

AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, NOVEMBER 20, 2023, 4:30 PM
2 E MAIN STREET

1. Call to Order.
2. Roll Call.
3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on October 16, 2023.
4. Motion to accept and place on file minutes of the Liquor Control Commission Executive Session Meeting held on October 16, 2023.
5. Recommendation to approve a Proposal for a B-1 Liquor License Application for Tonichi Ramen, Located at 3843 E. Main St., St. Charles.
6. Recommendation to approve An **Ordinance** Amending Title 5, "Business Licenses and Regulations," Section 5.08, "Alcoholic Beverages," of the St. Charles Municipal Code.
7. Recommendation to approve an **Ordinance** Amending Title 5 "Business Licenses and Regulations," Chapter 5.16 "Tobacco," Section 5.16.180 "Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs" of the St. Charles Municipal Code.
8. Recommendation to approve an **Ordinance** Amending Title 5 "Business Licenses and Regulations," Chapter 5.20 "Massage Establishments," Section 5.20.150 "Massage Business Commissioner; Massage Business Commission; Suspension; Revocation of License; Fines, Costs" of the St. Charles Municipal Code.
9. Public Comment.
10. Executive Session (5 ILCS 120/2 (c)(4)).
11. Adjournment.

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, OCTOBER 16, 2023, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:30 pm.

2. Roll Call.

Present: Pietryla, Gehm Spellman (joined 4:31 pm)

Absent: Zollers

3. Motion by Ald. Pietryla, second by Ald. Gehm to accept and place on file minutes of the Liquor Control Commission meeting held on July 17, 2023.

Voice Vote: Ayes: Ald. Pietryla, Ald. Gehm. Nays: None. Absent: Ms. Zollers, Ms. Spellman. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

4. Motion by Ald. Pietryla, second by Ald. Gehm to accept and place on file minutes of the Liquor Control Commission Execution Session meeting held on July 17, 2023.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

5. Motion by Ald. Gehm, second by Ms. Spellman to approve a Proposal for a Class A1 Liquor License Application for Main Street LLC, Located at 201/203 W. Main Street, St. Charles.

Acting Police Chief Eric Majewski introduced the item. The business will be named Main Street Liquor. The dba Puffs and Pours will not be used and the floor plan will be the same as the previous business in this location. The applicant, Serena Patel, also has a liquor license for Shop and Save in Antioch, which is in good standing with the State of Illinois. The police department recommends approval of this application.

There will be a separate application and approval for tobacco licensing.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

6. Discussion Regarding a Complaint of Violation and Hearing Notice for Northwoods Pub & Grill, Ind. d/b/a The Evergreen Pub & Grill, located at 1400 W Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 21, 2023, at approximately 8:15 p.m., the Licensee, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 1400 West Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 21, 2023, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill was operating under a Class STD B and late night 2AM permit issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.08.250(19) 1 and 2 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated that the arraignment form has been received and the licensee pleaded guilty and requested a hearing to potentially receive mitigation.

Brian Zirlin of Evergreen Pub and Grill described the establishment's gaming and alcohol policy, and also stated that the business conducts checks of its own. He and his partner accept full responsibility for the violation and the employee's failure to follow the policy. Efforts will continue to train employees to follow all rules and laws. Monthly meetings and compliance checks are conducted. Tom Trier also attended the meeting, stating that the individual who sold alcohol to an underage person is no longer employed by the business.

Further discussion will be conducted in Executive Session.

7. Discussion Regarding a Complaint of Violation and Hearing Notice for Savway Fine Wines & Spirits, located at 2580 E Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 21, 2023, at approximately 6:42 p.m., the Licensee, Savway Fine Wines & Spirits, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 2580 East Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 21, 2023, Savway Fine Wines & Spirits was operating under a Class A1 liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.08.250(19)1 and 2 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Savway Fine Wines & Spirits, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Savway Fine Wines & Spirits as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated that the arraignment form has been received and the licensee pleaded guilty and requested a hearing to potentially receive mitigation.

Mary Claire Malloy and Mary Beth Flynn are representing the business. The business is 90 years old, with 40 years at this location. They have a zero-tolerance policy and are displeased about this incident. It was the employee's fourth day working at the business, and he has since resigned. The business owners and manager take their responsibility seriously and have turned away patrons when necessary to uphold the law. Savway will highlight to all new employees that they should not work at the cash register for two weeks and until they are completely trained. Employees look at the ID to verify age, and there are no other tools used.

Further discussion will be conducted in Executive Session.

8. Public Comment - none

9. Executive Session

Motion by Ald. Pietryla, second by Ald. Gehm to enter executive session at 4:49 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

The regular meeting resumed at 5:03 pm.

10. Adjournment.

Motion by Ms. Spellman, second by Ald. Gehm to adjourn the meeting at 5:03 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

:sb

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 5****Title:**

Recommendation to approve a Proposal for a B-1 Liquor License Application for Tonichi Ramen Located at 3843 E. Main St., St. Charles.

Presenter:

Police Chief James Keegan

Meeting: Liquor Control Commission**Date:** November 20, 2023

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

Tonichi Ramen, located at 3843 E. Main St., is requesting approval of a B-1 liquor license application for their business.

Attachments *(please list):*

Liquor License

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve a proposal for a B-1 Liquor License application for Tonichi Ramen located at 3843 E. Main St., St. Charles.



Memo

Date: 11/7/2023

To: Lora Vitek, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

A handwritten signature in blue ink, appearing to be "J. Keegan", written over the printed name of the Chief of Police.

Re: Background Investigation-Liquor Establishment/B-1 Tonichi Ramen-3843 E. Main Street

The purpose of this memorandum is to document and forward to your attention the results of the background investigation conducted by members of the St. Charles Police Department concerning the above-mentioned establishment.

A detective was assigned this investigation and reviewed both the site location/floor plans and the corresponding application material. We found nothing of a derogatory nature that would preclude either the site location or the applicants from obtaining a liquor license. This site has been a long-standing restaurant with various tenants and the current business is already operational without alcohol service.

Thank you in advance for your consideration in this matter.

Police Department



CITY OF
ST. CHARLES
ILLINOIS • 1834

Date: 11/06/2023
To: Chief Keegan via Chain of Command
From: Detective Noelle Wold #375
RE: Addendum: Liquor License Background / Tonichi Ramen

DL*340

The purpose of this memo is to outline the steps taken during the background investigation for a Liquor License Application. This investigation was done based on the application submitted for a Class B1 license for the business **Very Noodle Inc, DBA Tonichi Ramen**. This business is located at 3843 E. Main Street St., Charles, IL 60174.

Applicant:

Chen, Mei Chun



APPLICATION:

The initial application was received on or around 10/10/2023. I completed the background for the business, which also included a signed lease agreement, menu, floor plan and Certificate of Insurance. At the time of the application, Mei Chun Chen was listed as the General Manager. Mei Chun Chen was fingerprinted by our agency during the initial background investigation and a record check for Mei Chun Chen conducted showing no record. Mei Chun Chen did not have contacts that would preclude him from obtaining a liquor license.

Service, Courage, Professionalism, Dedication



RECORDS CHECK:

Mei Chun Chen was fingerprinted by our agency on October 10, 2023. Mei Chun Chen's fingerprints were returned from the Illinois State Police Bureau of Identification, which showed no record.

Mei Chun Chen advised that he has resided in Chicago, Illinois for the past 20 years. iClear showed no records for Mei Chun Chen.

A check of Mei Chun Chen through Kane County Aegis and the above listed jurisdiction's records showed no negative contacts that would preclude him from obtaining a liquor license.

A record check through our department's New World System shows no records.

A check of TLO and I-Clear (law enforcement databases) showed no record that would cause the license to be denied.

A check of the Illinois Secretary of State showed the corporation Very Noodle Inc., to be in good standing.

Mei Chun Chen advised that he completed his BASSET Certification course on 09/30/2023. Mei Chun Chen also provided valid BASSET Certifications for Hongbo Li and Xia Chen who are both employees at this establishment.

