

TITLE XI
BUSINESS REGULATIONS

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Electronic Sweepstakes Machines Prohibited
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Brew Pubs & Wine Production

CHAPTER 110: ALCOHOLIC BEVERAGES, VIDEO GAMING & ELECTRONIC SWEEPSTAKES MACHINES

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Alcoholic Beverages, Video Gaming & Electronic Sweepstakes Machines

GENERAL PROVISIONS

§ 110.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

ALCOHOLIC LIQUOR. Includes 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 a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing $\frac{1}{2}$ of 1% or less of alcohol by volume.

BOWLING ALLEY. Any establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.

CATERER-RETAILER. A business that provides food and service as needed for private social gatherings not open to the general public at a site or sites other than the primary place of business of the caterer, and is further defined by 235 ILCS 5/1-3.34.

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors which conforms to the definition of a club, as provided by ILCS Ch. 235, Act 5, § 1-3.25, commonly known as the "Liquor Control Act" as amended.

COUNTRY CLUB. A recreational area with buildings or structures that includes banquet facilities, restaurants, and snack bars operated in conjunction with the country club and cannot be free standing therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, for example, golf, tennis and the like.

GOLF COURSE. A recreational area with or without clubhouse facilities primarily for the use of members and their guests or the general public as the case may be, engaging in a form of recreation or game commonly known as golf.

HOTEL, MOTEL, MOTOR LODGE, MOTOR INN, MOTOR HOTEL. Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which ten or more rooms are used for sleeping accommodations and dining rooms being conducted in the same building and such building structure being provided with adequate and sanitary kitchen and dining room equipment and capacity.

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

RESTAURANT. Any public place kept, used, and maintained, advertised and held out to the public as a place where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

RETAIL SALE. The sale for use or consumption and not for resale.

SALE. Any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.

TO SELL. Includes to keep or expose for sale and to keep with intent to sell.

VILLAGE. The Village of Huntley, an Illinois municipal corporation.
(Am. Ord. (O)2010-10.54, passed 10.28.10; Ord. passed 4-21-92)

§ 110.02 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PURCHASED OFF PREMISES

No person shall possess or consume any alcoholic liquor at any facility or establishment licensed to sell or offer for sale at retail any alcoholic liquor under the provisions of this chapter unless the alcoholic liquor is purchased at the facility or establishment licensed hereunder.
(Ord. 94-5-26-3, passed 5-26-94) Penalty, see § 110.99.

§ 110.03 PEDDLING ALCOHOLIC BEVERAGES

It shall be unlawful to peddle beer and alcoholic liquor in the Village.
(Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.04 SANITARY CONDITIONS

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

§ 110.05 EMPLOYEES

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any minor or 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 a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.
(Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.06 RESTRICTED AREAS

(A) It is hereby determined that all of the Village is predominately residential in character except the following described portion:

- (1) All premises bordering on and facing Route 47;
- (2) All premises bordering on Main Street commencing at the intersection of Main Street and Route 47 and running in an easterly direction to the southeast corner of Main Street and Church Street;
- (3) All premises bordering on Coral Street between Route 47 and Church Street; and
- (4) All premises bordering on Woodstock Street between Coral Street and Main Street.

(B) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within such portions of the Village, described as predominately residential in character, unless the owner or owners of at least two-thirds of the frontage feet along the street and streets adjacent to such place of business for which a license is sought for a distance of 200 feet in each direction from such proposed place of business shall file with the local Liquor Commission, or Licensing Officer, his or their written consent to the use of such place for the sale of alcoholic liquors. (Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.07 SALES PROHIBITED TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, AND OTHERS

No licensee under the provisions of this chapter shall sell alcoholic liquor to any minor, intoxicated person, habitual drunkard, spendthrift, insane, feeble-minded or distracted person, or 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 of the neighborhood or the premises. Any such sale may be cause for suspension of the license. Penalty, see § 110.99

§ 110.08 PERSONS SOLICITING DRINKS

No person, whether an employee of the licensee or an entertainer at the licensee's establishment, or otherwise, shall solicit, induce or request any patron to purchase any alcoholic or non-alcoholic beverage for himself/herself or any other person not a patron. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

§ 110.09 CLOSING TIME

(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 1:00 am and 6:00 am of any Monday, Tuesday, Wednesday, Thursday, or Friday, and between the hours of 2:00 am and 6:00 am of any Saturday; and between the hours of 2:00 a.m. and 9:00 a.m. of any Sunday. Provided, however, that in the event that any Monday, Tuesday, Wednesday, Thursday or Friday shall be a

legal holiday, with the exception of “Good Friday,” then the same hours shall apply as if such day were a Saturday. In the event that a New Year’s Eve shall fall on a Sunday closing time shall be 2:00 a.m. on Monday.

