

**VILLAGE OF MAPLETON**  
**ORDINANCE NO. 2019-09-11-01**

**AN ORDINANCE AMENDING THE VILLAGE CODE,**

**CHAPTER 3 – ALCOHOLIC BEVERAGES**

**WHEREAS, the Village Board of the Village of Mapleton has the authority to enact such regulations as it deems are in the best interest of public health and welfare; and**

**WHEREAS, THE Village Board of the Village of Mapleton deems it to be in the best interests of the Village to update Chapter 3 – Alcoholic Beverages as follows:**

**Chapter 3 - ALCOHOLIC BEVERAGES**

**Sec. 3-1. - Definitions.**

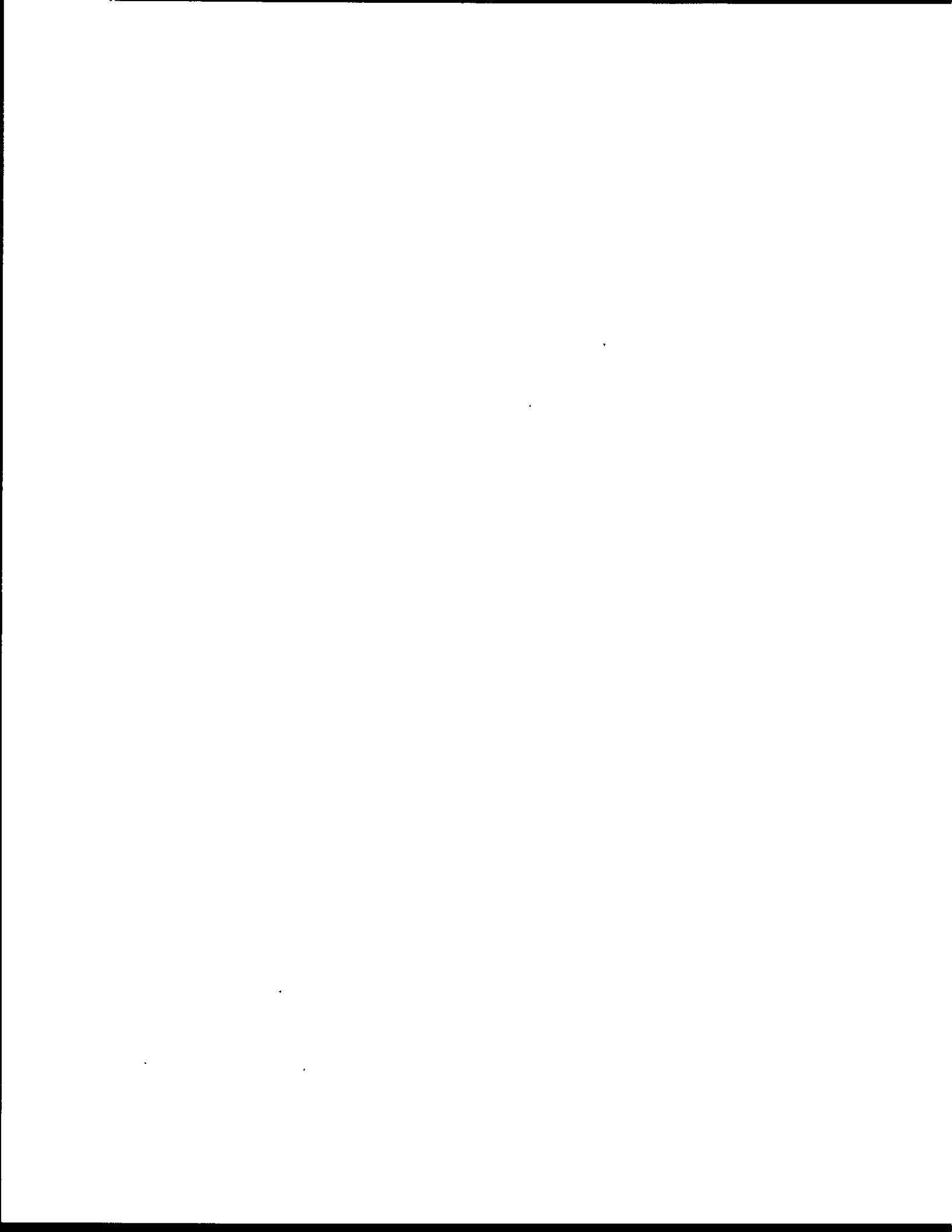
Unless the context requires otherwise, words and phrases used in this ordinance are to be given the definitions supplied by the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1, *et seq.*

**Sec. 3-2. – License required.**

No person shall sell, barter, solicit or receive orders for, keep or expose for sale, or keep with intent to sell any alcoholic liquor for beverage purposes without being first licensed to do so by the Village, and the State of Illinois and the United States when required. Sale without such license(s) shall, upon conviction, subject the seller to a fine of not less than Fifty (\$50.00) nor more than Seven Hundred and Fifty (\$750.00) Dollars for each offense. Each sale shall be considered a separate offense.

**Sec. 3-3. – Number of licenses available, priority for granting.**

Class A – for the retail sale of packaged alcoholic liquors or for consumption on the premises, as that term is defined herein: There are currently two (2) licenses for the sale of alcoholic liquor in effect at this time within the Village, which is a Class A license. The maximum number of Class A licenses in effect at any time within the village shall be two (2). A license shall be issued to a qualified applicant therefor in the order of their respective applications. Priority shall be given, however, to the holder of any license currently in effect, or to a corporation owned solely by an individual holding an existing license if the licensee is transferring the licensed establishment to the corporation and the corporation is qualified under this Ordinance to hold the license, provided that the holder of a current license provides for the renewal thereof on or



before thirty (30) days prior to the expiration of said current license. If renewal application is made after said thirty (30) day period, the current licensee shall lose his priority for renewal thereof, and a license will thereafter be issued to the first qualified applicant.

Class B- for the retail sale of packaged alcoholic liquors for consumption off the premises only, as that term is defined herein: The maximum number of Class B licenses in effect at any time within the Village shall be one (1). The sale of alcoholic liquors must constitute less than fifty (50%) percent of the gross sales for the licensed premises, as that term is defined herein. A license shall be issued to a qualified applicant therefor in the order of their respective applications. Priority shall be given, however, to the holder of any license currently in effect, or to a corporation owned solely by an individual holding an existing license if the licensee is transferring the licensed establishment to the corporation and the corporation is qualified under this Ordinance to hold the license, or to an individual solely owning a corporation holding an existing license if the licensee is transferring the licensed establishment to the individual and the individual is qualified under this Ordinance to hold the license, provided that the holder of a current license provides for the renewal thereof on or before thirty (30) days prior to the expiration of said current license. If renewal application is made after said thirty (30) day period, the current licensee shall lose his priority for renewal thereof, and a license will thereafter be issued to the first qualified applicant.

