Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

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FOOTNOTE(S):

(39) Editor's note—Ord. No. 7344, § 1, adopted July 15, 1980, provided that Ch. 4 be amended in its entirety to read as Exhibit A attached to such ordinance and set out herein as Ch. 4, §§ 4-1—4-61. Sections 2 and 3 of such Ord. No. 7344 further provided as follows: (Back)

(39) "Section 2. Those retail liquor licenses currently outstanding and in force and effect as of the effective date of this ordinance shall remain valid until December 31, 1980. (Back)

(39) "Section 3. (Back)

(39) "(a) Licenses currently holding retail liquor licenses as of the effective date of this ordinance, shall be considered renewal licenses under the terms of Exhibit 'A' upon the expiration of their licenses if renewed as follows: (Back)

(39) 1980 License may renew as 1981 License (Back)


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(39) "(b) Licenses currently holding retail liquor licenses as of the effective date of this ordinance shall be treated as applicants for new licenses if their applications for renewal request a change in class other than allowed in subsection (a). (Back)

(39) "(c) All applications for liquor licenses pending as of the date of this ordinance shall be processed under the terms of this amending ordinance." (Back)

(39) Prior to amendment, Ch. 4 was derived from Code 1939, § 28.001, and numerous ordinances which are recorded in the Code Comparative Table beginning on page 1487. (Back)

(39) Cross reference—Taxation of liquor sales. § 28-100 et seq. (Back)

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ARTICLE I. - IN GENERAL

Sec. 4-01. - Short title.
Sec. 4-1. - Definitions.
Secs. 4-2—4-9. - Reserved.
Sec. 4-01. - Short title.

Chapter 4 of the Code of Ordinances shall be known and may be cited as the Joliet Liquor Code.

(Ord. No. 10899, § 1. 9-18-95)

Sec. 4-1. - Definitions.

Unless the context otherwise requires, the following terms as used in this chapter shall have the meanings respectively ascribed to them by this section:

Accessory premises. Private real estate that is owned, leased, licensed or otherwise controlled or available for use by the licensee and that is accessory to the licensed premises. This shall include, but shall not be limited to, private parking facilities and driveways and private pedestrian areas available for use by licensee’s customers, whether or not such locations are exclusively controlled by the licensee or are exclusively used by licensee’s customers.

Alcohol. The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic liquor. Includes the four (4) varieties of liquor defined in this section, i.e., alcohol, spirits, wine and beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings.

Applicant. The person or persons required to sign the application for liquor license pursuant to this chapter.

Beer. A beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops of water, and includes, among other things, beer, malt liquor, ale, stout, lager beer, porter and the like.

Club.

(1) A patriotic or veterans’ society organized under the laws of the United States or the State of Illinois, or

(2) A corporation organized under the laws of the United States or the State of Illinois but not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests; provided that such club files with the mayor at the time of its application for a license under this chapter two (2) copies of a list of names and residences of its members and similarly files within ten (10) days of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or
directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of director or other governing body out of the general revenue of the club.

Commissioner. Liquor commissioner or his deputies.

Entertainment. The offering or permitting of any amusement including live musical performances, vaudeville, acting, dancing, contests or disc jockey using prerecorded music. Entertainment shall not be construed to include radio, television, coin-operated game machines or electronic reproduction of music not accompanied by a disc jockey or in-person announcer.

Hotel. Any public area held out to the public as a place where sleeping accommodations are offered for consideration whether on a transient or permanent basis.

Licensee. That person or persons named in the retail liquor license and shall include all officers, partners, agents or employees.

Minor. Any person under the age of twenty-one (21) years.

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

Person. Any individual, corporation, partnership, business, charitable, or religious association, or other legal entity.

Premises. That area as described in the application where alcohol is served, stored or sold and areas internally connected thereto by doorway which areas are integrally related to the operation of the licensed establishment.

Restaurant or banquet facility. Any public accommodation where food is regularly sold for consumption on or off the premises, provided such facility is properly licensed as a food service establishment, and provided further that over one-third (1/3) of the gross revenue of the premises is derived from the sale of such food. Such area shall not include the lounge area or bar of the premises.

Retail sale. The sale for use or consumption and not for resale in any form.

Sale (to sell). Any transfer, or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, whether as principal, proprietor, agent, servant, or employee, and includes, but is not limited to, all of the following acts:

(a) The selling of alcoholic liquor;
(b) The giving away of alcoholic liquor;
(c) The dispensing of alcoholic liquor;
(d) The providing of mix, ice, water or glasses for consumption of alcoholic liquor on premises;
(e) The pouring of alcoholic liquor;
(f) The providing of "set-ups" containing alcoholic liquor;
(g) The storage of any alcoholic liquor.
Spirits. Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whisky, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Wino. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in this section.

(Secs. 4-2—4-9. - Reserved.

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ARTICLE II. - LICENSING AND APPLICATIONS

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Sec. 4-11. - Applications.
Sec. 4-12. - Restrictions on issuance.
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Sec. 4-10. - License required.

It shall be unlawful for any person to sell, offer for sale, attempt to sell, or attempt to offer for sale in the city, either personally or through an agent, any alcoholic liquor without having a valid liquor license therefor or in violation of the terms of the liquor license or a liquor permit or in violation of the city liquor code. A liquor license shall not be required for a person to serve alcoholic liquor to the person's family or guests at the person's private residence.

(Ord. No. 7344, § 1(Exhibit A, § 1), 7-15-80; Ord. No. 7948, § 3, 4-17-84; Ord. No. 13629, § 13, 7-1-02)
Sec. 4-11. - Applications.

Application for such license shall be made to the commissioner, upon forms prepared and furnished by the city. Each application shall be signed by the applicant. If applicant is a partnership, all partners shall sign the application; if the applicant is a corporation or club, all officers shall sign the application and indicate their official position. The information recited in the application form shall be verified by oath or affirmation as to each person signing the application. Such application shall be submitted and filed with the commissioner. New applications shall be accompanied by a nonrefundable application fee of one hundred dollars ($100.00). Each application shall contain at least 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 partnership, the names, ages, and addresses of all partners; in the case of a corporation or club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers, directors, managers, and, if a majority in interest of the stock of the corporation is owned by one (1) person or his nominees, the name, age, and address of that person.

(b) The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization.

(c) The nature of the business which the applicant intends to carry out on the premises along with the amount of the applicant's anticipated gross revenues for alcoholic liquor as compared with gross revenue from other sources within the proposed licensed premises.

(d) The nature of entertainment proposed to be offered within the proposed premises.

(e) The class of license applied for.

(f) The length of time the applicant has been a resident of the state, county, and city, or, if a partnership, the length of time each partner has been a resident of the state, county, and city, or, if a partnership licensed by the Illinois State Racing Board for intertrack wagering or by the Illinois State Gaming Board for riverboat gambling, the length of time its proposed resident manager has been a resident of the state, county, and city, or, if a corporation, the length of time its proposed resident manager has been a resident of the state, county, and city.

(g) The length of time that the applicant has been in a business of that character or, in the case of a corporation, the date on which it was incorporated, the state of incorporation, and if a foreign corporation, the date of being qualified to do business in Illinois.

(h) The address of the proposed licensed premises, a detailed description of the proposed licensed premises, an interior photograph of the licensed premises, a site plan of the proposed licensed premises and accessory, including all private parking lots, driveways and pedestrian areas controlled by or available to the licensee. For those applicants proposing the sale of alcoholic liquor from a grocery, drug, convenience or other store or establishment that does not engage primarily in the sale of alcoholic beverages, the interior layout shall include detail and plans for limited access to the liquor selling area, separate liquor storage area, outside liquor delivery area, separate cash register for liquor sales, and the means for closing and securing the liquor selling area for those times other than the hours of operation set forth in section 4-30.

(i)
A list of governmental entities to which the applicant has submitted an application for a liquor license, the date of such application, the disposition of such application, and the dates, reason and length of suspension or revocation of such license, if any.

(i) A list of convictions for any nontraffic convictions of any city ordinance or state or federal statute indicating the name of the offense and date(s) of conviction. In the case of a corporation, such information must be supplied of all officers, directors, shareholders owning more than five (5) per cent of the stock and the manager. In the case of a partnership, such information must be supplied by all partners.

(Ord. No. 7344, § 1(Exhibit A, § 3), 7-15-80; Ord. No. 7447, § 2, 12-16-80; Ord. No. 8979, § 2, 9-19-89; Ord. No. 9311, § 1, 10-16-90; Ord. No. 10363, § 1, 1-19-94; Ord. No. 15675, § 2, 10-2-06)

Sec. 4-12. - Restrictions on issuance.

The following people are ineligible to hold a liquor license and the commissioner shall deny a liquor license to the following persons without hearing or council action thereof:

(a) A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application;

(b) A partnership, unless all of the members of such partnership shall be qualified to obtain a license;

(c) A corporation, if any officer, manager or director thereof or any stockholder or stockholders owning in the aggregate more than five (5) per cent 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;

(d) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation duly authorized to do business in Illinois;

(e) A person whose business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;

(f) A person or partner who has not been a resident of the state for at least one (1) year, of Will or Kendall County for at least ninety (90) days, and of the city at least thirty (30) days prior to the time of the filing of the application; or if a corporation or limited liability company, if it does not employ a resident manager who has been a resident of the state for at least one (1) year, of Will or Kendall County for at least ninety (90) days, and of the city at least thirty (30) days; or if a partnership licensed by the Illinois State Racing Board for intertrack wagering or by the Illinois State Gaming Board for riverboat gambling and whose partners are not residents of the city if it does not employ a resident manager who has been a resident of the state for at least one (1) year, of Will or Kendall County for at least ninety (90) days, and of the city at least thirty (30) days;

(g) A person who is not a citizen of the United States;

(h) A person who has been convicted of a felony under any federal or state law, unless the commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

(i) A person who has been convicted of the following offenses: Keeping a place of prostitution, pimping, pandering, gambling, syndicated gambling, keeping a gambling place, or the conspiracy, or solicitation or attempt to commit any of the aforementioned offenses;
(j) A person who has previously had a liquor license revoked for cause whether in Joliet or in any other jurisdiction. For the purposes of this restriction such persons shall include, but shall not be limited to, a person who at the time of revocation, or at the time the grounds for revocation occurred, was a partner in the licensed partnership or an officer, director or beneficial owner of at least five (5) per cent of the issued stock of the licensed corporation;

(k) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor;

(l) 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 of which the license is to be issued;

(m) Any City of Joliet law enforcing public official or employee, any noncommissioned City of Joliet employee assigned to or affiliated with the Joliet Police Department, any deputy liquor commissioner, or the mayor or any member of the city council;

(n) A person who is not a beneficial owner of the business to be operated by the licensee;

(o) 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, except for persons licensed by the Illinois State Racing Board for intertrack wagering or the Illinois State Gaming Board for riverboat gambling for the facility to be licensed by the city;

(p) A 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, except for partnership or partners licensed by the Illinois State Racing Board for intertrack wagering or the Illinois State Gaming Board for riverboat gambling for the facility to be licensed by the city;

(q) 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, except for any premises licensed by the Illinois State Racing Board for intertrack wagering or the Illinois State Gaming Board for riverboat gambling for the facility to be licensed by the city;

(r) Any person who fails to furnish information or furnishes false information required in the application for license as set forth in this chapter;

(s) Any person who operates the proposed premises in whole or in part as a retail station for servicing motor vehicles with the sale or dispensing of gasoline or other motor fuels (service station). This subsection shall not apply to any person who has been issued a liquor license for premises on which a service station is in operation or under construction prior to the effective date of this amendment to the Joliet Liquor Ordinance;

(t) Any person who fails to comply with any provision of the Joliet Liquor Ordinance or is otherwise ineligible to hold a liquor license as a result of any other applicable federal, state, or local law regulating or controlling the sale of alcoholic beverages;

(u) Any person whose spouse is ineligible for a license because of disqualification under sections 4-12(h), (i) or (j), unless the persons are legally separated;

(v) Any person who maintains a common household with a person ineligible for a license because of disqualification under sections 4-12(h), (i) or (j), unless the ineligible person is a minor dependent of the person seeking a license.