(B) Class “D” licensed premises shall not be allowed to operate between the hours of 2:00 a.m. and 7:00 a.m. of any Sunday.

(C) It shall be unlawful to keep open for business or to admit the public at 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, clubs, drug stores, and hotels, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited.

§ 110.10 VIEW FROM STREET

(A) In the premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club), no screen, blind, curtain, partition, article, or thing shall be permitted in the window or upon the doors of the licensed premises nor inside the premises, which shall prevent a clear view into the interior of the licensed premises from the street, road, or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of the premises from the street, road, or sidewalk.

(B) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then the license shall be subject to revocation in the manner herein provided.

(C) In order to enforce the provisions of this section, the Liquor Control Commission shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the views as above required.

(Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.11 ATTIRE, ENTERTAINERS, VISUAL DISPLAYS, AND CONDUCT ON PREMISES

(A) The following acts or conduct on licensed premises are deemed contrary to public welfare and morals and therefore no sale of any alcoholic beverages shall be held at any premises where such conduct or acts are permitted:

(1) *Attire and conduct.*

(a) To employ or use the services of any person in the sale, gift or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or clothed in such attire, costume or clothing as to expose to view any portion of the female breasts below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(b) To employ or use the services of any person to mingle with the patrons or occupants of the licensed premises while such person is unclothed or in such attire, costume, or clothing as described in division (a) above.

(c) To encourage, permit, or allow any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person.

(d) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates breasts, genitals, anus, pubic hair, or any portion thereof.

(e) To encourage, permit, or allow any person to be on the licensed premises while such person is unclothed or is in such attire, costume, or clothing as described in division (A)(1)(a) above or while such person is engaged in conduct described in divisions (A)(1)(b), (c), and (d) above.

(2) *Entertainers and conduct.*

(a) Live entertainment is permitted on any licensed premises, except that no licensee shall permit any person to perform on the licensed premises acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

2. The touching, caressing, or fondling of the breast, buttocks, anus, or genitals; or

3. The displaying of pubic hair, anus, vulva, genitals, or female breasts.

(b) No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in division (A)(2)(a).

(c) No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, anus, buttocks, vulva, or her breasts.

(d) No licensee shall permit any wet t-shirt contests, male or female strip shows, or any fashion shows whereby pubic hair, anus, vulva, genitals, or female breasts can be seen through the attire or clothing or while any person is clothed in lingerie or undergarments.

(3) *Visual displays.* The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.

(c) Scenes wherein a person displays the vulva, the anus, the genitals, or female breasts.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(B) Notwithstanding any of the provisions of the above, no licensee shall employ, use the services or, or permit upon his licensed premises, any entertainment or person so attired as to be in violation of a state law or of any ordinance of McHenry County of Kane County. (Ord. 92-8-3, passed 8-13-92; Am. Ord. 97-09-11-03, passed 9-11-97)

§ 110.12 SALES TO MINORS

(A) It shall be unlawful for any person under the age of 21 years to purchase or obtain alcoholic liquor in any tavern or any place in the Village where alcoholic liquor is sold.

(1) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(2) The possession of alcoholic liquor by any person under the age of 21 years is forbidden.

(B) It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

(C) In addition to all other fines or penalties, the Liquor Control Commission may suspend or revoke the retail liquor dealer's license for any violation of division (A).

(D) It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this section, provided, however, that it shall not be unlawful to use alcoholic beer, liquor, or wine in connection with any religious service.

(Ord. passed 4-21-92; Am. Ord. 98-04-23-03, passed 4-23-98; Am. Ord. (O)2005-08.70, passed 8-25-05) Penalty, see § 110.99

§ 110.13 ACCESS TO ALCOHOL BY MINORS

(A) No holder of an alcoholic beverage license or his or her agent or employee shall suffer or permit any person under 21 years of age to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which the licensed premises is located, provided that this section shall not apply to:

(1) Any person under 21 years of age who is accompanied by a parent or guardian or to any licensed premises for the sale of service or commodities other than alcoholic beverages.

(2) Establishment employees at least 16 years old whose duties do not include the handling or serving of alcoholic beverages.

(3) Establishment employees at least 18 years of age whose duties are limited to serving of alcoholic beverages and/or food.

(B) It shall also be unlawful for any owner or occupant of any premises which are not under an alcoholic beverage license and which are located within the Village to knowingly allow any person under the age of 21 years to remain on the premises while possessing or consuming alcoholic beverages in violation of any provision of this section.

(C) It shall be unlawful for any parent or guardian to permit his or her residence to be used by a child or ward who is under 21 years of age or by an invitee of any child or ward, if the invitee is under 21 years of age, in a manner which constitutes a violation of division (B) of this section.