If the establishment does not pass the State of Illinois regulations, the license will become null and void.

No license shall be issued to any person who is not qualified to receive a license under the requirements contained herein, and the Board of Trustees of the Village shall be the sole judge of the qualifications of any applicant.

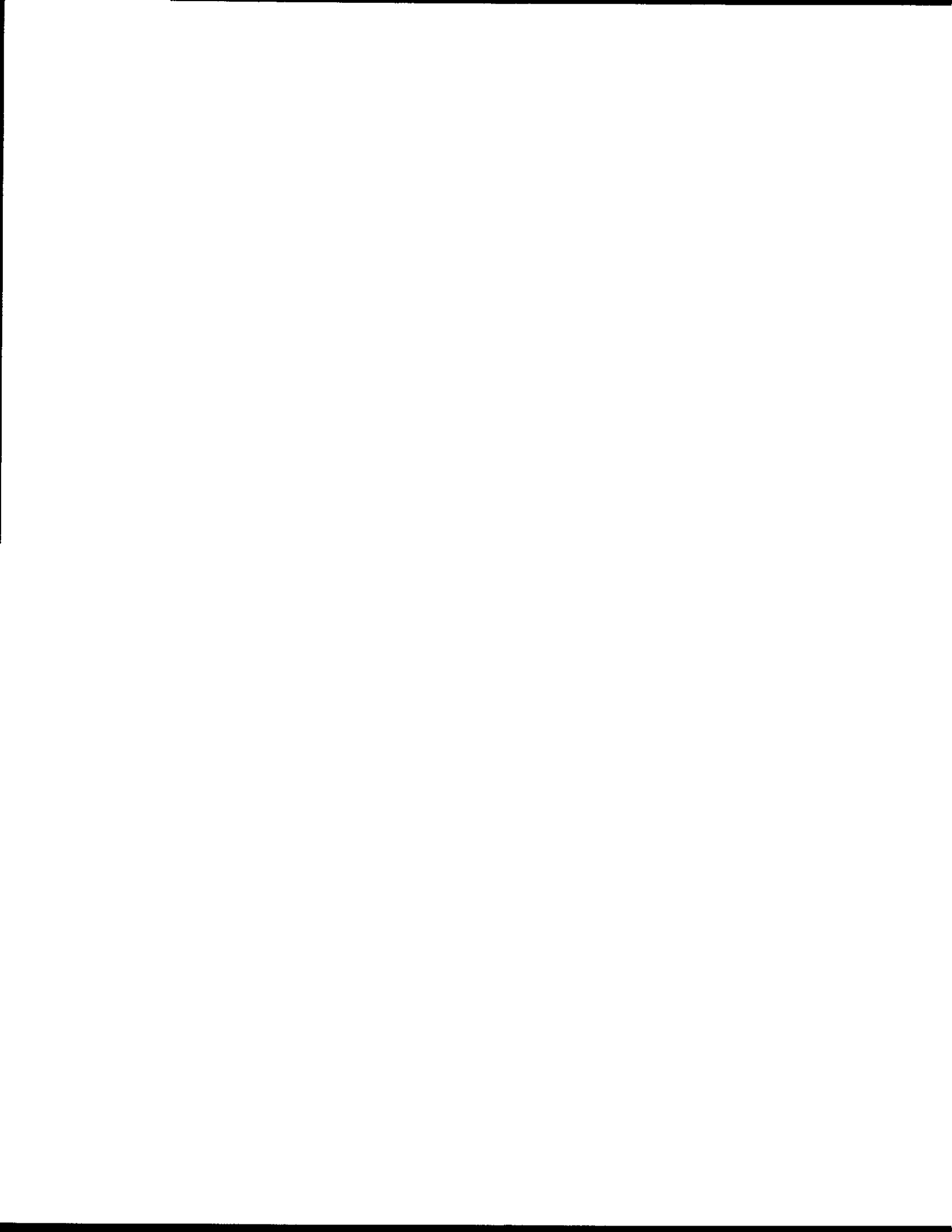
#### **Sec. 3-4. License is a personal privilege not transferable.**

A license granted pursuant to this Ordinance shall be a purely personal privilege rather than a property interest, and shall be valid for no more than one (1) year. It shall not be subject to attachment, garnishment, or any other form of transfer or encumbrance. It shall cease upon the death of the licensee, provided that executors or administrators of the estate of the deceased licensee, and the trustee of an insolvent or bankrupt licensee, may continue the business of the sale of alcoholic liquor under order of the appropriate court for a period of no longer than six (6) months. This ordinance shall be in full force and effect from and after ten (10) days following its passage, approval and publication as required by law.

(Sections 3-1, 3-2, 3-3 and 3-4 amended by Ordinance 2017-0808-03 passed 8/8/2017)

#### **Sec. 3-5. - Term of license.**

Licenses granted pursuant to this Ordinance shall run from the date of approval by the Board of Trustees, and shall expire, regardless of when granted, on the following June 30<sup>th</sup> unless revoked



or suspended earlier as provided in this Ordinance. An applicant for a new license for less than a full annual period shall pay a one-twelfth (1/12) share of the license fee for each month or a part thereof that said license is to be effective. A license shall not be issued for less than a one (1) month period.

**Sec. 3-6. - Fees.**

The fee for a license granted pursuant to this Ordinance shall be seven hundred and fifty (\$750.00) dollars for one full year.

**Sec. 3-7. Hours of operation and vacation of premises.**

No one operating under a Class A liquor license granted pursuant to this Ordinance shall sell or otherwise deliver to any person any alcoholic liquor after 3:00 A.M., nor shall anyone other than the licensee, or licensee's employees while in the performance of their duties, remain within the premises after 3:00 A.M., and shall not reenter the premises until the licensee may open for business on the following business day as defined in (B) below, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container (including but not limited to glasses or beer bottles) after 3:00 A.M.

