

**CHAPTER 33**  
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### **33.01 DEFINITIONS**

Terms used in this Chapter 33 are defined in Appendix A of this Code. In addition, any reference to Liquor Commission shall mean the Local Liquor Control Commission and any reference to Commissioner shall mean the Local Liquor Control Commissioner.

### **33.02 LICENSE REQUIRED**

It shall be unlawful to sell or offer for sale at retail in the City any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

### **33.03 APPLICATION**

Applications for such license shall be made to the Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the Mayor and City Council, and shall further contain a statement and information as found in Exhibit A of this Chapter 33.

### **33.04 DISPOSITION OF FEES** *Amended, 08-5-4*

All license fees shall be paid to the Commissioner at the time the application is made, and shall be forthwith turned over to the Treasurer.

If the license applied for is denied, the license fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the General Corporate Fund or in such other fund as designated by the City Council. License fees are separate and apart from the application fee required pursuant to Section 33.05-F herein.

### **33.05 APPLICATION REQUIREMENTS:** *Amended, 10-6-3, 08-5-4, 07-2-1, 06-1-3*

A. CONTENTS OF APPLICATION: Application for a liquor license shall be filed with the Commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club, corporation or other legally recognized entity, verified by oath or affidavit, and shall contain full and complete responses to the requested statements and information which shall be immediately updated if any of said statements or information changes during the term of any license. In the event the applicant is a corporation, limited liability company, general partnership or limited partnership, said application shall be signed by any member, officer, manager, director, partner (silent and limited) or stockholder owning more than five percent interest in the corporation, limited liability company, general partnership or limited partnership, as the case may be. Each applicant must submit acceptable proof of ownership when the applicant is the property owner of the premises, or a copy of a fully-executed lease of premises when the applicant is not the property owner of the premises for which he or she is seeking a license. Such lease must have coverage period equal to, or longer than, the duration of the applicant's liquor license. Said lease must name the applicant as lessee. Applications shall contain the following information and statements:

1. The name, birth date, social security number and address of the applicant in

the case of an individual; in the case of a partnership, the name, birth date and social security number of each partner owning more than five percent interest and a copy of the partnership agreement; and, in the case of a corporation or other legally recognized entity, the articles of organization, the names, birth date, social security number and address of the officers, directors and/or members owning five percent or more interest in the corporation.

2. The citizenship of the applicant, his or her place of birth, and if a naturalized citizen, the time and place of his or her naturalization.
3. The character of business of the applicant.
4. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
5. The amount of goods, wares and merchandise on hand at the time application is made.
6. The location and legal description of the premises or place of business which is to be operated under such license. Each application shall contain a diagram of the premises which depicts the location of any service bars and the location of one designated dancing area.
7. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
8. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Section 33.05, laws of this State or the ordinances, rules or resolutions of the City.
9. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.
10. A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance, rule or resolution of the City in the conduct of his or her place of business.

B. INVESTIGATION OF APPLICANT: No license shall be issued hereunder until the applicant shall have been investigated by the Liquor Commission and a report filed in the records of said Commission approving the issuance of such license. As a part of this investigation, the Liquor Commission shall have the right to require fingerprints of all new and renewal applicants. For purposes of obtaining fingerprints under this Section 33.05, the Liquor Commission shall collect a fee in the amount specified on the application and forward the fee to the Police Department. A copy

of fingerprints shall be held on record by the Chief of Police or his or her designee. In addition, the applicant shall sign a release authorizing the Police Department to conduct a criminal background check.

C. **AMENDMENTS:** Any and all licenses issued pursuant to this Chapter 33 shall be subject to any and all changes or amendments which may be hereafter made, and any and all rules adopted by the Commissioner or Liquor Commission. Any and all licenses shall be subject to any restrictions or conditions deemed desirable by the Liquor Commission or the Commissioner.

D. **INSURANCE:** No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the state insuring said person or entity against liability for any injury or death which said parties may incur while operating under the provisions of the Liquor Control Act as follows:

1. \$500,000 per person and \$1,000,000 per occurrence for bodily injury liability; \$100,000 for loss of means of support; \$100,000 for property damage liability; or
2. A \$1,000,000 single limit dram shop policy.
3. No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the State insuring said person or entity against general liability in the amount of \$500,000.

E. **LIQUOR LIABILITY INSURANCE:** Each applicant shall show by evidence satisfactory to the Liquor Commissioner, the issuance of a policy of the appropriate liquor liability insurance. In the event of cancellation, the Liquor Commissioner shall be notified immediately of such cancellation.

F. **APPLICATION FEE:** A non-refundable application fee in the amount of \$5,000 shall be payable upon the initial application for any liquor license classification except Class C, Class D and daily permits. The renewal of liquor licenses as provided in Section 33.12 herein shall not be subject to this application fee.

G. **STATE LIQUOR LICENSE:** At the time a license is approved the City will provide a copy of the license to the licensee. The original City license will be issued when the licensee provides a copy of the license issued by the State of Illinois Liquor Control Commission.

H. **OUTSTANDING DEBTS:** An applicant or holder of a liquor licenses shall not be indebted to the City. Any indebtedness in excess of 30 days shall constitute the basis for the denial and/or revocation of a liquor license.

### **33.06 TERM, PRORATING FEES**

A license is purely a personal privilege and, except for daily permits, shall expire one year from the

date of issuance. The one year period shall be from the 1st day of May of each year to the 30th day of April of each following year, unless sooner revoked or suspended. Licenses issued after the 1st day of May of any year shall pay the full license fee as provided herein.