SITE VISIT and APPLICANT INTERVIEW:

On 10/31/2023, I met with Mei Chun Chen at the St. Charles Police Department where he signed a waiver for this background. Mei Chun Chen stated that the business Tonichi Ramen is part of an incorporation Very Noodle Inc. Mei Chun Chen stated the date of incorporation for this business is 02/27/2023. Mei Chun Chen stated that he has not purchased any alcohol for the business.

Mei Chun Chen stated that the original floor plan will remain the same and no renovations will be conducted. Mei Chun Chen stated that the hours of operation will remain the same. Mei Chun Chen provided the City of St. Charles with a copy of the Certificate of Liability Insurance from Max Group & Associates. The business is insured for \$1,000,000/\$2,000,000 aggregate.

On 11/03/2023, I went to the site and met with Mei Chun Chen. The inside of the business was already operational. Mei Chun Chen gave me a tour of the business. I found the business lay out to be very similar to the floor plan provided with the application. Mei Chun Chen stated they do not have any alcohol on site. Mei Chun Chen stated that the menu will remain the same and the current staff will also remain the same. Mei Chun Chen stated he has paid all of the utilities for the business and all payments are current.

This concludes this background investigation.



Detective Noelle Wold #375

City of St. Charles, Illinois Liquor Control Commission
CITY RETAIL LIQUOR DEALER LICENSE APPLICATION



Incomplete applications will not be accepted.

Applications may be submitted to: 2 E. Main Street, St. Charles, IL 60174-1984

Business Name

APPLICATION CHECKLIST

Check items to confirm all are attached to this application	Applicant	Office Use
Application Fee of \$200 (5.08.070C) non-refundable <small>Non-refundable</small>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Completed Application for all questions applicable to your business.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Lease/Proof of Ownership <i>Lease pending</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Dram Shop Insurance or a letter from insurance agent with a proposed quote. <i>COI pending</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Articles of Corporation, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Completed B.A.S.S.E.T. (Beverage Alcohol Sellers & Servers Training) form – filled out for all employees. A copy of the B.A.S.S.E.T. certificate is only needed for each manager. It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for all of their employees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Site Plan for Establishment (Drawn to scale including the parking lot, patio and/or deck, outdoor seating).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Floor Plan for Establishment (Drawn to scale and must include the layout of the establishment with tables, chairs, aisles, displays, cash register, bar, and lounge area with dimensions, percentage, and square footage noted for each space). Be sure to also include all fixed objects, such as pool tables, bar stools, vending/amusement machines; as well as all exits.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of Business Plan, to include: <input checked="" type="checkbox"/> Hours of Operation <input checked="" type="checkbox"/> Copy of Menu <input checked="" type="checkbox"/> Whether or not live music will be played at this establishment <input checked="" type="checkbox"/> Will there be outdoor seating and/or outdoor designated smoking area <input checked="" type="checkbox"/> Do not include a marketing or financial plan with this business plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are any building alterations planned for this site? If not sure, please contact Building & Code Enforcement at 630.377.4406 and/or Fire Prevention Bureau at 630.377.4458 to discuss whether or not a walk-thru and/or permit are necessary. <i>No</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All managers have been fingerprinted who are employed by your establishment. When new management is hired, it is imperative you contact the Mayor's office to be fingerprinted so the City's business files are appropriately updated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol Tax Acknowledgement and Business Information Sheet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OFFICIAL USE ONLY

Matthew Walek 375

Signature of Investigating Officer

Badge Number & Rank *Detective 375*

Approval Recommended*

Approval NOT Recommended

J. G.
Signature of Chief of Police

11-8-23
Date

*ISSUANCE OF THIS LICENSE IS CONTINGENT ON MEETING ALL REQUIRED BUILDING AND FIRE DEPARTMENT REQUIREMENTS.

LICENSE INFORMATION:

A Package \$3200-3600 A1 A2 A4 A5 A6
 B Restaurant \$2400-3600 B1 B2 B3 Late Night Permit 1:00am \$800 (B/C only)
 C Tavern \$2400-3600 C1 C2 C1 Late Night Permit 2:00am \$2300 (B/C only)
 D Hotel/Banquet/Arcada/Q-Center/Entertainment/Club - \$varies D-Type _____
 G Brewery/Restaurant or Site License - \$varies G1 G2
 H Catering License - \$varies H1 H2

**Initial Liquor License fees for A, B, C, D, G are reduced by 50% for annual renewals and licenses issued after Nov 1.
 Licenses are valid until April 30 following issuance and a renewal application is required for the next year (May 1-April 30) (5.08.040)

APPLICANT INFORMATION

1. Type of Business: Individual Partnership Corporation Other (explain):

2. Business Name:
TONICHIRAMEN

3. Business Address:
3843 E. MAIN STREET ST. CHARLES, IL 60174

4. Type of Business (5.08.070-3): RESTAURANT	5. Length of Time in this Business (5.08.070-4): 11:AM-9 P.M	6: Value of merchandise that normally will be in inventory when in operation (5.08.070-5): \$ 150K	
7. Business Phone: 331-901-5994	8. Business E-mail: tonichiramen@gmail.com	9. Business Website: toni-ichiramen.com	10: Illinois Tax ID Number: 4485-47412
11. Applicant/Contact Person Name: MEI CHUN CHEN		12. Title: PRESIDENT & MANAGER	13. Email: tonichiramen@gmail.com

14. Applicant Home Address, and all addresses for the last 10 years:
3248 S. EMERALD AVE. CHICAGO, IL 60616

15. Ph #: [REDACTED]	DL#: [REDACTED]	16. Date of Birth: [REDACTED]	17. Birthplace: CHINA
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18. If Corporation, Corporation Name:
VERY NOODLE INC.

19. Corporation Address (city, state, zip code):
[REDACTED]

ADDITIONAL OWNERS, INVESTORS (greater than 5% interest), and MANAGER INFORMATION

Full Name, include middle initial: _____ Title: _____

Birthdate: _____ Birthplace: _____ Driver's License#: _____ Home Phone: _____

Home Address, and all addresses for the last 10 years: _____ Email Address: _____

Full Name, include middle initial: _____ **Title:** _____
Birthdate: _____ **Birthplace:** _____ **Driver's License#:** _____ **Home Phone:** _____
Home Address, and all addresses for the last 10 years: _____ **Email Address:** _____

Full Name, include middle initial: _____ **Title:** _____
Birthdate: _____ **Birthplace:** _____ **Driver's License#:** _____ **Home Phone:** _____
Home Address, and all addresses for the last 10 years: _____ **Email Address:** _____

BUSINESS ESTABLISHMENT LOCATION INFORMATION

1. Exact Street Address for liquor license: 3843 E MAIN STREET ST CHARLES, IL 60174	2. # Parking Spaces: 144	3. Outside Dining s.f. [17.20.020-R]: N/A	4. Total Building s.f.: 2297 sq.
5. Total # Seats: 48	6. Live Entertainment Area s.f. [5.08.010-H]: NONE		
7. Brief Business Plan description based on type of establishment listed above (5.08.070-6): 			

PROPOSED FLOOR PLAN/LAYOUT OF PROPERTY

Attach to this application a floorplan or layout of the proposed facility to include the following:

1. Every application for Liquor license shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following:
 - a. The location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof;
 - b. The designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided);
 - c. The proposed seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
2. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Commissioner may impose such restrictions as he deems appropriate on any license by noting the same on the approved site drawing or as provided on the face of the license.
3. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4. It shall be unlawful for any licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

THE FIRE PREVENTION BUREAU WILL FURNISH ALL FINAL, PERMITTED OCCUPANCY NUMBERS FOR THIS LICENSE.