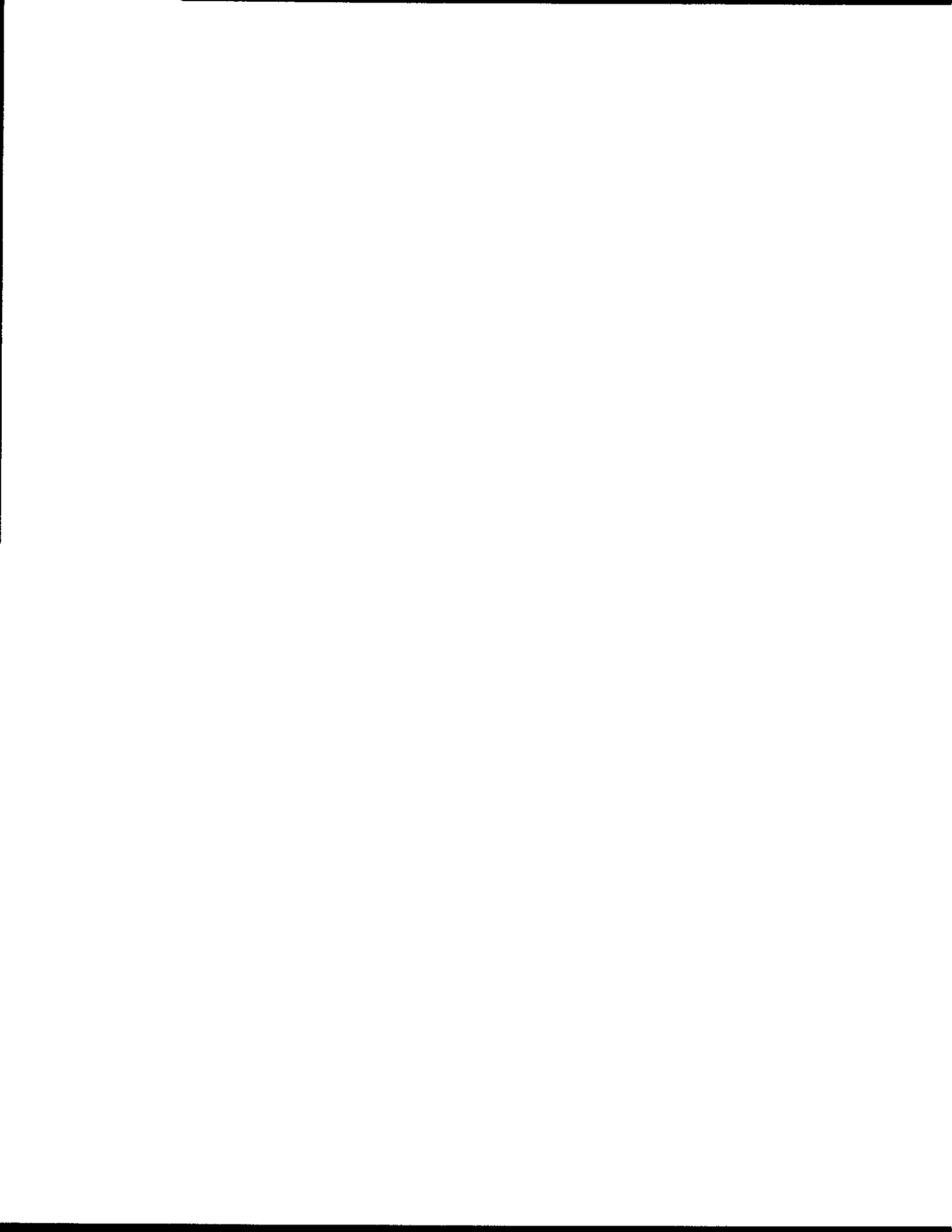
In clubs and restaurants holding a Class A liquor license that remain open after their hours of permitted sale of alcoholic liquor, all cups, glasses, bottles or other containers of alcoholic liquor shall be removed from areas open to customers no later than 30 minutes after their hours of permitted sale of alcoholic liquor. Later than 3:00 A.M., no person, whether a member of the public or an on-duty or off-duty agent of the licensee, shall consume or be in possession of alcoholic liquor in an area open to customers.

The licensee shall be deemed to have committed a violation under this section if all cups, glasses, bottles or other containers of alcoholic liquor have not been removed from the customary public areas of the premises during the hours when the consumption of alcoholic liquor is prohibited as provided in this section. It shall be an affirmative defense to a violation of this section that a customer or other member of the public concealed such a container from view or otherwise caused a violation of this subsection by resisting reasonable efforts by an agent of the licensee to remove the container or containers in question.

A Class A licensed premises shall not open for business before 06:00 A.M., Monday through Saturday inclusive, and not before 12:00 P.M. on Sunday. (Updated 7/21/15 Ordinance NO. 2015-721-2)

Under a Class B license, packaged alcoholic liquor shall only be sold until 1:00 a.m., Monday through Saturday.

**Sec. 3-8. Persons ineligible to be licensed.**



No license for the sale of alcoholic liquor shall be granted to any of the following:

- A. Any person otherwise ineligible under §6-2 of the Illinois Control Liquor Act of 1934 ("the Act"), 235 ILCS 5/6-2.
- B. A person who is not a resident of the Village.
- C. A person who is not of good character and reputation in the Village and in any community in which he or she has resided in the twelve (12) months preceding the filing of the petition for liquor license with the Village.
- D. A person who is not a citizen of the United States.
- E. A person who has been convicted of a felony under any Federal or State law, unless the Board of Trustees finds that said person has been sufficiently rehabilitated to warrant the public trust after considering all relevant matters. The burden of proof of sufficient rehabilitation 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 crime or misdemeanor opposed to decency and morality.
- H. A person whose license issued under the Act or this Ordinance has been revoked for cause.
- I. A person who at the time of application for renewal of a license issued hereunder would not be eligible for such license upon a first application.
- J. A partnership unless all of the general partners and any limited partner owning more than 5% of the aggregate limited partner interest shall each be qualified to obtain a license hereunder.
- K. A corporation unless it is incorporated in the State of Illinois or qualified to transact business in the State of Illinois under the Business Corporation Act, and unless all officers, directors, managers and shareholders owning over five (5%) percent of the corporate stock is each qualified to obtain a license, with the exception of the residence and citizenship requirements in (B) and (D) above
- L. A person obtaining the license for a place of business to be run by a manager or agent, unless the manager or agent is qualified to obtain a license.





M. A person not the beneficial owner of the premises for which the license is sought, or who does not have a lease thereon for the full period for which the license is to be issued.

N. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official, if the issuance of such license is approved by the State Liquor Control Commission.