All licenses, regardless of the date of issuance, shall terminate on the 30th day of April of each year following the date of issuance.

**33.07 CLASSIFICATIONS, FEES, DAILY PERMIT** *Amended, 10-5-1, 10-2-1, 09-12-2, 09-9-1, 08-11-3, 08-10-2, 08-10-3, 09-8-6, 08-5-4, 07-2-1, 06-11-2, 06-7-3, 06-5-2, 06-1-3, 01-5-3*

- A. CLASSES, FEES: Liquor licenses shall be divided into the following classes:
1. A Class AA license authorizes the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form. The annual fee for a Class AA license shall be \$1,750.
  2. A Class A license authorizes the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form when sold by a specialty or gourmet food grocery or delicatessen store where food is served for consumption on the premises. The annual fee for a Class A license shall be \$1,500.
  3. A Class BB license authorizes the retail sale of alcoholic liquor as packaged goods for consumption off the premises where sold on any premises used, maintained, operated, advertised and held out to the public as primarily a grocery, drug or department store. No more than 15 percent of the area within the licensed premises shall be used for the display and sale of packaged alcoholic liquor. Such area shall be closed and segregated at those times in which Class BB licensed sales are not permitted.

Except as provided herein below, no displays, flyers, posters or other written material of any kind shall be secured on, adhered to or posted in the windows of the licensed premises, nor shall any displays, flyers, posters or other material be seen through the windows advertising the sale of any packaged alcoholic liquor. Packaged liquor sales must be separately identified in the cash register receipts. The employee operating said cash register shall be at least 21 years of age.

The holder of a Class BB license may advise or inform the public of the existence of a liquor department within the licensed premises by erecting and maintaining a sign at each public entrance attached to the exterior of the licensed premises, provided said sign, if illuminated, is not a flashing, blinking or moving sign, and further provided that the size, construction and location of the sign in all other respects conforms to the applicable City; and/or by erecting and maintaining within the licensed premises a single sign at the entranceway to the segregated liquor department.

The annual fee for a Class BB license shall be \$1,500.

4. A Class B license authorizes the retail sale of alcoholic liquor solely for consumption off the premises where sold, and not for resale in any form.

The annual fee for a Class B license shall be \$1,500.

5. A Class C license authorizes a City not-for-profit service organization for charitable causes, the consumption on the premises of alcoholic liquor containing not more than four percent of alcohol by volume. The licensed premises are limited to temporary stands, booths and counters such as used at picnics, celebrations and the like.

The annual fee for a Class C license is \$300.

6. A Class D license authorizes the retail sale, in a regularly organized club, as defined in Appendix A of this Code, of alcoholic liquor on the licensed premises. Sales shall be made only to the members of the club, or guests of the club members in the company of the member or an organization function open to the public.

The annual fee for a Class D license shall be \$300.

7. A Class E license authorizes the retail sale of alcoholic beverages, for consumption on the premises, as a supplement to the serving of food, such as a restaurant.

The annual fee for a Class E license shall be \$1,500.

To qualify for a Class E license, a restaurant shall have a seating capacity for not less than 50 persons at tables and booths. In addition, not more than one bar shall be allowed that is intended primarily for the seating of customers or the seating capacity exceed one-tenth of the seating capacity of the restaurant.

A Class E licensee may apply for an additional auxiliary license, designated as a Class E-1 license, which authorizes the retail sale of packaged beer and wine for consumption off the licensed premises.

The annual fee for a Class E-1 license shall be \$200.

8. A Class EE license authorizes the retail sale of beer and wine only at retail, for consumption on the premises, as a supplement to the serving of food, such as a restaurant.

The annual fee for a Class EE license shall be \$1,500.

To qualify for a Class EE license, a restaurant shall have a seating capacity of not less than 25 persons at tables and booths. In addition, not more than one bar shall be allowed that is intended primarily for the seating of customers or the seating capacity exceed one-tenth of the seating capacity of the restaurant.

A Class EE licensee may apply for an auxiliary license, designated as a Class EE-1 license, which authorizes the retail sale of packaged beer and wine for consumption off the licensed premises.

The annual fee for a Class EE-1 license shall be \$200.

9. A Class G license authorizes the retail sale of beer and wine only as packaged goods for consumption off the premises for establishments selling gasoline or establishments selling retail food and goods with a floor area of less than 2,500 square feet.

The annual fee for a Class G license shall be \$1,500.

To qualify for a Class G license no more than 15 percent of the area within the licensed premises shall be used for the display and sale of packaged alcoholic liquor. No displays of beer or wine shall be located within five feet of any public entrance or cover more than five percent of the retail floor area. Employees selling, delivering, checking out or receiving payment for packaged alcoholic liquors must be 21 years of age or older.

A Class G license does not allow mechanical or repair work of any kind to be performed on automobiles on the licensed premises.

A Class G license, except as provided herein, mandates no signs, displays, flyers, banners, posters or other written or illustrated materials shall be adhered to or posted on the windows of the licensed premises, nor shall any signs, displays, flyers, banners, posters or other written or illustrated materials be seen through the windows advertising the sale of any packaged alcoholic liquor. No temporary point of sale, beer or wine advertising shall be located on gasoline islands. One lighted or unlighted sign advertising beer or wine not exceeding four square feet in area may be located in a window. If a freestanding or flush mounted sign is permitted on the licensed premises pursuant to City ordinances, only generic advertising using the words "beer" or "wine" and descriptive terms relating thereto (exclusive of brand and price advertising) shall be permitted.

10. A Class R license authorizes the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any

form, in a bowling alley.