CORPORATION / PREMISES QUESTIONS

1.	<p>If applicant is an individual or partnership, is each and every person a United States citizen (5.08.070-2)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is any individual a naturalized citizen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, print name(s), date(s), and place(s) of naturalization:</p>
2.	<p>Is the premises owned or leased (5.08.070-6A)? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased</p>
3.	<p>If the premises are leased, list the names and addresses of all direct owners or owners of beneficial interests in any trusts, if premises are held in trust (5.08.070-6B):</p> <p>Name of Building Owner: FAIRMAY PROPERTY GROUP LLC Phone Number: 630-513-0173 Address of Building Owner: 473 DURHAM ROAD SUITE 200 ST. CHARLES, IL 60174 E-mail Address:</p> <p>Mailing Address of Building Owner (if different):</p> <p>Name of Building Owner: Phone Number: Address of Building Owner: E-mail Address: Mailing Address of Building Owner (if different):</p> <p>Name of Building Owner: Phone Number: Address of Building Owner: E-mail Address: Mailing Address of Building Owner (if different):</p>
4.	<p>Does the applicant currently operate, or operated in the past, any other establishment within the City of St. Charles that requires a liquor license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, please list the business name(s) and address(es):</p>
5.	<p>Does applicant have any outstanding debt with the City of St. Charles, including, but not limited to, utility bills, alcohol tax, and permit fees, for any current or previous establishment owned, operated or managed by the applicant?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>If yes, please note the City of St. Charles requires all debt to be paid in full before consideration of a new or renewed liquor license is issued. (5.08.050)</i></p>
6.	<p>Are any improvements planned for the building and/or site that will require a building permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, has a building permit been applied for? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of permit application _____</p>
7.	<p>Has applicant applied for a similar or other license on the premises other than the one for which this license is sought (5.08.070-7)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, what was the disposition of the application? Explain as necessary:</p>

8.	<p>Has applicant (and all persons listed on page 2 of this application) ever been convicted of a felony under any Federal or State law, or convicted of a misdemeanor opposed to decency or morality (5.08.070-8)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Is applicant (and all persons listed on page 2 of this application) disqualified from receiving a liquor license by reason of any matter contained in Illinois State law and/or City of St. Charles Municipal Ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
9.	<p>List previous liquor licenses issued by any State Government or any subdivision thereof (5.08.070-9). Use additional paper if necessary.</p> <p>Government Unit: _____ Location, City/State: _____</p> <p>Date: _____ Special Explanations: _____</p> <p>Government Unit: _____ Location, City/State: _____</p> <p>Date: _____ Special Explanations: _____</p>
10.	<p>Have any liquor licenses possessed ever been revoked (5.08.070-9)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, list all reasons on a separate, signed letter accompanying this application.</p> <p>Has any director, officer, shareholder, or any of your managers, ever been denied liquor license from any jurisdiction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, proceed to Question 15. If more space is needed, please attach a separate sheet of paper with the information.</p>
11.	<p>Complete ONLY if yes was answered to the question above (10):</p> <p>Name: _____ Name of Business: _____</p> <p>Position with the Business: _____ Date(s) of Denial: _____</p> <p>Reason(s) for Denial of License: _____</p>
12.	<p>Date of Incorporation (Illinois Corporations) (5.08.070-10): 02/27/2023</p> <p>Date qualified under Illinois Business Corporation Act to transact business in Illinois (Foreign Corporation): _____</p>
13.	<p>Has the applicant and all designated managers read and do they all understand and agree not to violate any laws of the United States, the State of Illinois, and any of the ordinances of the City of St. Charles in conducting business (5.08.070-11)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have you, or in the case of a corporation, the local manager, or in the case of a partnership any of the partners, ever been convicted of any violation of any law pertaining to alcoholic liquor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have you, or in the case of a corporation the local manager, or in the case of a partnership any of the partners, ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have you ever been convicted of a gambling offense? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If a partnership or corporation, include all partners and the local manager(s).)</p> <p>Will you and all your employees refuse to serve or sell alcoholic liquor to an intoxicated person or to a minor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

14. All individual owners, partners, officers, directors, and/or persons holding directly or beneficially more than five (5) percent in interest of the stock of owners by interest listed on page 2 of this application must be fingerprinted by the City of St. Charles Police Department (5.08.070-A12).
 Has this been done? Yes No
 If yes, date(s):

15. Has the applicant attached proof of Dram Shop Insurance to this application or already furnished it to the City of St. Charles (5.08.060)? Yes No
 If already furnished, date of delivery:

16. Is the premises within 100 feet of any real property of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands, or children; and/or any military or naval station (5.08.230)?
 Yes No

B.A.S.S.E.T. TRAINING

Please list employees required to have B.A.S.S.E.T training on this page – Include all managers, assistant managers, bartenders, and clerks who are permitted to make alcoholic liquor sales. Include copies of certificates for managers only and mark Manager if applicable. Add another page, if needed.

Name (First, Middle, Last): Mei chun chen Birthdate: [REDACTED]
 Home Street Address, Incl City, State, Zip: [REDACTED]
 Date of Course: 29 Sep 2023 Place Course was Taken: online Training Certificate Granted? Y/N Y Expiration: 29/sep 2026

Name (First, Middle, Last): Hongbo Li Birthdate: [REDACTED]
 Home Street Address, Incl City, State, Zip: [REDACTED]
 Date of Course: 10-5-23 Place Course was Taken: online Certificate Granted? Y/N Y Expiration: 10-5-26

Name (First, Middle, Last): Xia Chen Birthdate: [REDACTED]
 Home Street Address, Incl City, State, Zip: [REDACTED]
 Date of Course: 10-5-23 Place Course was Taken: online Certificate Granted? Y/N Y Expiration: 10-5-26

Name (First, Middle, Last): Birthdate:
 Home Street Address, Incl City, State, Zip:
 Date of Course: Place Course was Taken: Certificate Granted? Y/N Expiration:

NEW MANAGEMENT REQUIREMENTS

Whenever a new manager comes on board, the City must be notified and that person must be fingerprinted.
 It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for their employees.

COMMENTS/ADDITIONAL INFORMATION

Business Name:
TONICHIRAMEN

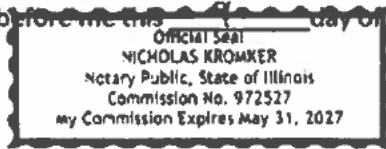
SIGNATURES

[Handwritten Signature]

Applicant's Signature

Subscribed and sworn before me this 11 day of October, 2023

(Seal)



Nicholas Kromker
Notary Public

ADDENDUM TO RETAIL LIQUOR LICENSE APPLICATION

To be completed by the City of St. Charles Police Department

Date: <u>11/3/23</u>	Name of Applicant: <u>Mei Chun Chen</u>
Name of Business: <u>Tonichi Ramen</u>	
Address of Business: <u>3843 E. Main St. St. Charles, IL</u>	Ward Number: <u>Ward 1</u>

Pursuant to the provision of the City of St. Charles Municipal Code, Chapter 5.08, Alcoholic Beverages, the following guide shall be in effect for the investigation of an applicant for a Retail Dealer's Liquor License:

1. Date on which applicant will begin selling retail alcoholic liquors at this location:
As soon as possible; when license is granted
2. Is the location within 100 feet of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands or children; or any military or naval station? Yes No
3. If the answer to question 2 is yes, answer the following: Is applicant's place of business a hotel offering restaurant service, a regularly organized club, a restaurant, a food shop, or other place where the sale of alcoholic liquors is not the principal business? Yes No

If yes, answer a, b and c:
a. State the kind of such business:
b. Give date on which applicant began the kind of business named at this location:
c. Has the kind of business designated been established at this location for such purpose prior to February 1, 1934, and carried on continuously since such time by either the applicant or any other person?
 Yes No

N/A
4. If premises for which an alcoholic liquor license is herein applied for are within 100 feet of a church, have such premises been licensed for the sale of alcoholic liquor at retail prior to the establishment of such church? Yes No

If yes, have the premises been continuously operated and licensed for the sale of alcoholic liquor at retail since the original alcoholic liquor license was issued therefore? Yes No