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

P. A person or enterprise holding a federal gaming device stamp.

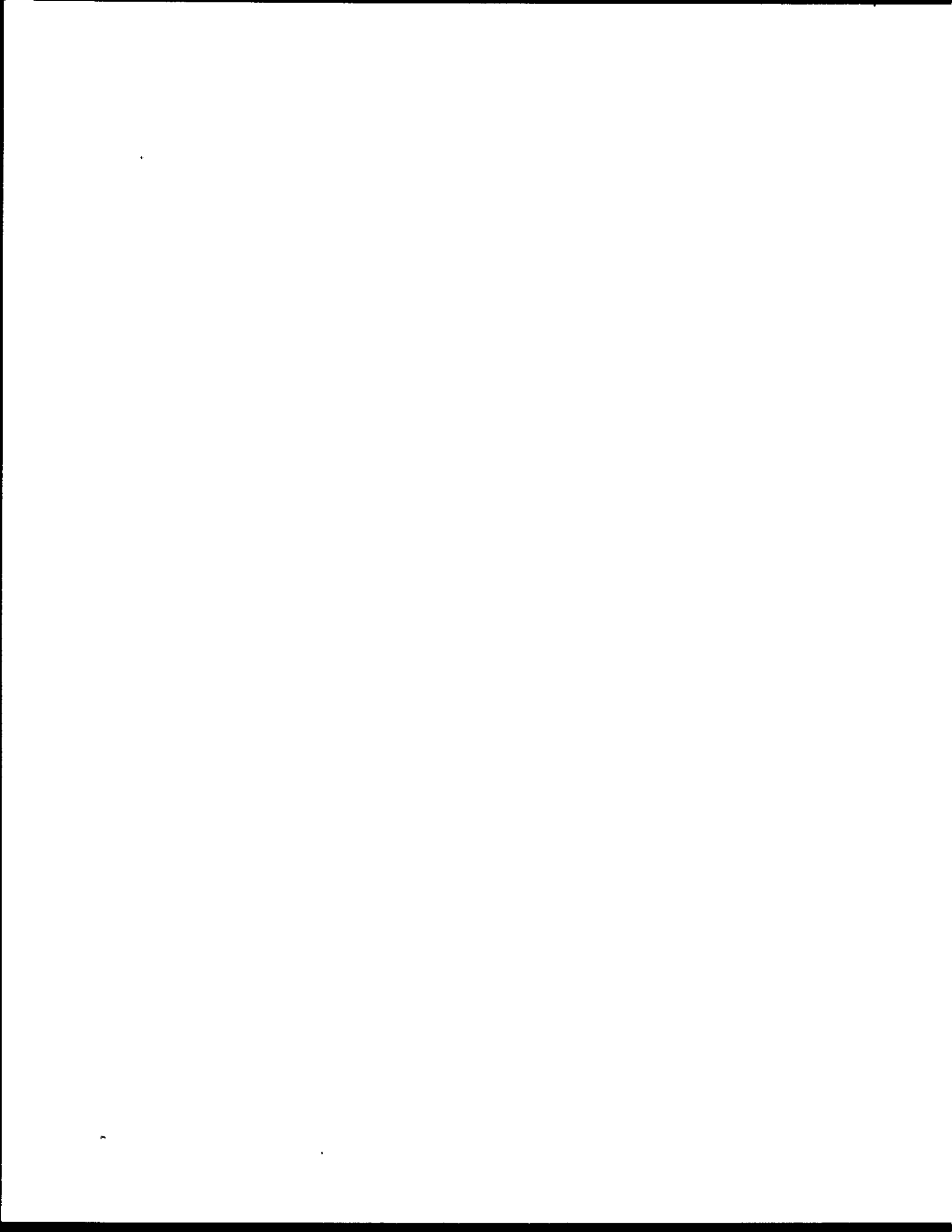
Q. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the "Criminal Code of 1961," as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

R. 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 or the Illinois Pull Tabs and Jar Games Act.

### Sec. 3-9. - Application.

All applicants for a liquor license to be issued by the Village pursuant to the terms of this Ordinance, or for the renewal of an existing license issued by the Village pursuant to this Ordinance, shall submit an application to the Village Clerk at least thirty (30) days prior to the Village Board meeting at which the application shall be considered. The application shall be in the form supplied by the Village, and shall be completed in full by the applicant and signed under penalty of perjury. In the event such an application is not properly executed and submitted as provided herein, the application shall not be considered by the Village.

No corporate licensee shall add any officer or director, nor permit any transfer of its stock which would vest in aggregate more than five percent of the stock outstanding in such corporation in any stockholder; nor shall any partnership add a partner, unless such officer, director, stockholder or partner has been previously approved by the village president. All requests for approval of officers, directors, stockholders or partners shall be in writing and under oath, stating substantially the same requisites as set forth in this section 2.10. The president shall not approve such addition of officers or directors or transfer of stock or addition of a partner, unless the proposed officer, director, stockholder or partner would be eligible to receive a license for the



retail sale of alcoholic liquor under this chapter for any reason, except that citizenship and residence within the city shall not be required of an officer, director or stockholder. A non-refundable filing fee of \$100.00 shall be paid for filing an application required by this subsection.

Whenever the licensee's operating business or trade name is changed from the name issued on the liquor license, the licensee must submit a written notice to the city clerk of the name change within 14 days of the change, no filing fee is required for the notice of change of name.

#### **Sec. 3-10. - Managers.**

No licensee shall employ any person to manage his licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in section 3.9 above, except for residency and citizenship. No licensee shall permit any person to act as a manager of his liquor establishment, unless such manager has been approved by the mayor.

No person shall manage or act as manager of a licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in section 3.9 above, except for residency and citizenship, and such person has been approved by the mayor to be a manager of that licensed liquor establishment.

All applications for approval as manager of a licensed liquor establishment shall be submitted to the president by filing in the office of the city clerk upon forms approved by the president. The president or his or her designee shall conduct a thorough investigation of the fitness and eligibility of the applicant. Within ten days, the president or his or her designee shall have concluded this investigation and shall report to the president the results of its investigation, together with a recommendation whether the application should be granted or denied. The president shall then, within ten days, either grant or deny the application and notify the applicant. Any applicant whose application is denied may request a hearing before the president by filing a written request in the office of the city clerk within five days of the denial of the application.