The annual fee for a Class R license shall be \$1,500.

11. A Class GC license authorizes the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, to be issued to a regularly organized golf club, country club or golf club facility. This license also permits the retail sale of alcoholic liquor from a beverage cart or refreshment stand on the grounds of the golf club or country club or at patio immediately adjacent to the clubhouse/restaurant.

The annual fee for a Class GC license shall be \$1,750.

12. A Class EEE license authorizes the retail sale of alcoholic beverages, for consumption on the premises, as a supplement to the serving of food, such as a restaurant or operating a banquet hall, and provides catering services either on or off the licensed restaurant premises.

The annual fee for a Class EEE license shall be \$1,500.

To qualify for a Class EEE license, a restaurant shall have a seating capacity for not less than 50 persons at tables and booths. In addition, one bar shall be allowed that is intended primarily for the seating of customers or the seating capacity exceed one-tenth of the seating capacity of the restaurant, and an auxiliary bar shall be allowed in the banquet hall.

A Class EEE licensee may apply for an additional auxiliary license, designated as a Class EEE-1 license, which authorizes the retail sale of packaged beer and wine for consumption off the licensed premises.

The annual fee for a Class EEE-1 license shall be \$200.

**B. NUMBER OF LICENSES ISSUED:** There shall be issued in the City not more than:

Class A:	One license
Class AA:	Six licenses
Class B:	Three licenses
Class BB:	Three licenses
Class C:	Zero licenses
Class D:	Zero licenses
Class E:	Four licenses
Class E1:	One license
Class EE:	Zero licenses
Class EEE:	One license
Class EEE-1:	One license
Class G:	Three license

Class GC: One license  
Class R: One license

C. DAILY PERMIT: The Commissioner may grant a daily permit to any not-for-profit organization or club, such as a church, order or lodge, veteran's organization or other civic organization, business or local liquor license holders in good standing. A daily permit shall be valid for one day only and the Commissioner reserves the right to limit the sale of liquor to particular times during the day of the permit. Permits shall be issued in accordance with the following standards:

1. No more than four such daily permits shall be issued to any one such organization, club, business or liquor licensee during the period of one year. A daily permit shall not be issued for any more than four consecutive days.
2. Any organization that does not have a valid liquor license shall pay a permit fee of \$300 per day. Liquor licensees shall pay a permit fee of \$50 per day. Permit fees shall be paid at the time the daily permit is issued.
3. The following information shall be submitted regarding the event:
  - a. Date, time and location of the event;
  - b. Type of alcohol to be served, which cannot exceed the type of alcohol a licensee already sells pursuant to its license;
  - c. Description of the security measures to be utilized for both liquor service and the event;
  - d. Description of the area in which alcoholic liquor will be available for service and consumption; and
  - e. Sales and delivery of alcohol liquor shall be conducted pursuant to the requirements of this Chapter, the Illinois Liquor Control Act and the Illinois Liquor Control Commission Rules and Regulations.
4. Unless specifically provided otherwise, all requirements of this Chapter shall apply to permits granted under this Section including insurance requirements in Sections 33.05-D and E. To the extent that any such event may take place on public property and outside of the licensed premises, the applicant shall name the City as an additional insured and provide the City with the appropriate insurance endorsement.
5. Application for a daily permit must be submitted a minimum of 30 days in advance of the event.

### **33.08 RECORDS**

The Commissioner shall keep a complete record of all licenses issued, and shall furnish the Clerk, Treasurer and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the suspension or revocation of any old license, the Commissioner shall give written notice of such action to each of these officers.

### **33.09 DEATH, TRANSFER OR BANKRUPTCY OF LICENSEE**

A license shall be a purely personal privilege, not to exceed one year after issuance unless revoked sooner, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this Section 33.09.

### **33.10 CHANGE OF LOCATION**

A liquor license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the receipt of written permission from the Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with provisions and regulations of this Chapter 33.

### **33.11 CHANGE OF OWNERSHIP**

A liquor license shall be purely a personal privilege and shall be valid for the time specified therein, unless sooner revoked or suspended and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily or subject to be encumbered or hypothecated.

### **33.12 ABANDONMENT**

If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for 90 consecutive days, or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation.

### **33.13 RENEWAL OF LICENSE**

Any licensee may renew his liquor license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the City.

**33.14 MANDATORY MEETING, LIST OF OWNERS, MANAGERS AND EMPLOYEES** *06-1-3; Amended, 09-5-4*

A. MANDATORY LICENSEE MEETING: All liquor license holders or their representatives shall be required to attend a mandatory meeting hosted by the Commissioner in March of each year to discuss changes in this Chapter 33, identify/address issues and concerns and provide for open communication between the licensees and Commissioner. The City will provide notice of the date, time and location for this meeting no less than 14 days in advance. Failure to attend the mandatory meeting could result in the revocation of the renewal privileges upon the expiration of the liquor license.

B. LISTING OF OWNERS, MANAGERS AND EMPLOYEES: All licensees shall by May 1 of each year submit to the Marengo Police Department a listing of all owners and managers of the licensed premises, as well as a list of any and all employees who prepare, dispense, sell or serve alcoholic beverages at the licensed premises. The listing shall include the names, home addresses, date of birth and indicate whether they have received BASSET training. The licensee shall have 10 days in which to update this listing with new managers or employees once they have been hired.

**33.15 DISPLAYING LICENSE**

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

**33.16 RESTRICTIONS UPON SOUND AMPLIFICATION**

It shall be unlawful for any licensee to permit or allow any noise or sound to be amplified outside the bounds of a structure on the premises if a residence is within 500 feet of the premises.