(w) A limited liability company, unless it is registered in the state or duly authorized to do business in the state;

(x)
A limited liability company, if any member or manager would not be eligible to receive a license hereunder for any reason other than citizenship or residence.


Sec. 4-13. - Hearing on license application.

(a) *Hearing and notice.* Upon the filing of an application for a liquor license, the commissioner shall, within thirty (30) days of the date the completed application has been submitted, fix a time and place for a hearing on the application. Notice of the hearing shall be mailed to owners of record of the real property located within three hundred (300) feet of any part of the proposed licensed premises and to any registered homeowner's association associated with such properties. Notice of the hearing shall also be given by posting an informational sign on the subject property in general accordance with subsection 47-19.7(6) of the zoning ordinance. In addition, notice of the hearing shall be published on the city website. The notice shall be issued at least seven (7) days in advance of the hearing and shall contain the time, place and date of the hearing, the name or names of the applicant and the proposed location of the premises. If the application requests a Class O liquor license, then the aforesaid notices shall also provide notice of the city council meeting that the application is scheduled to be considered.

(b) *Report to council.* Not less than seven (7) days prior to conducting the hearing on an application for a license, the commissioner shall provide all members of the city council with written notice of the hearing on the application and a copy of the completed application. After conducting a hearing at which all interested persons have had an opportunity to be heard, the commissioner shall report its findings to the city council along with a recommendation based on the criteria listed in subsection (c) of this section.

(c) *Criteria.* The commissioner shall not issue a new liquor license unless the city council has previously found that the issuance of such license is in the best interest of the city. In deciding whether the issuance is in the best interest of the city, the council shall consider at least the following criteria:

1. The class of liquor license applied for;
2. The past performance of the applicant; or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, and majority stockholder, and manager, as a licensee;
3. The character and reputation of the applicant; or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, majority stockholder and manager;
4. The general design and layout of the proposed premises with particular attention given to the licensee's ability to control access by minors;
5. The amount of the applicant's anticipated gross revenue from the sale of alcoholic liquor as compared with gross revenue from other sources within the proposed licensed premises;
6. The nature of entertainment, if any, which the applicant intends to provide;
7. The compliance of the premises with all ordinances of the city and specifically health, building, property, maintenance, housing, and fire safety ordinances;
8. Any monies owed to the city by the applicant which have remained unpaid for a period of more than forty-five (45) days, whether for bills, taxes, licenses or otherwise;
9. (9)
The number, class and type of licensed premises within a one-mile radius of the proposed licensed premises, and within the city as a whole;

(10) The zoning, general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood and the city as a whole;

(11) The law enforcement problems, if any, which would be created by the opening of the premises;

(12) The recommendation of the commissioner.

(d) Entry of order. Within fourteen (14) days of final action of the city council, the commissioner shall enter an order consistent therewith. The commissioner shall thereafter serve a copy thereof on the applicant in accordance with section 4-62.

(e) Review. Appeals from the actions or orders of the commissioners to the Illinois Liquor Control Commission shall be limited to a review of the official record of proceedings of the commissioner.

(f) Time limits. The time limits imposed on the commissioner by this chapter are directory only and not mandatory. The commissioner shall retain jurisdiction of all matters whether or not such time limits are strictly adhered to.

(Ord. No. 7344, § 1(Exhibit A, § 5), 7-15-80; Ord. No. 7948, § 6, 4-17-84; Ord. No. 10268, § 1, 10-5-93; Ord. No. 10363, §§ 3, 4, 1-19-94; Ord. No. 16458, § 1, 1-17-09; Ord. No. 16640, § 1, 5-1-10)

Sec. 4-14. - Prerequisites for issuance.

(a) At the time set forth herein for the renewal of a retail liquor license, and in case of a successful new applicant, within ten (10) days of notification of council action on the license application, the current licensee or the applicant shall present the following to the commissioner:

(1) Evidence of dram shop insurance, in the form of a certificate of insurance issued by an insurance company authorized to do business in Illinois, insuring the applicant, and the owner or lessor of the premises, in at least the amounts recoverable under the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended.

(2) Payments to the commissioner by means of a certified or cashier's check of the license fee for the class of license desired.

(3) Payment to the city collector of any monies owed to the city by the applicant which have remained unpaid for more than forty-five (45) days.

(b) After the applicant has fulfilled the requirements of subsection (a) within the proscribed time period, the commissioner shall issue the license.

(c) If the requirements of subsection (a) are not fulfilled within the time periods set forth therein, the applicant shall reapply as set forth in section 4-11 hereof.

(Ord. No. 7344, § 1(Exhibit A, § 6), 7-15-80; Ord. No. 8189, § 1, 11-5-85; Ord. No. 10363, §§ 5, 6, 1-19-94)

Sec. 4-15. - Classes of licenses.

Upon proper application, notice and hearing, the liquor commissioner may issue liquor licenses in the following classes with the prior concurrence of the city council as set forth in subsection 4-13(c) of the city liquor code.

(a) **Class A license** shall authorize the sale on the specified premises of alcoholic liquor for consumption on the premises and also authorize the sale of alcoholic liquor in its original package not for consumption on the premises. This class shall not permit entertainment on the licensed premises without a Class M permit.
(b) **Class B license** shall authorize the sale on the specified premises of alcoholic liquor for consumption on the premises only. This class shall not permit entertainment on the licensed premises without a Class M permit.

(c) **Class C license** shall authorize the sale on the specified premises of alcoholic liquor in its original package not for consumption on the premises. This class shall not permit entertainment on the premises without a Class M permit.

(d) **Class C-D license** shall authorize the sale on the specified premises of beer and wine in its original package not for consumption on the premises. It shall be lawful however to permit the tasting or sampling of alcoholic liquor on the premises, if said tasting or sampling is part of a promotion, is of a temporary nature, or no direct or indirect charge is made therefor. This class shall not permit entertainment on the premises without a Class M permit.

(e) **Class D license** shall authorize the sale on the specified premises of beer and wine for consumption on the premises only. This class shall not permit entertainment on the licensed premises without a Class M permit.

(f) **Class E license** shall authorize the sale on the specified premises of a restaurant or hotel located outside the territory described in section 4-26 for consumption on the premises only, where alcohol is served at tables only, as an integral part of a food service operation. This class shall not permit entertainment on the licensed premises without a Class M permit.

(g) **Class F license** shall authorize the sale of alcoholic liquor upon the specified premises for consumption on the premises only, to club members and guests who are personally accompanied by a club member. This class shall not permit entertainment on the licensed premises without a Class M permit.

(h) **Class G license** shall authorize the sale of alcoholic liquor pursuant to an agreement entered into between the applicant and the city in the area known as the Chicago Street Mall (Van Buren Plaza) for no longer than a 48-hour period. Said Chicago Street Mall Area shall be limited to the following streets and sidewalks immediately adjacent thereto. Chicago Street between Jefferson and Cass Streets; Van Buren between 275 feet east of the center line of Chicago Street and the Ottawa Street Parking Deck. This class shall permit entertainment on the licensed premises.

(i) **Class I license** shall authorize the sale of alcoholic liquor in a restaurant or hotel situated in the territory described in section 4-26, subject to the provisions thereof. This class shall not permit entertainment on the licensed premises without a Class M permit.

(j) **Class I-D license** shall authorize the sale of beer and wine on the specified premises of a restaurant or hotel located in the area described in section 4-26, subject to the provisions thereof. This class shall not permit entertainment on the licensed premises without a Class M permit.

(k) **Class J license** shall authorize the sale on the specified premises of alcoholic liquor by a unit of government for consumption on the premises only. The licensed premises may include area situated outside of a permanent structure. A Class J license may be issued for premises located within the territory described in section 4-26 of this Code. This class shall permit entertainment on the licensed premises.

(l) **Class K license** shall authorize the sale of alcoholic liquor at one (1) or more locations on the specified premises of an outdoor air stadium having a permanent seating capacity of not less than four thousand (4,000) persons for consumption on the premises only. A Class K license may be issued for premises located within the
territory described in section 4-26 of this Code. This class shall permit entertainment on the licensed premises.

(m) Class L license shall authorize the sale of alcoholic liquor on the specified premises for consumption on the premises. A Class L license may only be issued to an entity holding an occupational license issued by the state gaming board as set forth in the Riverboat Gambling Act (230 ILCS 101). An entity may hold more than one (1) Class L license. A Class L license may be issued for premises located within the territory described in section 4-26 of this Code. This class shall permit entertainment on the licensed premises.

(n) Class P license shall authorize the sale of beer and wine on the premises of the Billie Limacher Will-Joliet Bicentennial Park. A Class P license may only be issued to a not-for-profit corporation authorized by the city to operate the Will-Joliet Bicentennial Park. Only one Class P license shall be issued. This class shall permit entertainment on the licensed premises.

(o) Class O license shall authorize a holder of a Class O liquor permit to sell alcoholic liquor for consumption outside of the permanent structure containing the licensed premises in a location designated by the liquor commissioner.

1 Types of Class O licenses. There shall be two (2) types of Class O licenses. The midnight license shall authorize the operation of the Class O premises until midnight on any day that the licensee is permitted to operate. The full license shall authorize the operation of the Class O premises during the permitted hours of operation established by the licensee's base license classification, including any liquor permits the licensee may hold.

2 License approval. Conditions. The issuance of a Class O liquor license shall require the concurring majority vote of those members of the mayor and city council present at the meeting that the license application is presented for final action. A Class O liquor license can be made subject to any condition or requirement applicable to a Class O liquor permit.