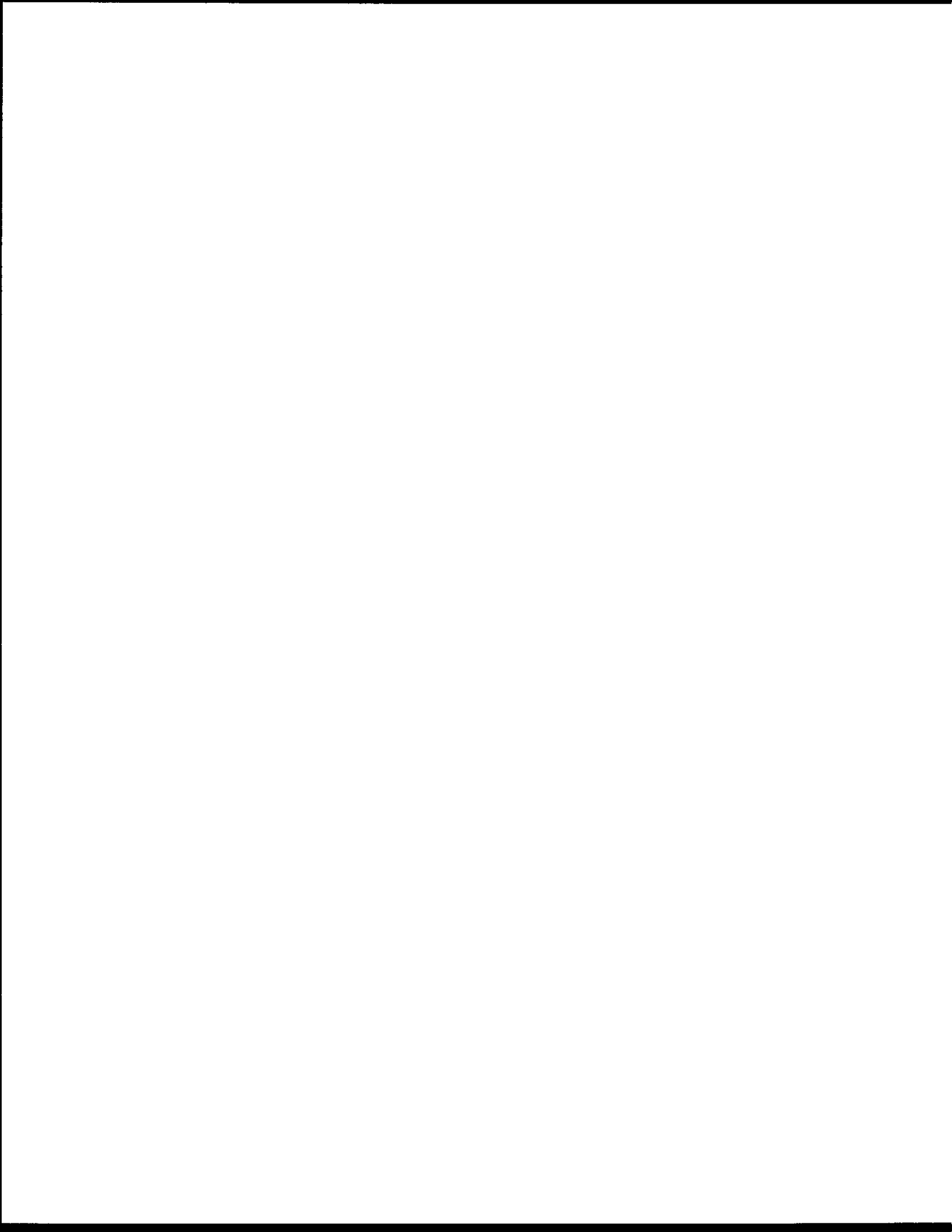
A non-refundable filing fee of \$100.00 shall be paid for filing a manager application.

As to Class B liquor licenses, the licensee shall personally or through his, her, or its manager(s) maintain locks completely restricting access to all liquor, and shall not deliver keys or other means of accessing liquor during hours that the licensee may be open but outside the hours that the liquor license is valid.

#### **Sec. 3-11. – Persons under twenty-one (21) years of age.**

Each licensee shall display in a prominent place in any location used for the sale or serving of alcoholic liquor a sign reading substantially as follows:

“WARNING TO PERSONS UNDER THE AGE OF TWENTY-ONE (21)--You are subject to a



fine of up to Seven Hundred Fifty (\$750.00) Dollars and criminal prosecution, under the laws of the State of Illinois and the Ordinances of the Village of Mapleton, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

**Sec. 3-12. – Display of license.**

Each licensee shall display his license in a prominent place in any location used for the sale or serving of alcoholic liquor.

**Sec. 3-13. Reporting of incidents.**

Each licensee and each of his agents and employees shall promptly report to the Peoria County Sheriff's Department any outbreak of any fights, riots, disturbances of the peace, or any act constituting an offense of any Village ordinances or a crime under the laws of the State of Illinois or the United States, occurring on or about the licensed premises. Each licensee shall further report any of the above incidents within twenty-four (24) hours of the President of the Village Board. The licensee and all agents or employees of the licensee shall truthfully and fully answer all questions and investigations of any identified agent of the Federal or Illinois Bureau of Investigation, Illinois Liquor Control Commission, Peoria County Sheriff or the President of the Village Board who makes inquiry in or about the licensed premises, and shall otherwise cooperate fully in any such investigations.

Each licensee shall maintain on each licensed premises not less than one landline telephone in operating order which phone must be within the easy access of the bartender or other responsible person in charge of the premises.

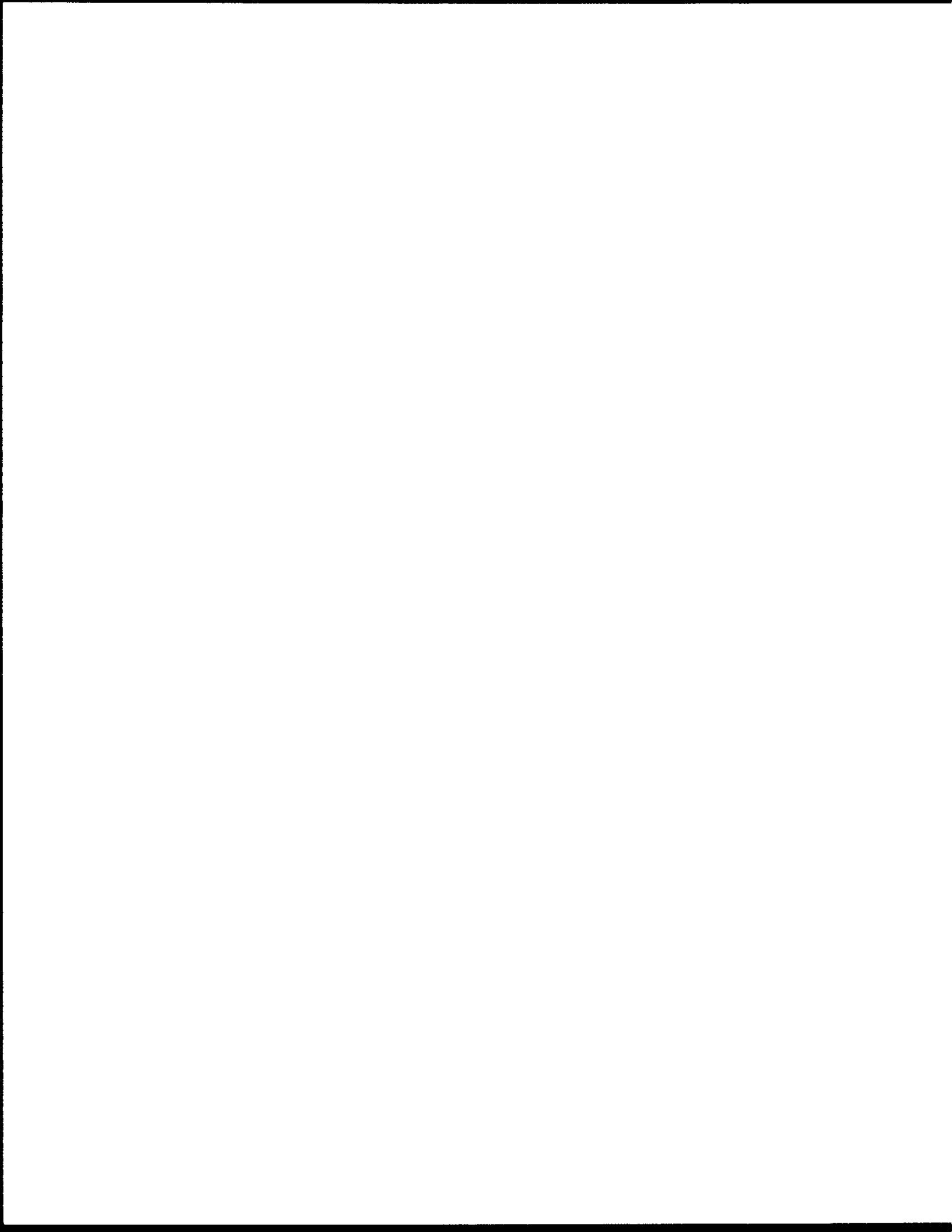
**Sec. 3-14. - Employment of persons under twenty-one (21) years of age.**