**33.17 SANITARY CONDITIONS**

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

**33.18 EMPLOYEE RESTRICTIONS** *Amended, 09-5-4*

It shall be unlawful for a licensee to permit any person under the age of 21 years to dispense, draw, pour or mix any alcoholic liquor, or in any way tend bar. . This shall not prevent persons 18 years of

age and over, as employees, from delivering alcoholic liquor for consumption on the premises.

It shall be unlawful to employ in any premises used for retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparing or distributing of such liquor.

**33.19 LOCATION RESTRICTIONS, NOTIFICATION** *Amended, 09-9-1, 08-5-4*

Except as provided herein, no liquor license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, undertaking establishment or mortuary, home for the aged or indigent persons or for veterans, their spouses or children, or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on at the place of business.

**33.20 PREMISES**

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

**33.21 BOOKS AND RECORDS OF LICENSEE**

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or any Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase.

**33.22 STORES SELLING SCHOOL SUPPLIES, LUNCHESES, ETC.**

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are persons under the age of 21 or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such persons.

**33.23 CLOSING HOURS** *Amended, 08-5-4, 04-8-4*

A. It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises, any alcoholic liquor:

Between the hours of 1:01 a.m. and 6 a.m. Monday through Friday; and  
Between the hours of 2 a.m. and 6 a.m. Saturday; and  
Between the hours of 2 a.m. and 8:30 a.m. on Sunday.

B. SUNDAY HOURS: It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2 a.m. and 8:30 a.m. on Sunday.

C. HOLIDAYS: On the eve of New Year's Day, Memorial Day (observed), Independence Day (4th of July), Labor Day and Thanksgiving Day it shall be lawful to sell alcoholic liquor in the City until 2 a.m. in licensed premises.

D. The hours stated herein shall be Central Standard Time when Daylight Savings Time is in effect and then said hours shall be Central Daylight Savings Time.

E. It shall be unlawful to keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in, or upon, any premises in, or on, which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants and clubs, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited.

### **33.24 CONSUMPTION ON PREMISES, DRINKING ON PUBLIC STREETS**

A. CONSUMPTION ON PREMISES: It shall be unlawful for anyone having a Class B, BB or G license to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

B. DRINKING ON PUBLIC STREETS: No person shall openly drink or furnish to others any alcoholic liquor to be drunk upon any street, public place or vacant lot within the City and no person shall connive at or assist in or procure others to violate any provision of this Chapter 33.

### **33.25 PEDDLING**

It shall be unlawful to peddle alcoholic liquor in the City.

### **33.26 PURCHASE OR ACCEPTANCE OF GIFTS OF LIQUOR BY PERSONS UNDER THE AGE OF 21; IDENTIFICATION CARDS, PUNISHMENT; EXCEPTIONS**

A. PURCHASE OR ACCEPTANCE: It shall be a violation of this Section 33.26 for any person under the age of 21 to purchase, obtain, accept deliver of, accept a gift of, consume, or have in his or her possession alcoholic liquor.

B. WARNING PLACARD: In every place in the City where alcoholic liquor is sold, there shall be displayed at all times, in a prominent place, a printed card, which shall be supplied by the Clerk, and which shall read substantially as follows:

## Warning to Persons Under 21 Years of Age

You are subject to a fine up to Five Hundred Dollars (\$500.00) under the Liquor Control Ordinance of the City of Marengo if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

C. EXEMPTIONS: The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Chapter 33.

D. PENALTY: Whoever violates any provision of this Section 33.26 shall be fined not less than \$100 nor more than \$500.

### **33.27 SALE TO PERSONS UNDER 21 YEARS OF AGE**

A. SALE BY LICENSEE: It shall be a violation of this Section 33.27 for the licensee or any officer, associate, member, representative, agent or employee of such licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years.

B. SALE BY OTHER PERSONS: It shall be a violation of this Section 33.27 for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

C. PROOF OF IDENTITY AND AGE: To prevent the violation of this Section 33.27, any licensee, or his officer, associate, member, representative, agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to member of the Armed Forces.

D. PENALTY: Whoever violates any provision of this Section 33.27 shall be fined not less than \$200 nor more than \$500. In addition to all other fines and penalties, the Commissioner may suspend or revoke the retail liquor dealer's license for any violation of this Section 33.27.

### **33.28 SALE OR USE OF FALSE EVIDENCE OF AGE AND IDENTITY**

A. It shall be a violation of this Chapter 33 for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the age and/or identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of age and/or identification of any other person.

B. It shall be a violation of this Chapter 33 for any person under the age of 21 to present or offer to any licensee, his agent or employee, any written, printed or photostatic evidence of age and/or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed or photostatic evidence of age and/of identity.

C. PENALTY: Whoever violates any provision of this Section 33.28 shall be fined not less than \$100 nor more than \$500.

**33.29 SALES TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENCE**

No licensee, or any officer, associate, member, representative or agent or employee of the licensee, shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, feeble minded or distracted, mentally ill, mentally deficient or in need of mental treatment.

No licensee, or agent or employee of the licensee, shall harbor or permit any intoxicated persons to loiter on the premises described in the license or permit any conduct which shall tend to disturb the peace or quiet or the neighborhood or the premises.

**33.30 INSPECTIONS AND ENFORCEMENT**

Any law enforcing officer of the City may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Chapter 33 or whether any of the rules or regulations adopted by the Mayor and City Council or by the State of Illinois have been or are being violated and at such time may examine the premises of the licensee in connection therewith.

