Illinois; or,
- (d) Any premises where the alcohol is intended to be consumed on the premises and the carrying of firearms on the property is permitted. The prohibition relating to firearms shall not apply to premises on which the carrying of firearms is permitted by:
  - (1) Individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/24-2)
  - (2) Retired law enforcement officers qualified under federal law to carry a concealed firearm; or,
  - (3) The owner, lessee, tenant or operator of the licensed premises or the agents thereof who have been issued a valid and current FOID card.

#### Sec. 6-19. License Renewals.

Any licensee may renew his license at the expiration thereof, provided the licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the county board from decreasing the number of licenses to be issued within its jurisdiction. No retailer's liquor license issued by the Liquor Control Commissioner shall be renewed unless the applicant provides documentation that any tax owed to Cook County has been satisfied.

#### Sec. 6-20. Change of Location.

A retailer's liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the Liquor Control Commissioner. Any request for a change of location must meet all the criteria required for the sale of alcoholic liquor under the laws of the State of Illinois and the

ordinances of Cook County.

Sec. 6-21. Sanitary Conditions.

All premises used for the sale or storage of alcoholic liquor, shall maintain a safe and sanitary premises. The licensee must fully comply with the ordinances of the Cook County building code and public health ordinances.

Sec. 6-22. Prohibited Activities - Alcoholic liquor to persons under the age of 21.

It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to:

- (a) Sell, give or deliver alcoholic liquor to any person under the age of 21 years.
- (b) To permit a patron, after purchasing or otherwise obtaining alcoholic liquor from the licensee, to sell, give or deliver such alcoholic liquor, on the licensed premises, to another person under 21 years.

Sec. 6-23. Prohibited Activities - Alcoholic Liquor to an Intoxicated Person.

It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to give or deliver alcoholic liquor to any person which he or she knows or reasonably should know to be intoxicated.

Sec. 6-24. Prohibited Activities - Inducing a patron to purchase beverage for others.

It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to:

- (a) Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or nonalcoholic beverage for himself or any other employee of the licensed establishment;
- (b) Knowingly serve to any employee any alcoholic or nonalcoholic beverage which was purchased by any patron;
- (c) Permit any employee to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee; or,
- (d) Nothing in this subsection prohibits the above activities where the patron and employee are related by blood or marriage.

Sec. 6-25. Prohibited Activities - Lewd Behavior.

For purposes of this Section any of the items described herein shall be considered exposed to public view if it is uncovered or is less than completely and opaquely covered.

- (a) It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to permit any employee, contractor, vendor, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which exposes to public view his or her genitals, pubic hair, buttocks, perineum and anal region or pubic hair region or any portion of the female breast at or below the areola.
- (b) Permit the display of videos, films or pictures depicting acts, a live performance of which is prohibited by this Section.

Sec. 6-26. Prohibited Activities - Sale of 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.

**Sec. 6-27. Prohibited Activities - Presence of Minors under the Age of 16 Years and Workers under the Age of 21.**

(a) Where alcoholic liquor is consumed on the premises, the licensee has an affirmative obligation to keep the licensed premises, at all times free, from minors under the age of 16 years who are not escorted by their parents, or other proper persons, during the hours in which the licensee is open for business. No prohibition under this Section shall apply to any licensed premises where selling, giving, or delivering alcoholic liquor is not the principal business of the licensee at those premises, such as, without limitation, a restaurant, convenience store or food shop.

(b) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage or employ or permit any person under the age of 21 years to work or to engage in any activities which involve the handling, selling, serving, dispensing or delivering of alcoholic liquor. The licensee shall not to engage or employ or permit any person under 21 years of age to entertain or to act as host or hostess in or upon the licensed premises while open for the sale of alcoholic liquors. The licensee shall be responsible for assuring that the person under the age of 21 years engaged, employed or permitted to work does not consume, obtain or possess alcoholic liquor on the licensed premises.

**Sec. 6-28. Warning sign - Sale of Alcoholic Liquor to Persons under the Age of 21 Prohibited.**

In every licensed premise where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows:

WARNING: All persons under the age of 21 years are subject to a fine up to \$500.00 under the Ordinances of the County, if they purchase alcoholic liquor or misrepresent their age for the purpose of purchasing or obtaining alcoholic liquor.

**Sec. 6-29. Firearms Prohibited.**

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall permit any person to carry a firearm on the licensed premises. The prohibition against the carrying of a firearm on the licensed premises shall not apply in the following circumstances:

(a) Where the licensee does not permit the alcoholic liquor sold on the premises to be consumed on the premises; or,

(b) Premises on which the carrying of firearms is permitted by:

(1) Individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/24-2);

(2) Retired law enforcement officers qualified under federal law to carry a firearm; or

(3) The owner, lessee, tenant or operator of the licensed premises or the agents thereof who have been issued a valid and current FOID card.

**Sec. 6-30. Posting Sign that Weapons are Prohibited.**

The owner of the premises or place of business operating under a retailer's liquor license where liquor is consumed on the premises shall post a sign indicating that firearms are prohibited on the property. Signs stating that the carrying of firearms is prohibited shall be in compliance with 430 ILCS 66/65(d).

**Sec. 6-31. Change of Ownership or Personnel.**

(a) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the liquor control pursuant to the procedures set out in this Section. In addition, any changes made to a licensee's bylaws, operating agreement, partnership agreement for the licensee, pursuant to law or court order, by reason of death, or for any other reason, shall be reported if those changes affect, in any way, the criteria used to issue the liquor

license.

(b) All new personnel described in subsection (a) of this Section shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license.

(c) Within 30 days of the effective date of the change described in subparagraph (a) of this section, the person replacing a removed or changed officer or manager shall undergo the requirements for a criminal record background check, as required by Section 6-5 (7), and the licensee shall submit to the Liquor Control Commissioner:

- (1) a change of officer form;
- (2) proof that the new officer has submitted fingerprints pursuant to Sec. 6-5(7) of this Chapter;
- (3) the fee for filing the change of officer form in the amount set out in Section 32-1 of the Cook County Code of Ordinances;
- (4) a fee for the fingerprinting in the amount set out as set Section 32-1; and,
- (5) any other supplementary materials requested by the Liquor Control Commissioner.

(d) All such changes in personnel shall be subject to review by the Liquor Control Commissioner. Failure to comply with the requirements of this subsection shall be grounds for revocation or suspension of any retailer's liquor license held by such licensee.

(e) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

(f) In the event that a license has been issued to a corporation and a change takes place in officers, directors, shareholders of more than five (5) percent of the stock, or managers by someone who is not eligible for a license that event shall be grounds for revocation or suspension of any retailer's liquor license.

(g) In the event that a license has been issued to an individual who is no longer eligible for a license, then that event shall be grounds for revocation or suspension of any retailer's liquor license.

(h) In the event that a licensee ceases to operate and closes its business premises, then that event shall be grounds for revocation or suspension of any retailer's liquor license.

#### Sec. 6-32. Illegal Conduct on Licensed Premises - Cooperation with Police.

(a) No licensee shall permit or allow any illegal activity on the licensed premises.

