

VILLAGE OF RINGWOOD, MCHENRY COUNTY, ILLINOIS  
ORDINANCE NO. 95-4-2

AN ORDINANCE REGULATING AND LICENSING  
DRAM SHOPS WITHIN THE VILLAGE OF RINGWOOD, ILLINOIS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF RINGWOOD THIS 17TH DAY OF APRIL, 1995

Published in pamphlet form by  
authority of the President and  
Board of Trustees of the Village  
of Ringwood, McHenry County, Illinois  
this 17th day of April, 1995.

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BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF RINGWOOD, ILLINOIS, as follows:

SECTION 1. Definitions. Unless the context otherwise requires, the following terms as  
used in this ordinance shall mean as follows:

A. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every  
liquid or solid, patented or not, containing alcohol, spirits, wine or beer containing over  
one half of one percent of alcohol by volume, and capable of being consumed as a  
beverage by a human being.

B. "Licensee" means any person, firm or corporation or partnership or club  
holding a license under the provision of this ordinance.

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

D. "Retail sale" means the sale for use or consumption and not for resale.

SECTION 2. Local Liquor Control Commissioner. The Village President is authorized to be the Local Liquor Control Commissioner and is charged with the administration of the Liquor Control Act, Chapter 235 of the Illinois Compiled Statutes and of such ordinances and resolutions relating to alcoholic liquor as may be needed.

SECTION 3. Assistants to Liquor Commissioner. The Village President, as Liquor Commissioner, may appoint such number of persons as he may desire to assist him in the performance of his duties as Liquor Commissioner as provided in 235 Illinois Compiled Statutes, 5/4-2.

SECTION 4. License required. It is unlawful to sell or offer for sale in the Village any alcoholic liquor without having a license, or in violation of the terms of such license.

SECTION 5. License--Applications. Applications for such licenses shall be made to the Local Liquor Control Commissioner. Such applications shall be made in writing, and shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

A. The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof;

B. The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;

C. The character of business of the applicant; and in the case of a corporation, the objects for which it was formed;

D. The length of time that said applicant has been in business of that character, or in the case of the corporation, the date on which its charter was issued. In the case of a corporation, the following additional information shall be furnished:

1. State of incorporation,

2. If a foreign corporation, whether it has been qualified under the Illinois Business Corporation Act to do business in the state,

3. Names, addresses of all current officers, and the office held, and the names and addresses of all directors.

4. Names and addresses of all persons owning more than five percent of the stock in the company. If stock is in a trust or held by a nominee, then the name and address of the beneficial owner shall be set forth.

5. The name and address of the manager of the premises;

E. The amount of goods, wares and merchandise on hand at the time application is made;

F. The location and description of the premises or place of business which is to be operated under such license;

G. A statement as to whether applicant has made similar application for a similar license on premises other than described in this application, and the disposition of such application;

H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance, laws of the state or ordinances of the Village,

I. Whether a previous license by state or subdivision thereof, or by the federal government has been revoked and the reasons thereof;

J. A statement that the applicant will not violate any of the laws of the state or the United States in the conduct of his place of business;

K. In addition to the foregoing information such application shall contain such other and further information as the Village Liquor Control Commissioner may, not inconsistent with law, from time to time prescribe.

SECTION 6. License--Issuance--Restrictions. No licenses shall be issued to:

A. A person who is not a resident of the Village;

B. A person who is not of good character and reputation in the community in which he resides;

C. A person who is not a citizen of the United States;

D. A person who has been convicted of a felony under any federal or state law, if the Commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

E. A person who has been convicted of being the keeper of or is the keeper of a house of ill-fame;

F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

G. A person whose license issued under this ordinance has been revoked for cause;

H. A person who at the time of application for renewal of any license issued under this ordinance would not be eligible for such license under a first application;

I. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this ordinance for any reason other than citizenship and residence within the Village;

K. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in the state;

L. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

M. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this act or has forfeited his bond to appear in court to answer charges for any such violation;

N. 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;

O. Any law-enforcing public official, the President or any member of the Board of Trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

P. A person who is not a beneficial owner of the business to be operated by the licensee;

Q. A person who has been convicted of a gambling offense as prescribed by any of subsections (a) (3) through (a) (10) of Section 28-1 of, or as proscribed by Section 28-3 of, the "Criminal Code of 1961," approved July 28, 1961, as heretofore and hereafter amended (720 ILCS 5/28-1, 5/28-3), or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

R. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

S. A copartnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

T. A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;

U. Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

V. Any person, association or corporation not eligible for a state retail liquor dealer's license.

SECTION 7. License--Term--Prorating fee.