(D) A parent or guardian shall be deemed to have permitted his or her residence to be used in violation of division (C) of this section if the parent or guardian authorizes the use or enables the use to occur by failing to control access to either the residence or alcoholic beverages maintained therein.

(E) Every parent or guardian whose residence is used by a child or ward who is under 21 years of age or an invitee of a child or ward, if the invitee is under 21 years of age, for the consumption of any alcoholic beverage in a manner which constitutes a violation of division (A) of this section shall be presumed to have permitted the conduct which constitutes the violation, unless the contrary is established by a preponderance of the evidence.

(F) *Hotel or motel rooms.* It shall be unlawful for any person to rent a hotel or motel room from the proprietor or agent thereof for the purpose of, or with the knowledge that, such room shall be used for the consumption of alcoholic liquor by any person under the age of 21 years. (Ord. 96-01-11-004, passed 1-11-96; Am. Ord. 98-08-13-05, passed 8-13-98) Penalty, see § 110.99

§ 110.14 DRINKING IN PUBLIC PLACES

No person shall openly drink or furnish to others any alcoholic liquor to drink upon any street, sidewalk, or public place within the Village unless otherwise permitted under this code.

§ 110.20 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor unless the person selling or offering for sale has a valid current liquor license in accordance with the provisions of this chapter, or in the event the person has a valid current license in effect in violation of the terms of such license. (Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.21 APPLICATIONS

(A) Applications for liquor licenses shall be made to the Local Liquor Control Commission in writing, signed by the applicant, or corporation, and verified by oath or affidavit.

(B) The application shall contain the following information and statements:

(1) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized,

the names and addresses of the officers and directors, if owned by one person or his nominees, the name and address of such person;

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

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

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

(5) The location and description of the premises or place of business which is to be operated under such license;

(6) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;

(7) 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 chapter, the laws of this state or the ordinances of the Village;

(8) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore;

(9) A statement that the applicant will not allow gambling devices or gambling on the premises except video gaming terminals or devices pursuant to the Illinois Video Gaming Act; and

(10) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinance of the Village in the conduct of his place of business. (Ord. passed 4-21-92; updated 6.14.12)

§ 110.22 RESTRICTIONS OF LICENSES

No liquor license shall be issued to:

(1) A person who is not a resident of the Village unless the license holder is a corporation or partnership;

(2) A person who is not of good character and reputation in the Village;

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any federal or state law;

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame;

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

- (7) A person whose license issued under this chapter has been revoked for cause;
- (8) 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;
- (9) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license hereunder except for the requirement of residence within the political subdivision. Except that at least one partner of a co-partnership shall be a resident of the Village;
- (10) 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 hereunder for any reason other than residence within the Village;
- (11) A person, corporation or partnership in which the applicant and/or the applicable registered agent has not successfully completed the background process.
- (12) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee;
- (13) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this chapter, or shall have forfeited his bond to appear in court to answer charges for any such violation;
- (14) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (15) Any law enforcing public official, any Village Manager, any Mayor, Alderman, or member of the Village Board or Commission, or any President or member of a County Board and no such official shall be interested in any way, either directly or indirectly in the manufacture for sale, sale or distribution of alcoholic liquor;
- (16) Any person, association, or corporation not eligible for a state retail liquor dealer's license;
- (17) A person who is not a beneficiary or owner of the business to be operated by the licensee;
- (18) A person who has been convicted of a gambling offense as prescribed by any part of ILCS Ch. 720, Act 5, §§ 28-1 (a)(3) through (a)(10) and 28-3 or as prescribed by a statute replaced by any of the aforesaid statutory provisions;
- (19) 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;
- (20) A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

(21) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20% of this stock of the corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;

(22) 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; or

(23) A person who does not have an established place of business in which to use the license.

(Ord. passed 4-21-92; updated January 26, 2012)

§ 110.23 CLASSIFICATION AND FEES

(A) There shall be nine classes of licenses:

(1) *Class "A."* Class "A," which shall permit the retail, sale on the premises specified, of alcoholic liquor, for consumption on the premises, as well as other retail sale of alcoholic liquor in the original package. The annual fee for such license shall be \$1,500.

(a) At the time of annual renewal of any Class "A" liquor license, any licensee who intends to conduct any annual off premises (outside) activities in the upcoming year shall submit a list with complete description to the Liquor Commission identifying the date and the hours for these special events. The Liquor Commission shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the licensed year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude any special event on any date not included on the attached list.