(b) It is the affirmative duty of the licensee to keep the premises free at all times from the presence of disorderly persons, and to prevent any immoral practices thereon. It is also the affirmative duty of the licensee to make any and all reasonable attempts to prevent the violation of any Federal, State or County law or ordinance upon the premises;

(c) It is the affirmative duty of a licensee to report promptly to a local police department all illegal activity reported to or observed by the licensee on or within sight of the licensed premises; to answer fully and truthfully all questions of an identified police officer who inquires or investigates concerning persons or events in or around the licensed business; to cooperate with the police in any such inquiry or investigation, including the giving of oral or written statements to the police at reasonable times and locations in the course of investigations; and to sign a complaint against any person whom the licensee observes in any illegal conduct or activity on or within sight of the licensed premises.

#### Sec. 6-33. Illegal Activities outside of the Licensed Premises.

A licensee is responsible to the community surrounding the licensed premises. A retailer's liquor license issued or renewed after the effective date of this section shall be subject to a fine, suspension, or revocation if the licensee's business becomes or creates a nuisance under this section. A licensee may also be assessed a fine if the licensee's business becomes or creates a nuisance under this section. A licensed business is or creates a nuisance under this section, if within any consecutive 12 months, not less than three separate incidents occur on the licensed premises, on or in the licensed

premises' parking facility or on adjacent property, while the business establishment is open for business or within one hour of the time the establishment is opened or closed for business, involving acts that violate any federal or state law defining a felony, or any federal or state law or local government ordinance regulating narcotics, controlled substances or weapons.

Sec. 6-34. Hours of Business.

(a) Generally. A person licensed by the County as a retailer of alcoholic liquor may not sell, permit to be sold, or give away any alcoholic liquor between the hours of 1:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 2:00 a.m. and noon on Sundays except as provided in subsections (b) through (e) of this Section.

(b) Beer garden licenses. Unless a special late license or an additional special late license is issued, no person licensed to operate a beer garden shall sell, serve, or allow the sale or service of alcoholic liquor for consumption in the privately owned, outdoor portion of the licensed premises on Saturdays and Sundays between 12:01 a.m. and the legally established hour of opening, as set forth in Subsection (a) of this section, or on Sundays through Thursdays between the hours of 11:00 p.m. and the legally established hour of opening the following day as set forth in this section. No special late hour license or additional late hour license shall be issued for any outdoor location licensed as a beer garden where such licensed premises is located within 1,000 feet of property used for residential purposes.

(c) Golf courses. Unless a special late license or an additional late license is issued, no person licensed to operate a golf course shall sell, serve, or allow the sale or service of alcoholic liquor for consumption on the premises of a privately or publicly owned golf course between the hours of 1:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 2:00 a.m. and 10:00 a.m. on Sundays.

(d) Special late license. The annual license fee to be paid to the County for the special late liquor license is hereby established as an additional amount set out in Section 32-1. A person issued a special late liquor license by Cook County is prohibited from selling, permitting to be sold, or giving away any liquor between the hours of 2:00 a.m. and 7:00 a.m. on weekdays and between the hours of 3:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 3:00 a.m. and 12:00 noon on Sundays.

(e) Additional late liquor license. The annual license fee for the additional special late liquor license is hereby established in the amount as set out in Section 32-1. A person issued an additional special late liquor license by the County shall be prohibited from selling, permitting to be sold or giving away any alcoholic liquor between the hours of 4:00 a.m. and 7:00 a.m. on weekdays and Saturdays, and between the hours of 4:00 a.m. and 12:00 noon on Sundays.

(f) No additional special late liquor licenses authorizing sales of alcoholic liquor until the hour of 4:00 a.m. shall be issued. Any license issued prior to January 31, 2005, providing for hours in excess of 3:00 a.m. shall expire upon the transfer, forfeiture or revocation of the license whether the transfer is between individuals, partnerships or corporations in whole or part or whether the transfer is of corporate shares to shareholders not previously owners of the corporation.

Sec. 6-35. Customers Not Permitted on Premises during Prohibited Hours of Sale.

During the applicable prohibited hours of sale as stated in this Chapter, every location, place, or premises where alcoholic liquor may be sold at retail shall be kept closed, and no person other than the licensee or an employee or a member of the immediate family of the licensee shall be permitted to remain therein. All doors directly opening into or out of such location, place or premises for egress thereto or egress therefrom shall be securely locked during the prohibited hours of sale. The provisions of this section relating to the closing of the premises and the locking of the doors shall not apply to restaurants, hotels licensed as food dispensers, clubs, convenience stores, drug stores, grocery stores and delicatessens, except that no beer garden may remain open after the hours provided in Section 6-35(b).

Sec. 6-36. Beer Garden Adequate Visual Screening.

Any outdoor location licensed as a beer garden shall have adequate visual screening and noise barriers from the public rights-of-way and from structures on adjoining parcels. All screening and barriers must be constructed and maintained in compliance with the applicable county ordinances.

Sec. 6-37. Denial of Application to Renew License.

Where the Liquor Control Commissioner denies an application to renew a license, the licensee shall be provided with written notice setting out the reasons for the refusal to renew, no later than the date on which the license expires, or 10 days after the renewal application is received whichever event occurs later. The decision to refuse an application to renew a license shall be treated as a revocation of the license and the procedures set out in Section 6-40 relating to license revocation, suspension shall be applicable.

Sec. 6-38. Complaints Initiated by a Private Party.

Any person shall have the right to file a complaint with the Liquor Control Commissioner stating that a liquor licensee has been or is violating the provisions of this Chapter or the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) The complaint shall be in writing, in the form prescribed by the Liquor Control Commissioner, and shall be signed by the person or persons making the complaint. The complaint shall state the provisions believed to have been violated and the facts in detail upon which belief is based. If the Liquor Control Commissioner is satisfied that the complaint substantially charges a violation and concludes from the facts alleged therein, together with any other information made available that there is reasonable cause for belief that the allegations are true, he or she shall set the matter for hearing pursuant to the procedure set out in Section 6-40, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

Sec. 6-39. Procedures for Assessment of a Fine, Revocation or Suspension of License.

(a) The Liquor Control Commissioner may revoke, suspend or assess a fine ranging from \$1000 to \$15,000 against any license issued by him or her if he or she determines the licensee has violated any of the provisions of this Chapter, or any applicable rules and regulations established by the Liquor Control Commissioner or the Illinois Liquor Control Commission.

(b) The licensee who continues to hold a debt or unpaid tax to the County after being licensed under this Chapter may have his or her license suspended or revoked.

(c) A retailer's liquor license shall not be revoked or suspended nor shall a fine be assessed except after a public hearing. The Liquor Control Commissioner shall send a 14 day written notice to the licensee affording the licensee an opportunity to appear and defend prior to any hearing. All such hearings under this section shall be conducted pursuant to Chapter 2, Article 9 of the Cook County Ordinances or the rules of procedure as adopted by the Liquor Control Commissioner.

(d) The Liquor Control Commissioner may personally conduct the hearing or refer the matter to be heard by administrative hearing pursuant to Chapter 2, Article 9 of the Cook County Ordinances. The procedure of the hearing shall be governed by the rules promulgated by the Liquor Control Commissioner. Within thirty (30) days after the conclusion of the hearing, if the Liquor Control Commissioner finds by a preponderance of the evidence that the licensee violated one or more of the charges set out in the notice, the Liquor Control Commissioner may suspend the license for a set period of time or revoke the license. In addition, the Liquor Control Commissioner may impose a fine.

