**THE VILLAGE OF ROBBINS**

COOK COUNTY, ILLINOIS

**ORDINANCE**

No. ____3-28-23 A_____

**AMENDMENT OF ORDINANCE 4-19-22, AN ORDINANCE REGULATING LIQUOR LICENSES IN THE VILLAGE OF ROBBINS, COOK COUNTY, ILLINOIS**

DARREN E. BRYANT, MAYOR

SHARON S. DYSON, VILLAGE CLERK

GEORGE BREWTON

DAVID R. DYSON

TIFFANY S. ROBINSON

GREGORY JACKSON

MICHAEL COLLIER SR.

ERNEST MAXEY JR.

*Board of Trustees*

*PASSED AND APPROVED BY THE MAYOR AND BOARD OF TRUSTEES*

*THIS* __28th____ *DAY OF* __MARCH____, *2023*

**ORDINANCE NO. ____3-28-23 A_____**

**AMENDMENT OF ORDINANCE 4-19-22, AN ORDINANCE REGULATING LIQUOR LICENSES IN THE VILLAGE OF ROBBINS, COOK COUNTY, ILLINOIS**

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Robbins, Cook County, Illinois in the exercise of its home rule powers, as follows:

**SECTION 3-45 LICENSE REQUIRED**

(a) It shall be unlawful for any person to engage in the sale at retail of any alcoholic beverage of any kind without first obtaining a license therefrom from the local liquor control commissioner.

(b) It shall be unlawful for any person to engage in business to, or conduct a business where patrons are allowed to bottle, blend, deliver, furnish, give, divide, distribute, barter, use, consume, possess, or store alcoholic liquors in any commercial establishment without first obtaining a license thereof from the local liquor control commissioner.

(c) It shall be unlawful for any person to bottle, blend, deliver, furnish, give, divide, distribute, barter, use, consume, possess, or store alcoholic liquors on any premises which has not been licensed by the local liquor control commissioner.

(d) It shall be unlawful for any person to furnish containers, water or other beverages for the mixture thereof for alcoholic liquors in any commercial establishment which has not been licensed by the local liquor control commissioner.

(e) It shall be unlawful for any person, business, licensee, agent, servant, or employee to allow or permit any persons to commit any of the acts prohibited in subsections (a), (b), (c), and (d) of this section.

(f) It shall be unlawful for any person engaged in the business of leasing any premises to allow the use, sale, giving away, or consumption on the premises of alcoholic liquor, without first securing a license or without the lessee first securing a license from the local liquor control commissioner.

**SECTION 3-46 LICENSE LIMITATIONS**

Any license issued hereunder shall be purely a personal privilege to expire not later than the 30th day of April and/or the 30th day of November next after the issuance unless sooner revoked as provided in this ordinance. Such license shall not constitute property, nor shall it be subject to attachment, garnishment or execution nor shall it be alienable.

**SECTION 3-47 SEPARATE LICENSE REQUIRED FOR EACH LOCATION.**

A separate license must be obtained for each location desired by the applicant for a license under the provisions of this ordinance.

**SECTION 3-48 IMPOSITION OF CONDITIONS, RESTRICTIONS ON LICENSE**

The Local Liquor Control Commissioner may, as a condition to the issuance of any liquor license, impose such conditions and restrictions upon each license as he/she may deem necessary to insure that the operation of the liquor establishment shall not be harmful to the safety, morals, and welfare of the community.

**SECTION 3-49 CHANGES IN PERSONNEL**

Any changes in partnership, officers, directors, persons holding directly, beneficially or through any form of indirect or concealed ownership or control more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this ordinance, shall be reported in writing to the Local Liquor Commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this ordinance and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Liquor Commissioner.