3 Ineligibility. A Class O liquor license shall not be issued to any licensee (including any person whose identity must be disclosed as part of the license application process pursuant to section 4-11 of this Code) that has been convicted within the twelve-month period preceding application of disorderly conduct, disturbing the peace or a comparable offense or ordinance violation involving misconduct unreasonably affecting the quiet use and enjoyment of nearby properties, that is fairly related to the operation of the licensed premises. Such a conviction can also be the basis for the revocation or non-renewal of a Class O license, subject to a licensee's right to notice and an opportunity to be heard in accordance with the Joliet Liquor Code.

4 Notice. With respect to applications for a Class O license submitted by Class O permit holders, the application shall be referred to the city council for final action within sixty (60) days of the adjournment of the liquor hearing conducted by the liquor commissioner. The liquor commissioner shall give notice of the city council meeting in accordance with subsection 4-13(a) of this Code.

(Ord. No. 7344, § 1(Exhibit A, § 7), 7-15-80; Ord. No. 7447, § 3(a), 12-16-80; Ord. No. 7948, § 1, 4-17-84; Ord. No. 8979, § 4, 9-19-89; Ord. No. 9192, § 1, 5-30-90; Ord. No. 9557, § 1, 5-21-91; Ord. No. 10363, § 7, 1-19-94; Ord. No. 11051, §§ 1-4, 3-5-96; Ord. No. 11882, §§ 1, 2, 5-5-98; Ord. No. 11942, § 1, 6-15-98; Ord. No. 11985, § 1, 7-21-98; Ord. No. 13542, § 1, 4-2-02; Ord. No. 13629, § 1, 7-1-02; Ord. No. 16640, § 1, 5-4-10)

Sec. 4.16. - Liquor permits.
Upon proper application, the liquor commissioner may issue liquor permits of the following classes. A liquor permit may be issued by the commissioner without the prior concurrence of the city council.

(a) **Class H permit** shall authorize a holder of a liquor license to sell alcoholic liquor and remain open until 3:00 a.m. on Saturday and Sunday mornings and until 2:00 a.m. on all other mornings. A holder of a Class C license shall not be eligible for a Class H permit. In addition to any other requirement, a Class E permit may be denied if the applicant fails to clearly establish to the satisfaction of the liquor commissioner:

1. That the extended hours of operation will not disturb the lawful use and quiet enjoyment of nearby properties;
2. That adequate safeguards are in place for security, crowd control and the protection of minors;
3. That the licensee has previously maintained adequate control and supervision of the licensed premises and has consistently operated the licensed premises in substantial compliance with the city liquor code.

(b) **Class M permit** shall authorize a holder of a liquor license to provide live music or other entertainment on the licensed premises. In addition to any other requirement, a Class M permit may be denied if the applicant fails to clearly establish to the satisfaction of the liquor commissioner:

1. That the provision of entertainment will not disturb the lawful use and quiet enjoyment of nearby properties;
2. That the provision of entertainment will be undertaken in strict accordance with applicable health, building, fire and life safety codes;
3. That adequate safeguards are in place for security, crowd control and the protection of minors;
4. That the licensee has previously maintained adequate control and supervision of the licensed premises or other comparable businesses and has consistently operated the licensed premises in substantial compliance with the city liquor code;

(c) **Class O permit** shall authorize a holder of a liquor license to sell alcoholic liquor for consumption outside of the permanent structure containing the licensed premises in a location designated by the liquor commissioner. A holder of a Class C license shall not be eligible for a Class O permit. In addition to any other requirement, a Class O permit may be denied if the applicant fails to clearly establish to the satisfaction of the liquor commissioner:

1. That outdoor operations will not disturb the lawful use and quiet enjoyment of nearby properties;
2. That the Class O premises will be operated in strict accordance with applicable health, building, fire and life safety codes;
3. That adequate safeguards are in place for security, crowd control, lighting control and the protection of minors;
4. That the licensee has previously maintained adequate control and supervision of the licensed premises and has consistently operated the licensed premises in substantial compliance with the city liquor code;
5. That the Class O premises can be made to comply with the requirements of this section.

(6)
Class O premises that are not also covered by a Class O license shall be closed no later than 10:00 p.m. Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday, except that Class O premises located in a B-2 zoning district shall be closed no later than 11:00 p.m. on any day. Class O premises covered by a Class O midnight license shall be closed no later than midnight on any day that the licensee is permitted to operate. Class O premises covered by a Class O full license shall be closed no later than the closing time mandated by the licensee's underlying license classification and liquor permits.

A Class O permit shall be made subject to the following conditions:

(1) If the permanent structure containing the licensed premises is situated on real property that is adjacent to a residential zoning district, the Class O premises shall be enclosed by a solid permanent fence at least six (6) feet in height.

(2) If the permanent structure containing the licensed premises is not situated on real property that is adjacent to a residential zoning district, the Class O premises shall be enclosed by a permanent fence at least four (4) feet in height or another suitable barrier designated by the liquor commissioner. In lieu of a permanent fence, a duly licensed and permitted sidewalk cafe shall be enclosed by a removable barrier which otherwise meets the requirements of this subsection;

(3) Unless other reasonable means of access control are required by the liquor commissioner, access to the Class O premises shall be via the permanent structure containing the licensed premises, except that emergency exits required by city ordinances must be provided;

(4) Entertainment and electronically amplified music or sound shall not be permitted upon Class O premises located within five hundred (500) feet of a residential zoning district. The distance shall be measured from the closest point of the Class O licensed premises to the nearest property line of a lot or parcel of real property located within the residential zoning district;

(5) Class O premises shall be situated at least two hundred seventy-five (275) feet from a residential zoning district. However, the Class O premises of a restaurant, hotel or other licensee not principally engaged in the sale of alcoholic liquor, which is located in a business zoning district, shall be situated at least one hundred feet from a residential zoning district, provided alcohol is only served at tables as an integral part of a duly licensed food service operation. The distance shall be measured from the closest point of the Class O premises to the nearest property line of a tract of land located within a residential zoning district;

(6) Class O premises shall be closed no later than 10:00 p.m. Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday, except that Class O premises located in a B-2 zoning district shall be closed no later than 11:00 p.m. on any day;

(7) No sales of alcoholic liquor shall be made to any person on adjoining property, street, sidewalk, or alley;

(8) No liquor served in an open container shall be removed from the Class O premises, except to the licensed premises;

(9)
A site plan, blueprint, or scale drawing showing the location for outside service of alcoholic liquor in relation to the permanent structure on the premises, fences, emergency exits, and any other fixed objects within that location, and a detailed description of materials to be used as fencing and emergency exits, shall be submitted with the application for a Class O permit;

(10) All fences, enclosures or other structures required by this section shall be located, constructed and maintained in conformance with the zoning, building and other ordinances of the city;

(11) The requirements of this section shall not apply to Class G, K or P, or licenses;

(12) Any licensee who received authority to sell alcoholic liquor outside the permanent structure containing the licensed premises prior to the September 28, 1989 shall be exempt from the payment of the Class O permit fee; however, such licensee shall be subject to all other provisions applicable to holders of Class O permits, including the provisions set forth in this section.

(d) A Class SE permit shall authorize the permit holder to allow minors to enter a specified portion of the licensed premises (the "special event premises") for the limited purpose of observing a live performance (a "special event"). A Class SE permit shall be subject to the following mandatory conditions:

(1) Alcoholic liquor may not be sold, purchased, consumed, or possessed within the special event premises during a special event.

(2) The permit holder shall utilize reasonable methods of access control approved by the liquor commissioner to prevent minors from entering that portion of the licensed premises where alcoholic liquor remains available for purchase, consumption or possession during a special event. These methods shall include restricting the sale, consumption or possession of alcoholic liquor to a separate floor or room within the licensed premises.

(3) If alcoholic liquor will be available for purchase, consumption or possession within any portion of the licensed premises during a special event, minors under the age of eighteen (18) years shall not be permitted entry into the special event premises unless accompanied by a parent, legal guardian or other person at least twenty-one (21) years of age. If alcoholic liquor will not be available for purchase, consumption or possession within any portion of the licensed premises during a special event, then minors under the age of eighteen (18) years may be permitted entry into the special event premises without being accompanied by a parent, legal guardian or other person at least twenty-one (21) years of age. No person under the age of thirteen (13) years shall be permitted entry into the special event premises at any time unless accompanied by a parent, legal guardian or other person at least twenty-one (21) years of age.

(4) The permit holder shall utilize reasonable methods approved by the liquor commissioner for readily identifying and differentiating minors and non-minors, such as the use of different colored wristbands for each group. The permit holder shall not sell alcoholic liquor during a special event to any person that is not openly displaying the appropriate wristband or other age identification device.

(5) No more than two (2) individual servings of alcoholic liquor may be sold to a single person as part of a single purchase during a special event. For the purposes of this sub-section a single serving shall be deemed to be sixteen
(16) ounces of beer, sixteen (16) ounces of pre-packaged alcoholic beverages such as wine coolers or hard fruit drinks, six (6) ounces of wine or two (2) ounces of spirits.

(6) The permit holder shall provide crowd control and security during a special event in accordance with a plan approved by the liquor commissioner as a part of the permit application. This plan shall be reviewed by the liquor commissioner in consultation with the police chief, fire chief and the chief building inspector. The plan shall comply with established law enforcement and public safety standards regularly employed in similar places of public assembly and shall provide for the safety and protection of minors during a special event.

(7) The permit holder may not host a special event unless written notice of the event (a "special event notice") has been provided to the liquor commissioner at least five (5) days prior to the special event. Written notice of a special event shall be personally delivered by the permit holder to the liquor commissioner, or delivered in such other manner as may be approved by the liquor commissioner from time to time. The liquor commissioner shall provide a copy of the special event notice to the police chief prior to the special event. The special event notice shall state the date of the special event, the trade name of the live performers, the time the live performance will start and the expected duration of the live performance.

(8) A special event shall commence not more than one (1) hour prior to the start of the live performance and shall terminate not more than thirty (30) minutes following the conclusion of the live performance, but in no event later than 10:30 p.m. All minors must exit the special event premises prior to the conclusion of the special event as may be necessary to comply with the applicable curfew hours established under section 21-18 of the Code of Ordinances, as amended.

(e) Class T permit shall authorize the permit holder to sell alcoholic liquor on a temporary basis in conjunction with the lawful fundraising efforts of the organization. A Class T permit may only be issued to a civic group, not-for-profit corporation, religious organization, labor organization or unit of government. The hours and area that alcoholic liquor may be sold shall be specifically designated in the permit by the liquor commissioner. A Class T permit shall remain in effect up to forty-eight (48) hours. A Class T permit may only be issued to an organization that regularly maintains an office or provides services within the city and that is qualified to hold a liquor license. An organization shall be issued no more than two (2) Class T permits within a calendar year. The liquor commissioner may also grant a Class M permit to the holder of a Class T permit without the payment of an additional fee and upon such terms and conditions that the liquor commissioner determines to be in the interest of public health and safety.