(e) In the event that the matter is heard pursuant to Chapter 2, Article 9 of the Cook County Ordinances then within seven (7) days after the conclusion of the hearing, the hearing officer shall submit to the Liquor Control Commissioner proposed conclusions of law, proposed findings of fact, and a recommended decision. The Liquor Control Commissioner may agree, disagree, or modify the recommended decision and shall issue a decision as to whether imposition of a fine, suspension of license, or license revocation is warranted. The Liquor Control Commissioner's decision shall be the final administrative decision of the Liquor Control Commissioner.

(f) The Liquor Control Commissioner's decision shall be issued within 30 days of the conclusion of the hearing.

(g) If prior to rendering a decision, the Liquor Control Commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community he or she may upon issuance of a written order stating the reason for such conclusion without notice or hearing, order the licensed premises closed for not more than fourteen (14) days. The licensee shall have the opportunity to be heard during that period. If the licensee is conducting another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses contingent upon the other business neither serving, making for sale, or giving away any form of alcoholic beverage.

(h) A licensee or an agent of the licensee may not tamper, deface, or alter such order. A licensee shall be held strictly liable for any tampering defacement or alteration of such order.

(i) Any licensee whose license is the subject of such hearings and found by the Liquor Control Commissioner to be in violation of one or more of the violations set out in the notice, shall pay to the County, within 30 days after the liquor commissioner adjourns the last hearing, all fines and costs. Any licensee who fails to pay all fines and costs required by this section shall be ineligible to have their license renewed at the next applicable renewal and shall be ineligible for issuance of a new license under this Chapter. The fact that the licensee may appeal the Liquor Control Commissioner's suspension or revocation order to the Illinois Liquor Commission shall not affect the licensee's duty to pay all such fees and costs required by this section. For each day after the 30th day payment is due a licensee fails or refuses to pay the fees and costs required by this section, the licensee shall be fined \$200 per day, such fines which will accrue on the balance due, up to a total of \$15,000. Where the decision of the Liquor Control Commissioner is reviewed through an administrative or judicial process and ultimately that decision is fully reversed, licensee's payment of such fees and costs will be refunded by the county.

(j) All appeals of any suspension or revocation order of the Liquor Control Commissioner shall be made to the Illinois Liquor Control Commission.

#### Sec. 6-40. Protest of the Denial of a License Application.

(a) Where the Liquor Control Commissioner denies a license application, the applicant shall be provided with notice setting out the reasons for the denial. The applicant may protest the decision by completing a protest form provided by the liquor commissioner, and filing the completed form with the liquor commissioner within 14 days after receipt of the notice of denial. Where the licensee timely files a protest, the applicant shall be provided with a hearing pursuant to the procedures set out in Chapter 2, Article 9 of the Cook County Ordinances.. At all times relevant hereto, the applicant shall carry the burden of proof, as to their eligibility for licensure.

(b) The Liquor Control Commissioner may personally conduct the hearing or refer the matter to be heard by administrative hearing pursuant to Chapter 2, Article 9 of the Cook County Ordinances. The procedure of the hearing shall be governed by the rules promulgated by the Liquor Control Commissioner. Within thirty (30) days after the conclusion of the hearing, if the Liquor Control Commissioner finds by preponderance that the applicant did meet the licensure requirements, the decision denying licensure will be reversed; otherwise the decision denying licensure will be affirmed.

(c) In the event that the matter is heard pursuant to Chapter 2, Article 9 of the Cook County Ordinances then within seven (7) days after the conclusion of the hearing, the hearing officer shall submit to the Liquor Control Commissioner proposed conclusions of law, proposed findings of fact, and a recommended decision. The Liquor Control Commissioner may agree, disagree, or modify the recommended decision and shall issue a decision as to whether imposition of a fine, suspension of license, or license revocation is warranted. The Liquor Control Commissioner's decision shall be the final administrative decision of the Office of the Liquor Control Commissioner.

(d) The Liquor Control Commissioner's decision shall be issued within fourteen (14) days of the



conclusion of the hearing.

**Sec. 6-41. Responsibility for Violations - Acts of Employees.**

Every act or omission on the licensed premises which violates any provision of this Chapter or the Illinois Liquor Control Act of 1938 by any officer, director, manager, or other agent or employee of the licensee shall be deemed to be the act of the licensee or employer. For purposes of this section, the licensee or employer shall be strictly liable in the same manner as if the act or omission has been done or omitted by the licensee personally.

**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 6-23 (Alcoholic liquor to persons under the age of 21 ), 6-24 (Alcoholic Liquor to an intoxicated person), 6-25 (Inducing a patron to purchase beverage for others), and 6-26 (Lewd behavior)
- (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.

**Sec. 6-43. Misrepresentation of Age.**

It shall be unlawful for any person under the age of 21 years to misrepresent such person's age for the purpose of purchasing or obtaining alcoholic liquor in any place where alcoholic liquor is sold in unincorporated Cook County.

**Sec. 6-44. Providing Alcoholic Liquor to an Under Age Person.**

It shall be unlawful for any person, to provide alcoholic liquor in unincorporated Cook County. County to a person under the age of 21 years, either by gift, sale or barter, except where such underage person is:

- (a) A participant in an adult-supervised performance of a religious service or ceremony; or
- (b) Legally on private property or in a private home, and under the direct supervision and approval of the parent(s) or legal guardian(s) of such underage person.

**Sec. 6-45. Possession or Consumption by Persons under Age.**

- (a) No person under the age of 21 years shall possess or consume alcoholic liquor, within the unincorporated areas of the County. The only exceptions to this article shall be where such underage person is:
  - (1) A participant in an adult-supervised performance of a religious service or ceremony; or

- (2) Legally on private property or in a private home, and under the direct supervision and approval of the parent(s) or legal guardian(s) of such underage person.
- (b) Parental responsibility. It shall be unlawful for any parent or legal guardian knowingly to suffer or permit a person under 21 years of age of which such person may be the parent or legal guardian to violate any provisions of this section.
- (c) Responsibility of the owner or occupant of premises. It shall be unlawful for any owner or occupant of any premises located within the unincorporated areas of the County knowingly to allow any person under the age of 21 years to remain on such premises while in violation of Subsection (a) of this section.

Sec. 6-46. Carrying a Firearm in a Licensed Facility.

It shall be unlawful for a person to carry a firearm in a licensed establishment where liquor is consumed on the premises, except in the following circumstances:

- (a) Individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/24-2)
- (b) Retired law enforcement officers qualified under federal law to carry a firearm; or
- (c) The owner, lessee, tenant or operator of the licensed premises or the agents thereof who have been issued a valid and current FOID card

Sec. 6-47. Violation - General Penalty.

Any person violating any of the provisions of this Chapter shall be fined an amount not less than \$1000 or more than \$15,000, except where otherwise specifically provided. A separate and distinct offense shall be held to have been committed each day any person continues the violation. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of his license.

Sec. 32-1. Fee Schedule.