**SECTION 3-50 APPLICATION GENERALLY**

(a) Every person desiring to engage in the business of selling at retail shall make application in writing on forms furnished by the Village for a license. Such application shall be filed with the local liquor control commissioner; 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 statement:

(1) Name, age and address. The name, age and address of the applicant in the case of an individual ; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, for profit, or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one (1) person or his/her nominee, the name and address of such person.

(2) Citizenship. The citizenship of the applicant, place of birth and if a naturalized citizen, the time and place of his/her naturalization.

(3) Character of business. The character of the business of the applicant; and in case of a corporation, the object for which it was formed.

(4) Business experience od applicant. The length of time that such applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.

(5) Amount of goods, wares and merchandise on hand. The amount of goods, wares and merchandise on hand at the time application was made.

(6) Location and description of premises. The location and description of the premises or place of business which is to operate under such license.

(7) Disposition of other applications. A statement whether applicant has made similar application for a similar or other license on premises other than described in this application, and the disposition of such application.

(8) Former felony convictions. A statement that applicant, partners, officers and directors have not been convicted of a felony and are not disqualified to receive a license by reason of any matter of thing contained in the ordinance, laws of this state, or any ordinance of this Village.

(9) Revocation of previous license. Whether a previous license by any state or political subdivision thereof, or by the federal government has been revoked, and the reasons thereof.

(10) Insurance. Proof that the applicant can secure a policy, or policies, of insurance issued by a responsible insurance company, and in a form acceptable to the liquor commissioner, insuring the licensed premises for "dram shop" liability.

(11) Agreement not to violate laws, ordinances. A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of the Village in the conduct of his/her place of business.

(12) Agreement to permit access. A statement that the applicant agrees to permit any police officer or other officials of the Village free unrestricted access to the licensed premises for the purpose of inspecting the same.

(13)Agreement to obey health regulations. That he/she will abide by and obey the rules and regulations of the village governing health and sanitation.

(b) All applications for license under this ordinance shall be delivered to the Local Liquor Control Commissioner. It shall be the duty of the Local Liquor Control Commissioner to investigate and consider the application. For this purpose, the Local Liquor Control Commissioner may enlist the aid of the Chief of Police and any other village officials or officers that he/she deems necessary to complete the investigation. The investigation shall include a background and credit check. Upon completion of the investigation the Local Liquor Control Commissioner shall approve or disapprove the issuance of a license based on the application, provided, in case of approval, that there exists an available license as set forth in this ordinance.

(c) Before any action is taken upon any new application as provided in this ordinance or if changes in the applicant's

(d) As part of the application process, the applicant may be required to execute a sufficient number of "Personal Inquiry Waiver" forms so as to allow the liquor commissioner to obtain information about the applicant, and information about business located outside the Village in which the applicant has interest, from other jurisdictions and law enforcement agencies.

(e) Except for applications for new licenses during the course of the annual year, every application for renewal for a license shall be completed and in the hands of the liquor control commissioner at least fifteen (15) days prior to the beginning of the annual year. No application will be accepted or approved unless the application is fully completed, the questions answered, properly signed, and verified. Failure to complete the application and to file the same within the time limit prescribed herein shall be deemed grounds for refusal of the local liquor control commissioner to review such license.

(f) The application shall contain such queries as shall intelligently inform the local liquor control commissioner as to whether or not the application is eligible for a license and complies with the applicable requirements of the Liquor Control Act of 1934 for retail liquor license.

(g) Applicants may be required to submit information as to sources of funds for the purchase or operation of their businesses. The commissioner may require such other information in writing or an oral examination.

(h) Misstatements in the application shall be deemed grounds for refusal to issue or renew the license and, if a license is issued, grounds for revocation.

**SECTION 3-51 PROCEDURE FOR ISSUANCE OF NEW LICENSE**

Application for a new license shall be filed with the local liquor commissioner. After appropriate investigation of the applicant's eligibility for issuance of a license, the local liquor commissioner shall prepare a resolution authorizing a license to be issued to the applicant. After the Mayor and Board of Trustees has adopted the authorization resolution, the applicant shall file his application and annual fee and the new license shall be issued.