(f) Permit applications. Application for a liquor permit shall be made to the liquor commissioner. The application shall be in a form published by the liquor commissioner. The applicant shall be executed by the applicant or its duly authorized representative and shall not contain material misrepresentation, misstatement or omission. The application shall be made under oath or affirmation and shall be accompanied by the required fee.

(g) Permit issuance. The liquor commissioner shall review the permit application, take official notice of its records pertaining to the applicant and the application and shall make a preliminary determination as to whether the applicant has clearly established
that the issuance of the permit complies with the applicable requirements of the city liquor code and is in the interest of public health and safety. The liquor commissioner shall notify the applicant in writing of its preliminary determination. If the application is denied based on a preliminary determination, the applicant may request a full evidentiary hearing before the liquor commissioner or its designee.

(h) **Dram shop insurance.** The liquor commissioner shall require that a permit holder have dram shop insurance in accordance with section 4-14 of the city liquor code.

(i) **Permit renewal.** Unless otherwise provided, a permit issued under this section shall have a term expiring on December 31st of the year that the permit was issued. Permit holders shall be required to file an application with the liquor commissioner and pay the appropriate permit fee to renew liquor permits.

(j) **Permit revocation or suspension.** Liquor permits shall automatically terminate upon the expiration, revocation, surrender or other termination of the holder's liquor license. Liquor permits shall automatically be suspended upon the suspension of the holder's liquor license according to the terms of the license suspension. The liquor commissioner may revoke or suspend a liquor permit for cause upon notice and hearing.

(Ord. No. 13629, § 2, 7-1-02; Ord. No. 16640, § 3, 5-4-10; Ord. No. 16757, § 2, 1-4-11)

*Editor’s note—*


**Sec. 4-17. - Term of licenses.**

All licenses issued pursuant to this chapter shall be valid from the date of issuance or in the case of renewals from the first day of January to the last day of December of the year for which the license was issued, unless otherwise specifically provided herein.

(Ord. No. 7344, § 1(Exhibit A, § 9), 7-15-80)

**Sec. 4-18. - Location restrictions.**

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives 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, food shops or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter; nor shall this restriction apply to the renewal of a license for the sale at retail of alcoholic liquor or premises within one hundred (100) feet of any church where such church has been established within such one hundred (100) feet since the issuance of the original license.

(Ord. No. 7344, § 1(Exhibit A, § 10), 7-15-80)

**Sec. 4-19. - Change or expansion of premises; permit.**

(a) A permit shall be required for the change of any licensed premises to a new location or for expansion of the premises as set forth in the original application.
(b) An application to change the location of the licensed premises or for the expansion of the premises as set forth in the original application shall be made to the commissioner under oath by the licensee and shall contain at least the following information:

(1) The name of the licensee;
(2) The class of license;
(3) The present license premises;
(4) The proposed licensed premises;
(5) The reason for the proposed change.

(c) The commissioner shall determine whether it is in the best interests of the city to permit the proposed change in location or for the expansion of the originally applied for premises, and shall make his decision based on those elements listed in section 4-13(c); however, no change in the location shall be permitted unless the licensee shall have been in the location from which he is seeking to have the license transferred as a licensee for at least two (2) years prior to the date of the proposed transfer.

(d) The commissioner shall notify the licensee of his decision within ten (10) days of the application, and if the application is denied, the licensee may request a hearing before the commissioner within three (3) days of the date of the receipt of such notification. Said request shall be in writing.

(Ord. No. 7344, § 1(Exhibit A, § 11), 7-15-80)

Sec. 4-20. - Change of license class.

(a) Except as provided in section 4-20(c), in order to change the class of license, either during the year or upon renewal, the licensee shall submit an application under oath to the commissioner along with the require fee, containing substantially the same information as is required by section 4-11.

(b) Except as provided in section 4-20(c), the commissioner shall follow the same procedure as set forth in section 4-13 for the issuance of a new license and shall not issue a license in a new class unless the council has found that the issuance is in the best interest of the city.

(c) In order to reclassify a liquor license to a more restrictive class of license, other than a Class C license, either during the year or upon renewal, the licensee shall submit an application under oath to the liquor commissioner along with the required fee, containing substantially the same information as is required by section 4-11. The liquor commissioner shall review the application, take official notice of its records pertaining to the applicant and the application and shall make a preliminary determination as to whether the applicant has clearly established that the reclassification complies with the applicable requirements of the city liquor code and is in the interest of public health and safety. The liquor commissioner shall notify the applicant in writing of its preliminary determination. If the application is denied based on a preliminary determination, the applicant may request a full evidentiary hearing before the liquor commissioner or its designee. If the commissioner grants the requested reclassification during the license year and before July 1, then the second installment shall be paid on the basis of the new license class. The prior concurrence of the city council is not required to reclassify a liquor license to a more restrictive class pursuant to this subsection.

(Ord. No. 7344, § 1(Exhibit A, § 12), 7-15-80; Ord. No. 7734, § 1. 7-20-82; Ord. No. 13629, § 3, 7-1-02)

Sec. 4-21. - Renewals of license.

(a) A licensee shall be required to renew its license every year. A licensee shall submit a renewal application to the commissioner on or before December 30 of each year along with
the required license fee. If December 30 falls on a Saturday or Sunday the renewal application and license fee shall be submitted on or before the Friday immediately preceding December 30.

(b) Renewal applications shall contain substantially the same information required in section 4-11.

(c) Renewal applications submitted later than December 30 of the year for which a current license is held shall be treated as an application for a new license under section 4-11.

(d) The commissioner may refuse to renew a license if the licensee is delinquent in the payment of any debt owed to the city. In such event the commissioner shall proceed in accordance with section 4-56(d).

(Ord. No. 7344, § 1(Exhibit A, § 13), 7-15-80; Ord. No. 10363, § 9, 1-19-94; Ord. No. 12295, §§ 1, 2, 3-16-99)

Sec. 4-22. - Transfer of license.

(a) Generally. A license shall be purely a personal privilege and the licensee shall not constitute property, nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable, voluntarily or involuntarily.

(b) Sale of licensed business. Notwithstanding subsection (a) above, application for the transfer of a license may be made by the purchaser of an established licensed business as a going concern. Any such purchaser shall make application for a license in conformance with section 4-11. Such application shall be accompanied by:

1. Application fee as set forth in section 4-11.

2. A letter, signed by the current licensee, and notarized, stating the licensee’s intent to relinquish the license, should the purchaser’s application for a license be granted.

3. Copy of terms of sale, contract or other document setting forth the terms and conditions of the sale of the licensed business, signed by the current licensee and the purchaser.

(c) Class of license. Such transfer of license shall be of the same class as that held by the current licensee and for the same location as that operated by the current licensee.

(d) Procedure for transfer and city council approval. The commissioner shall follow the procedure set forth in section 4-13 for reviewing an application for a transfer of a license and shall conduct a public hearing and provide all notices required by section 4-13.

(e) Death of licensee. The death of a licensee (when a license is held in the name of one (1) individual) or the death of all licensees (when a license is held in the names of two (2) or more individuals) shall result in the automatic revocation of a license. However, the executor or administrator of the estate of the deceased licensee, or the attorney therefor, may apply, within ten (10) working days of the death of the licensee, to the local liquor commissioner to have the license placed in an inactive status for a maximum of thirty (30) days. During that period of inactive status, the executor or administrator of the estate of the deceased licensee may be substituted as the licensee for the remainder of that license year or for a six-month period, whichever is longer, by:

1. Making application in conformance with section 4-11 and complying with all requirements of that section;

2. Obtaining from a court of competent jurisdiction an order allowing the executor or administrator to operate the business; such order shall be obtained during the inactive status period; and

3. Receiving the approval of the city council in accordance with section 4-13.

(Ord. No. 7344, § 1(Exhibit A, § 14), 7-15-80; Ord. No. 8979, § 5, 9-19-89; Ord. No. 10268, § 2, 10-5-93)
Sec. 4-23. - License fees.

(a) The liquor commissioner shall levy and collect the following fees for the original issuance or renewal of liquor licenses, liquor permits and for other transactions.

1. The annual license fees for liquor licenses shall be as follows:

<table>
<thead>
<tr>
<th>License Class</th>
<th>Annual License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A (Package - Premises)</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Class B (Premises)</td>
<td>$1,100.00</td>
</tr>
<tr>
<td>Class C (Package)</td>
<td>$1,100.00</td>
</tr>
<tr>
<td>Class C-D (Package - Beer and Wine)</td>
<td>$900.00</td>
</tr>
<tr>
<td>Class D (Premises - Beer and Wine)</td>
<td>$750.00</td>
</tr>
<tr>
<td>Class E (Non City Center Restaurant and Hotel)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Class F (Club), up to 250 members</td>
<td>$350.00</td>
</tr>
<tr>
<td>251 - 500 members</td>
<td>$500.00</td>
</tr>
<tr>
<td>501 or more members</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Class G (Chicago Street Mall/Van Buren Plaza)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Class I (City Center Restaurant or Hotel)</td>
<td>$1,300.00</td>
</tr>
<tr>
<td>Class I-D (City Cnt. Rest./Hotel—Beer and Wine)</td>
<td>$1,100.00</td>
</tr>
<tr>
<td>Class J (Governmental)</td>
<td>$750.00</td>
</tr>
<tr>
<td>Class K (Stadium)</td>
<td>$1,700.00</td>
</tr>
<tr>
<td>Class L (Riverboat—Related Facility)</td>
<td>$1,300.00</td>
</tr>
<tr>
<td>Class O (Midnight License)</td>
<td>$400.00</td>
</tr>
<tr>
<td>Class O (Full License)</td>
<td>$800.00</td>
</tr>
<tr>
<td>Class P (Bicentennial Park)</td>
<td>$750.00</td>
</tr>
</tbody>
</table>

2. The annual permit fees for liquor permits are as follows:

<table>
<thead>
<tr>
<th>Permit Class</th>
<th>Annual Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class H (Extra Hours)</td>
<td>$200.00</td>
</tr>
<tr>
<td>Class M (Music and Entertainment)</td>
<td>$200.00</td>
</tr>
<tr>
<td>Class O (Outdoor, Beer Garden)</td>
<td>$400.00</td>
</tr>
<tr>
<td>Class SE (Special Event)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Class T (Temporary)</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

3. Fees for other transactions are as follows:

<table>
<thead>
<tr>
<th>Transaction</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor License Application Fee</td>
<td>$100.00</td>
</tr>
<tr>
<td>Liquor Permit Application Fee</td>
<td>$50.00</td>
</tr>
<tr>
<td>Change in Location of Licensed Premises</td>
<td>$50.00</td>
</tr>
<tr>
<td>Expansion of Licensed Premises</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
License Reclassification (Section 4-20(a)) .....50.00
License Reclassification (Section 4-20(c)) .....50.00
Fingerprinting Fee .....38.00
(or agency fee, whichever is higher)

(b) Installments. The annual fees for liquor licenses and liquor permits shall be paid in two (2) equal installments. The first installment shall be paid at the time the original application or the renewal application is submitted to the liquor commissioner. The second installment shall be paid prior to the first day of July following. However, if an original application for a license or permit is made on or after July 1st, the entire fee shall be paid in one (1) installment.