CHAPTER 6, ALCOHOLIC LIQUOR

6-6	Application fee for license to sell alcoholic liquor	3000.00
6-8	Publication Fee	250.00
6-9	Late fee	300.00
6-11	Application fee for license for a beer garden	750.00
6-12	Live Music Entertainment Fee	750.00
6-13	Special Event Permit	25.00
6-14	Outside Caterer Fee	50.00
6-31	Change of Officer Fee	250.00
6-31	Criminal Record Background Check Fee	34.25
6-34	Special late liquor license fee, annually	700.00
6-34	Additional special late liquor license fee, annually	1,500.00
6-33(b)	Special late liquor license fee, annually	700.00
6-34(b)	Additional special late liquor license fee, annually	1,500.00
6-63	Application fee for license to sell alcoholic liquor	3,000.00
	Application fee for license for a beer garden	750.00

Effective date: This ordinance shall be in effect upon March 1, 2015.

**Sponsors:** TONI PRECKWINKLE (President)

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment to Item 15-0559 Liquor Control Act

Date	Ver.	Action By	Action	Result
2/10/2015	1	Board of Commissioners	adopt	Pass
2/10/2015	1	Finance Committee	accept as amended	Pass
2/10/2015	1	Finance Committee	recommend for approval as amended	Pass
1/21/2015	1	Board of Commissioners	refer	Pass

## PROPOSED ORDINANCE

### ALCOHOLIC LIQUOR

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 6 - Alcoholic Liquor of the Cook County Code is hereby repealed and Chapter 6, Liquor Control Act is hereby enacted as follows:

#### Sec. 6-1. Short Title.

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

#### Sec. 6-2. 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.

*“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.

### **Sec. 6-3. Applicability.**

This Chapter applies to retail sales of alcoholic liquor which occur within unincorporated Cook County and to activities related to consumption and distribution of alcoholic liquor which may endanger public safety and welfare.

### **Sec. 6-4. Appointment of Liquor Control Commissioner.**

The Office of the Liquor Control Commissioner is hereby established. The Liquor Control Commissioner shall be the President of the Cook County Board of Commissioners or shall be appointed by the President with the approval of the Cook County Board. The Liquor Control Commissioner shall be charged with the administration of the provisions of this Chapter, the Liquor Control Act of 1934, as amended, (235 ILCS 5/1-1et seq), and such other ordinances, regulations and resolutions relating to alcoholic liquor as may be enacted.

### **Sec.6-5. Powers of the Liquor Control Commissioner.**

(a) The Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats:

1. To grant, suspend for cause and revoke for cause licenses issued pursuant to this Chapter.
2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter or any rules or regulations adopted by the Liquor Control Commissioner or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;
3. To notify the Illinois Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 (835 ILCS 105/1 et. seq.) or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Chapter by selling or offering for sale at retail alcoholic liquors without a retailer's liquor license;
4. To receive complaints from any person alleging that the provisions of this Chapter or the Liquor Control Act of 1934, as amended, (235 ILCS 5/1-1et seq) or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;
5. To levy fines in accordance with this Chapter and the Liquor Control Act of

1934, as amended, 235 ILCS 5/1-1 et seq)

6. To examine, or cause to be examined, under oath, any applicant for a license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, 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 or her information in the performance of his or her duties, and for such purpose to issue subpoenas which shall be effective in any part of Illinois.
  7. To require fingerprints of any applicant for a retailer's liquor license.
  8. To promulgate regulations relating to the enforcement of this Chapter and the Liquor Control Act of 1934, as amended (235 ILCS 5/1-1 et seq).
  9. To register outside caterers and revoke the registration of outside caterers pursuant to this Chapter.
- (b) For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this Chapter, the Liquor Control Commissioner may authorize his or her agent to act on his or her behalf.

**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 or more than \$15,000. 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.
- (c) Every license shall be valid for a period of one year from the May 1 to the following April 30. 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

-1et 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 Section 32-1 for the licenses sought by the applicant.

#### **Sec. 6-8. Application Process for a Retailer's Liquor License, Publication of Notice.**

- (a) When an application for a retailer's liquor license is received by the Liquor Control Commissioner, the Liquor Control Commissioner shall cause to be published a notice that application has been made for such license in a daily newspaper of general circulation, not devoted to any particular profession, trade or class of business in the County, and a similar notice in the local newspaper published nearest to the premises sought to be licensed. The



published notice shall state the name of the applicant, the resident address of the applicant, and the street number and location of the premises covered by the application, and notify all persons that any objections to the granting of the license shall be made to the Liquor Control Commissioner, in writing, signed by the objector, within ten days, and stating specifically the grounds of their objection. The cost of publication of the notices shall be paid by the applicant to the Liquor Control Commissioner shall be set out in 32-1, in addition to the license fee required at the time of the filing of the application for a license. No license shall be issued until 15 days after the first publication of the notice has elapsed. No publication shall be necessary for the renewal of any license that has been issued after the original publication.

- (b) Each applicant shall submit his or her fingerprints to the Cook County Sheriff's Office in the form and manner prescribed by the Illinois State Police. These fingerprints shall be forwarded by the Cook County Sheriff's Office to the Illinois State Police and checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. In the event that criminal history information is recovered by the Illinois State Police, the Cook County Sheriff shall forward to the Liquor Control Commissioner all information received from the Illinois State Police relating to the criminal history of the applicants.
- (c) The applicant shall request the Cook County Department of Building and Zoning and the Cook County Department of Public Health to inspect the premises sought to be licensed to determine whether those premises conform to the relevant county building, zoning and public health ordinances. No license shall be issued until the Cook County Department of Building and Zoning reports to the Liquor Control Commissioner that the premises sought to be licensed are in conformity with the relevant building and zoning requirements and the Cook County Department of Public Health reports to the Liquor Control Commissioner that the premises sought to be licensed are in conformity with the relevant public health requirements.
- (d) No license shall be issued unless the applicant provides satisfactory documentation of liquor liability insurance (dram shop) coverage for the premises, in the aggregate amount of at least one million dollars.
- (e) In the discretion of the Liquor Control Commissioner, any misstatements made by the applicant in the application shall be cause for denial of the application or revocation of any license issued or sought to be issued under this Section.

#### **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.

- (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 shall be subject to a late fee. The late fee shall be listed in Section 32-1.

#### **Sec. 6-10. Refund of Fees Where the License Application Is Denied.**

Where a license application is denied, payments for fingerprinting and publication are nonrefundable; payments made for the license fee shall be refunded within 60 days of the date of notice of decision to deny license application; however, \$250.00 of the license fee that was paid shall be non-refundable.

#### **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.
- (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.

#### **Sec. 6-12. Live Music Entertainment License.**

- (a) The annual fee for a live music entertainment license is hereby established and the fee for this license is set out in Section 32-1.
- (b) Persons holding a Live Music Entertainment license shall have the privilege of providing music within the licensed premises to which the privilege applies. Live music is prohibited in any licensed establishment, unless the establishment has received a live music entertainment license. In the event that the underlying retail liquor license is terminated for any cause, the Live Music Entertainment License shall immediately terminate. Additionally, any person holding a Live Music Entertainment License must pay the county amusement tax for any event for which an entrance fee is charged, unless a tax exemption applies.
- (c) A Live Music Entertainment License shall not be issued to any applicant who does not hold a retailer's liquor license.
- (d) No music entertainment license shall be issued to an outdoor location licensed as a beer garden where such licensed premises is located within 1,000 feet of property used for residential purposes.

#### **Sec. 6-13. Special Event Licenses**

- (a) A special event license is hereby established and the fee for this license is set out in Section 32-1. A special event license may be issued to an educational, fraternal, political, civic, religious, or non-profit organization and authorize the sale beer or wine, or both, only for consumption at the location and on the dates designated on the special event retail license. The decision to grant or deny the license shall be in the sole discretion of the Liquor Control Commissioner.