(b) Outside restaurants, as an accessory use, may be located on Village right-of-way subject to the following conditions:

1. The applicant shall include a site plan identifying the location of the seating area, the type and size of furniture to be used, and that a clear continuous pedestrian path of at least four feet in width will be maintained exclusive of any obstructions
2. The applicant shall be required to enter into a license agreement with the Village for the use of the public right-of-way and as part of that agreement shall indemnify and hold harmless the Village and provide proof of insurance in the amount of \$1,000,000 with the Village named as an additional insured
3. The applicant shall be responsible for maintaining the area free and clear of litter and debris
4. Furniture shall be placed outside no earlier than April 1 and removed no later than October 31 so as not to interfere with snow removal operations
5. Approval shall be subject to review annually as part of the liquor license renewal process
6. A supplemental annual fee of \$50.00 shall be paid at the time of liquor license application or renewal

(2) *Class "B."* Class "B," which shall permit only the retail sale of alcoholic liquor in restaurants and banquet rooms, only at tables and booths in conjunction with meals, but prohibited at counters; provided however, that no sale of alcoholic liquor shall take place earlier than the hour of 11:00 a.m. and not later than the hour of midnight. The annual fee for such license shall be \$1,500.

(3) *Class "C."* Class "C," which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold and retail sale and take-out of alcoholic liquor in the original package, to be issued to a regularly organized club, as hereinbefore defined, which has been established for at least three years prior to making applications for the license, and the license shall authorize the licensee to sell liquor in the club quarters only. No class "C" license shall be issued until the local Liquor Control Commission has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor. The annual license fee for a club license as hereinabove set forth shall be \$1,500.

- (a) At the time of annual renewal of any Class "C" liquor license, any licensee who intends to conduct any annual off premises (outside) activities in the upcoming year shall submit a list with complete description to the Liquor Commission identifying the date and the hours for these special events.

The Liquor Commission shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the licensed year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude any special event on any date not included on the attached list.

(4) *Class "D."* Class "D," which shall only permit the retail sale of alcoholic liquor in sealed packages but not for consumption on the premises where sold. The annual fee for such license shall be \$1,500. No Class "D" license shall be issued to any business which is engaged in the sale of gasoline or gasoline related products, or doing business which is operated or maintained on any premises in which any other business is engaged in the sale of gasoline or gasoline related products, provided however that the holder of a Class "D" liquor license shall be permitted to conduct sampling/tasting events on the licensed premises subject to the following regulations:

- (a) The quantity of any tasting/sampling that is provided on any licensed premises shall not exceed for distilled spirits one-half ounce, for wine 2 ounces, and for beer 6 ounces.

(b) No samples shall be provided to any person who is under the age of 21.

(c) No sample provided at the licensed premises shall be removed from the licensed premises.

(d) At the time of annual renewal of any Class "D" liquor license, any licensee who intends to conduct sampling/tasting events shall submit a list to the Liquor Commission identifying the date of any proposed sampling and the hours for any proposed sampling. The Liquor Commission shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the licensed year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude sampling or tasting on any date not included on the attached list.

(5) *Class "E."*

(a) Class "E," which shall authorize the retail sale of beer and wine, or other alcoholic liquor specifically approved at the time of license application for consumption upon the premises where sold or offered as specified in the license. The license may be issued to not-for-profit corporations qualified to do business in this state or any other business conducting an event that is open to the general public at which the sale or offer of beer and wine, or other alcoholic liquor specifically approved at the time of license application is contemplated. No Class "E" shall be required for any private, invitation only events conducted by any entity or individual. The license shall be for a period not to exceed three days and shall be issued only for special events sponsored by the requesting entity. The license fee for each class "E" license permit shall be \$75. The President and Village Board may approve such other fees or deposits as they deem appropriate to insure compliance with the terms and provisions of the permit. All persons requesting a Class "E" license shall be required to pay the full amount of the license fee at the time of application. In the event an application is not accepted, the license fee shall be refunded. No Class "E" license shall be issued until the local Liquor Control Commission and the President and Village Board have:

1. Established the location upon the premises where beer and wine, or other alcoholic liquor specifically approved at the time of license application is to be sold;
2. The hours of operation, which shall not be extended beyond those provided in §110.09;
3. The manner in which the licensee will manage crowd control and refuse pickup;
4. Proof of insurance as required by this chapter or state laws;
5. A list of members of the corporation who will be selling beer and wine, or other approved alcoholic liquor specifically approved at the time of license application at the location pursuant to the license; and
6. Proof of permission from the owner of the premises authorizing the sale of beer and wine, or other approved alcoholic liquor specifically approved at the time of license application during the time requested in the permit and such other requirements as the President and Village Board or Liquor Control Commission deem appropriate in the case of each particular permit.

(6) *Class "F."* Class "F", which shall authorize the retail sale of alcoholic liquor for consumption on the premises specified in the license. The license shall be issued to Country Clubs as defined in Section 110.01. The hours of operation shall be 6:00 am to 1:00 a.m., Monday through Saturday and 7:00 am to 2:00 a.m. on Sunday. The annual fee for such license shall be \$1,500.00.