**SECTION 3-52 FINGERPRINTING OF LICENSED APPLICANT**

The applicant for a license under the ordinance shall be fingerprinted and a complete set of fingerprints maintained on file with the police department. In case of corporations, the manager or person in charge shall also be fingerprinted.

**SECTION 3-53 PERSONS INELIGIBLE TO BE LICENSED**

No license required by this Ordinance shall be issued to:

(a) A person who is not of good character and reputation in the community in which he/she resides;
(b) A person who is not a citizen of the United States;

(c) A person who has been convicted of a felony under any Federal or State Law, if the Commissioner determines after the investigation that such person has not been sufficiently rehabilitated to warrant the public trust;
(d) A person who has been convicted of being the keeper or is keeping a house of ill fame;
(e) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
(f) A person whose license issued under this ordinance has been revoked for cause;
(g) A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon first application;
(h) A co-partnership, unless all the members of such co-partnership shall be qualified to obtain a license;
(i) A person whose place of business is conducted by a manager or agent, unless the manger or agent possesses the same qualifications required by the license;
(j) 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 section, or has forfeited his/her bond to appear in court to answer charges for any such violation;
(k) 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;
(l) Any law enforcing public official, including members of the local Liquor Control Commission, the Mayor of the Village, any member of a Village 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.
(m) A person not eligible for state retail liquor license.
(n) A person who is not beneficial owner of the business to be operated by the licensee;
(o) A person who fails to furnish the information or to make the statements required in the application for license and as set forth in this ordinance.
(p) 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;
(q) A co-partnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period, or 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;
(r) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation, has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax period; and,
(s) 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.

**SECTION 3-54 LOCATION OF PLACE OF SALE**

No license shall be issued for the sale at retail of any alcoholic liquor within three hundred feet (300'), as measured from property line to property line of any church, school, or home for the aged or indigent persons or for veterans, their surviving spouses or children or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants where sale of alcoholic liquors is not the principal business carried on.

No alcoholic beverages shall be sold, offered for sale, displayed, or advertised for sale at retail or delivered to any person purchasing same at retail, except at the location, place or premises described in a liquor license.

**SECTION 3-55 LICENSE CLASSIFICATION AND FEES**

The licenses required by this ordinance shall be classified as follows:

(1) A Class "A" license shall authorize the sale and consumption at retail of alcoholic liquor on the specified premises. The liquor purchased must be consumed on the premises where purchased. The annual fee is set out in Section 3-63 and is payable in two (2) equal installments each on or between the first and tenth of May and November of each year.

(2) A Class "B" license shall authorize the sale and retail of alcoholic liquor on the specified premises but shall not permit consumption thereon. The annual fee is set out in Section 3-63 and is payable in two (2) equal installments each on or between the first and tenth of May and November of each year.

(3) A Class "C" license shall authorize the sale at retail of beer only, and said beer is to be consumed within the specified premises. The annual fee is set out in Section 3-63 and is payable in two (2) equal installments each on or between the first and tenth of May and November of each year.

(4) A Class "D" license shall authorize the sale at retail of beer and wine only and said beer and wine are to be consumed within the specified premises. The annual fee for such license is set out in Section 3-63 and is payable in two (2) equal installments each on or between the first and tenth day of May and November of each year.

(5) A Class "E" license shall authorize the sale at retail of beer and wine only and said beer and wine are not to be consumed within the specified premises (sold as package liquors only). The annual fee for such license is set out in Section 3-63 and is payable in two (2) equal installments each on or between the first and tenth day of May and November of each year.

(6) A Class "F" license shall authorize the sale at retail of alcoholic liquor to be consumed only within the established location of club by the members thereof and their guests. The annual fee is set out in Section3-63 and is payable in two (2) equal installments each on or between the first and tenth of May and November of each year.