- (b) Such special event license shall be issued subject to the following conditions:
- (1) No more than twelve (12) special one-day licenses shall be issued to any sales address in any one (1) calendar year.
  - (2) No applicant shall receive more than twelve (12) special one-day licenses within any one (1) calendar year.
  - (3) The applicant must obtain a special event license from the Illinois Liquor Control Commission.
  - (4) The license shall authorize the consumption of beer and wine only.
  - (5) The sale of beer and wine shall only take place from 10:00 a.m. to 10:30 p.m. (Monday through Thursday), from 10:00 a.m. to 2:00 a.m. (Friday through Sunday), from 12:00 p.m. to 10:30 p.m. (Sunday).
  - (6) The license shall be issued to and valid only for the "sales premises" described on the application.
  - (7) No person under twenty-one (21) years of age will be allowed to purchase or sell alcoholic liquor at licensed event
  - (8) The applicant must complete the entire application provided by the Liquor Control Commissioner and agree in writing that the Liquor Control Commissioner may revoke this license at any time at the absolute discretion of the Liquor Control Commissioner and consent to all requirements, including the requirement of immediate forfeiture without reason.

#### **Sec. 6-14. Registration of Outside Caterers.**

- (a) The fee for an outside caterer registration is hereby established and the fee for this registration as set out in Section 32-1. An outside caterer may register with the Liquor Control Commissioner by: (1) presenting proof of a valid license for the preparation of food for service off the licensed premises, issued by the appropriate licensing authority of the jurisdiction in which the applicant's catering business is located; (2) presenting proof of a valid license for the sale of alcoholic liquor, issued by the appropriate licensing authority of the jurisdiction in which the applicant's catering business is located; and, (3) presenting proof of dramshop insurance in an amount of at least \$1,000,000.
- (b) A registered outside caterer may engage in the sale and service of alcoholic liquor on the same terms and conditions as a holder of a Special Event License under this Chapter on the

dates, hours, and locations authorized by the Liquor Control Commissioner.

- (c) The registration periods for each outside caterer shall be as required by the Liquor Control Commissioner.
- (d) The Liquor Control Commissioner may revoke an outside caterer's registration for violation of any ordinance or law and for engaging in any activities which would justify the revocation or suspension of a retailer's liquor license. Procedures for revocation shall be in accordance with the procedures for revocation of a business license under Section 6-30.
- (e) Revocation or suspension of an outside caterer's license for the sale of alcoholic liquor or for the preparation and sale of food, issued by another jurisdiction, shall act as revocation of the outside caterer's registration.
- (f) A registered outside caterer must notify the local Liquor Control Commissioner of each suspension or revocation of any such license by another jurisdiction, no later than the business day following the suspension or revocation. For purposes of this section, Saturday is a business day. Notification must be in writing, delivered by the outside caterer or by messenger or transmitted by e-mail, facsimile to a telephone number designated by the local Liquor Control Commissioner.

#### **Sec. 6-15. Books and Records Available for Investigation and Control.**

It shall be the duty of every retail licensee to make books and records available upon reasonable notice upon request of the Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises, but must be maintained within the boundaries of the State of Illinois; however, if access is available electronically, the books and records may be maintained out of state at the location of the electronically based storage facility. All original invoices or copies thereof covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase, unless the Liquor Control Commissioner has granted a waiver in response to a written request in cases where records are kept at a central business location within the State of Illinois or in cases where books and records that are available electronically are maintained out of state.

#### **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 1st through April 30th of the year of issuance, 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.

**Sec. 6-17. License Issuance Prohibited to Certain Persons.**

No license for the sale of alcoholic liquor shall be issued to:

- (a) A person who knowingly files false or incomplete information on a retailer's liquor license application;
- (b) A person, other than a corporate entity or partnership, who is not a resident of the County of Cook, Illinois;
- (c) A person who is not of good character and reputation in the community in which he resides or in the community in which his premises are located;
- (d) 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.
- (e) A person who has been convicted of a felony under any federal or state law, if the Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. The burden of proving that sufficient rehabilitation has taken place shall be on the applicant.
- (f) A person who has been convicted of being the keeper or is keeping a house of ill fame;
- (g) A person who has been convicted of pandering or other felony or misdemeanor opposed to decency and morality, including but not limited to any form of pandering, prostitution or solicitation for prostitution;
- (h) A person whose license issued under this Chapter has been revoked for cause;
- (i) A person who at the time of application or renewal of any license issued pursuant to this Chapter would not be eligible for such license upon a first application;

- (j) Any partnership where any member of the partnership would not be eligible to receive a license hereunder for any reason other than residence within the county;
- (k) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
- (l) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.) or the Limited Liability Company Act (805 ILCS 180/1-1 et seq) to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Illinois 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 Illinois.
- (m) 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.
- (n) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation.
- (o) 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.
- (p) Neither the County President or County Board member, any county law enforcement public official, Liquor Control Commissioner nor any staff member that is employed by Cook County government and assigned to perform their duties in the office of the Liquor Control Commissioner.
- (q) A person who is not a beneficial owner of the business to be operated by the licensee;
- (r) A person who is ineligible for or fails to receive a license to sell alcoholic liquor at retail from the State of Illinois;

- (s) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/28-1, 720 ILCS 5/28-1.1 or 720 ILCS 5/28-3], or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- (t) 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.] or the Illinois Pull Tabs and Jar Games Act [230 ILCS 20/1 et seq.].
- (u) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in the in the aggregate amount of at least one million dollars.

#### **Sec. 6-18. License Issuance Prohibited for Certain Premises.**

No license shall be issued for the following premises and any license which has been issued pursuant to this Article may be revoked if one or more of the following premises occur:

- (a) Any premises which are not in substantial compliance with Cook County building and zoning, and public health and any other applicable ordinances;
- (b) Any premises engaged in the business of the sale of gasoline, unless the business engaged in the sale of gasoline also operates a convenience store on the same premises, then that business can receive a license to sell alcoholic liquor in the convenience store area of the business;
- (c) Any premises which are ineligible for coverage of a license to sell alcoholic liquor at retail from the State of Illinois; or,
- (d) Any premises where the alcohol is intended to be consumed on the premises and the carrying of firearms on the property is permitted. The prohibition relating to firearms shall not apply to premises on which the carrying of firearms is permitted by:
  - (1) Individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/24-2)
  - (2) Retired law enforcement officers qualified under federal law to carry a concealed firearm; or,
  - (3) The owner, lessee, tenant or operator of the licensed premises or the agents thereof who have been issued a valid and current FOID card.



#### **Sec. 6-19. License Renewals.**

Any licensee may renew his license at the expiration thereof, provided the licensee is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the county board from decreasing the number of licenses to be issued within its jurisdiction. No retailer's liquor license issued by the Liquor Control Commissioner shall be renewed unless the applicant provides documentation that any tax owed to Cook County has been satisfied.

#### **Sec. 6-20. Change of Location.**

A retailer's liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the Liquor Control Commissioner. Any request for a change of location must meet all the criteria required for the sale of alcoholic liquor under the laws of the State of Illinois and the ordinances of Cook County.