(7) *Class "I."* Class "I," shall be issued only to a business that is a caterer-retailer and who presently holds a Class "A", "B", "C", or "F" liquor license issued by the Village and which authorizes the sale and delivery of alcoholic beverages by the drink for consumption either on site at the licensed premises, or off site. The licensed premises shall be considered the primary place of business of the catering business and all sales of alcoholic beverages made pursuant to the Class "I" license shall be deemed to have been made at the premises licensed by the primary license issued by the Village. The annual fee for such license shall be \$250. A \$50 per event fee shall be paid with each individual event application; said individual event application shall be filed with the Village Clerk's office a minimum of three (3) business days prior to the event.

(a) All persons making application for a license shall first deposit ½ of the total license fee amount with the application. The balance of the license fee shall be due and payable on or

before July 1st of the year in which the license is issued. All persons desiring licenses shall be required to pay the full amount of the license fee whether the license is to be issued for a full year or a part of the year.

(b) There shall be no rebate of any portion of the license fee due to the fact the application is made after the beginning of the fiscal year. Failure to pay the license fee or any portion thereof shall result in the immediate revocation of the license.

(8) Class "J." Class "J" shall permit only:

- (a) The operation of a brew pub and/or taproom, which may include outdoor seating areas as specified in the license, in connection with a microbrewery and in compliance with all applicable state and federal regulations and licenses authorizing the production, storage, distribution, and sale of beer.
- (b) Retail sale of beer produced by the licensee for consumption on the premises specified in the license.
- (c) Retail sale of beer produced by the licensee in sealed packages for off-premises consumption.
- (d) On-premises tastings of beer produced by the licensee provided with or without charge, provided that no more than six fluid ounces of beer may be provided without charge to any prospective purchaser.
- (e) Retail sales, including tastings, on the licensed premises shall be limited to the hours of 12:00 p.m. through 11:00 p.m.
- (f) The annual fee for a Class "J" license shall be \$1,500

(9) *Class "K."* Class "K," which shall only permit:

- (a) The retail sale of wine produced by the licensee on the licensed premises in sealed packages for off-premises consumption, all in connection with the licensee's operation of a winemaking facility in compliance with all applicable state and federal regulations and licenses authorizing the manufacture, storage, distribution, and sale of wine.
- (b) Retail sales on the licensed premises shall be limited to the hours of 12:00 p.m. through 11:00 p.m.
- (c) The annual fee for a Class "K" license shall be \$1,500

§ 110.24 LIMITATION ON LICENSES

(A) There shall be no more than sixteen (16) class "A" licenses in the corporate limits of the Village at any one time.

(B) There shall be no more than one “B” license in the corporate limits of the Village at this time.

(C) There shall be no more than one class “C” licenses in the corporate limits of the Village at any one time.

(D) There shall be no more than eight (8) class “D” licenses in the corporate limits of the Village at any one time.

(E) There shall be no more than two Class “F” licenses in the corporate limits of the Village at any one time.

(F) There shall be no more Class “I” licenses than the number of eligible license holders (Class A, B, C, or F) issued in the corporate limits of the Village.

(G) There shall be no more than one (1) Class “J” license in the corporate limits of the Village at any one time.

(H) There shall be zero (0) Class “K” licenses in the corporate limits of the Village at any one time.

(I) In the event that any person, firm or corporation holding a local license in the Counties of McHenry or Kane shall be annexed to the Village, the Village shall issue a license upon annexation of the property to the Village in compliance with this chapter regardless of the numerical limitation on licenses. The license issued shall be of the same type and nature that was issued by the Counties of McHenry or Kane. Any license issued as a result of annexation of property to the Village shall be considered in computing the number of licenses and limitations thereon.

§ 110.25 BOND

(A) In no case shall any retail license be issued for the sale of alcoholic liquor, unless the applicant therefore shall first give to the Village, a bond payable to the Village, which bond shall be in the penal sum of \$1,000 for all classes of liquor licenses. The bond shall be signed by two good sureties or responsible surety companies, licensed to do business in the state.

(B) The bond shall be conditioned that any such applicant for the license and any and all persons in his employ or such as are under his employ or such as are under his control comply with every and all resolutions, laws, regulations and ordinances of the Village, in force at the time of the approval of such bond, or that may be adopted by the Village Board during the continuance of such license, which relate in any manner to the sale of alcoholic beverages, or for the general good government or the Village. The bond shall be further conditioned that such applicant shall pay or cause to be paid, all fines, penalties, and costs which may be legally imposed upon him or imposed upon his employee or employees, servant or servants, agent or agents, or any other person or persons under his control, for any violation or breach of such resolution, rule, regulation, or ordinance aforesaid. In addition to the foregoing bond, every such applicant for an alcoholic liquor license shall also file with the Village Clerk, any bonds which may be required by any act passed by the state legislature, or by the Congress of the United States.