Any law enforcing officer of the City may receive complaint from any citizen within the jurisdiction of the City that any of the provisions of this Chapter 33 or any rules or regulations adopted by the Mayor and City Council or by the State of Illinois have been or are being violated, and may act upon such complaints in the manner provided.

The Commissioner shall have the authority to make and establish rules and regulations of procedure concerning notice of hearings and all such other matters as may from time to time be necessary, and to appoint deputy Commissioners to the Liquor Commission.

It shall be a violation of this Chapter 33 to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer or any other legally authorized person.

**33.31 GATHERINGS WHERE ONE OR MORE PERSONS ARE UNDER THE AGE OF 21 YEARS**

A. It shall be a violation of this Section 33.31 for any person to knowingly permit a

gathering at a residence which she/he occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

1. The person occupying the residence knows that the person or persons under the age of 21 is in possession of or is consuming an alcoholic beverage; and
2. The possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Chapter 33; and
3. The person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

B. For the purposes of this Section 33.31 where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

### **33.32 LICENSE REVOCATION AUTHORIZED**

A. No person holding a City license shall, in the conduct of the license business or upon the licensed premises, either directly or through the agents or employees of the licensee:

1. Violate or permit a violation of any federal law or state statute related to the control of liquor.
2. Violate or permit a violation of any City ordinance or resolution regulating the sale of alcoholic liquor or relating to the eligibility of the licensee to hold a liquor license.
3. Violate or permit a violation of any rule or regulation of the Illinois Liquor Control Commission as amended from time to time.
4. Permit the sale and/or consumption of any alcoholic beverages outdoors absent a specific permit issued by the City.
5. Allow fighting, disorderly conduct or excessive noise constituting a nuisance to take place on the licensed premises or on, about and/or adjacent to the property where the licensed premises are located.
6. Allow patrons to serve or distribute alcoholic beverages to minors on the licensed premises or allow minors to drink alcoholic beverages on the licensed premises.
7. Fail to call the City Police Department upon the violation of any City ordinance or state law relating to fighting, disorderly conduct or excessive noise constituting a nuisance on the licensed premises.

8. Submit to the City a liquor license application containing a false or misleading statement.

B. Proof before the Commissioner of the facts which establish a violation of any federal law, state statute, City ordinance or resolution or rule of the Illinois Liquor Control Commission shall be sufficient cause for revocation, suspension and fine of any liquor licensee, irrespective of whether or not a conviction has been obtained in any court. In addition, the licensee shall be obligated to reimburse the City for all attorney's fees incurred as a result of the prosecution of the offending licensee.

C. Pursuant to Resolution 00-8-C passed by the City Council and pursuant to 235 ILCS 5/7-9, all appeals from the decision of the Commissioner shall be limited to a review of the official record of proceedings.

### **33.33 REVOCATION, SUSPENSION OR FINE**

A. **REVOCATION:** Licenses granted hereunder may be revoked by the Commissioner for the violation of any part or portion of this Chapter 33, or of the Liquor Control Act, or of any valid resolution or ordinance enacted by the City, or of any applicable rule or regulation established by the Commissioner or any violation of the Criminal Code, which occurs on the licensed premises or any violation of the Criminal Code which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises. Licenses granted hereunder may be revoked upon the conviction of licensee under the Criminal Code. Should any applicant for license make a false or fraudulent statement in such application, the same shall be cause for revocation by the Commissioner of such license.

B. **SUSPENSION:** Licenses granted hereunder may be suspended by the Commissioner for a period of not exceeding 30 days for the violation of any part or portion of this Chapter 33, or of the Liquor Control Act, or of any valid resolution or ordinance enacted by the City, or of any applicable rule or regulation established by the Commissioner or by the State Liquor Control Commission or any violation of the Criminal Code which occurs on the licensed premises or any violation of the Criminal Code which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises. During such period of suspension, no alcoholic liquor shall be sold on said licensed premises.

C. **FINE:** In addition to revocation or suspension of the liquor license by the Commissioner, the Commissioner may fine any licensee up to \$1,000, plus the City's cost of prosecution including reasonable attorney fees, for each violation of any part or portion of this Chapter 33, or of the Liquor Control Act, or of any valid resolution or ordinance enacted by the City, or of any applicable rule or regulation established by the Commissioner or by the State Liquor Control Commission or any violation of the Criminal Code which occurs on the licensed premises or any violation of the Criminal Code which occurs off the licensed premises where said violation involves or relates to the sale or consumption of alcoholic beverages on the licensed premises.

### **33.34 PROHIBITED ACTS AND CONDITIONS** *02-8-5; Amended, 08-5-4*

A. **ADULT BUSINESS PROHIBITED:** It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the City at which alcoholic beverages are offered for sale for consumption on the premises, to permit or allow the following activity to be conducted on the premises of such a commercial establishment, all of which activity is defined in Chapter 44 of this Code: Adult Business; Adult Entertainment Center; Adults-Only Activity, Bookstore, Motion Picture Theater, Nightclub, Sauna; Nudity; Obscene Activity; Rap Parlor; Sadomasochistic Activity; or Sexual Conduct Activity.

B. **BEER, ALCOHOLIC BEVERAGES PROHIBITED:** It shall be unlawful for any establishment defined as an Adult Business pursuant to the Marengo Zoning Code to sell, distribute or permit beer or alcoholic beverages on the premises.