No licensee shall employ or permit any person under the age of twenty-one (21) to sell or serve alcoholic liquor.

**Sec. 3-15. Sales to persons of non-age, intoxicated persons, etc.**

No licensee or officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person, or to any person known to him or her to be a habitual drunkard, a spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver said alcoholic liquor to another person under the age of twenty-one (21) years, except in performance of a religious ceremony or service, or as provided by Ordinance.

**Sec. 3-16. Possession, purchase, dispensing or consumption of alcoholic liquor by person of non-age; proof of age; misrepresentation of age.**



Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have the same in his or her possession, except as provided by this Ordinance. This paragraph shall not prohibit the consumption of alcoholic liquor by a person of non-age in the performance of a religious service or ceremony, or consumption by a person of non-age under the direct supervision and approval of the parent(s) or legal guardian(s) of such person in the privacy of a home.

If a licensee, or his or her agent, or employee believes or has reason to believe, that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate positive identification of identity and of the fact that he or she is the age of twenty-one (21) years or older.

Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon such positive identification in any transaction forbidden by this section, is competent evidence and may be considered in any prosecution or hearing therefore or in any proceedings for the suspension or revocation of any license based thereon.

**Sec. 3-17. - Presence of unsupervised persons under the age of twenty-one (21) years.**

No person under the age of twenty-one (21) years of age shall be allowed to be present in any tavern unless that person is accompanied by a parent or legal guardian.

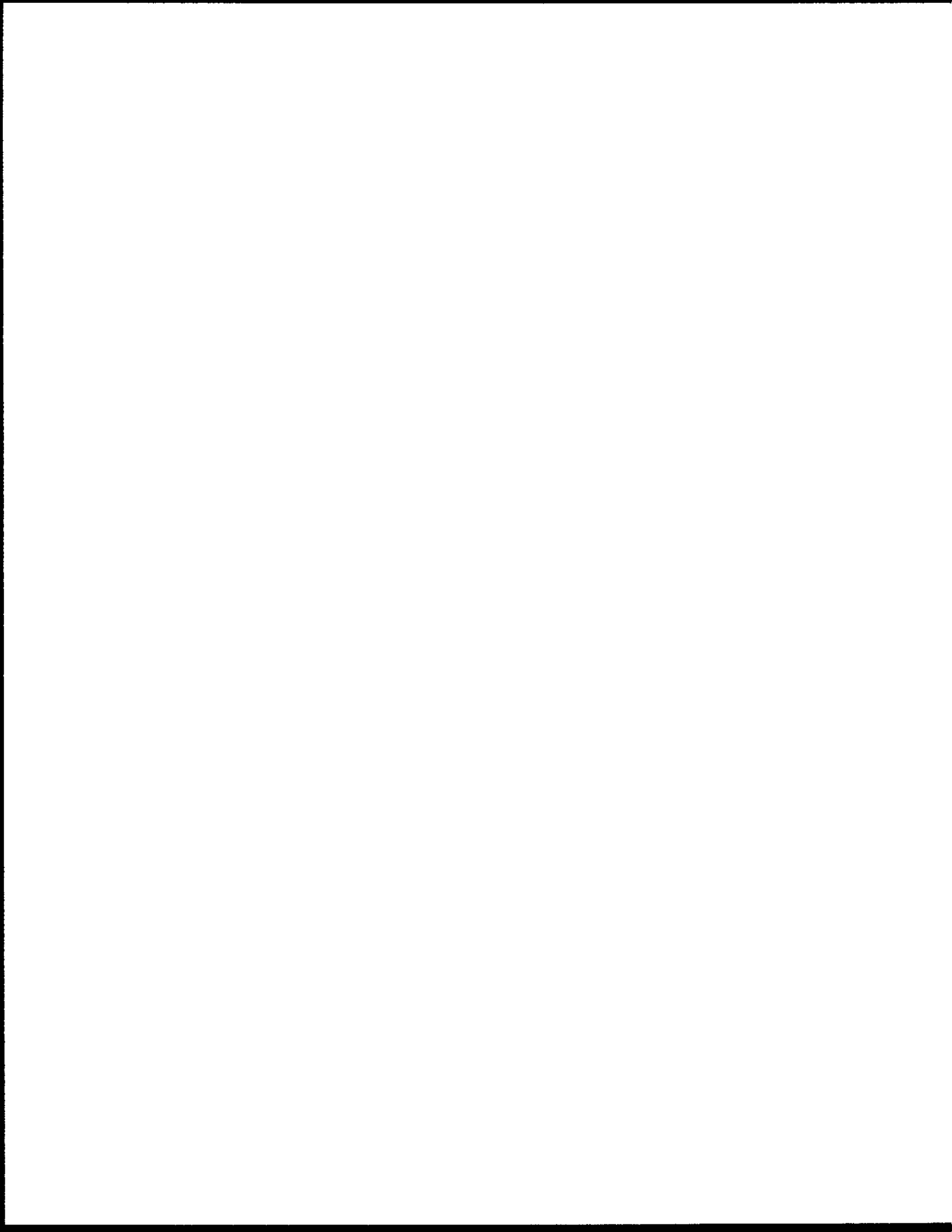
Any Village liquor licensee or his or her agent, or the parent or guardian of a person under the age of twenty-one (21) years who knowingly permits a person under the age of twenty-one (21) years to violate this provision shall, upon conviction, be fined no less than One Hundred (\$100.00) Dollars nor more than Seven Hundred and Fifty (\$750.00) Dollars. Violation of this provision may also be the basis for revocation or suspension of any license pursuant to 3.21 below.