(Ord. passed 4-21-92)

§ 110.26 INSURANCE REQUIRED

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, certifying that the applicant has in force and affect the insurance required by state statutes.

(Ord. passed 4-21-92)

§ 110.27 DISPOSITION OF FEES

(A) All fees paid to the Liquor Control Commission at time application is made shall be forthwith turned over to the Village Clerk.

(B) In the event the license applied for has been denied, the fee shall be returned to the applicant.

(C) If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board, by proper action.

(Ord. passed 4-21-92)

§ 110.28 RECORDS

The Liquor Control Commission shall keep or cause to be kept a complete record of all such licenses issued and shall furnish the Village Clerk, Village Manager and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license.

§ 110.29 DURATION AND TRANSFER OF LICENSE

(A) A license shall be purely a personal privilege, good for, not to exceed one year after the issuance. This provision shall not apply to a Class "E" license.

(B) The one-year period shall be from the 1st day of January of each year to the 31st of December of each year unless sooner revoked or suspended as provided in this section. Licenses issued after the 1st day of January of any year shall pay the full license fee as provided.

(C) A license shall not constitute property, nor shall it be subject to attachment, garnishment to execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated.

(D) The license shall not descend by the laws of testate or in testate devolution, but it shall cease upon death of the licensee, provided that the executor 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 bankrupt licensee after the death or such decedent, or any insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensees. In no event shall there be any refund of any portion of any license fee paid.

(E) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which the renewal license is sought are suitable for such purpose and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within their jurisdiction.
(Am. Ord. 2011.03.09 passed 03-24-11; Ord. passed 4-21-92)

§ 110.30 CHANGE OF LOCATION

A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. The location may be changed only upon the written permit to make such change issued by the President and Village Board. No change of location shall be permitted unless the proposed new location is a proper one, for the retail sale of alcoholic liquor, under the laws of this state, and the ordinances of the Village.
(Ord. passed 4-21-92)

§ 110.31 LOCATION RESTRICTIONS

No license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, homes for aged, indigent persons, 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. Such places of business so exempted shall have been established for such purposes prior to the taking effect of this chapter and further provided that this section shall not apply to not-for-profit corporations requesting Class "E" licenses.
(Ord. passed 4-21-92)

§ 110.32 ADDITIONAL LICENSING REQUIREMENT (B.A.S.S.E.T.)

(A) No liquor license shall be issued to any establishment and no existing liquor license shall be renewed without the applicant or license holder providing certification that the applicant or license holder and all individuals employed by the applicant or license holder to sell, serve or otherwise dispense any alcoholic liquor have successfully completed the B.A.S.S.E.T. program or some other comparable program approved by the Liquor Commission of the Village. The failure of a license holder to certify all individuals employed by it to sell, serve or dispense alcoholic liquor shall be considered a violation hereof and shall subject the license holder to any penalty set forth in Chapter 110 including, but not limited to, the suspension of said license.

(B) All individuals required to complete the B.A.S.S.E.T. program shall have 90 days from the date of employment within which to complete the program and to provide the required certification of completion.
(Ord. 98-03-12-04, passed 3-12-98)

§ 110.33 TRANSFER OF OWNERSHIP

Any liquor license issued hereunder to a corporation shall not be transferable. A transfer, assignment or sale, whether or not for monetary or other consideration, of all of the interest held

by an individual or other entity in a corporation licensed under this title and chapter, shall create an incident of new ownership, regardless of whether or not the existing corporation continues to do business. The “new ownership” shall be required to apply for a liquor license under this Title XI, Chapter 110 and otherwise comply with all of the provisions contained therein.
(Ord. 00-12-07-03, passed 12-7-00)

§ 110.50 LIQUOR CONTROL COMMISSION

The Mayor and Village Board shall act as the Liquor Control Commission of the Village.

§ 110.51 SUSPENSION OF LICENSE

(A) The Liquor Control Commission of the Village may suspend up to 30 days or revoke any license issued by it, if it is determined that the licensee has violated any provision of this chapter, or for any violation of state law pertaining to the sale of alcoholic liquor. However, no such license shall be so suspended or revoked except after a public hearing by the Liquor Control Commission with a three day written notice to the licensee affording the licensee the opportunity to appear and defend.