**33.35 COMPLIANCE CHECK PROCEDURES CONCERNING ALCOHOL/TOBACCO RETAILERS** *02-9-1*

The following guidelines are to be followed when members of the Marengo Police Department conducts investigations into suspected abuses of alcohol and/or tobacco being sold to Minors, commonly referred to as a “Compliance Check.” These investigations are conducted on retail establishments or businesses operating within the City limits which sell or distribute alcohol or tobacco products.

Compliance checks are defined as a controlled buy type operation, wherein a minor will attempt to purchase either alcohol or tobacco from the respective retailer.

1. **ALCOHOL/TOBACCO PROCEDURES:** Effective immediately, the following procedures shall be followed by members of the Marengo Police Department, when conducting said compliance checks:
  - a. A compliance check operation will involve investigating those retail establishments and businesses that sell either tobacco or alcohol. The operations shall be specific in nature, in that they will target either tobacco or alcohol, and not be conducted simultaneously.
  - b. Tobacco and alcohol enforcement operations will be conducted at a minimum of one time per year, or more as deemed necessary, or as manpower and resources are available.
  - c. Alcohol related compliance checks, when possible, will involve targeting every establishment within the City that holds a liquor license, to the extent, that a member of the general public has ready access to purchase alcoholic beverages at the location of business for the liquor license holder.
  - d. Tobacco operations will target every retailer or business that sells tobacco within the City, with the exemption of those tobacco retailers or businesses which are adult in nature, i.e. bars.

- e. Subjects used for the tobacco operations will be between 16-17 years of age and have their parent or guardians consent to participate in the operation. A parental consent form will be completed prior to the operation.
- f. Subjects used for the alcohol operations will be between 17-20 years of age. Subjects 18-20 years of age will sign a consent form, and those subjects 17 years of age will have their parent or guardian sign a consent form.
- g. Minors enlisted to aid in the operation will be approved by the Chief of Police or his/her designee.
- h. The minors will be of good character and have no record of tobacco or alcohol related violations.
- i. Prior to the operation, the minor will provide the operations supervisor with proof of age, such as birth certificate or valid, State of Illinois photo driver's license or State of Illinois photo identification card, for proof of birth verification and age.
- j. Minors involved in the operation will dress appropriately and make no attempt to alter their appearance, for the purpose of age enhancement.
- k. Minors involved in the operation, if asked by the merchant or employee of the merchant, shall provide an accurate Illinois driver's license to the requesting merchant or employee of the merchant.

## 2. OPERATION AND TRANSACTION GUIDELINES

- a. On the date of the operation, the minor will arrive at the department or other designated location for a briefing. At that time, the minor will be photographed and instructed in what they are to do and not do. They will also be instructed to remove all personal effects from their pockets, with the exception of their photo driver's license.
- b. The minor will be issued the money for the transaction prior to entry into the establishment.
- c. The officers enlisted to aid in the operation will make an attempt to view the sale of the item, when and where possible.
- d. If there is a successful transaction, the minor or the observing officer will notify the operations supervisor or their designee and advise of the sale.
- e. Every effort will be made to preserve all evidence of the transaction.
- f. The operations supervisor or their designee will then immediately enter the establishment and make contact with the employee who conducted the transaction,

unless authorization from the Chief of Police has been approved for multiple transactional purchases. In the instance of alcohol transactions, the employee will be issued a “Notice to Appear” for the violation. For tobacco violations, the employee will be issued either a “Written Warning” for the first violation or “Notice to Appear” for any second or subsequent violation. If warranted, enforcement actions may be sought and/or taken against the liquor license holder.

- g. All evidence related to the operation will be taken into custody, if practical and processed and secured as evidence.
- h. At no time during the operation, will the minor ingest alcoholic beverages or tobacco products.
- i. Initial and possible subsequent reports will be generated for the operation itself. Subsequent reports will be generated when a violation occurs, specific to the establishment in violation.
- j. Upon completion of the operation, the Chief of Police or their designee will be notified of those establishments that were in violation.

**33.36 BASSET PROGRAM** 09-5-3

A. For purposes of this Section, BASSET is defined as the state certified Beverage Alcohol Sellers and Servers Education and Training program licensed by the State of Illinois Liquor Control Commission, as required by 235 ILCS 5/3-12 (11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500.

B. All original or renewal applications for a liquor license shall be accompanied with proof of completion of a State certified BASSET program for all persons who sell or serve alcoholic beverages, all management personnel working on the premises and anyone whose job description entails checking identification for the purchase of alcoholic beverages pursuant to that license.

C. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type identification is optional), to participants as proof of completion.

D. At least one person who has completed the BASSET program shall be required to be on the licensed premises during hours when alcoholic beverages may be purchased.

E. Any new owner, manager, employee or agent requiring completion of the BASSET program shall, until completion of the BASSET program, work under the supervision of a person who has successfully completed the BASSET program.

F. LIQUOR VIOLATIONS: In the event a licensed premises is found to be in violation of any provision of this Chapter or the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*), the Commissioner, within his sole discretion, may require all persons who sell or serve alcoholic liquor

and/or all management personnel working in a licensed premises and/or anyone whose job description entails the checking of identification for the purchase of alcoholic liquor pursuant to the license to re-apply, attend and successfully complete a BASSET program.

**33.37**            **PENALTY** *Amended, 08-5-4*

Any person, firm, corporation or other legally recognized entity who violates any provision of this Chapter 33, for which a specific penalty is not stated, shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$750 per offense, and be responsible for the City's cost of prosecution including reasonable attorney fees, for each offense or the revocation of his or her liquor license, or to both such fine and revocation of such license. Each day that a violation continues shall be considered a separate offense.