**Sec. 3-18. - Prohibition of sale of alcohol in conjunction with an adult use.**

No licensee shall be allowed to sell alcoholic liquor in conjunction with an adult use on the premises. For the purpose of this Ordinance, such premises shall include adult booths and adult establishments as defined in Chapter 17 of these Ordinances.

**Sec. 3-19. - Persons loitering in licenses premises.**

No person shall frequent or loiter in any premises licensed under this chapter for the purpose of





soliciting another person to purchase alcoholic or nonalcoholic beverages, or to solicit any other person to give or donate any money or other thing of value for any purpose including prostitution.

No licensee or any person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any person who is in violation of this section to enter or remain upon the licensed premises. The fact that a licensee has been notified by the superintendent of police or his delegate that a person has been convicted within the past year, or has multiple convictions within the past three years, for an offense of prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, or pimping, and the licensee allows such person to remain on or frequent the premises, may be considered prima facie evidence in a hearing before the local liquor commissioner concerning the revocation or suspension of the license granted to the licensee, that a person's presence upon the licensed premises is for the purpose of soliciting in violation of this section.

**Sec. 3-20. - Carrying of alcoholic liquor in unsealed or opened container from premises.**

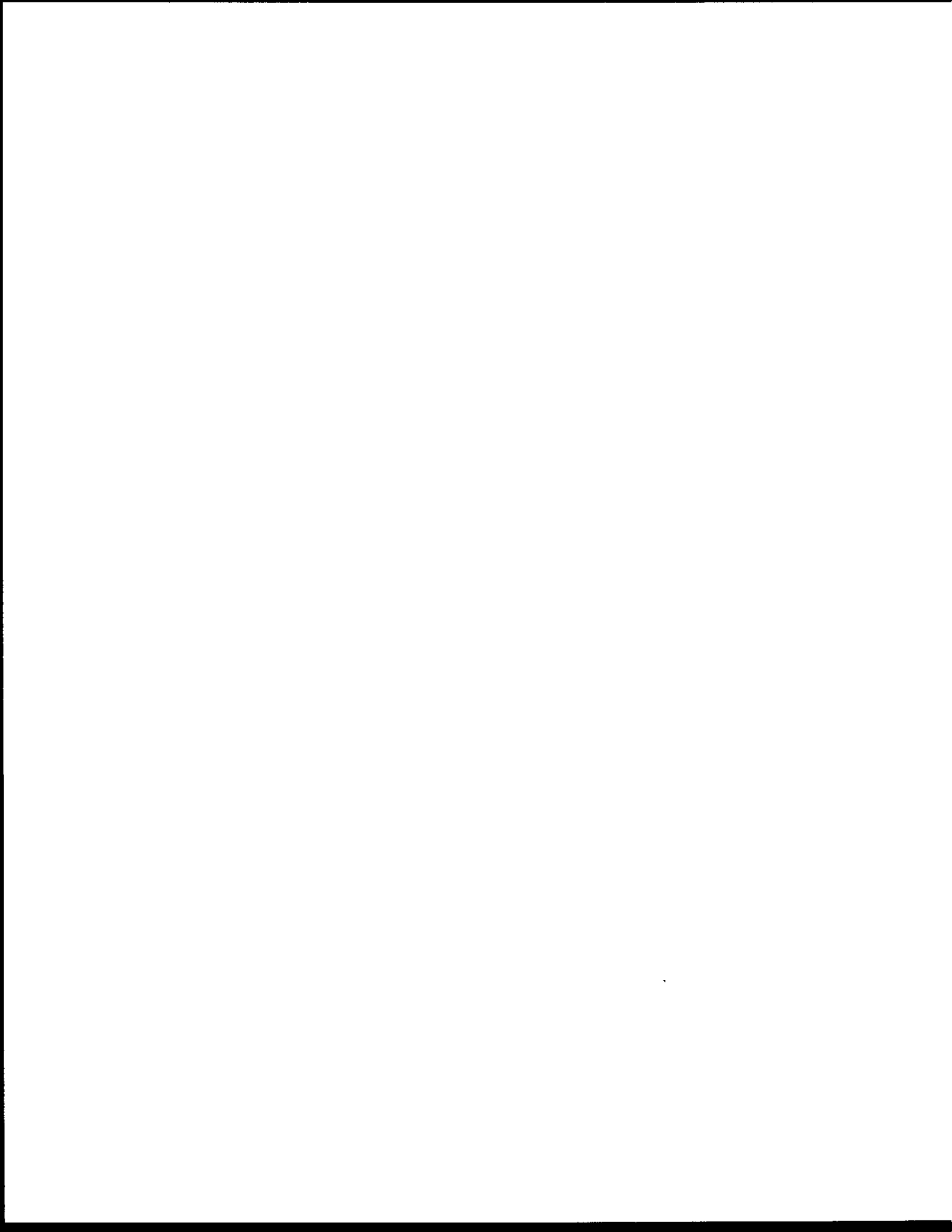
It shall be unlawful for any person to carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased. No licensee or person as proprietor, agent, servant or employee of such licensee shall knowingly permit any patron to violate this section nor continue to sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container, except as permitted for wine bottles from restaurants under the Illinois Liquor Control Act, 235 ILCS 5/6-33.

**Sec. 3-21. - Revocation of license, appeals.**

Any license issued hereunder may be suspended for failure to operate thereunder for thirty (30) or more consecutive days during the license period.

Any license may be revoked or suspended for violation of any of the liquor control regulations of the United States, the state liquor control commission, the county liquor commission or this Ordinance. Any license may also be revoked or suspended if the license holder continually permits his or her customers to conduct themselves in a disorderly manner. Three (3) instances of such disorderly conduct as might qualify under the criminal code as disorderly conduct, absent preventative measures being taken by the licensee, shall be prima facie evidence of the violation of this paragraph. If the Licensee becomes disqualified for the issuance of a License at any time during the term of the License at issue, such disqualification shall be grounds for revocation. Finally, any license may be revoked if it is found that the licensee willfully made false statements as to a material fact in order to facilitate obtaining said license or renewal.