#### **Sec. 6-21. Sanitary Conditions.**

All premises used for the sale or storage of alcoholic liquor, shall maintain a safe and sanitary premises. The licensee must fully comply with the ordinances of the Cook County building code and public health ordinances.

#### **Sec. 6-22. Prohibited Activities - Alcoholic liquor to persons under the age of 21.**

It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to:

- (a) Sell, give or deliver alcoholic liquor to any person under the age of 21 years.
- (b) To permit a patron, after purchasing or otherwise obtaining alcoholic liquor from the licensee, to sell, give or deliver such alcoholic liquor, on the licensed premises, to another person under 21 years.

#### **Sec. 6-23. Prohibited Activities - Alcoholic Liquor to an Intoxicated Person.**

It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to give or deliver alcoholic liquor to any person which he or she knows or reasonably should know to be intoxicated.

#### **Sec. 6-24. Prohibited Activities - Inducing a patron to purchase beverage for others.**

It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to:

- (a) Solicit, induce or request any patron of the licensed establishment to purchase any alcoholic or nonalcoholic beverage for himself or any other employee of the licensed establishment;
- (b) Knowingly serve to any employee any alcoholic or nonalcoholic beverage which was purchased by any patron;
- (c) Permit any employee to remain on the premises of the licensed establishment who solicits, induces or requests a patron to purchase an alcoholic or nonalcoholic beverage for any employee; or,
- (d) Nothing in this subsection prohibits the above activities where the patron and employee are related by blood or marriage.

#### **Sec. 6-25. Prohibited Activities - Lewd Behavior.**

For purposes of this Section any of the items described herein shall be considered exposed to public view if it is uncovered or is less than completely and opaquely covered.

- (a) It shall be unlawful for any licensee or any officer, associate, member, representative, agent, manager, or employee of such licensee to permit any employee, contractor, vendor, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which exposes to public view his or her genitals, pubic hair, buttocks, perineum and anal region or pubic hair region or any portion of the female breast at or below the areola.
- (b) Permit the display of videos, films or pictures depicting acts, a live performance of which is prohibited by this Section.

#### **Sec. 6-26. Prohibited Activities - Sale of 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.

#### **Sec. 6-27. Prohibited Activities - Presence of Minors under the Age of 16 Years and Workers under the Age of 21.**

- (a) Where alcoholic liquor is consumed on the premises, the licensee has an affirmative obligation to keep the licensed premises, at all times free, from minors under the age of 16 years who are not escorted by their parents, or other proper persons, during the hours in which the licensee is open for business. No prohibition under this Section shall apply to any licensed premises where selling, giving, or delivering alcoholic liquor is not the principal business of the licensee at those premises, such as, without limitation, a restaurant, convenience store or food shop.
- (b) It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage or employ or permit any person under the age of 21 years to work or to engage in any activities which involve the handling, selling, serving, dispensing or delivering of alcoholic liquor. The licensee shall not to engage or employ or permit any person under 21 years of age to entertain or to act as host or hostess in or upon the licensed premises while open for the sale of alcoholic liquors. The licensee shall be responsible for assuring that the person under the age of 21 years engaged, employed or permitted to work does not consume, obtain or possess alcoholic liquor on the licensed premises.

**Sec. 6-28. Warning sign - Sale of Alcoholic Liquor to Persons under the Age of 21 Prohibited.**

In every licensed premise where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall read substantially as follows:

WARNING: All persons under the age of 21 years are subject to a fine up to \$500.00 under the Ordinances of the County, if they purchase alcoholic liquor or misrepresent their age for the purpose of purchasing or obtaining alcoholic liquor.

**Sec. 6-29. Firearms Prohibited.**

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall permit any person to carry a firearm on the licensed premises. The prohibition against the carrying of a firearm on the licensed premises shall not apply in the following circumstances:

- (a) Where the licensee does not permit the alcoholic liquor sold on the premises to be consumed on the premises; or,
- (b) Premises on which the carrying of firearms is permitted by:
  - (1) Individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/24-2);
  - (2) Retired law enforcement officers qualified under federal law to carry a firearm; or
  - (3) The owner, lessee, tenant or operator of the licensed premises or the agents thereof who have been issued a valid and current FOID card.

**Sec. 6-30. Posting Sign that Weapons are Prohibited.**

The owner of the premises or place of business operating under a retailer's liquor license where liquor is consumed on the premises shall post a sign indicating that firearms are prohibited on the property. Signs stating that the carrying of firearms is prohibited shall be in compliance with 430 ILCS 66/65(d).

**Sec. 6-31. Change of Ownership or Personnel.**

- (a) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the liquor control pursuant to the procedures set out in this Section. In addition, any changes made to a licensee's bylaws, operating agreement, partnership agreement for the licensee, pursuant to law or court order, by reason of death, or for any other reason, shall be reported if those changes affect, in any way, the criteria used to issue the liquor license.
- (b) All new personnel described in subsection (a) of this Section shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license.
- (c) Within 30 days of the effective date of the change described in subparagraph (a) of the this section, the person replacing a removed or changed officer or manager shall undergo the requirements for a criminal record background check, as required by Section 6-5 (7), and the licensee shall submit to the Liquor Control Commissioner:
  - (1) a change of officer form;
  - (2) proof that the new officer has submitted fingerprints pursuant to Sec. 6-5(7) of this Chapter;
  - (3) the fee for filing the change of officer form in the amount set out in Section 32-1 of the Cook County Code of Ordinances;
  - (4) a fee for the fingerprinting in in the amount set out as set Section 32-1; and,
  - (5) any other supplementary materials requested by the Liquor Control Commissioner.
- (d) All such changes in personnel shall be subject to review by the Liquor Control Commissioner. Failure to comply with the requirements of this subsection shall be grounds for revocation or suspension of any retailer's liquor license held by such licensee.
- (e) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
- (f) In the event that a license has been issued to a corporation and a change takes place in officers, directors, shareholders of more than five (5) percent of the stock, or managers by someone who is not eligible for a license that event shall be grounds for revocation or suspension of any retailer's liquor license.

- (g) In the event that a license has been issued to an individual who is no longer eligible for a license, then that event shall be grounds for revocation or suspension of any retailer's liquor license.
- (h) In the event that a licensee ceases to operate and closes its business premises, then that event shall be grounds for revocation or suspension of any retailer's liquor license.

**Sec. 6-32. Illegal Conduct on Licensed Premises - Cooperation with Police.**

- (a) No licensee shall permit or allow any illegal activity on the licensed premises.
- (b) It is the affirmative duty of the licensee to keep the premises free at all times from the presence of disorderly persons, and to prevent any immoral practices thereon. It is also the affirmative duty of the licensee to make any and all reasonable attempts to prevent the violation of any Federal, State or County law or ordinance upon the premises;
- (c) It is the affirmative duty of a licensee to report promptly to a local police department all illegal activity reported to or observed by the licensee on or within sight of the licensed premises; to answer fully and truthfully all questions of an identified police officer who inquires or investigates concerning persons or events in or around the licensed business; to cooperate with the police in any such inquiry or investigation, including the giving of oral or written statements to the police at reasonable times and locations in the course of investigations; and to sign a complaint against any person whom the licensee observes in any illegal conduct or activity on or within sight of the licensed premises.