(B) If the Liquor Control Chairman, or in his absence, an Assistant Liquor Control Chairman has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, he 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 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

(C) The Liquor Control Commission shall within five days after such hearing if he determines after such hearing that the license should be suspended or revoked, state the reason or reasons for the determination in a written order of suspension or revocation and shall serve a copy of the order within the five days upon the licensee.
(Ord. passed 4-21-92)

§ 110.52 GAMBLING, DISORDERLY CONDUCT, SALE TO MINORS

(A) The Liquor Control Commission may suspend or revoke any license at any time it is found that any licensee shall keep, possess, maintain or allow on the premises any gambling devices, book making, betting or any machine or game used for gambling purposes except video gaming terminals or devices pursuant to the Illinois Video Gaming Act.
(Ord. passed 4-21-92 updated 6.14.12)

(B) The President and the Board of Trustees may suspend or revoke any liquor license in the Village when it is found that the licensee is maintaining premises in which fights or disorderly conduct have occurred. Such suspension shall be for a period not to exceed 30 days. If three such offenses occur on the same premises during the period of the license, the President and Board of Trustees may revoke any such license held by the licensee.

(C) The sale of alcoholic liquor to minors or to other persons to whom the sale is prohibited by this chapter may be cause for suspension or for revocation hereunder as may be determined by the President and Board of Trustees of the Village. *Automatic 5 day suspension was removed*

§ 110.53 USE OF PREMISES AFTER REVOCATION

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.
(Ord. passed 4-21-92)

§ 110.54 COMPLAINT OF VIOLATION

Any five residents of the Village shall have the right to file a complaint with the Liquor Control Commission stating that any licensee, subject to the jurisdiction of the Commission has been or is violating the provisions of this chapter. The complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision believed to have been violated and the facts in detail upon which belief is based. If the Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.
(Ord. passed 4-21-92)

§ 110.55 ACTS OF AGENT OR EMPLOYEE; LIABILITY OF LICENSEE

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.
(Ord. passed 4-21-92)

§ 110.60 VIDEO GAMING

Any establishment/licensee found to have committed a violation of this section shall be subject to any of the penalties set forth in § 110.61 of this chapter.

Definitions. For the purposes of this section, the following definitions shall apply:

Licensed Establishment. Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. A Licensed Establishment does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

Licensed Fraternal Establishment. The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

Licensed Truck Stop Establishment. A “truck stop” is defined as a facility (i) that is least six (6) acres in size with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 20,000 gallons of diesel or biodiesel fuel per month, and has separate designated parking spaces for commercial motor vehicles.

Licensed Veterans Establishment. The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

Licensed Video Gaming Location. A Licensed Establishment, Licensed Fraternal Establishment, Licensed Veterans Establishment, or Licensed Truck Stop Establishment, all as defined in this Section, that has received a Video Gaming License from the Village of Huntley. Up to five (5) video gaming terminals may be operated within a Licensed Video Gaming Location.

Terminal Operator. An individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

Video Gaming Café. A "video gaming cafe" shall be defined as an establishment whose primary or major focus is to operate video gaming terminals as defined under the Illinois Video Gaming Act and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if an establishment is a video gaming café:

- The layout and design of the establishment
- The preparation and variety of food and beverages offered
- The creation and operation of a commercial kitchen on the premises
- The number of video gaming terminals relative to the customer seating capacity of the establishment is less than 10 customer seats for each terminal, excluding terminal seats
- The source of proposed or actual revenue derived from the establishment generated by food and drink sales
- The number of employees at the establishment and their proposed function; and
- Any other factors as determined relevant by the Village Board

Video Gaming Terminal. Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

License Requirements and Fees

(A) *License Required.* No person shall have or keep a video gaming terminal or device in any public place unless such establishment is approved as a Licensed Video Gaming Location by the Village as well as the State, through the Illinois Gaming Board, and pursuant to the Illinois Video Gaming Act and the rules and regulations implemented thereto and as may be amended from time to time. A video gaming license issued by the State of Illinois is not effective within the Village of Huntley unless all requirements of this section have been met. Video gaming cafes are prohibited. A video gaming cafe shall not be qualified to obtain any existing classification of

Village of Huntley liquor licenses. No such license allowing video gaming cafes shall be created, maintained, or authorized by this chapter.

Exceptions: any Video Gaming location licensed by the Village as of March 23, 2017, and which continuously maintains a Video Gaming license for the same location licensed prior to March 23, 2017.

(B) *Annual Terminal Fee.* The annual fee payable to the Village shall be \$500.00 for each video gaming terminal or device. The annual fee shall be due and payable at the time of original license issuance by the Village and shall be renewable on January 1st of each year thereafter. This fee is separate from any fee or payment payable to the State or the Illinois Gaming Board. The licensee shall provide the Village Clerk with a copy of the licensee's written use agreement with the terminal operator for placement of the video gaming terminals and a copy of the license issued by the Illinois Gaming Board.

(C) *Annual Terminal Operator Permit Fee.* No Video Gaming Terminal Operator may place a video gaming terminal for operation in the Village unless the terminal is placed at a Licensed Video Gaming Location and the Video Gaming Terminal Operator has paid an annual location permit fee of \$1,000 payable to the Village per location at the time of original location permit issuance, and which location permit fee shall thereafter be renewed on or before January 1 of each year.