**SECTION 3-56 LIMITATION ON TOTAL NUMBER OF LICENSES**

(a) Class "A" licenses to be issued under this section shall not exceed ten (10);

(b) Class "B" licenses to be issued under this section shall not exceed ten (10);

(c) Class "C" licenses to be issued under this section shall not exceed ten (10);

(d) Class "D" licenses to be issued under this section shall not exceed ten (10);

(e) Class "E" licenses to be issued under this section shall not exceed ten (10);

(f) Class "F" licenses to be issued under this section shall not exceed ten (10);

(g) Provided, further, notwithstanding said limitation, the widow of any decedent of legal age of any license who held a Class "A", Class "B", Class "C", Class "D", Class "E", Class "F" license, issued pursuant to this section and in full force, and who dies subsequent to, may apply for a secure license. If otherwise eligible under the provisions of this section, within sixty (60) days of the death of said licensee, and may renew said license from year to year so long as said license shall not at any time be revoked o permitted to lapse.

**SECTION 3-57 TEMPORARY LICENSES**

The local liquor commissioner may issue temporary liquor licenses for a period not to exceed five (5) days for any special event. The type of alcoholic beverages to be served, the place of service, and the hours of service shall be established by the local liquor commissioner. Fees for such license shall be $75.00 per day.

**SECTION 3-58 PAYMENT OF LICENSE FEE**

All license fees required by this ordinance shall be paid in full to the Village Clerk. Upon payment of the license fee, the said license fee shall be promptly turned over to the Village treasurer for deposit in the corporate fund. There shall be no proration of any license fee and no refund of any fee paid for any unused portion of the license required. In the event that payment is not made by May 10th and or November 10th of any license year, then said license shall be deemed to have been abandoned by the licensee and said license shall automatically be terminated for the reason that same has been abandoned. The Liquor commissioner shall report any license abandonment to the Village Board at the first meeting in June and December.

**SECTION 3-59 LICENSE TO BE DISPLAYED**

Every licensee shall cause his/her license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

**SECTION 3-60 LICENSE FOR DWELLING HOUSE, ETC., PROHIBITED**

No alcoholic liquor shall be sold at retail in any dwelling house, flat or apartment building, and no license therefore shall be issued under this ordinance.

**SECTION 3-61 ORIGINAL ISSUANCE OR TRANSFER**

(a) The local liquor control commissioner may, at his discretion, permit the transfer of interest in or location of a license issued for the operation of the sale of alcoholic liquors at any location to which such license has been issued, suspended or revoked upon the payment to the Village of the sum of five hundred dollars ($500.00), for such transfer, in addition to any other fees that

may be required by Section 3-63. No such transfer will be made nor shall any license be issued to any premises to which a license has been issued to sell alcoholic liquors at retail, whether such business is a going business, has been previously operated and is not out of existence, or where the license has been suspended or revoked, without payment of the fee provided for in this section. For the purpose of this section, a transfer of any interest in partnership, association, or in more than five (5) percent of ownership in shares of the stock of a corporation shall be a transfer of interest and require the payment of the transfer fee provided for by this section.

(b) Except with the consent of the local liquor control commissioner, as provided in subsection (a) above, license issued pursuant to the provisions of this ordinance are not subject to sale, assignment, transfer or to a change of location.

**SECTION 3-62 SUSPENSION OR REVOCATION**

(a) At a hearing open to the public, proceedings shall be taken and prepared by a certified court reporter; and an appeal shall be limited to a review of the certified official record of the proceedings of the local liquor control commissioner. The Village attorney shall act as law officer, ask questions to clarify statements, advise the local commissioner on procedure and law, and otherwise assist the local commissioner in the conduct of the hearing. He/she shall not act as judge or jury or assist the local commissioner in making findings and determinations.

(b) In lieu of a hearing, the local liquor control commissioner may pretrial the charges and on a pleas of nolo contendere (no contest) fine the licensee as provided in section 3-3 of this ordinance.