A. Each such license shall terminate on the thirtieth day of April next following its issuance.

B. License fees shall not be prorated on account of the issuance date but shall in all cases be paid in full.

SECTION 8. Examination of applicant for local license. The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for his information in the performance of his duties, and for such purpose to issue subpoenas, which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute.

A. A charge to defray the expense of a background check shall be paid to the Village by the applicant at the time the application for a liquor license is made by a new applicant for whom a background check has not previously been conducted for the benefit of the Village; the charge for such background check shall be in the same amount then required to be paid to the State of Illinois Liquor Control Commission in connection with the application for a state liquor license.

SECTION 9. License--Fees. Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Such licenses shall be divided into the following classes:

CLASS A: which shall permit the indoor retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form. The consumption of alcohol liquor outdoors on the licensed premises is prohibited. Outdoor sport activities may not be conducted by a licensee, or by anyone acting on behalf of the licensee, within 500 feet of any residence. The annual fee for such license shall be fourteen hundred dollars.

SECTION 10. Licenses -- Number. There shall be issued in the Village no more than two Class A licenses to be in effect at any one time.

SECTION 11. License--Dram shop insurance required.

A. 1. No license shall be issued under this chapter unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the state, certifying that the applicant has in full force and effect, for the term of the license, at least the following dram shop insurance coverage in connection with the premises for which the license is requested:

Bodily injury, per person	-	\$100,000.00
Bodily injury, per occurrence	-	300,000.00
Property damage	-	100,000.00
Injury to means of support	-	100,000.00

2. In lieu of the foregoing bodily injury and property damage coverage the applicant may provide a combined single-limit coverage in the amount of five hundred thousand dollars; providing, however, that the certificate delineates that the coverage includes bodily injury, property damage and injury to means of support.

3. The Village reserves the right to reject any insurance company that does not have a Best policyholder rating of at least B+, proof of which must be submitted by the applicant with the application.

B. The certificate shall contain a provision that the insurance coverage is in

conformity to the requirements of the Liquor Control Act of Illinois and that said

insurance coverage is not cancelable unless at least thirty days prior written notice is given to the Village.

C. Any license issued under this ordinance shall be revoked upon the failure of the applicant to have dram shop insurance coverage in effect at any time during the license period.

SECTION 12. License--Compliance bond and financial guarantee bond required. No license shall be issued under this ordinance unless the applicant shall file with the application a compliance bond in the amount of five thousand dollars to secure the licensee's faithful, compliance with the Liquor Control Act and/or this ordinance, and, in addition thereto, a financial guarantee bond in the amount of one thousand dollars to secure the payment of any fine, penalty and cost that may be imposed by any court in any action brought by the Village against the licensee.

SECTION 13. License--Renewal. Any licensee may renew his license at the expiration thereof; provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purposes; provided further, that the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the President and Board of Trustees from decreasing the number of licenses to be issued within his jurisdiction.

SECTION 14. License--Nontransferability.

A. A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as is in this chapter provided, and shall not constitute property, nor shall it be subject to being encumbered, or hypothecated, or otherwise transferred.

B. Such licenses shall not descend by the laws of testate or intestate devolution, it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendant, 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.

C. Any licensee may renew his license at the expiration thereof; provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes.

SECTION 15. License--Change of location--Permit required. A liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Village President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of the alcoholic liquor under the statutes of the State and the ordinance of the Village.

SECTION 16. License--Location restrictions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station; provided, that this prohibition shall not apply to regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business not exempted shall have been established for such purpose prior to the taking effect of this chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet of any church or school where such church or school has been established within such one hundred feet since the issuance of the original license.

SECTION 17. License--Issuance to stores selling to minors prohibited. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

SECTION 18. License--Suspension or revocation. The Village President may suspend for not more than thirty days or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor as provided and in the manner provided in 235 Illinois Compiled Statutes 5/4-4.

SECTION 19. License--Disposition of fees. All fees set forth in Section 9 shall be paid to the Village Clerk at the time application is made and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the President and Board of Trustees for proper action.

SECTION 20. License--List of issuances. The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him.

SECTION 21. Closing hours. It is unlawful to keep open or permit to be open any place where alcoholic liquor is sold for consumption on or off the premises between the hours of 1:00 a.m. and 11:00 a.m. of any Sunday, Monday, Tuesday, Wednesday, and Thursday, and between the hours of 2:00 a.m. and 11:00 a.m. on any Friday and Saturday.

SECTION 22. Selling permissible on election days. It shall be permissible to sell at retail alcoholic liquor on the day of any national, state, county, or municipal election, within the corporate limits of the Village.