N/A

5.	<p>Is the place for which the alcoholic liquor license is sought a dwelling house, flat, or apartment used for residential purposes?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
6.	<p>Is there any access leading from 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? (Connection between premises and such other portion of building or structure as is used only by the applicant, his/her family and personal guests not prohibited.)</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
7.	<p>If applicant conducts or will conduct in the same place any other class of business in addition to that of City Retailer of Alcoholic Liquor, state the kind and nature of such business: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
8.	<p>Are all rooms where liquor will be sold for consumption on the premises continuously lighted during business hours by natural light or artificial white light so that all parts of the interior shall be clearly visible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
9.	<p>Are premises located in any building belonging to or under the control of the State of Illinois or any other political subdivision thereof, such as county, city, etc.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
10.	<p>Are the premises for which license is herein applied for a store or place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food or drinks for such minors? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
11.	<p>It is required by the City of St. Charles that all employees undergo BASSET training. Provide a copy of the certificate of training completion for each manager. All certificates for managers have been submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
12.	<p>From your observation and investigation, has applicant—to the best of your knowledge—truthfully answered all questions?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, state exceptions:</p>
13.	<p>Have all persons named in this application been fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Fingerprinted by: <i>IEP Catt</i> Date: <i>10/10/23</i></p>
14.	<p>Other necessary data:</p>

Taxpayer Notification

Business Authorization



#BWNKMGV
#CNXX X164 8272 7123#
VERY NOODLE INC
TONICHIRAMEN
3246 S EMERALD AVE
CHICAGO IL 60616-3406

May 3, 2023



Letter ID: CNXXX16482727123

Account ID: 4485-4412

We have issued your Certificate of Registration.

Welcome!

We have issued your Illinois Business Authorization.

Please verify that all of the information on the Business Authorization is correct. If all of the information is correct, you may print a paper copy from a MyTax Illinois account to visibly display at the business address listed.

Your Illinois Business Authorization is an important tax document that indicates that you are registered or licensed with the Illinois Department of Revenue to legally do business in Illinois.

If you wish to be registered for any other taxes or fees, you must complete a new application. For questions, visit our website at tax.illinois.gov or call us weekdays between 8:00 a.m. and 4:30 p.m. at the telephone number below.

**CENTRAL REGISTRATION DIVISION
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19030
SPRINGFIELD IL 62794-9030
REV.CENTREG@illinois.gov**

217 785-3707

Verify that all of your Illinois Business Authorization information is correct.

If not, contact us immediately.

If all of the information is correct, you may print and visibly display at the business listed. Your Illinois Business Authorization is an important tax document that indicates that you are registered or licensed with the Illinois Department of Revenue to legally do business in Illinois.

OFFICIAL DOCUMENT

State of Illinois - Department of Revenue

Illinois Business Authorization

OFFICIAL DOCUMENT

VERY NOODLE INC

DBA: TONICHIRAMEN

3843 E MAIN ST
SAINT CHARLES IL 60174-2424

Loc. Code: 045-0022-9-001

St. Charles (Kane)
Kane County

Expiration Date:
4/1/2024


Certificate of Registration
Sales and use taxes and fees

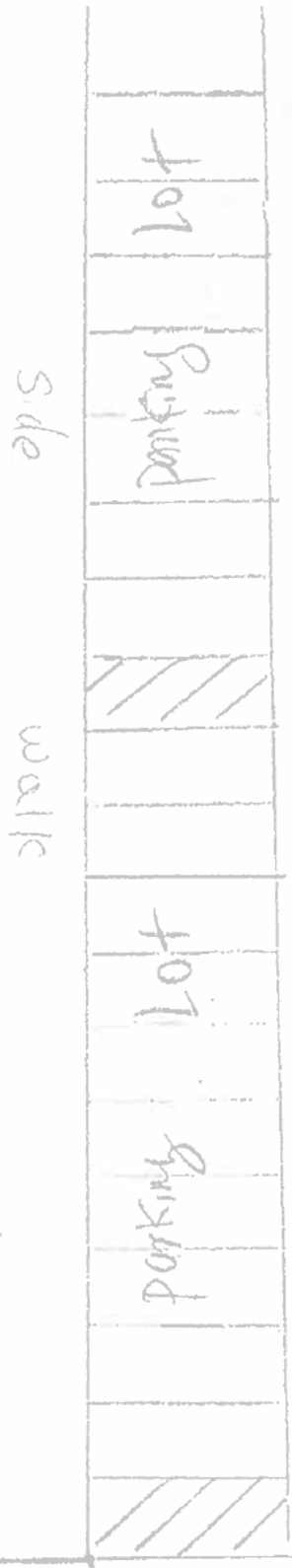
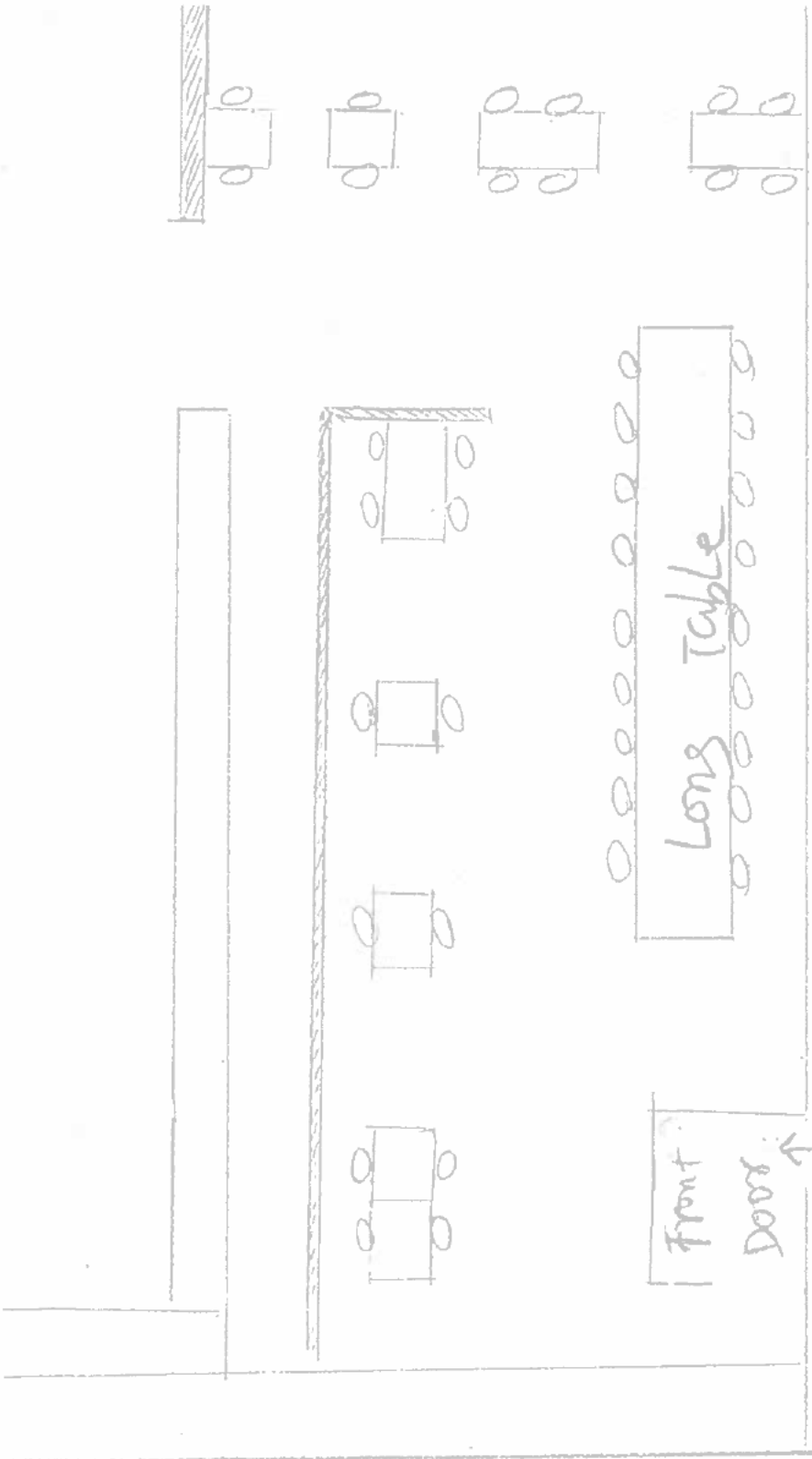
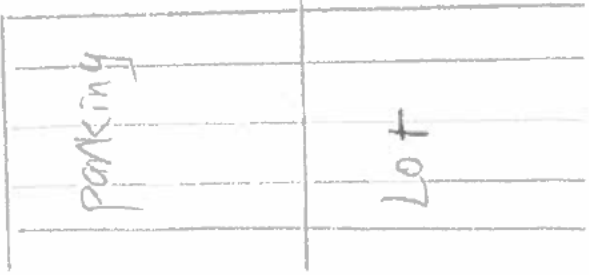
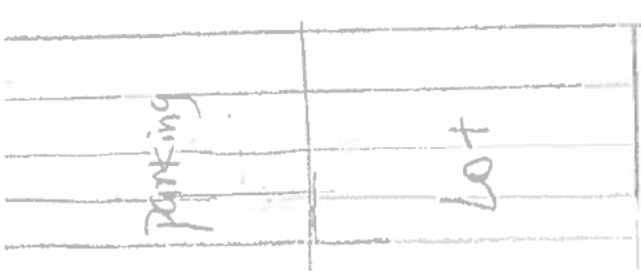
(4485-4412)