## EXHIBIT A

### **CITY OF MARENGO Liquor License Application Procedures**

#### **Original Application & Packet**

Contact the City Clerk's Office or the Chief of Police to request a liquor license application packet.

Upon receiving the fully executed liquor license application, with all the required documents attached, the City Clerk will forward the application to the Mayor/Liquor Commissioner for review.

The Mayor will in writing advise the applicant if the license will be issued or denied. In the case of a denial, the reason will be stated.

#### **Renewal Application**

Every liquor license must be renewed by April 30<sup>th</sup> of each year. Each applicant seeking renewal of his/her liquor license must complete a renewal application and submit it to the City Clerk's Office, complete with the supporting documentation, and fee prior to April 15<sup>th</sup> of each year, which allows time for processing. Any incomplete application will not be processed.

#### **Displaying Your License**

All legally required licenses and permits of Federal, State or local issuance must be plainly displayed at all times on the licensed premises.

**Affidavit**

**County of McHenry**

**State of Illinois**

I (or we) swear that I (or we) will not violate any liquor ordinances, Chapter 33, City of Marengo, Code Ordinances or any liquor laws of the United States or of the State of Illinois. That the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2

Notary Public

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF APPLICANT (PARTNER)

\_\_\_\_\_  
SIGNATURE OF APPLICANT (PARTNER/MANAGER)

**License Holder**

No license of any kind shall be issued by the State Commission or any local commission to a person who is not a resident of any City or County in which the premises covered by the license is located or a person who is not a citizen of the United States.

**Employees**

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about the premises or to engage in any way in the handling, preparation, or distribution of such liquor. All checkers, or other persons operating cash registers shall be at least 21 years of age. It shall be unlawful for any person under 21 years of age to draw, pour or mix alcoholic liquor as an employee of any retail license.

## **CITY OF MARENGO, ILLINOIS**

### **Marengo Liquor License**

To hold a City of Marengo Liquor License is a privilege; not a right!

It shall be unlawful to sell offer for sale at retail in the City of Marengo any alcoholic liquor without having a retail dealer's license, a State of Illinois license and any other necessary document for the sale of alcoholic liquor.

Alcoholic liquor includes alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol spirits, wine, or beer, and capable of being consumed as a beverage by a human being.

**CITY OF MARENGO**

**Liquor License Application**

It shall be unlawful to sell or offer to sale at retail in the City of Marengo any alcoholic liquor without having a retail liquor dealer's license.

**Applicant Information**

**Individual**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Social Security \_\_\_\_\_

Insurance Company / Agent (Address & Telephone) & Policy Number

\_\_\_\_\_

\_\_\_\_\_

Policy Expiration \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**Applicant Information**

**Corporation**

**Directors**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**Applicant Information**

**Corporation**

**Directors**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**Applicant Information**

**Corporation**

**Officers**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**Applicant Information**

**Corporation**

**Officers**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**Applicant Information**

**Corporation**

**Stockholders**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_ Age \_\_\_\_\_

Place of Birth \_\_\_\_\_

Citizenship \_\_\_\_\_

Naturalization Y \_\_\_ N \_\_\_ If Yes, Date of Naturalization \_\_\_\_\_

Place of Naturalization \_\_\_\_\_

Number of Corporate Shares Owned \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**General Business Information**

Character of the business \_\_\_\_\_

\_\_\_\_\_

If Corporation, object for which it was formed \_\_\_\_\_

\_\_\_\_\_

Length of time the applicant has been in business of this character \_\_\_\_\_

\_\_\_\_\_

If Corporation, date charter was issued \_\_\_\_\_

\_\_\_\_\_

Dollar amount of goods, wares, and merchandise on hand at time of application \_\_\_\_\_

\_\_\_\_\_

Dollar amount of alcoholic liquors on hand at time of application \_\_\_\_\_

\_\_\_\_\_

Location and description of premises or place of business which is to be operated

under this license \_\_\_\_\_

Is, or will, the establishment be located within 100 feet of any church, school,

hospital, home for aged or mortuary, military or naval station? \_\_\_\_\_

If yes, describe \_\_\_\_\_

**CITY OF MARENGO**

**Liquor License Application**

**General Business Information (cont'd.)**

Has applicant made application for a similar or other license on the premises other than described in this application? \_\_\_\_\_

Disposition of such application \_\_\_\_\_

Statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the Marengo Code Ordinances of Laws of the State \_\_\_\_\_

Has previous license by any state or subdivision thereof, or by the federal government ever been revoked and the reason therefore \_\_\_\_\_

Statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any law of the City of Marengo in the conduct of his place of business \_\_\_\_\_

Do you lease this property? Y\_\_\_ N\_\_\_ **If property is leased, a copy of the lease must be attached to this application.**

**CITY OF MARENGO**

**Liquor License Application**

**General Business Information (cont'd.)**

Is any law enforcing public official, mayor, member of the City Council directly or indirectly interested in the business for which this license is sought? \_\_\_\_\_

\_\_\_\_\_

Has any alcohol manufacturer, importing distributor directly or indirectly paid or agreed to pay the license applied for, advance money or anything else of value or directly or indirectly interested in the ownership, conduct or operation of the business place? \_\_\_\_\_ If yes, describe \_\_\_\_\_

\_\_\_\_\_

Is the applicant or any affiliate, associate, subsidiary, officer, director, or other agent engaged in the manufacture of alcoholic liquors? \_\_\_\_\_

If so, at what location or locations? \_\_\_\_\_

Will the business be conducted by a manager or agent? \_\_\_\_\_

If so, give the name and residence of such manager or agent \_\_\_\_\_

\_\_\_\_\_

# CITY OF MARENGO

## Liquor License Application

### License Information

#### Class of License Sought

\_\_\_\_\_ **AA** which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form.