(D) *Replacement of License.* Whenever a licensed video gaming terminal is replaced, a replacement license must be purchased; the licensee shall pay a \$2.00 transfer fee.

(E) *Issuance.* No Video Gaming Location license shall be issued except upon approval by the President and Board of Trustees. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Chapter and the Illinois Video Gaming Act. Upon approval of the application and payment of the license fees, the Village shall issue a license certificate for each video gaming terminal licensed. The license shall be posted in a conspicuous place and affixed such that it cannot be transferred from one terminal to another.

(F) *Placement of Video Gaming Terminals.* No licensee shall cause or permit any person under the age of 21 years to use, operate, or play a video gaming terminal. All such video gaming devices or terminals shall at all times be located in an area restricted to persons over 21 years of age and shall be kept separate from areas accessible to minors. Applications for a video gaming license shall be accompanied by a site plan depicting the area in which video gaming will take place. A physical barrier shall be required to restrict visibility of the gaming area and shall consist of a full or partial wall or other such physical barrier as may be determined by the Village Board to be sufficient. The barrier shall not visually obscure the entrance to the restricted area, which area shall at all times be within the view of at least one employee who is over 21 years of age. Video gaming terminals shall be located in areas with restricted visibility from areas outside the business. Any Video Gaming license approved prior to March 23, 2017, shall be required to comply with this section no later than January 1, 2018.

(G) *Hours of Operation.* No video gaming terminal may be used, operated, or played at a Licensed Establishment where alcoholic liquor is sold except during the legal hours of operation allowed for the sale or consumption of alcoholic liquor pursuant to the provisions of Chapter 110 of the Huntley Municipal Code. No video gaming terminal may be used, operated, or played at a Licensed Establishment where alcoholic liquor is sold when the liquor license for

that establishment has been suspended or revoked. Licensee's gaming license shall be suspended for the same period of time as the suspension or revocation of the liquor license.

(H) *Inspection.* The Chief of Police or his designee shall inspect or cause the inspection of any place or building in which any such video gaming device or terminal is operated or set up for operation and shall inspect, investigate and test such video gaming devices or terminals as needed.

(I) *Revocation.* If a licensee violates any provision of the video gaming act or any provision related to video gaming terminals contained in this section, such violation shall be deemed a violation of the licensee's liquor license. In addition, the commissioner may revoke the Village's video gaming terminal license for any violation of section 110.60 or of any ordinance pertaining to the conduct of such business and may report any violations to the Illinois state gaming board or other appropriate regulatory agency.

(J) *Assignment.* No license issued under this Code shall be assignable or transferable by the licensee or by operation of law or otherwise. No licensee shall sublet or contract out any part of the work to be performed by the terminal operator.

§ 110.61 VIDEO GAMING PENALTY

Unless otherwise expressly provided, any person, firm, or corporation convicted of violating any provisions of Section 110.60 or 110.70 of this chapter shall be fined not less than \$50 and not more than \$1,000. Every day the violation exists will be deemed to be a separate offense.

§110.70 ELECTRONIC SWEEPSTAKES MACHINES PROHIBITED

(A) *Definition.* An "Electronic Sweepstakes Machine" is any electronic device, other than a duly-licensed Video Gaming Terminal authorized by this Chapter, that allows a user to: (i) wager money or other items of value (including, but not limited to, credits or coupons that may be redeemed for cash, goods, services, prizes, or other things of value) by playing games of chance or luck; or (ii) to purchase an entry or chance in a sweepstakes, drawing, or similar game in which one or more winners are selected to receive cash, goods, services, prizes, or other things of value based upon randomized matching or other elements of chance or luck.

(B) *Prohibition.* It shall be prohibited to own, lease, operate, or place into operation any Electronic Sweepstakes Machine within the corporate limits of the Village.

§ 110.98 ENFORCEMENT

The President and the Village Board hereby authorize any law enforcing officer of the Village to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or whether any of the rules and regulations adopted by the President and the Village Board of Trustees the or the State have been or are being violated and at such time to examine the premises of the licensee in connection therewith. Further, the President and the Village Board authorize any law enforcing officer of the Village to receive complaints from any citizen within the jurisdiction of the Village and any of the provisions of

this chapter or any rules or regulations adopted pursuant to, have been or are being violated, and to act upon complaints in the manner provided.

§ 110.99 PENALTY

(A) Any person, firm or corporation violating the provisions of this chapter shall be fined not less than \$25 nor more than \$5,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

(B) In addition to the foregoing penalty any person, firm, or corporation violating the provisions of this chapter may suffer the penalty of having his license suspended or revoked for any such violation. The suspension or revocation shall be signed by the Chairman of the Liquor Control Commission.