ILLINOISREVENUE
[Signature]
Director

OFFICIAL DOCUMENT

Issued Date: **05/03/2023**







3843 E Main St.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/20/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Max Group & Associates 3131 South Canal Street, Unit Suite A1 Chicago IL 60616	CONTACT NAME: Tess Lam PHONE (A/C, No, Ext): (773) 376-1000 E-MAIL ADDRESS: tesslam@maxgroupins.com	FAX (A/C, No): (773) 376-8369
	INSURER(S) AFFORDING COVERAGE	
INSURED VERY NOODLE INC, DBA: TON-ICHI RAMEN 3843 E MAIN ST ST CHARLES IL 60174	INSURER A: US Insurance Company	NAIC # 13017
	INSURER B: Travelers Indemnity (IND)	25658
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL23102025025 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBS	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		23IL0000048BOP00	04/10/2023	04/10/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPYOP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (EA ACCIDENT) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y N/A	UB6W821721	04/11/2023	04/11/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	LIQUOR LIABILITY		23IL0000048BOP00	04/10/2023	04/10/2024	\$1,000,000 CSL

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER CITY OF ST CHARLES 2 E. Main Street ST CHARLES IL 60174	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Grace J Yang</i>

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ILLINOIS LIQUOR CONTROL COMMISSION
50 W. Washington Street, Suite 209 - Chicago, IL 60601
BEVERAGE ALCOHOL SELLERS AND SERVERS
EDUCATION AND TRAINING (BASSET) CARD

Date of Certification: 9/30/2025 Expires: 9/30/2026
Trainer's IL Liquor License Number: SA-1146665

MEI CHUN CHEN
3246 S EMERALD AVE
CHICAGO IL 60616



****Card is not transferrable****

ILLINOIS LIQUOR CONTROL COMMISSION

50 W. Washington Street, Suite 209 - Chicago, IL 60601

BEVERAGE ALCOHOL SELLERS AND SERVERS

EDUCATION AND TRAINING [BASSET] CARD

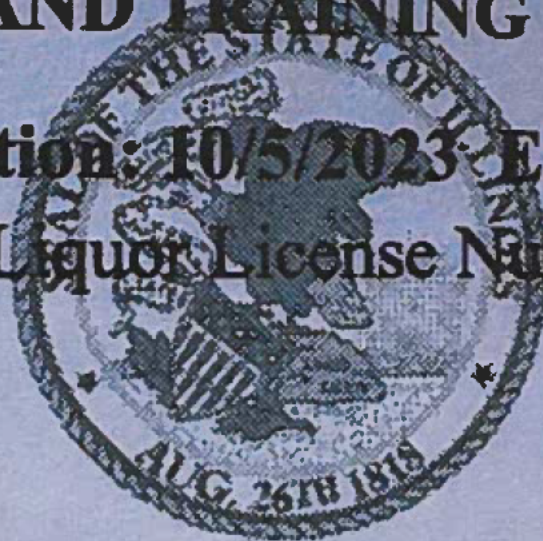
Date of Certification: 10/5/2023 Expires: 10/5/2026

Trainer's IL Liquor License Number: 5A-1153145

XIA CHEN

3843 E MIAN ST

ST CHAR IL 60174



****Card is not transferrable****

Your "Student ID number" is: [REDACTED]
Your "Trainer's ID number" is: 5A-1153145

Your BASSET Card is located BELOW

DO NOT throw away this letter as you will need your "Student ID number" directly above to re-print your card.

IMPORTANT:

To re-print your card, visit the Illinois Liquor Control Commission website at ILCC.illinois.gov
(click on the RESOURCES tab to access the "BASSET Card Lookup" page).

ILLINOIS LIQUOR CONTROL COMMISSION

50 W. Washington Street, Suite 209 - Chicago, IL 60601

BEVERAGE ALCOHOL SELLERS AND SERVERS

EDUCATION AND TRAINING [BASSET] CARD

Date of Certification: 10/5/2023 Expires: 10/5/2026

Trainer's IL Liquor License Number: 5A-1153145

HONGBO LI

3843 E MAIN ST

SAINT CHARLES IL 60174



****Card is not transferrable****

Kane County Health Department

Food Establishment Permit - A20230002651

2023

This permit is to be conspicuously displayed at the place of business.
The responsibility for maintaining the certificate rests with the operator.

TONICHI RAMEN
VERY NOODLE INC
3843 E MAIN ST
ST CHARLES IL 60174

The Kane County Health Department inspects the Establishment at the address above and finds it to be in substantial compliance with the provision of Chapter 11.5, Article III, Food Sanitation, Sections 11.5.26 – 11.5.50 of the Kane County Code. This permit is valid from January 1 through December 31 for the year noted above. This permit must be posted.



This Permit is Not Transferable

Michael Isaacson, MPH
Executive Director
Kane County Health Department

Est LCFE20230000411
Cat I - 2

IS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 02-27-2023

Employer Identification Number:
92-2581388

Form: SS-4

Number of this notice: CP 575 A

VERY NOODLE INC
3246 S EMERALD AVE
CHICAGO, IL 60616

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 92-2581388. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did not apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 1120

04/15/2024

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S, U.S. Income Tax Return for an S Corporation, must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.