**Fee:** \$1,750.00/Annually

\_\_\_\_\_ **A** which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form.

**Fee:** \$1,500.00/Annually

\_\_\_\_\_ **BB** which shall permit the retail sale of alcoholic liquor as packaged goods for consumption off the premises where sold on any premises used, maintained, operated, advertised, and held out to the public as primarily a grocery, drug, or department store.

**Fee:** \$1,500.00/Annually

\_\_\_\_\_ **B** shall permit the retail sale of alcoholic liquor solely for the consumption off the premises where sold, and not for resale in any form.

**Fee:** \$1,500.00/Annually

\_\_\_\_\_ **C** which shall be issued to city not-for-profit service organizations for charitable causes, which shall permit the retail sale of beer for consumption only on the premises where sold, and not for resale in any form, containing not more than 4% of alcohol by weight, to be issued to temporary stands, booths, and counters such as used at picnics, celebrations, and the like.

**Fee:** \$300.00/Day

# CITY OF MARENGO

## Liquor License Application

### License Information

#### Class of License Sought (cont'd.)

\_\_\_\_\_ **D** which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized club, in the company of the member, or an organization function of the club open to the public.

**Fee:** \$300.00/Annually

\_\_\_\_\_ **E** Sale of all alcoholic beverage by restaurant for consumption on premises. 50 persons minimum seating. No more than 10% at the bar.

**Fee:** \$1,500.00/Annually

\_\_\_\_\_ **EE** Sale by restaurant, beer/wine only for consumption on premises. 25 persons minimum seating. No more than 10% at the bar.

**Fee:** \$1,500.00/Annually

\_\_\_\_\_ **R** which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form in a bowling alley.

**Fee:** \$1,500.00/Annually

\_\_\_\_\_ **G** which authorizes the retail sale of beer and wine only as packaged goods for consumption off the premises for establishments selling gasoline and goods with a floor area of less than 2,500 square feet. For additional restrictions and regulations pertaining to this particular classification refer to Chapter 33 (ordinance 06-7-3 as amended 07/24/06).

**Fee:** \$1,500.00/Annually

**Insurance**

No License shall be issued hereunder, unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has in force and affect the insurance required by statute. The landlord of any leased premises shall also comply with this section. Refer to Chapter # 33, Section 33.05 Application Requirements; D: Insurance.

**CITY OF MARENGO**

**Liquor License Application**

All liquor license applicants, corporate officials and managers must agree to and be fingerprinted under the agreement of the City of Marengo and the Illinois State Police. The local liquor control commission inter agency agreement was established November 6, 1987. The following fees must be paid in advance by the liquor applicant:

Illinois State Police Fingerprint Cards	
\$44.00	Live Scan Fee
<u>\$25.00</u>	Administrative Fee
\$69.00	Total Due

**Applicant's State of Illinois Tax Identification Number**

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**CITY OF MARENGO**

**Liquor License Application**

**List of Employees**

1. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
2. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
3. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
4. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
5. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
6. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
7. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
8. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
9. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_
10. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Birth \_\_\_\_\_

## **CITY OF MARENGO**

### **Liquor License Application**

#### **Liquor License Restrictions**

- a) A person who is not a resident of the City or employs a Manager who is a resident.
- b) A person who is not of good character and reputation in the community in which he/she resides.
- c) A person who is not a citizen of the United States.
- d) A person who has been convicted of a felony.
- e) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- f) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- g) A person whose license under the Marengo Code of Ordinances has been revoked for cause.
- h) A person at the time of application of renewal of any license issued would not be eligible for such license upon first application.
- i) A co-partnership, unless all members of such co-partnership shall be qualified to obtain a license.
- j) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license for other reason other than citizenship and residence within the political subdivision.
- k) A person whose place of business is conducted by a manager or agent unless the manager or agent that processes the same qualifications required by license.
- l) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited bond to appear in court to answer charges for any such violation.

## **CITY OF MARENGO**

### **Liquor License Application**

#### **Liquor License Restrictions (cont'd.)**

- m) A person who does not own the premises for which the license is sought, or does not have a lease thereon, for the full period for which the license is issued.
- n) Any law enforcing public official, any mayor or member of the City Council and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- o) Any person, firm, or corporation not eligible for a state retail liquor dealer's license.

# CITY OF MARENGO

## Liquor License Application

### City of Marengo - Holidays

New Year's Day

Memorial Day

Independence Day

Christmas Day

Labor Day

Veteran's Day

Thanksgiving Day

During the Spring and Fall time change, it will be permitted to stay open for business one (1) extra hour.

**MARENGO POLICE DEPARTMENT**

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\*\*\*\*\*

**AUTHORIZATION & RELEASE**

I, \_\_\_\_\_ (print name),  
applied for a liquor license with the City of Marengo, Illinois; do hereby authorize and request  
the Marengo Police Department, an agent of the City to release any records from the following:  
criminal history, driving record in this or any other state, or other documentation which may be  
under the control of the Marengo Police Department excluding any juvenile records. This  
request shall authorize the Marengo Police Department to furnish to the City of Marengo any  
and all information related to a background check.

I also release and hold harmless the City of Marengo and any agents or representatives for  
providing such information from any and all civil liability in connection with the disclosure of  
this information.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Date of Birth

Date \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ above appeared before me  
personally, known as the person described and executed the foregoing instrument, and acknowledged  
that (s) he executed same as his/her free act and will.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Expires