(c) Proration. When an original application is made for a license or permit after January 1st of any year, the required fee shall be computed by multiplying the fraction of the year remaining by the annual fee for an entire calendar year.

(d) No refund. No refund of any fee shall be made to any licensee.
(Ord. No. 7344, § 1(Exhibit A, § 15), 7-15-80; Ord. No. 7447, § 3(c), 12-16-80; Ord. No. 7734, § 2, 7-20-82; Ord. No. 7948, § 2, 4-17-84; Ord. No. 8979, § 16, 9-19-89; Ord. No. 9192, § 3, 5-30-90; Ord. No. 10363, § 10, 1-19-94; Ord. No. 11882, § 3, 5-5-98; Ord. No. 11942, § 2, 5-15-98; Ord. No. 135426, § 3, 4-2-01; Ord. No. 13629, § 3, 7-1-02; Ord. No. 16640, § 2, 5-4-10; Ord. No. 16757, § 4, 1-4-11)

Sec. 4-24. - Changes in interest; partnerships and corporations.

Changes in personnel of any licensee are subject to the following requirements:

(a) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5) per cent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the commissioner within ten (10) days of the change. All such persons shall meet all the standards of this chapter and must otherwise qualify to hold a license.

(b) 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 effective on the date of such change.

(c) When a license has been issued to a corporation and a change takes place in the officers, directors, or shareholders of more than five (5) per cent of the stock, or managers resulting in the holding of office or such shares by one who is not eligible for a license, said license shall terminate effective on the date of said change.

(d) A change in the officers, directors or persons holding directly or indirectly more than five per cent (5%) of the stock or other ownership interest of a licensee which is a limited liability company, a business corporation not listed on a nationally recognized stock exchange, a business corporation with less than five hundred stockholders, an electing small business corporation under subchapter S of the Internal Revenue Code of 1986 (26 U.S.C. 1361 et seq.), as amended, or a corporation formed or electing to be treated as a close corporation under Article 2A of the Illinois Business Corporation Act of 1983 (805 ILCS 5/2A.05 et seq.), as amended.
(Ord. No. 7344, § 1(Exhibit A, § 16), 7-15-80; Ord. No. 10363, § 11, 1-19-94; Ord. No. 13262, § 1, 8-7-01)

Sec. 4-25. - Liquor licenses for grocery, drug, convenience, or similar stores.

Any grocery, drug, convenience, or other store or establishment that does not engage primarily in the sale of alcoholic beverages shall, when applying for a liquor license, or operating under a license already issued, comply with the following provisions:
(1) The display of alcoholic liquor for selection and purchase by a customer shall only be permitted in a "liquor selling area." A liquor selling area shall be separated from the remainder of the establishment by a solid wall at least eight (8) feet in height. Minors shall not be permitted in the liquor selling area unless accompanied by a person at least twenty-one (21) years of age.

(2) No public, external access to the liquor selling area shall be permitted.

(3) Public, internal access to the liquor selling area shall be limited to one (1) entrance and one (1) exit and shall comply with the building and fire codes of the City of Joliet.

(4) A separate, external delivery door opening into the liquor selling area or a storage area shall be provided.

(5) Storage for alcoholic liquor shall be separated from the remainder of the store's stock, with access limited to employees over the age of twenty-one (21) years or those employees authorized to be employed under section 4-33(f)(1) herein.

(6) The liquor selling area shall be closed and secured during those times other than the hours of operation set forth in section 4-30 herein.

(7) All sales of alcoholic liquor shall be made within the liquor selling area, except that sales may also be made at up to two (2) locations outside the liquor selling area specifically approved by the commissioner provided that appropriate signage is posted in the liquor selling area informing customers of these locations.

(8) The commissioner may waive or modify the requirements of this section in specific cases by rule making if the commissioner finds that the physical or operational characteristics of the establishment makes strict compliance unduly burdensome and that adequate safeguards are in place to restrict the access of minors to alcoholic liquor.

(Ord. No. 8979, § 6, 9-19-89; Ord. No. 10363, § 12, 1-19-94; Ord. No. 11051, §§ 6—8, 3-5-96)

Sec. 4-26. - City center liquor license.

The following provisions shall apply to liquor licenses issued for establishments located within that territory (1) east of Raynor Avenue and (2) one hundred fifty (150) feet west of the centerline of Raynor Avenue. Where Raynor Avenue intersects with South Street, the line shall proceed easterly on South Street extended to U.S. 6 and then along the centerline of U.S. 6 to the Interstate 80 bridge; the line shall extend along the Interstate 80 bridge to the south bank of the Des Plaines River and shall follow the bank to its confluence with Hickory Creek, at which point the line shall extend in a southerly direction.

(a) The term "restaurant," as used in this section and in section 4-15 shall be defined as an establishment used and maintained as a place where food items are served for consumption on the premises. In order to qualify as a "restaurant" for the purpose of receiving a Class I or Class I-D license, the service of food items, excluding the service of alcoholic beverages, must constitute more than half of the restaurant's business.

(b) The term "hotel," as used in this section and in section 4-15 shall be defined as a structure that contains rooms or suites that are used and maintained as a public place of overnight accommodation where the rooms or suites are available on a nightly basis, but not a weekly, monthly, or annual basis. In order to qualify as a "hotel" for the purpose of receiving a Class I or Class I-D license, the provision of rooms or
suites for overnight accommodations must constitute more than half of the hotel’s business.

(c) Subject to the provisions of subsection 4-26(i) and subsection 4-26(j), no liquor license other than a Class I or Class I-D license may be issued to any person to sell alcoholic liquor within the territory described in section 4-26, other than a Class G, J, K, L or P license.

(d) For licensees who are authorized to sell alcoholic liquor prior to the effective date of this section in the area described in this section, such licensees shall be entitled to continue to operate under their license classifications in effect on the effective date of this section, so long as the licensees comply with all applicable laws and ordinances. Such licensees may seek the renewal of their licenses annually in accordance with section 4-21 and may seek the transfer of their licenses in accordance with section 4-22. No change in location or expansion of the premises as provided for in section 4-19 shall be permitted for such licensees, except (1) that a licensee may seek a transfer of a license located within the area described in subsection (a) hereof to an area that is not located within said area, and (2) that a licensee may seek a physical expansion of the licensed premises when such expansion shall be in compliance with all applicable laws and ordinances and such expansion has been approved by the city council. All other provisions of this chapter shall be applicable to such licensees.

(e) Effective January 1, 1991, subsection (d) shall not be applicable to any licensee for licensed premises that does not have proper zoning to operate such premises or that has not received a variation of use to continue operation as a nonconforming use.

(f) This section shall not be deemed to be a limitation on the issuance of a Class G, P, or T license within the area described this section.

(g) The sale and consumption of alcoholic liquor under a Class I or Class I-D license shall be subject to the following provisions:

(1) The sale of alcoholic liquor shall be an integral part of the operation of a restaurant or hotel by the licensee, and the sale of alcoholic liquor shall not be the primary purpose of the licensee’s operation.

(2) The sale of alcoholic liquor shall be for the indoor, on-premises consumption only at tables or a bar area that is part of the operation of a restaurant.

(3) The licensee may sell alcoholic liquor in conference rooms, banquet rooms, meeting rooms or conference or convention centers that are part of a restaurant or hotel operation if access to such areas is limited to invitees and such areas are not open to the general public.

(4) In conjunction with the operation of a hotel, the licensee may provide room service that includes the sale of alcoholic liquor, but only if that licensee makes food available as part of the room service. Such licensee may also provide hotel guests with "in-room mini-bars" or service bars, but only if such mini or service bars are locked and only those persons twenty-one (21) years of age and older are provided access to them.

(5) Consumption of alcoholic liquor shall be limited to those areas designated as the licensed premises by the liquor commissioner.

(h) When a holder of a liquor license issued to an establishment within the area described in this section 4-26 hereof voluntarily surrenders a liquor license to the liquor control commissioner prior to the expiration date of the license, the liquor control commissioner shall provide written notice of such surrender to any person who has a property interest in the licensed premises and who has registered his or her name
with the liquor control commission on a form provided by the commissioner so long as such registration occurs prior to the surrender of the license. If such registration has been filed, the liquor control commission shall hold the surrender of the liquor license in abeyance for sixty (60) calendar days from the issuance of the notice required by this subsection. If the person entitled to notice fails to respond in writing within that sixty-day period, the liquor control commissioner shall accept the voluntary surrender of the license. If that persons responds to the notice, the liquor control commissioner shall schedule a meeting with that person to review the circumstances of the surrender. The liquor control commissioner shall retain the discretion to accept or reject the voluntary surrender of the liquor license. Nothing in this subsection shall be construed as creating a property interest in the liquor license for the person entitled to receive notice under this subsection, nor shall that person be entitled to notice of any disciplinary action taken against the licensee or the licensee's failure to renew or pay the fees for the licensee's license.

(i) The commissioner, with the concurrence of the mayor and city council as set forth in section 4-13(c), may issue a new Class B license within the area described in section 4-26, but only if the proposed licensed premises are located within the Joliet City Center Redevelopment Project Area, as described in Ordinance No. 12715, as amended, and is covered by an agreement approved by the mayor and city council which provides for the rehabilitation of a building within the Joliet City Center Redevelopment Project Area or which otherwise specifically authorizes the issuance of a liquor license. Such an agreement may also specify hours of operation that vary from those specified in section 4-30.

(j) The commissioner, with the concurrence of the mayor and city council as set forth in subsection 4-13(c), may issue up to five (5) new Class C or C-D licenses within the area described in section 4-26, but only if the proposed licensed premises is a permanent structure having a gross floor area of not less than ten thousand (10,000) square feet, the principal business of the proposed licensee is the sale of food products for consumption on the premises and the sale of alcoholic beverages constitutes less than ten (10) per cent of the proposed licensee's gross sales.

In addition, the commissioner may impose reasonable conditions and restrictions on a Class C or Class C-D license issued under this section, including, but not limited to, restricting the types of alcoholic liquor that may be sold to beer and wine, specifying the hours that alcoholic liquor can be sold, limiting the minimum size of the bottles, cans and other containers of alcoholic liquor that are available for purchase and other requirements that are fairly related to the sale of alcoholic liquor.

(Ord. No. 9192, § 2. 5-30-90; Ord. No. 10133, § 1, 4-6-93; Ord. No. 10363, § 13, 1-19-94; Ord. No. 12987, § 1, 2. 12-4-00; Ord. No. 13183, § 1, 5-14-01; Ord. No. 13542, § 2, 4-2-02; Ord. No. 13629, §§ 4, 5, 7-1-02; Ord. No. 16757, § 5, 1-4-11)

Sec. 4-27. - Limitation on reapplication for license.