T1 Shoyo 醤油ラーメン
(Non-Spicy or Spicy) \$14.95
 Pork broth: pork chashu, wakame seaweed, non spicy or spicy bean sprouts, green onion, half-seasoned egg, corn, nori seaweed served with thick noodle

T5 Spicy Tonkotsu
(Kimchi Ramen)
 キムチ豚骨ラーメン \$15.95
 Pork broth: pork chashu, wakame seaweed, spicy bean sprouts, green onion, whole seasoned egg, narutomaki, crispy onion, corn, chili oil, kimchi, nori seaweed, served with thick noodle



C1 Classic Chicken クラシックチキン
\$14.95
 Chicken broth: chicken chashu, spinach, non-spicy bean sprouts, green onion, half-seasoned egg, corn, crispy onion, nori seaweed, served with thick noodle

T2 Miso 味噌ラーメン
\$14.95

Pork broth: pork chashu, wakame seaweed, non-spicy bean sprouts, green onion, half-seasoned egg, corn, nori seaweed, served with thick noodle



T7 Tonkotsu Rich Garlic
 にんにく豚骨ラーメン \$15.95
 Pork broth: pork chashu, wakame seaweed, non-spicy bean sprouts, green onion, whole seasoned egg, narutomaki, bamboo, fresh garlic, black garlic oil, corn, nori seaweed, served with thick noodle

T6 Tonkotsu & Chicken Combo
 豚骨とチキンソボララーメン
\$15.95
 Pork and Chicken broth: pork chashu, chicken chashu, wakame seaweed, non-spicy bean sprouts, green onion, half-seasoned egg, corn, nori seaweed, served with thick noodle



C2 Spicy Chicken スパイツチキン
\$14.95
 Chicken broth: chicken chashu, spinach, spicy bean sprouts, green onion, half-seasoned egg, corn, crispy onion, spicy sauce, nori seaweed, served with thick noodle



T3 Spicy Miso スパイツ味噌
\$14.95
 Pork broth: ground pork soboro, wakame seaweed, spicy bean sprouts, green onion, half-seasoned egg, corn, chili oil, nori seaweed, served with thick noodle

T4 Tonkotsu Classic
 豚骨ラーメン \$14.95
 Pork broth: pork chashu, wakame seaweed, non-spicy bean sprouts, green onion, whole seasoned egg, narutomaki, crispy onion, corn, nori seaweed, served with thick noodle



V1 Vegetable Ramen 野菜ラーメン
\$14.95
 Vegan broth: wakame seaweed, non-spicy bean sprouts, green onion, bamboo, broccoli, corn, nori seaweed, served with thick noodle



T8 Tonkotsu & Shrimp Combo
 豚骨とエビのソボラ \$16.95
 Pork broth: pork chashu, shrimp tempura, wakame seaweed, non-spicy bean sprouts, green onion, half-seasoned egg, bamboo, corn, nori seaweed, served with thick noodle.

V2 Spicy Creamy Vegan Ramen
 スパイツ野菜ラーメン
\$14.95
 Vegan broth: atsugae tofu, spicy bean sprouts, green onion, bamboo, crispy onion, corn, nori seaweed, chili oil, spicy sauce served with thick noodle



APPETIZER



A1 French Fries
 \$5.95



A2 Edamame
 \$5.95



A3 Seaweed Salad
 \$5.95



A4 Chicken Karaage
 \$7.95



A5 Fried Calamari
 \$8.95



A6 Pork Gyoza (6pcs)
 \$6.95



A7 Shrimp Shumai (6pcs)
 (Steamed or Fried)
 \$7.95



A8 Chicken Bun (2pcs)
 \$7.95



A9 Pork Bun (2pcs)
 \$7.95



A10 Takoyaki-Octopus Ball (5pcs)
 \$7.95



A11 Crispy Chicken Wings (5pcs)
 \$8.95



A12 Fried oyster (5pcs)
 \$8.95



A13 Shrimp Tempura Appetizer (5pcs)
 \$8.95



A14 Calamari Salad
 \$6.95



A15 Spicy Kimchi
 \$5.95



A16 Agedashi Tofu
 \$6.95



A19 Sesame Balls(6pcs)
 \$6.95



A20 Fried Scallops(6pcs)
 \$6.95



A21 Crab Rangoon(6pcs)
 \$6.95



A22 Japanese Harumaki(4pcs)
 \$6.95



D1 Pork Saboro Don
そぼろ丼 (滷肉蓋飯)
\$14.50

Ground pork saboro, half soft boiled egg, corn, broccoli, and green onion, served over white rice

D2 Tonkatsu Don
豚カツ丼 (碳烤豬扒飯)
\$14.50

Panko crumbed pork chop, with slightly caramelized onion and egg cooked in a sweet and savory sauce, served over white rice, and topped with broccoli, green onion, pickled radish, and sesame seeds (egg is cooked as easy)



D3 Oyako Don
親子丼 (雞肉飯)
\$14.50

Bite size chicken thigh pieces, slightly caramelized onion, and egg cooked in a sweet and savory sauce, served over white rice, and topped with broccoli, green onion, pickled radish, and sesame seeds (egg is cooked as easy)



D4 Gyu Don
牛丼(牛肉飯)
\$14.50

Thinly sliced beef brisket, slightly caramelized onion, and egg cooked in a sweet and savory sauce, served over white rice, and topped with broccoli, green onion, pickled radish, sesame seeds and raw egg



D5 Unagi Don
鰻丼(鰻魚飯)
\$15.95

Grilled eel over white rice, served with broccoli and sesame seeds



Extra Topping Ground Pork

Fresh garlic	\$1.00
Green onion	\$1.00
Crispy onion	\$1.00
Hot Oil	\$1.00
Corn	\$1.50
Bean Sprouts	\$1.50
Broccoli	\$2.00
Wakame seaweed	\$2.00
Nori seaweed	\$2.00
AstUAGE tofu	\$2.00
Bamboo	\$2.00
Seasoned egg(soft boiled egg)	\$2.00
Narutomaki(fish cake)	\$2.50
Kimch	\$2.50
Steam rice	\$2.50
Shrimp tempura(1pc)	\$2.50
Extra soup	\$3.00
Ground pork saboro	\$3.00
Extra noodle	\$3.00
Chicken chashu(grilled chicken breast)(2pcs)	\$3.00
Pork chashu(gilled pork belly)(2pcs)	\$3.50

DESSERT



Mochi Ice Cream(2pcs)
\$5.95
 Choice of vanilla, green tea, mango, strawberry

Japanese Cheese Cake
\$5.95



Tiramisu
\$6.95

*Food Allergy Notice
 Please be advised that food prepared here may contain egg, wheat and sesame seeds
 *Consumer Advisory
 Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase risk of foodborne illness especially if you have certain medical conditions



TON-ICHI RAMEN



3843 E Main St, St. Charles, IL 60174

331-901-5994

Open Hours
MON-SUN: 11AM-9PM

~~WEDNESDAY CLOSED~~

WE DELIVERY WITH







New Facility Hours and Appointments

APPOINTMENTS REQUIRED for REAL ID, DL/ID card services and in-car driving tests. Check your local DMV facility for extended hours and appointment availability.



Business Entity Search

Entity Information

Entity Name	VERY NOODLE INC.		
File Number	74106927	Status	ACTIVE
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	02-27-2023	State	ILLINOIS
Duration Date	PERPETUAL		
Annual Report Filing Date	00-00-0000	Annual Report Year	
Agent Information	MANDY Z XU 2217 S WENTWORTH AVE	Agent Change Date	02-27-2023

FORM **BCA 2.10**
ARTICLES OF INCORPORATION
Business Corporation Act

Filing Fee: \$150

File #: 74106927

Approved By: MAP

FILED

FEB 27 2023

Alexi Giannoulis
Secretary of State

1. Corporate Name: VERY NOODLE INC.

2. Initial Registered Agent: MANDY Z XU

First Name	Middle Initial	Last Name
MANDY	Z	XU

Initial Registered Office: 2217 S WENTWORTH AVE STE 5

Number	Street	Suite No.	City	State	ZIP Code	County
2217	S WENTWORTH AVE	STE 5	CHICAGO	IL	60616-2168	COOK

3. Purposes for which the Corporation is Organized:
The transaction of any or all lawful businesses for which corporations may be incorporated under the Illinois Business Corporation Act.

4. Authorized Shares, Issued Shares and Consideration Received:

Class	Number of Shares Authorized	Number of Shares Proposed to be Issued	Consideration to be Received Therefor
COMMON	100000	100000	\$ 1000

NAME & ADDRESS OF INCORPORATOR

5. The undersigned incorporator hereby declares, under penalties of perjury, that the statements made in the foregoing Articles of Incorporation are true.

Dated FEBRUARY 27, 2023
Month & Day Year

MEI CHUN CHEN
Name

3246 S EMERALD AVE
Street

CHICAGO IL 00006-0616
City/Town State ZIP Code

STE 5

CHICAGO ,IL 60616-2168

Services and More Information


Choose a tab below to view services available to this business and more information about this business.