(c) The local liquor control commissioner shall have the power to suspend any license for a period not to exceed thirty (30) days. In the case of revocation of any license, the local liquor control commissioner shall have the power to allow the use of the premises for the sale od alcoholic liquors after ninety (90) days from the date od such revocation upon his/her determination that the public good will be served.

(d) The local liquor control commissioner shall also have the power to fine the licensee a sum not to exceed one thousand dollars ($1,000) for each act of violation, and the cost of the proceedings, including reasonable attorney's fees. The provisions of this subsection shall be cumulative to other powers given the mayor.

**SECTION 3-63 COST OF HEARING, RECORD, ETC.**

All costs of preparing and transcribing the official record on appeal to the State Liquor Control Commission by the license shall be borne by the licensee whose license has been suspended or revoked or against whom a fine has been imposed.

**SECTION 3-64 NON-CONFORMING USE UNDER THIS ORDINANCE**

It is the intent of this section to provide for the regulation of non-conforming uses under this ordinance and to specify those circumstances and conditions under which non-conforming uses shall be accepted or shall gradually be eliminated.

(1) AUTHORITY TO CONTINUE NON-CONFORMING USE. Any business which existed lawfully at the time of the adoption of this ordinance and which remains or becomes non-conforming upon the adoption of this ordinance or any subsequent amendment thereto, may be continue only in accordance with the following regulations.

(a) REPAIRS AND ALTERATIONS. Ordinary repairs and alterations may be made to nonconforming use business, provided that no structural alterations shall be made to the premises, except those required by law, or except to make the premises or structure and use thereof conform to the regulations of the zoning district in which it is located. Any other alterations or repairs are subject to approval of the Village Board of Trustees.

(b) RELOCATION of the business to another location must conform to this ordinance at the new location as well as the previous non-conforming location.

(c) ABANDONMENT of the business will occur if the current licensee fails to renew such license as prescribed under section 3- of this ordinance and may only reapply for such license that conforms to the regulations of this ordinance.

(d) CONVICTION of any offense, by any agency or court having legal jurisdiction, that would cause a license denial of a new applicant by any owner, partner or their agents must conform to this ordinance and renewal of non-conforming use(s) shall not be allowed.

(e) FAILURE to comply with any other Village ordinance or laws applicable to the business will require conformity with this ordinance no later than the next renewal period.

**SECTION 3-65 ANNUAL FEES**

The following annual fees are applicable to each license category.

| CLASS | |
|---|---|
| A | $1,500 |
| B | $1,300 |
| C | $900 |
| D | $1,100 |
| E | $900 |
| F | $500 |

Effective 2/23/2023, the rate for each category will increase by 10% payable with the first installment. Rates will increase yearly, with the amount to be determined by the liquor commissioner.

**SECTION 3-66 CONFLICTING ORDINANCES**

All other ordinances of the Village of Robbins that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3-67 SEVERABILTY**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this Ordinance shall for any reason to held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses and phases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

**SECTION 3-68 EFFECTIVE DATE**

This Ordinance shall be I full force and effect seven days from and after its passage, approval and publication as provided by law.

**ADOPTED** this __28th__day of __March__, 2023, pursuant to a roll call vote as follows:

| | YES | NO | ABSENT | ABSTAIN |
|---|---|---|---|---|
| DYSON | X | | | |
| MAXEY | X | | | |
| BREWTON | | | X | |
| ROBINSON | X | | | |
| JACKSON | X | | | |
| COLLIER | X | | | |
| | | | | |
| (MAYOR BRYANT) | | | | |
| TOTAL | 5 | 0 | 1 | |

**APPROVED** by the Village President on March 28, 2023.

Darren E. Bryant

Darren E. Bryant, Village President

ATTEST:

Sharon S. Dyson

Sharon S. Dyson, Village Clerk