(a) Once an application for the issuance, renewal, or transfer of a liquor license or liquor permit is denied, or an application for a change or expansion of the licensed premises is denied, the applicant shall be prohibited from reapplying for such requested relief for a period of one hundred eighty (180) days from the date that relief was denied.

(b) If an application for the issuance, renewal, or transfer of a liquor license or liquor permit is denied, or an application for a change or expansion of the licensed premises is denied the applicant may, within thirty (30) days of the denial, file an application for rehearing before the
liquor commissioner. Provided, however, that the applicant shall submit with the request for
rehearing any newly discovered or additional information or evidence the absence of which
may have been the cause of the denial of the original application. The failure to submit such
evidence shall constitute sufficient grounds for summary denial of the rehearing request. The
filing of a request for rehearing shall toll the aforesaid 180-day period.

(Ord. No. 9491, § 1, 2-5-91; Ord. No. 13629, § 5, 7-1-02)

Sects. 4-28, 4-29. - Reserved.

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BEVERAGES >> ARTICLE III. - REGULATION OF OPERATIONS >>

ARTICLE III. - REGULATION OF OPERATIONS

Sec. 4-30. - Hours of operation.
Sec. 4-31. - Posting of license.
Sec. 4-32. - Persons on premises after hours.
Sec. 4-33. - Minors.
Sec. 4-34. - Other prohibited sales.
Sec. 4-35. - Conduct on premises.
Sec. 4-36. - Compliance with codes.
Sec. 4-37. - Reporting of violations.
Sec. 4-38. - Class F license regulations.
Sec. 4-39. - Motor fuel sales prohibited.

Sec. 4-30. - Hours of operation.

(a) It shall be unlawful to remain open for business or to admit the public to any licensed
premises, or to sell or offer for sale at retail or offer to give away on any licensed premises
any alcoholic liquor in the city, except during the following hours:
(1) Sundays, 10:00 a.m. until 12:00 midnight, except that the holder of a Class H permit
may remain open until 2:00 a.m. Monday morning.
(2) Mondays through Thursdays, 6:00 a.m. until 1:00 a.m. the following day, except the
holder of a Class H permit may remain open until 2:00 a.m.
(3) Fridays and Saturdays, 6:00 a.m. until 2:00 a.m. the following day except the holder of
a Class H permit may remain open until 3:00 a.m.
(4) Christmas Eve closing time shall be 12:00 midnight and on New Year's Eve closing
time shall be 3:00 a.m. on January 1.
(5) No sale of alcoholic liquor is permitted on any premises holding a Class C license
after 12:00 a.m. (midnight) on any day, prior to 6:00 a.m., Monday through Saturday,
or prior to 10:00 a.m. on Sunday.
(6) No sale of alcoholic liquor is permitted on any premises holding a Class J or a Class K
license prior to 10:00 a.m. or after 10:00 p.m. on any day.

(b) Notwithstanding (a) above, it shall be lawful for the holders of a Class G license to remain
open for business only as permitted by the terms of that license and lease pursuant thereto.
Restaurants or hotels whose premises are licensed under the chapter shall be permitted to remain open other than the hours established by subsection (a) above, however, no licensee or his agent or employee shall sell any alcoholic liquor except during the hours permitted in subsection (a) above.

(d) On those days designated by law to change from or to Standard Time the actual permitted hours of operation shall not be affected and a licensed premises shall close on such days as if the time change had not occurred.


Sec. 4-31. - Posting of license.

Every person licensed in accordance with the provisions of this chapter immediately shall post the license so issued in a conspicuous place on the licensed premises and shall keep such license so posted during all of the time said license is in force.

(Ord. No. 7344, § 1(Exhibit A, § 18), 7-15-80)

Sec. 4-32. - Persons on premises after hours.

No licensee shall permit another, except a peace officer who is in the performance of his duties or an employee of the licensee who is actually on duty, to enter or remain upon the licensed premises between the hour of closing and the hour of opening as established by section 4-30.

(Ord. No. 7344, § 1(Exhibit A, § 19), 7-15-80)

Sec. 4-33. - Minors.

(a) Sale. No person shall sell or deliver or attempt to sell or delivery any alcoholic liquor to a person under twenty-one (21) years of age except in the performance of a religious ceremony or in the privacy of a home where the minor is under the personal supervision of his or her parent or guardian and the parent or guardian has approved the minor's possession and consumption.

(b) Entry on premises. No licensee shall permit or allow a person under twenty-one years of age to enter or remain upon a licensed premises unless such person is accompanied by their parent(s) or legal guardian(s), except that such persons may enter onto and remain upon the following licensed premises:

1. A restaurant, banquet facility, hotel or bowling alley, but not in a lounge or bar area;
2. A Class E licensed premises;
3. A Class G licensed premises;
4. A Class I or I-D licensed premises while food is offered for sale;
5. A Class J licensed premises;
6. A Class K licensed premises;
7. A Class P licensed premises;
8. A special event premises, but only during a special event.

(c) Warning sign. Every licensee under this chapter shall display in a prominent place, a printed card which shall read as follows:

WARNING TO MINORS:
You are subject to a fine of up to $500.00 under the Ordinances of the City of Joliet, if you purchase, attempt to purchase, or obtain by any means or have in your possession alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

(d) Proof of age. If a licensee or any officers, associates, members, representatives, agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age 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 official in the performance of his official duties. Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon such identification shall not be an affirmative defense to any proceeding for the suspension or revocation of a license or for the imposition of a fine against the licensee.

(e) Log book.

(1) Every retail licensee under this chapter in the city shall keep a log book on forms furnished by the city which will show the following information:
   a. The purchaser’s signature;
   b. The purchaser’s address;
   c. The purchaser’s date of birth;
   d. The date of the purchase;
   e. The merchandise purchased;
   f. The means of identification submitted to the seller;
   g. The seller’s signature.

(2) The form required by this section shall be completed on every occasion that a licensee or any of his officers, associates, members, representatives, agents or employees believes, or has reason to believe, that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient.

(f) Employees. No license shall employ upon the premises any person under the age of twenty-one (21) years to sell or deliver alcoholic liquor to any person except as follows:

(1) Any person employed in the position of a stock person, carry-out person or position of similar character.

(2) The liquor commissioner may, by the issuance of a special permit, authorize any person under the age of twenty-one (21) and above the age of eighteen (18) to be employed as a waiter or waitress, primarily for the service of food in any licensed premises which is a restaurant as defined in section 4-1 of this chapter. The liquor commissioner may promulgate rules and regulations relating to the administration of this subsection. The term rules and regulations includes, but is not limited to a case by case determination whether or not a permit shall be issued.

(Ord. No. 7344, § 1(Exhibit A, § 20), 7-15-80; Ord. No. 7730, § 1, 7-6-82; Ord. No. 7948, § 4, 4-17-84; Ord. No. 10363, § 16, 1-19-94; Ord. No. 16757, § 3, 1-4-11)

Sec. 4-34. - Other prohibited sales.

No licensee shall sell alcoholic sales to any intoxicated or incompetent persons.

(Ord. No. 7344, § 1(Exhibit A, § 21), 7-15-80)

Sec. 4-35. - Conduct on premises.

(a)
General. In addition to any other requirement of this Code, or other applicable law or ordinance, the licensee shall have the following duties:

(1) *Intoxicated person.* No licensee shall permit an intoxicated person to enter into or allow to remain upon the licensed or accessory premises.

(2) *Disorderly or dangerous persons.* No licensee shall permit any person to enter into or remain upon the licensed or accessory premises who is engaged in conduct which, under the circumstances, constitutes, creates or which would tend to create a breach of the peace or any person that commits or attempts to commit battery, assault, indecent exposure, criminal damage to property, or other violation of federal, state or local law, upon the licensed or accessory premises.

(3) *Dancing.* No licensee shall permit dancing upon the licensed premises except in an area specifically designated for dancing only or upon a stage.

(4) *Discrimination.* No licensee shall discriminate in service because of race, sex, religion, national origin or physical handicap.

(5) *Violations of city, state or federal laws.*
   a. No licensee shall permit or allow the violation of city ordinance, state statute or federal law upon the licensed or accessory premises by any person.
   b. No licensee shall violate any city ordinance, state statute or federal law upon the licensed or accessory premises.

(6) *Nudity.*
   a. No licensee shall permit any person, while on the licensed or accessory premises and public view, to:
      1. Expose his or her genitals, pubic hair, buttocks, anus, or anal cleft;
      2. Employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or
      3. Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft.
   b. No licensee shall permit any female person, while on the licensed or accessory premises and in public view, to:
      1. Expose that area of the human breast below the top of the areola;
      2. Employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or
      3. Appear without a fully opaque covering of that area of the human breast below the top of the areola.

(7) *Fashion shows, sexually oriented entertainment and sale of clothing.* No licensee shall offer or permit the following activity on any part of the licensed or accessory premises:
   a. No fashion shows shall be permitted at which male or female undergarments, bathing suits, or lingerie are displayed on human bodies.
   b. No sexually oriented entertainment shall be permitted. The term "sexually oriented entertainment" shall have the same meaning as the term "sexually oriented business" as that term is defined in section 47-15C(1) of the zoning ordinance. The term "sexually oriented entertainment" shall include employees or agents of the licensee who are clothed in a manner so as to constitute "adult entertainment" as that term is defined in the same section of the zoning ordinance.
c. No person shall sell or offer for sale or offer as a prize for a raffle any clothing that constitutes male or female undergarments bathing suits, or lingerie.

(b) Additional requirements pertaining to accessory premises. In addition to any other requirement of this Code, or other applicable law or ordinance, the licensee shall have the following duties with respect to accessory premises:

(1) The licensee shall keep and maintain the accessory premises in a clean, safe and sanitary condition and in compliance with applicable accessibility standards. The licensee shall not keep or maintain the accessory premises in such a manner so as to constitute a public or private nuisance.

(2) The licensee shall collect and properly dispose of litter and garbage situated upon the accessory premises. The licensee shall also collect and properly dispose of litter and garbage from adjacent public property and adjacent private property, with the permission of the owner thereof, that the licensee has reason to believe originated from the licensed or accessory premises. The licensee shall have an affirmative obligation to periodically supervise and patrol the accessory premises at reasonable intervals to ascertain whether there exists litter and garbage requiring collection and disposal. This duty shall include, but shall not be limited to, making lawful observations of adjacent public and private property.