[Purchase Master Entity Certificate of Good Standing](#)

[Change of Registered Agent and/or Registered Office](#)

[Articles of Amendment Effecting A Name Change](#)

[Adopting Assumed Name](#)

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 6
	Title:	Recommendation to approve An Ordinance Amending Title 5, “Business Licenses and Regulations,” Section 5.08, “Alcoholic Beverages,” of the St. Charles Municipal Code	
	Presenter:	Police Chief Keegan	
Meeting: Liquor Control Commission		Date: November 20, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>Please see the attached document for the proposed changes to the City of St. Charles City Code updating Chapter 5.08, “Alcoholic Beverages,” in its entirety.</p>			
Attachments (please list):			
Changes highlighted in ordinance format			
Recommendation/Suggested Action (briefly explain):			
<p>Recommendation to modify City Code with the listed revisions to Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages” of the St. Charles Municipal Code.</p>			

CITY OF ST. CHARLES, ILLINOIS
ORDINANCE NO. _____

~~AN ORDINANCE OF THE CITY OF ST. CHARLES, KANE
AND DUPAGE COUNTIES, ILLINOIS, AMENDING TITLE 5,
"BUSINESS LICENSES AND REGULATIONS,"
SECTION 5.08, "ALCOHOLIC BEVERAGES,"
OF THE ST. CHARLES MUNICIPAL CODE~~

PRESENTED & PASSED BY THE
CITY COUNCIL ON _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE, AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. That Title 5, "Business Licenses and Regulations," Section 5.08, "Alcoholic Beverages," of the St. Charles Municipal Code be and is hereby amended by deleting the entire section and substituting the following, therefore:

5.08.020 – Local Liquor Control Commissioner – Designated

1. Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and ~~he/she be~~ the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.
2. Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council, and two (2) members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.
3. Mayoral Interest in Alcoholic Liquor- If the mayor has an interest in the manufacture, sale, or distribution of alcoholic liquor, the mayor must direct the City Council to appoint, by majority vote, a person other than ~~him the Mayor or her~~ to serve as the Local Liquor Control Commissioner. The appointment must be made within thirty (30) days from the day on which after the mayor (i) takes office or (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor the mayor cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the mayor with ~~the an~~ interest

in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the appointee: a) shall be an attorney with an active license to practice law in the State of Illinois; b) shall not legally represent liquor license applicants or holders before the City Council or before the Liquor Control Review Board, or before an adjacent jurisdiction; c) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and d) shall not be appointed to a term to exceed the term of the mayor, or members of the City Council.

5.08.020 – Local Liquor Control Commissioner – Designated

~~4.1.~~ Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and ~~he/she be~~ the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

~~5.2.~~ Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council, and two (2) members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.

~~6.3.~~ Mayoral Interest in Alcoholic Liquor- If the mayor has an interest in the manufacture, sale, or distribution of alcoholic liquor, the mayor must direct the City Council to appoint, by majority vote, a person other than ~~him the Mayor or her~~ to serve as the Local Liquor Control Commissioner. The appointment must be made within thirty (30) days from the day on which after the mayor (i) takes office or (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor the mayor cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the mayor with ~~the-an~~ interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the appointee: a) shall be an attorney with an active license to practice law in the State of Illinois; b) shall not legally represent liquor license applicants or holders before the City Council or before the Liquor Control Review Board, or before an adjacent jurisdiction; c) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and d) shall not be appointed to a term to exceed the term of the mayor, or members of the City Council.

5.08.020 – Local Liquor Control Commissioner – Designated

- ~~7.1.~~ 7.1. Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and ~~he/she be~~ the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.
- ~~8.2.~~ 8.2. Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council, and two (2) members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.
- ~~9.3.~~ 9.3. Mayoral Interest in Alcoholic Liquor- If the mayor has an interest in the manufacture, sale, or distribution of alcoholic liquor, the mayor must direct the City Council to appoint, by majority vote, a person other than ~~him-the Mayor or her~~ to serve as the Local Liquor Control Commissioner. The appointment must be made within thirty (30) days from the day on which after the mayor (i) takes office or (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor the mayor cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the mayor with ~~the-an~~ interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the appointee: a) shall be an attorney with an active license to practice law in the State of Illinois; b) shall not legally represent liquor license applicants or holders before the City Council or before the Liquor Control Review Board, or before an adjacent jurisdiction; c) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and d) shall not be appointed to a term to exceed the term of the mayor, or members of the City Council.

5.08 – Alcoholic Beverages

5.08.010 – Definitions

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934, approved January 31, 1934, as amended (235 ILCS 5/1-1 et seq.) (“Liquor Control Act”), shall have the meanings accorded to such words and phrases in said Act.

Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

1. "Alcohol" means the product of the distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
2. "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 any liquid or solid containing ~~one-half~~ one-half of one percent, or less, of alcohol by volume.
3. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
4. "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors, which conforms to the definition of a club in the Liquor Control Act, as amended.
5. "Growlers and Crowlers" means a glass, ceramic, or steel container used to sell, seal, and transport alcoholic liquor that is brewed, distilled, fermented, or mixed on site.
6. "Halfway House" means premises located on a golf course in the proximity of the ninth hole of an eighteen-hole golf course, where alcoholic liquor sales are incidental to the sale of food and snacks. All alcoholic liquors shall be served in something other than glass containers.
7. "Holding Bar" means an area within a restaurant where patrons awaiting food service may consume alcoholic liquors served by a bartender. The holding bar area shall be separated from the dining area by means of a partition wall. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.
8. "Hotel" or "Motel" means 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 such guests and having one or more public dining rooms, where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings, in connection therewith and such building or buildings, structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
9. "Intoxication" or "intoxicated" means that as a result of drinking alcoholic liquor there is an impairment of a person's mental or physical faculties so as to diminish the ability to think and act with ordinary care.

10. "Live Entertainment" means the playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in the zoning code of St. Charles, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital of poetry.
11. "Private function" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.
12. "Resort Hotel" or "Resort Motel" means a hotel or motel, as described in Paragraph G above, which provides golfing and swimming.
13. "Restaurant" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and 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. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant shall be the service of meals. No restaurant licensed as such shall sell alcoholic liquor unless its full kitchen, ~~kitchen-~~ kitchen staff and serving staff are in operation providing the restaurant's full menu to its guests. Alcoholic liquor may be served from a service bar or in a holding bar. ~~(Ord. 2012 M-30 § 1.)~~
14. "Restaurant and Tavern" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and 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. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant and tavern shall be the service of meals. Provided, all tables at which food is served shall only be served alcoholic liquor by waitpersons from a service bar. Alcoholic liquor may be served from a holding bar, provided, a full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until eleven o'clock (11) p.m. Sunday through Thursday, and eleven o'clock (11) p.m. Friday and Saturday. After such times, in the event, a full menu is not provided, a reduced menu, which includes only appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available, ~~however;~~ however, provided in no event shall the kitchen cease operating sooner than one hour before closing. "Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

15. "Sell at retail" and "Sale at retail" refer to and mean sales for use or consumption and not for resale in any form.
16. "Service bar" means a permanent or portable bar from which waitpersons pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. A service bar shall not have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons shall not be served from a service bar.
17. "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
18. "Tavern," "Bar" or "Saloon" means any place that engages in the retail sale of alcoholic liquor for consumption on the premises. No tavern, bar or saloon shall sell alcoholic liquor unless food/menu items are offered to its guests. In the event a full menu is not provided a reduced menu, which includes appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available. ~~(Ord. 2015-M-14 § 1; Ord. 2012-M-30 § 2.)~~
19. "To sell" includes to keep or expose for sale and to keep with intent to sell.
20. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits."
21. "Specialty Drink" means any unique or original drink that originates from the licensed establishment and is exclusive to that business.

~~21.~~

5.08.020 – Local Liquor Control Commissioner – Designated

~~a.1.~~ Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and ~~he/she be~~ the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

~~b.2.~~ Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council, and two (2) members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission if a spouse,

parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.