Procedure



1. Notice. Upon determining that one or more of the grounds for suspension or revocation under Subsection A or B of this Section may exist, the President of the Board of Trustees, or other officer so designated by the President of the Board shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. -The written notice shall, at a minimum, (i) state that President of the Board of Trustees, or other officer so designated by the President of the Board, has determined that the Alcoholic Liquor License may be subject to suspension or revocation pursuant to this Ordinance; (ii) identify the specific grounds for the President's determination; and (iii) set a date for a hearing regarding the President's determination as to the possibility of suspension or revocation of the License. The date of the hearing shall be no less than five days after service of the President's notice, unless an earlier or later date is agreed to by the Licensee and the President.
2. Hearing. The hearing shall be conducted by the President, or, at the President's direction, by the Village Board of Trustees. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the President for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled pursuant to Section 18 of this Ordinance shall be made part of the hearing record. Within three days after the close of the hearing, the President shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision.
3. Notice and Effective Date of Suspension or Revocation. The President's written decision shall be posted at the office of the President and shall be served on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. In order to allow an aggrieved Licensee an opportunity to obtain judicial relief, any suspension or revocation, as the case may be, shall take effect (i) on the 14<sup>th</sup> day after the President's written decision is delivered in person or (ii) on the 17<sup>th</sup> day after the President's written decision is placed in the U.S. mail as provided in this paragraph.
4. Surrender of License and Security. Upon the suspension or revocation of a License pursuant to this Ordinance, (i) the President shall take custody of the suspended or revoked License.
5. Appeals of cancellations, suspensions or revocations by the President of the



Board of Trustees may be taken to the State Commissioner as provided by 235 ILCS 5/1-1*et seq.*

**Sec. 3-22. - Administrative record.**

The President shall cause to be kept an accurate record of every License application received and acted on, together with all relevant information and material pertaining to such application, any License issued pursuant thereto, and any Licensee operating pursuant to such License.

**Sec. 3-23. - Recordkeeping by licensee.**

The Licensee of every Liquor License shall maintain a register of all of its employees. For each such employee, the register shall include the following information:

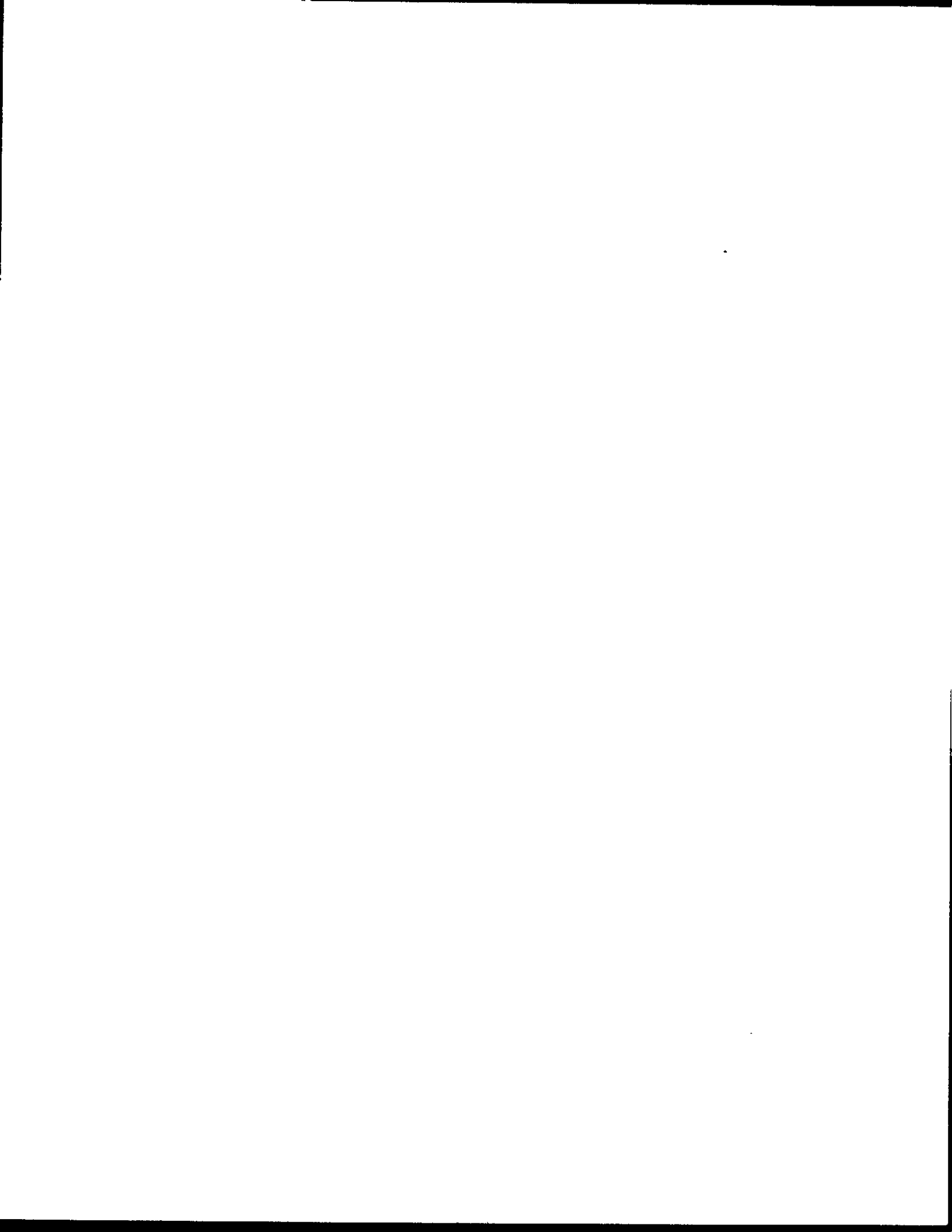
1. Legal name.
2. Any and all aliases.
3. Current residential address and telephone number.
4. Date of birth.
5. Gender.
6. Social security number.
7. Date of commencement of employment.
8. Date of employment termination, if applicable.
9. Specific job or employment duties.

**Sec. 3-24. - Refund of fees paid.**

No refund of fees paid will be granted upon a license revoked for cause or voluntarily surrendered.

A refund of one-twelfth (1/12) of the fee paid will be paid to the Executor or Administrator of a deceased licensee for every calendar month that the license would have been effective had it not been terminated by this Ordinance.

This ordinance replaces all previous ordinances for this Section.



PASSED AND APPROVED, this 11<sup>th</sup> Day of September, 2019 by the Board of Trustees and the President of the Village of Mapleton.

Yes 34

No 2

Absent 0

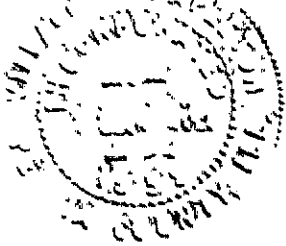
Abstain 1

APPROVED:



Carl Anthony Bishop, Village President

(SEAL)



ATTEST:



Patricia S. Briggs, Village Clerk