**Sec. 6-33. Illegal Activities outside of the Licensed Premises.**

A licensee is responsible to the community surrounding the licensed premises. A retailer's liquor license issued or renewed after the effective date of this section shall be subject to a fine, suspension, or revocation if the licensee's business becomes or creates a nuisance under this section. A licensee may also be assessed a fine if the licensee's business becomes or creates a nuisance under this section. A licensed business is or creates a nuisance under this section, if within any consecutive 12 months, not less than three separate incidents occur on the licensed premises, on or in the licensed premises' parking facility or on adjacent property, while the business establishment is open for business or within one hour of the time the establishment is opened or closed for business, involving acts that violate any federal or state law defining a felony, or any federal or state law or local government ordinance regulating narcotics, controlled substances or weapons.

**Sec. 6-34. Hours of Business.**

- (a) *Generally.* A person licensed by the County as a retailer of alcoholic liquor may not sell, permit

to be sold, or give away any alcoholic liquor between the hours of 1:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 2:00 a.m. and noon on Sundays except as provided in subsections (b) through (e) of this Section.

- (b) *Beer garden licenses.* Unless a special late license or an additional special late license is issued, no person licensed to operate a beer garden shall sell, serve, or allow the sale or service of alcoholic liquor for consumption in the privately owned, outdoor portion of the licensed premises on Saturdays and Sundays between 12:01 a.m. and the legally established hour of opening, as set forth in Subsection (a) of this section, or on Sundays through Thursdays between the hours of 11:00 p.m. and the legally established hour of opening the following day as set forth in this section. No special late hour license or additional late hour license shall be issued for any outdoor location licensed as a beer garden where such licensed premises is located within 1,000 feet of property used for residential purposes.
- (c) *Golf courses.* Unless a special late license or an additional late license is issued, no person licensed to operate a golf course shall sell, serve, or allow the sale or service of alcoholic liquor for consumption on the premises of a privately or publicly owned golf course between the hours of 1:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 2:00 a.m. and 10:00 a.m. on Sundays.
- (d) *Special late license.* The annual license fee to be paid to the County for the special late liquor license is hereby established as an additional amount set out in Section 32-1. A person issued a special late liquor license by Cook County is prohibited from selling, permitting to be sold, or giving away any liquor between the hours of 2:00 a.m. and 7:00 a.m. on weekdays and between the hours of 3:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 3:00 a.m. and 12:00 noon on Sundays.
- (e) *Additional late liquor license.* The annual license fee for the additional special late liquor license is hereby established in the amount as set out in Section 32-1. A person issued an additional special late liquor license by the County shall be prohibited from selling, permitting to be sold or giving away any alcoholic liquor between the hours of 4:00 a.m. and 7:00 a.m. on weekdays and Saturdays, and between the hours of 4:00 a.m. and 12:00 noon on Sundays.
- (f) No additional special late liquor licenses authorizing sales of alcoholic liquor until the hour of 4:00 a.m. shall be issued. Any license issued prior to January 31, 2005, providing for hours in excess of 3:00 a.m. shall expire upon the transfer, forfeiture or revocation of the license whether the transfer is between individuals, partnerships or corporations in whole or part or whether the transfer is of corporate shares to shareholders not previously owners of the corporation.

#### **Sec. 6-35. Customers Not Permitted on Premises during Prohibited Hours of Sale.**

During the applicable prohibited hours of sale as stated in this Chapter, every location, place, or premises where alcoholic liquor may be sold at retail shall be kept closed, and no person other than the licensee or an employee or a member of the immediate family of the licensee shall be permitted to remain therein. All doors directly opening into or out of such location, place or premises for egress thereto or egress therefrom shall be securely locked during the prohibited hours of sale. The provisions of this section relating to the closing of the premises and the locking of the doors shall not apply to restaurants, hotels licensed as food dispensers, clubs, convenience stores, drug stores, grocery stores and delicatessens, except that no beer garden may remain open after the hours provided in Section 6-35(b).

#### **Sec. 6-36. Beer Garden Adequate Visual Screening.**

Any outdoor location licensed as a beer garden shall have adequate visual screening and noise barriers from the public rights-of-way and from structures on adjoining parcels. All screening and barriers must be constructed and maintained in compliance with the applicable county ordinances.

#### **Sec. 6-37. Denial of Application to Renew License.**

Where the Liquor Control Commissioner denies an application to renew a license, the licensee shall be provided with written notice setting out the reasons for the refusal to renew, no later than the date on which the license expires, or 10 days after the renewal application is received whichever event occurs later. The decision to refuse an application to renew a license shall be treated as a revocation of the license and the procedures set out in Section 6-40 relating to license revocation, suspension shall be applicable.

#### **Sec. 6-38. Complaints Initiated by a Private Party.**

Any person shall have the right to file a complaint with the Liquor Control Commissioner stating that a liquor licensee has been or is violating the provisions of this Chapter or the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) The complaint shall be in writing, in the form prescribed by the Liquor Control Commissioner, and shall be signed by the person or persons making the complaint. The complaint shall state the provisions believed to have been violated and the facts in detail upon which belief is based. If the Liquor Control Commissioner is satisfied that the complaint substantially charges a violation and concludes from the facts alleged therein, together with any other information made available that there is reasonable cause for belief that the allegations are true, he or she shall set the matter for hearing pursuant to the procedure set out in Section 6-40, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

#### **Sec. 6-39. Procedures for Assessment of a Fine, Revocation or Suspension of License.**

- (a) The Liquor Control Commissioner may revoke, suspend or assess a fine ranging from \$1000 to \$15,000 against any license issued by him or her if he or she determines the licensee has violated any of the provisions of this Chapter, or any applicable rules and regulations established by the Liquor Control Commissioner or the Illinois Liquor Control Commission.
- (b) The licensee who continues to hold a debt or unpaid tax to the County after being licensed under this Chapter may have his or her license suspended or revoked.
- (c) A retailer's liquor license shall not be revoked or suspended nor shall a fine be assessed except after a public hearing. The Liquor Control Commissioner shall send a 14 day written notice to the licensee affording the licensee an opportunity to appear and defend prior to any hearing. All such hearings under this section shall be conducted pursuant to Chapter 2, Article 9 of the Cook County Ordinances or the rules of procedure as adopted by the Liquor Control Commissioner.
- (d) The Liquor Control Commissioner may personally conduct the hearing or refer the matter to be heard by administrative hearing pursuant to Chapter 2, Article 9 of the Cook County Ordinances. The procedure of the hearing shall be governed by the rules promulgated by the Liquor Control Commissioner. Within thirty (30) days after the conclusion of the hearing, if the Liquor Control Commissioner finds by a preponderance of the evidence that the licensee violated one or more of the charges set out in the notice, the Liquor Control Commissioner may suspend the license for a set period of time or revoke the license. In addition, the Liquor Control Commissioner may impose a fine.
- (e) In the event that the matter is heard pursuant to Chapter 2, Article 9 of the Cook County Ordinances then within seven (7) days after the conclusion of the hearing, the hearing officer shall submit to the Liquor Control Commissioner proposed conclusions of law, proposed findings of fact, and a recommended decision. The Liquor Control Commissioner may agree, disagree, or modify the recommended decision and shall issue a decision as to whether imposition of a fine, suspension of license, or license revocation is warranted. The Liquor Control Commissioner's decision shall be the final administrative decision of the Liquor Control Commissioner.
- (f) The Liquor Control Commissioner's decision shall be issued within 30 days of the conclusion of the hearing.
- (g) If prior to rendering a decision, the Liquor Control Commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community he or she may upon issuance of a written order stating the reason for such conclusion without notice or hearing, order the licensed premises closed for not more than fourteen (14) days. The licensee shall have the opportunity to be heard during that



period. If the licensee is conducting another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses contingent upon the other business neither serving, making for sale, or giving away any form of alcoholic beverage.