(3) The licensee shall, with due diligence, take reasonable measures to prevent audio systems operated by persons located within the accessory premises from being audible beyond the boundaries of the property containing the accessory premises. The licensee shall have the affirmative obligation to periodically supervise and patrol the accessory premises at reasonable intervals to enforce this requirement. The licensee shall be deemed to have failed to periodically supervise the accessory premises at reasonable intervals if an audio system operated by a person located within the accessory premises is audible beyond the boundaries thereof for a period in excess of fifteen (15) consecutive minutes. In the event the licensee discovers, or is notified by a law enforcement officer or a third party, that an audio system is audible beyond the boundaries of the property containing the accessory premises, the licensee shall promptly and lawfully remove the offending vehicle and its occupants from the accessory premises and shall, for at least that business day, deny such persons entry to the licensed premises.

(4) The licensee shall take reasonable measures to prevent the consumption of alcoholic liquor upon the accessory premises, unless such consumption is otherwise specifically permitted by license or ordinance. This shall include, but shall not be limited to, the prompt and lawful removal from the accessory premises of persons observed by the licensee consuming alcoholic liquor, or possessing open or unsealed containers thereof, whether or not such containers are empty. The licensee shall also deny such persons entry to the licensed premises for at least that business day. The licensee shall have the affirmative obligation to periodically supervise and patrol the accessory premises at reasonable intervals to enforce this requirement.

(Ord. No. 7344, § 1(Exhibit A, § 22), 7-15-80; Ord. No. 7733, § 1, 7-20-82; Ord. No. 10298, § 1, 11-2-93; Ord. No. 15675, § 2, 10-2-06)

Sec. 4-36. - Compliance with codes.

The licensee shall maintain the premises in a clean and sanitary condition and shall comply with all other ordinances and codes adopted by ordinance regulating property maintenance, zoning, building, electrical, plumbing, fire, and health requirements.
Sec. 4-37. - Reporting of violations.

The licensee shall immediately report to the city police department all acts of disorderly conduct, battery, assault, indecent exposure, criminal damage to property, unlawful loitering, public urination or other violation of federal, state or local law, that the licensee observes or has reason to believe is occurring or has occurred upon the licensed premises, the accessory premises or public property adjacent to the licensed or accessory premises. The licensee shall cooperate with any law enforcement agency in the investigation and prosecution of such violations.

(Ord. No. 8979, § 8, 9-19-89; Ord. No. 15675, § 3, 10-2-06)

Sec. 4-38. - Class F license regulations.

The holder of a Class F license shall permit admission to the licensed premises through a self-locking door by means of a key or membership key card available only to members of the club. The holder of a Class F license shall have an affirmative duty to remove any person who is neither a club member nor an authorized guest. An authorized guest may remain on the licensed premises so long as the member who brought the guest remains on the premises.

(Ord. No. 8979, § 9, 9-19-89)

Sec. 4-39. - Motor fuel sales prohibited.

No licensee shall sell or otherwise transfer from the licensed premises any motor fuel, gasoline, or other similar product used to propel motorized vehicles. This section shall not apply to any person who has been issued a liquor license for premises on which such sales occur or will occur as part of a service station in operation or under construction prior to the effective date [September 20, 1989] of this amendment to the Joliet Liquor Ordinance.

(Ord. No. 8979, § 17, 9-19-89)

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ARTICLE IV. - OFFENSES BY OTHER THAN LICENSEE

Sec. 4-40. - Liquor on public ways and other public places.
Sec. 4-40.1. - Alcoholic beverages on any parking lot, parking garage, business property, or vacant lots.
Sec. 4-41. - Persons on premises after hours.
Sec. 4-42. - Minors: Defined, parental responsibility, responsibility of owners and occupants of premises.
Sec. 4-43. - Misrepresentation of age.
Sec. 4-44. - Alteration, transfer of identification cards.
Sec. 4-45. - Soliciting drinks.
Sec. 4-46. - Nudity.
Sec. 4-47. - Removal of alcoholic liquor from premises.
Secs. 4-48, 4-49. - Reserved.
Sec. 4-40. - Liquor on public ways and other public places.

(a) No person shall possess alcoholic liquor upon a public way except in an unbroken original package, other than in an area designated as licensed premises by the commissioner as set forth in section 4-15.

(b) No person shall possess alcoholic liquor within a public library or public mass transit facility except in an unbroken original package or when such areas, or portions thereof, are designated as licensed premises by the commissioner as set forth in section 4-15.

(Ord. No. 7344, § 1(Exhibit A, § 24), 7-15-80; Ord. No. 10363, § 17, 1-19-94; Ord. No. 11051, § 5, 3-5-96)

Sec. 4-40.1. - Alcoholic beverages on any parking lot, parking garage, business property, or vacant lots.

(a) No person shall possess any alcoholic beverage in an open or unsealed container while that person is located on:

(1) A parking lot or parking garage accessible to the public;

(2) The exterior portion of any property being used as a business that is accessible to the public or for any other use not permitted in a residential zoning district; or

(3) Any vacant lot accessible to the public with or without the owner's permission.

(b) Subsection (a) shall not apply to any location that has been specifically licensed by the Joliet Liquor Control Commissioner to permit the sale or consumption of alcoholic beverages.

(c) The term "alcoholic beverages" as used in this section shall have the same meaning as the term "alcoholic liquor" as defined in this article. The terms "parking lot" and "parking garage" as used in this section shall have the same meaning as the term "off-street parking lot" as defined in the Joliet Zoning Ordinance, as amended.

(Ord. No. 9946, § 1, 7-21-92; Ord. No. 11163, § 1, 6-4-96)

Sec. 4-41. - Persons on premises after hours.

No person, except peace officers in the performance of law enforcement duties or licensees including employees actually on duty, shall be upon the premises between the hour of closing and the hour of opening as established by section 4-24.

(Ord. No. 7344, § 1(Exhibit A, § 25), 7-15-80)

Sec. 4-42. - Minors: Defined, parental responsibility, responsibility of owners and occupants of premises.

(a) Minor defined. A minor is any person under twenty-one (21) years of age.

(b) Purchase; attempted purchase. It shall be unlawful for any minor to purchase or attempt to purchase alcoholic liquor.

(c) Possession; consumption. It shall be unlawful for any minor to possess or consume alcoholic liquor except:

(1) In the performance of a religious ceremony;

(2) Under the personal supervision and approval of the minor's parent or legal guardian in the privacy of a home; or

(3) In the performance of the minor's duties as an employee of a licensee pursuant to the provisions of section 4-33(f).
(d) Entry on licensed premises. It shall be unlawful for any minor to enter onto a licensed premises except:
   (1) As a customer in a restaurant as defined in section 4-1;
   (2) While working as an employee pursuant to the provisions of section 4-33(f); or
   (3) When accompanied by his or her parent or guardian.

(e) It shall be unlawful for any person after purchasing or otherwise obtaining alcoholic liquor to sell, give or deliver such alcoholic liquor to a minor except as permitted in section 4-42(c)(1) and (2).

(f) It shall be unlawful for any parent or guardian to knowingly allow his or her minor child to violate any provisions of Chapter 4 of this Code.

(g) It shall be unlawful for any owner or occupant of any premises located within the City of Joliet to knowingly allow any minor to remain on such premises who is either consuming or in possession of alcoholic liquor in violation of section 4-42(c).

(Ord. No. 7344, § 1(Exhibit A, § 26), 7-15-80; Ord. No. 7792, § 1. 12-21-82), 1-19-94)

Sec. 4-43. - Misrepresentation of age.

No person shall misrepresent his age or the age of another for the purpose of obtaining alcoholic liquor.

(Ord. No. 7344, § 1(Exhibit A, § 27), 7-15-80)

Sec. 4-44. - Alteration, transfer of identification cards.

No person shall transfer, alter or deface an identification card used in the purchase of alcoholic beverages or use the identification card of another or carry or use a false or forged identification card or obtain such an identification card by means of false information.

(Ord. No. 7344. § 1(Exhibit A, § 28). 7-15-80)

Sec. 4-45. - Soliciting drinks.

No person shall engage in the solicitation of drinks from customers other than to take orders for drinks and to mix and deliver drinks as requested by said customers.

(Ord. No. 7344, § 1(Exhibit A, § 29). 7-15-80)

Sec. 4-46. - Nudity.

(a) No person, while on the premises and in public view, shall engage in the following conduct:
   (1) Expose his or her genitals, pubic hair, buttocks, anus, or anal cleft; or
   (2) Employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or
   (3) Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft.

(b) No female person, while on the premises and in public view, shall engage in the following conduct:
   (1) Expose that area of the human breast below the top of the areola; or
   (2)
Employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or

(3) Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft.

(Ord. No. 7733, § 2, 7-20-82)

Sec. 4-47. - Removal of alcoholic liquor from premises.

No person shall nor shall a licensee permit a person to remove or attempt to remove alcoholic liquor in an open container or when permitted by applicable license in any packaging other than its original container or packaging from the licensed premises. The licensee shall post a sign at all exits prohibiting open liquor from being removed from the licensed premises. The licensee shall be prohibited from making "to go" or carry-out sales from the licensed premises unless the licensee is properly licensed for sales in closed containers.

(Ord. No. 8979, § 10, 9-19-89)

Secs. 4-48, 4-49. - Reserved.

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ARTICLE V. - ADMINISTRATION

Sec. 4-50. - Mayor to be commissioner.
Sec. 4-51. - Compensation.
Sec. 4-52. - Deputies; number; appointment; compensation.
Sec. 4-53. - Deputy to post bond; amount; terms; conditions.
Sec. 4-54. - Arrest authority.
Sec. 4-55. - Record of licenses; copies; notice of issuance or revocation.
Sec. 4-56. - Powers and duties of liquor control commissioner.
Sec. 4-57. - Nuisance declared.
Sec. 4-58. - Offenses.
Sec. 4-59. - Accountability of licensee for offense.
Sec. 4-60. - Exclusions from chapter.
Sec. 4-61. - Construction.
Sec. 4-62. - Service of process.

Sec. 4-50. - Mayor to be commissioner.

The mayor of the city shall be the liquor control commissioner and he shall have all of the authority vested in the local liquor control commissioner by state law, this Code or the ordinances of the city.

(Ord. No. 7344, § 1(Exhibit A, § 30), 7-15-80)

Sec. 4-51. - Compensation.
There shall be paid to the liquor control commissioner an annual salary in such amount as may from time to time be fixed by the city council by ordinance.

(Ord. No. 7344, § 1(Exhibit A, § 31), 7-15-80; Ord. No. 8979, § 11, 9-19-89)

Sec. 4-52. - Deputies; number; appointment; compensation.

(a) The mayor, as liquor control commissioner, may appoint three (3) deputy liquor commissioners to assist the mayor in the mayor’s duties as liquor control commissioner.

(b) The compensation of each deputy liquor commissioner shall be in the amount as provided by the city council by ordinance.

(Ord. No. 7344, § 1(Exhibit A, § 32), 7-15-80; Ord. No. 8979, § 12, 9-19-89; Ord. No. 11003, § 1, 12-18-95)

Sec. 4-53. - Deputy to post bond; amount; terms; conditions.