SECTION 23. Peddling unlawful. It is unlawful to peddle alcoholic liquor in the Village.

SECTION 24. Sanitary conditions. All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance, with the ordinances regulating the condition of premises used for storage or sale of food for human consumption.

SECTION 25. Employment of persons with disease unlawful. It is unlawful for any person, firm or corporation to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal diseases; and it is unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in any way in handling, preparation or distribution of such liquor.

SECTION 26. Access from licensed premises to dwelling quarters; sales prohibited. Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

SECTION 27. View from street. In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels, or any bowling alley other than one situated on the first or ground floor, or clubs, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times; and no booth, screen, partition or other obstruction nor any arrangement of light or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk. All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, such license may be revoked, in the manner herein provided. In order to enforce the provisions of this section, the Local Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

SECTION 28. Licensee's actions regarding underaged persons.

A. Sale, Gift or Delivery to Persons Under Twenty-One Years of Age Prohibited. It is unlawful to sell, give or deliver alcoholic liquor to any person under twenty-one years of age.

B. Warning Notice. In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Clerk and which shall read:

"WARNING TO PERSONS UNDER 21 YEARS OF AGE

YOU ARE SUBJECT TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS UNDER THE ORDINANCES OF THE VILLAGE IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURCHASING OR OBTAINING OF ALCOHOLIC LIQUOR."

C. Proof of Age. If a licensee or his agents or employees believes or has reason to believe that the sale or delivery of alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public office in the performance of official duties.

D. Underaged Persons Not Permitted on Licensed Premises. It is unlawful for any holder of a retail liquor dealer's license or his agent or employee to permit any person under twenty-one years of age to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located; provided, that this paragraph shall not apply to any such person who is accompanied by his or her parent or guardian or to any licensed premises which derives its principal business from the sale or services of other commodities than alcoholic liquor.

E. Minimum Age of Bartenders. It is unlawful for any person under twenty-one years of age to attend any bar. It is unlawful for any person under twenty-one years of age to draw, pour or mix any alcoholic liquor in any licensed retail premises.

F. Parent or Guardian of Minor. It is unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this section.

G. License Suspension or Revocation. In addition to all other fines and penalties, the President may revoke or suspend the retail liquor dealer's license for any violation of this section.

H. Penalty. Any person violating any of the provisions of this section shall be fined not less than two hundred fifty dollars nor more than five hundred dollars; provided, however, that the minimum fine shall be five hundred dollars for any subsequent violation committed within any twelve-month period.

SECTION 29. Unlawful acts by underaged persons.

A. Purchase, Acceptance, Possession or Consumption By Persons Under Twenty-One Years of Age--Penalty. It is unlawful for any person under the age of twenty-one years to possess, to accept, to purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

B. Misrepresentation of age. It is unlawful for any person under the age of twenty-one years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

C. False Identification Cards. No person shall transfer, alter or deface any identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information for the purpose of purchasing or obtaining alcoholic liquor.

D. Exemption: Religious Service; Parental Supervision. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this chapter.

E. Penalty. Any person violating any of the provisions of this section shall be fined not less than two hundred fifty dollars nor more than five hundred dollars; provided, however, that the minimum fine shall be five hundred dollars for any subsequent violation committed within any twelve-month period.

SECTION 30. Sale to intoxicated persons or others unlawful. It is unlawful for the holder of an alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment.

SECTION 31. Entry powers. The Local Liquor Control Commissioner is given the power to enter or to authorize any law enforcing officer to enter at any time upon any premises licensed to determine whether any of the provisions of the Liquor Control Act, 235 ILCS 5/1-1 et. seq., or any rules or regulations adopted by him or by the State Liquor Commission have been or are being violated, and at such times to examine the premises of said licensee in connection therewith.

PASSED THIS 17<sup>th</sup> DAY OF APRIL, 1995.

AYES: Trustees Hogan, Swanson, Everett, Schmitt, Bruce, and Bauer

NAYS:                     none

ABSTAIN:                   none

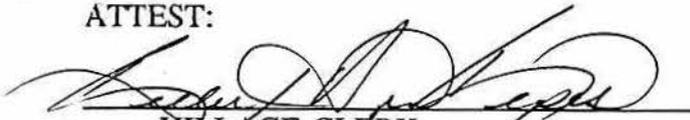
ABSENT:                   none

NOT VOTING:               none

APPROVED THIS 7<sup>th</sup> DAY OF APRIL, 1995.

  
VILLAGE PRESIDENT

ATTEST:

  
VILLAGE CLERK