- (h) A licensee or an agent of the licensee may not tamper, deface, or alter such order. A licensee shall be held strictly liable for any tampering defacement or alteration of such order.
- (i) Any licensee whose license is the subject of such hearings and found by the Liquor Control Commissioner to be in violation of one or more of the violations set out in the notice, shall pay to the County, within 30 days after the liquor commissioner adjourns the last hearing, all fines and costs. Any licensee who fails to pay all fines and costs required by this section shall be ineligible to have their license renewed at the next applicable renewal and shall be ineligible for issuance of a new license under this Chapter. The fact that the licensee may appeal the Liquor Control Commissioner's suspension or revocation order to the Illinois Liquor Commission shall not affect the licensee's duty to pay all such fees and costs required by this section. For each day after the 30th day payment is due a licensee fails or refuses to pay the fees and costs required by this section, the licensee shall be fined \$200 per day, such fines which will accrue on the balance due, up to a total of \$15,000. Where the decision of the Liquor Control Commissioner is reviewed through an administrative or judicial process and ultimately that decision is fully reversed, licensee's payment of such fees and costs will be refunded by the county.
- (j) All appeals of any suspension or revocation order of the Liquor Control Commissioner shall be made to the Illinois Liquor Control Commission.

#### **Sec. 6-40. Protest of the Denial of a License Application.**

- (a) Where the Liquor Control Commissioner denies a license application, the applicant shall be provided with notice setting out the reasons for the denial. The applicant may protest the decision by completing a protest form provided by the liquor commissioner, and filing the completed form with the liquor commissioner within 14 days after receipt of the notice of denial. Where the licensee timely files a protest, the applicant shall be provided with a hearing pursuant to the procedures set out in Chapter 2, Article 9 of the Cook County Ordinances.. At all times relevant hereto, the applicant shall carry the burden of proof, as to their eligibility for licensure.
- (b) The Liquor Control Commissioner may personally conduct the hearing or refer the matter to be heard by administrative hearing pursuant to Chapter 2, Article 9 of the Cook County Ordinances. The procedure of the hearing shall be governed by the rules promulgated by the Liquor Control Commissioner. Within thirty (30) days after the conclusion of the hearing, if the Liquor Control Commissioner finds by preponderance that

the applicant did meet the licensure requirements, the decision denying licensure will be reversed; otherwise the decision denying licensure will be affirmed.

- (c) In the event that the matter is heard pursuant to Chapter 2, Article 9 of the Cook County Ordinances then within seven (7) days after the conclusion of the hearing, the hearing officer shall submit to the Liquor Control Commissioner proposed conclusions of law, proposed findings of fact, and a recommended decision. The Liquor Control Commissioner may agree, disagree, or modify the recommended decision and shall issue a decision as to whether imposition of a fine, suspension of license, or license revocation is warranted. The Liquor Control Commissioner's decision shall be the final administrative decision of the Office of the Liquor Control Commissioner.
- (d) The Liquor Control Commissioner's decision shall be issued within fourteen (14) days of the conclusion of the hearing.

#### **Sec. 6-41. Responsibility for Violations - Acts of Employees.**

Every act or omission on the licensed premises which violates any provision of this Chapter or the Illinois Liquor Control Act of 1938 by any officer, director, manager, or other agent or employee of the licensee shall be deemed to be the act of the licensee or employer. For purposes of this section, the licensee or employer shall be strictly liable in the same manner as if the act or omission has been done or omitted by the licensee personally.

#### **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 6-23 (Alcoholic liquor to persons under the age of 21 ), 6-24 (Alcoholic Liquor to an intoxicated person), 6-25 (Inducing a patron to purchase beverage for others), and 6-26 (Lewd behavior)
- (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.

#### **Sec. 6-43. Misrepresentation of Age.**

It shall be unlawful for any person under the age of 21 years to misrepresent such person's age for the purpose of purchasing or obtaining alcoholic liquor in any place where alcoholic liquor is sold in unincorporated Cook County.

#### **Sec. 6-44. Providing Alcoholic Liquor to an Under Age Person.**

It shall be unlawful for any person, to provide alcoholic liquor in unincorporated Cook County. County to a person under the age of 21 years, either by gift, sale or barter, except where such underage person is:

- (a) A participant in an adult-supervised performance of a religious service or ceremony; or
- (b) Legally on private property or in a private home, and under the direct supervision and approval of the parent(s) or legal guardian(s) of such underage person.

#### **Sec. 6-45. Possession or Consumption by Persons under Age.**

- (a) No person under the age of 21 years shall possess or consume alcoholic liquor, within the unincorporated areas of the County. The only exceptions to this article shall be where such underage person is:
  - (1) A participant in an adult-supervised performance of a religious service or ceremony; or
  - (2) Legally on private property or in a private home, and under the direct supervision and approval of the parent(s) or legal guardian(s) of such underage person.
- (b) *Parental responsibility.* It shall be unlawful for any parent or legal guardian knowingly to suffer or permit a person under 21 years of age of which such person may be the parent or legal guardian to violate any provisions of this section.
- (c) *Responsibility of the owner or occupant of premises.* It shall be unlawful for any owner or occupant of any premises located within the unincorporated areas of the County knowingly to allow any person under the age of 21 years to remain on such premises while in violation of Subsection (a) of this section.

**Sec. 6-46. Carrying a Firearm in a Licensed Facility.**

It shall be unlawful for a person to carry a firearm in a licensed establishment where liquor is consumed on the premises, except in the following circumstances:

- (a) Individuals authorized to carry a firearm under Section 24-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/24-2)
- (b) Retired law enforcement officers qualified under federal law to carry a firearm; or
- (c) The owner, lessee, tenant or operator of the licensed premises or the agents thereof who have been issued a valid and current FOID card

**Sec. 6-47. Violation - General Penalty.**

Any person violating any of the provisions of this Chapter shall be fined an amount not less than \$1000 or more than \$15,000, except where otherwise specifically provided. A separate and distinct offense shall be held to have been committed each day any person continues the violation. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of his license.

**Sec. 32-1. Fee Schedule.**

CHAPTER 6, ALCOHOLIC LIQUOR		
6-6	Application fee for license to sell	3000.00
6-8	Publication Fee	250.00
6-9	Late fee	300.00
6-11	Application fee for license for a b	750.00
6-12	Live Music Entertainment Fee	750.00
6-13	Special Event Permit	25.00
6-14	Outside Caterer Fee	50.00
6-31	Change of Officer Fee	250.00
6-31	Criminal Record Background Chec	34.25
6-34	Special late liquor license fee, an	700.00
6-34	Additional special late liquor licen	1,500.00
6-33(b)	Special late liquor license fee, an	700.00
6-34(b)	Additional special late liquor licen	1,500.00
6-63	Application fee for license to sell	3,000.00
	Application fee for license for a b	750.00

**Effective date:** This ordinance shall be in effect upon March 1, 2015.