The deputy liquor control commissioners, before entering upon the duties of their office, shall give bond in an amount to be fixed by the city council payable to the city, with good and sufficient sureties, to be approved by the city clerk. The bond, when not otherwise provided by law or ordinance, shall be conditioned upon the faithful performance by the deputy liquor control commissioners of all acts and duties required of them by any law of the state, provisions of this Code or the ordinances of the city, then or thereafter in force and for the prompt accounting for, return of the payment to the city or its proper officers or persons entitled thereto of all monies or properties that may come into their hands by virtue of this office.

(Ord. No. 7344, § 1(Exhibit A, § 33), 7-15-80)

Sec. 4-54. - Arrest authority.

The liquor control commissioner and deputy liquor control commissioners shall be peace officers for the purpose of enforcing the provisions of this chapter.

(Ord. No. 7344, § 1(Exhibit A, § 34), 7-15-80)

Sec. 4-55. - Record of licensees; copies; notice of issuance or revocation.

The liquor control commissioner shall keep or cause to be kept a complete record of all licenses issued by him pursuant to this chapter; he shall furnish the city clerk, treasurer and chief of police with a copy thereof and upon the issuance of any new license or the revocation or suspension of any old license, the liquor control commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of the action.

(Ord. No. 7344, § 1(Exhibit A, § 35), 7-15-80)

Sec. 4-56. - Powers and duties of liquor control commissioner.

The local liquor control commissioner shall have the following powers and duties:

(a) Granting of licenses and permits. Upon the clear demonstration of just cause by the applicant, to grant liquor licenses and liquor permits in accordance with the requirements of the city liquor code.

(b) Right of entry. To enter into and to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the
provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, or of this Code, or any rules and regulations promulgated by the commissioner or the Illinois Liquor Control Commission have been or are being violated.

(c) Exercise powers. To exercise all the powers, functions, and duties which now or hereafter may be granted to a local liquor control commissioner by the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, the Illinois Liquor Control Commission or by this chapter.

(d) Sanctions. After notice and hearing, the liquor commissioner is authorized to take one or more of the following actions:

1. Impose a fine on the holder of a liquor license or the holder of a liquor permit the maximum amount permitted by law or up to one thousand dollars ($1,000.00) for a first violation within a twelve-month period, and one thousand five hundred dollars ($1,500.00) for a second violation within a twelve-month period, and two thousand five hundred dollars ($2,500.00) for a third or subsequent violation within a twelve-month period, whichever is greater, but not to exceed fifteen thousand dollars ($15,000.00) during a single calendar year;

2. Suspend a liquor license for up to thirty (30) days, or such longer period allowed by law;

3. Suspend a liquor permit for up to one hundred eighty (180) days;

4. Revoke a liquor license for cause;

5. Revoke a liquor permit for cause, provided, however, that sufficient cause need not consist of the violation of the conditions and restrictions appurtenant to the liquor permit being revoked or be related to the operations and activities authorized by such permit;

6. Establish reasonable restrictions and conditions on a liquor permit that are intended to reduce the likelihood of future violations of the city liquor code or that are reasonably necessary to protect public health and safety;

7. Other sanctions and actions permitted by law.

(e) Imposing sanctions. Upon notice and hearing, any of the sanctions set forth in this section may be imposed by the liquor commissioner for one (1) or more of the following reasons:

1. The licensee has violated any of the laws of the state, the United States or the ordinances of the city, including but not limited to, the city liquor code and the restrictions and conditions appurtenant to a liquor license or liquor permit;

2. The licensee has made any false statement as to a material fact or an intentionally misleading omission in the application for a liquor license or a liquor permit;

3. The licensee has allowed or permitted any violation of state or federal law or ordinance of the city by any person upon the licensed premises;

4. The licensee has failed to use and maintain the licensed premises in compliance with all codes and regulations pertaining to health and safety applicable within the city, including but not limited to building, plumbing, electrical and fire codes, property maintenance, zoning ordinances, county health ordinances, and all regulations and orders of the a county health department;

5.
The licensee, or any of its employees, has refused to testify under oath to all relevant and material questions propounded to the licensee at any hearing conducted by the liquor commissioner, or has failed to produce documents, images, magnetic or optical media, books, records and other material requested in writing by the liquor commissioner;

(6) Suspension or revocation of the state liquor license held by the licensee by the state liquor control commission or other state agency having competent jurisdiction;

(7) Payment by the licensee of the special federal tax imposed under section 4411 of the United States Internal Revenue Code of 1986 (26 U.S.C. 4411), as amended, unless the licensee is engaged in receiving only state-authorized wagers;

(8) Maintaining or operating a dram shop on any premises registered as a place of business where activities are carried on which make the person or persons carrying on such activities subject to the special federal tax on wagering (26 U.S.C. 4411) unless such activities involve only state-authorized wagers;

(9) Permitting any gambling device or equipment used for the purpose of gambling to be located on the licensed premises;

(10) The licensee has failed to pay any fee as required by this chapter or is delinquent for a period of more than forty-five (45) days in any license fees, taxes or bills currently due and owing the city;

(11) The business organization holding the liquor license is dissolved or otherwise terminates, whether voluntarily or involuntarily;

(12) The operation of the licensed premises shall have ceased for more than thirty (30) days; except, the licensee may apply to the local liquor commissioner to have its license and permits placed on inactive status. Such application shall be in writing and shall set forth in detail the reason for placing the license in an inactive status. Any supporting documents and the current license shall be attached. Upon a showing of good cause, the liquor commissioner may place the license and permits on inactive status for an initial period of up to six (6) months. Additional thirty-day extensions may be requested in writing, up to a maximum of eleven (11) months or to the end of the license year, whichever comes first. The sale of alcoholic liquor is prohibited during the period of inactive status. If inactive status is approved, one half (½) of the normal license fee will be charged on a prorated scale.

Appeals from the actions or orders of the liquor commissioner to the state liquor control commission, or such other state agency having competent jurisdiction, shall be limited to a review of the official record of proceedings of the liquor commissioner.

(f) Examination of applicants. The liquor commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a liquor license or a liquor permit, or for a renewal thereof, or any respondent in a proceeding for sanctions brought by the liquor commissioner and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof in the performance of the liquor commissioner's official 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 liquor commissioner under this section, the liquor commissioner may authorize an agent to act on its behalf.
(g) *Investigation of complaints.* To receive the complaint of any resident of the city and to investigate such complaint or to investigate upon its own initiative any alleged violation of any federal, state or local law, ordinance or regulation fairly related to the sale of alcoholic liquor.

(h) *Rules and regulations.* To make, promulgate, alter, amend, repeal, and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of the state liquor code as may be deemed to be in the best interests of the city.

(i) *Emergency closure.* If the liquor commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community, the liquor commissioner may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days. The licensee may request an opportunity to be heard during that period. If such licensee is also be engaged in the conduct of another business on the licensed premises such order shall not be applicable to such other business or businesses.

(j) *Appeal of state liquor control commission decisions.* To appeal to the circuit court or any other court of competent jurisdiction either reversing or modifying any order issued or penalty imposed by the local liquor control commissioner.

(Ord. No. 7344, § 1(Exhibit A, § 36), 7-15-80; Ord. No. 7948, § 5, 4-17-84; Ord. No. 8979, §§ 13—15, 9-19-89; Ord. No. 10363, §§ 18—24, 1-19-94; Ord. No. 13629, §§ 6—12, 7-1-02)

**Sec. 4-57. - Nuisance declared.**

Any premises, licensed or unlicensed, used to conduct the sale of alcohol in violation of this chapter, is hereby declared a public nuisance per se.

(Ord. No. 7344, § 1(Exhibit A, § 37), 7-15-80)

**Sec. 4-58. - Offenses.**

The violation of the following are hereby declared absolute liability offenses and subject to the general penalty provisions of this Code:

(a) The sale of alcoholic liquor by the licensee in violation of the provisions of his license.

(b) The violation of any prohibition or requirement contained in Article III or IV of this chapter.

(Ord. No. 7344, § 1(Exhibit A, § 38), 7-15-80)

**Sec. 4-59. - Accountability of licensee for offense.**

The licensee may be prosecuted for any offense defined by this chapter if:

(a) An agent of the licensee performs conduct which itself constitutes an element of the offense while acting within the scope of his employment and in behalf of the licensee; or

(b) The commission of the offense is authorized, requested or commanded by the licensee.

(Ord. No. 7344, § 1(Exhibit A, § 39), 7-15-80)
Sec. 4-60. - Exclusions from chapter.

The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of the Congress of the United States and regulations promulgated thereunder, or to any liquid or solid containing not more than one-half of one per cent (.005) of alcohol by volume. The provisions of this chapter shall not apply to flavoring extracts, syrups or medicinal, mechanical, scientific, culinary or toilet preparations or food products unfit for beverage purposes; however, the provisions of this chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation or compounding of such products. None of the provisions of this chapter shall apply to wine intended for use and used by any church or religious organization for sacramental purposes.

(Ord. No. 7344, § 1(Exhibit A, § 40), 7-15-80)

Sec. 4-61. - Construction.

The city liquor code shall be liberally construed to the end that the health, safety and welfare of the citizens of the city shall be protected and temperance in the consumption of alcoholic liquor shall be fostered and promoted by sound and careful controlled and regulation of the sale of alcoholic liquors.

The city liquor code is adopted pursuant to the home rule authority of the city. It is the intention of the city that the city liquor code exclusively and completely govern and regulate the subject of liquor licensing and control. Any law directly or indirectly in conflict with the city liquor code, whether expressly or by implication, is hereby preempted including, but not limited to, any substantive, procedural or notice requirement, limitation, remedy or other provision set forth in the Illinois Municipal Code, the Liquor Control Act of 1934 or any other law. It is the specific intention of the mayor and city council that the city liquor code, and other ordinances and administrative regulations of the city, preempt such statutes in their entirety and that such statutes not operate concurrently, unless concurrent operation is expressly and specifically authorized or required by the city liquor code.

(Ord. No. 7344, § 1(Exhibit A, § 41), 7-15-80; Ord. No. 13542, § 4, 4-2-02)

Sec. 4-62. - Service of process.

(a) Subject to the provisions of subsection (b), any notice, order or other process entered or issued by the commissioner pursuant to this chapter may be served on a licensee or applicant by first class mail addressed to the licensee or applicant at the location of the licensed premises or the mailing address contained in the license application. Service shall be complete on the fourth day following mailing and may be proven in any manner allowed by law.

(b) Citations alleging a violation of this chapter and orders entered by the commissioner which are appealable to the Illinois Liquor Control Commission shall be served on a licensee or applicant in the manner permitted under section 10-25 of the Illinois Administrative Procedure Act (5 ILCS 100/10-25).

(c) In addition to the persons designated by law, service upon a resident manager or other person in charge of the licensed premises at the time service is made shall constitute effective service on the licensee.

(Ord. No. 10363, § 25, 1-19-94)