~~e.3.~~ **3.** Mayoral Interest in Alcoholic Liquor- If the mayor has an interest in the manufacture, sale, or distribution of alcoholic liquor, the mayor must direct the City Council to appoint, by majority vote, a person other than ~~him-the Mayor or her~~ to serve as the Local Liquor Control Commissioner. The appointment must be made within thirty (30) days from the day on which after the mayor (i) takes office or (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor the mayor cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the mayor with ~~the-an~~ interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the appointee: a) shall be an attorney with an active license to practice law in the State of Illinois; b) shall not legally represent liquor license applicants or holders before the City Council or before the Liquor Control Review Board, or before an adjacent jurisdiction; c) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and d) shall not be appointed to a term to exceed the term of the mayor, or members of the City Council.

5.08.030 – Local Liquor Control Commissioner – Powers, Duties and Functions

The Local Liquor Control Commissioner shall have the following powers, duties, and functions with respect to local liquor licenses:

- ~~2.1.~~ **2.1.** To grant and/or suspend for not more than thirty days or revoke for cause, all local liquor licenses issued to persons or entities for premises within the City, and to impose fines as authorized in this chapter;
- ~~3.2.~~ **3.2.** To enter or to authorize any law enforcing officer to enter, at any time, upon any premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act or City ordinance or any rules or regulations adopted by the City or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Local Liquor Control Commissioner pursuant to Section 5.08.020 shall have the powers given to the Local Liquor Control Commissioner by this subsection;
- ~~4.3.~~ **4.3.** To receive complaints from any citizen within the City that any provision of the Liquor Control Act or of this chapter ~~have-has~~ been or ~~are-is~~ being violated and to act upon such complaints in the manner provided by law;
- ~~5.4.~~ **5.4.** To receive local liquor license fees and pay ~~the~~ same to the City. The Local Liquor Control Commissioner also has the duty to notify the Secretary of State of any convictions or dispositions of court supervision for violation of Section 6-20 of the Liquor Control Act;
- ~~6.5.~~ **6.5.** To examine or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee upon whom notice of revocation, suspension or fine

has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine or cause to be examined, the books and records of any such applicant or licensee; and to hear testimony and take evidence for ~~his~~ information in the performance of ~~his~~ duties, and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purposes of obtaining any information desired by the Local Liquor Control Commissioner, ~~he the Local Liquor Control Commissioner~~ may authorize his agent to act on his behalf;

6. To notify the Secretary of State of Illinois where a club incorporated under the General Not for Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq., as amended) or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this chapter by selling or offering for sale at retail alcoholic liquors without a local liquor license pursuant to this chapter.

~~7.~~

5.08.035 – Local Liquor Control Commission – Powers and Duties

The Local Liquor Control Commission shall perform such functions and duties as directed or requested by the Local Liquor Control Commissioner in relation to the regulation of license activities, including but not limited to the following:

- ~~2.1.~~ Upon the request of the Local Liquor Control Commissioner, the Local Liquor Control Commission shall review the applications and the investigations of applicants for liquor licenses, and submit its findings and recommendations to the Local Liquor Control Commissioner.
- ~~3.2.~~ Conduct disciplinary hearings and submit findings and recommendations to the Local Liquor Control Commissioner setting forth its conclusions with respect to the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any.
- ~~4.3.~~ Review and recommend changes in this Chapter to the Local Liquor Control Commissioner.
- ~~5.4.~~ Keep written records of its meetings and proceedings, which shall be open for public inspection in accordance with the Freedom of Information Act (5 ILCS 140/1 et seq.)
- ~~6.5.~~ Hold regular meetings at times and on days as designated by the ~~Chairman of the Local Liquor Control Commissioner~~.

5.08.040 – License - Required - Term

It is unlawful to sell or offer for sale at retail in the City any alcoholic liquor without a local retail liquor license (“local liquor license”), or in violation of the terms of such license. Each local liquor license issued under this chapter shall terminate on April 30, following the date of issuance.

5.08.050 – License - No ~~Issurance~~ Issuance to Debtor

No local liquor license shall be authorized for issuance, and no initial local liquor license or renewal local liquor license shall be issued if the applicant, or any sole proprietor, partner, co-partner, member, officer, manager, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock thereof (either individually or in the foregoing capacities) is a debtor to the City for any reason whatsoever, regardless of whether the debt has been discharged such that the City can no longer collect such debt in any legal proceeding and regardless of whether such debt is owed by any of the foregoing:

~~1.A.~~ _____ individually/personally; or

~~2.B.~~ _____ in the capacity as a sole proprietor, partner, co-partner, member, officer, manager, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of any other legal entity, other than the applicant, that is a debtor to the City for any reason whatsoever, and regardless of whether the debt has been discharged such that the City can no longer collect such debt in any legal proceeding

5.08.060 – License – Dram Shop Insurance Required Prior to Issuance

No local liquor license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. The City shall be given at least ten ~~days'~~ days written notice from such insurance carrier prior to cancellation, termination, or amendment of any such dram shop insurance. In addition, a copy of said insurance policy must be made available at all times for inspection and filed with the City Clerk.

Every licensee shall be required to provide the Local Liquor Commissioner with a copy of each renewal/new policy of dram shop insurance when applying for either a new or renewal license. Any licensee failing to provide a copy of the renewal/new policy of dram shop insurance shall pay a late filing fee in the amount of \$50.00. Further, said licensee shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) for their first offense of operating without Dram Shop insurance, nor more than seven hundred fifty dollars (\$750.00) for each subsequent offense. Further, said licensee may be subject to a fine and / or license suspension or license revocation as provided by this Chapter 5.08.

5.08.070 – License – Application Requirements

1. Applications for a local liquor dealer's license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if not an individual, verified by oath or affidavit, and shall contain the following statements and information:

~~1.a.~~ In the case of an individual, the full name, age and address of the applicant; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which it is organized, the names and addresses of the officers and directors, and if five percent or more in interest in the stock of such corporation is owned by a person or his nominee or nominees, the name and address of each such person or persons;

- ~~2.~~b. The citizenship of the applicant, his date and place of birth and, if a naturalized citizen, the time and place of his naturalization;
- ~~3.~~c. The character of business of the applicant;
- ~~4.~~d. The length of time said applicant has been in business of that character;
- ~~5.~~e. The amount of goods, wares and merchandise on hand at the time application is made;
- ~~6.~~f. The location and description of the premises or place of business which is to be operated under such license;
 - ~~1.~~1. If ~~a leased premises~~ a leased premise, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
 - ~~2.~~2. The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
- ~~7.~~g. A statement whether the applicant has made similar application for a similar ~~other license~~ other licenses on premises other than described in this application, and the disposition of such application;
- ~~8.~~h. A statement that applicant has never been convicted of a felony, or a misdemeanor opposed to decency or morality, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or the ordinances of the City;
- ~~9.~~i. Whether a previous license by any state or subdivision thereof or by the federal government has been issued; if so, where and when; or if any such license has been revoked, the reason therefor;
- ~~10.~~j. _____ The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation;
- ~~11.~~k. _____ 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 City in the conduct of his place of business;
- ~~12.~~l. _____ Any applicant for a newly created city liquor license is to be fingerprinted whether said applicant is an individual or a partnership. Should the applicant be a corporation, the Local Liquor Control Commissioner may, within his discretion, require the following to be fingerprinted: the officers, manager or director thereof, or any stockholder or stockholders owning the aggregate of more than five percent

of the capital stock of said corporation. The City police department shall do all such fingerprinting. There shall be a fingerprint fee of fifty (\$50) dollars per application to be paid at the time of application and non-refundable.

2. The Local Liquor Control Commissioner shall issue a written acceptance or rejection of such application within sixty days of its receipt by the Local Liquor Control Commissioner or city clerk ~~in-on~~ his behalf with the advice and consent of the City Council.
3. There shall be an application fee of two hundred (\$200) dollars, which shall be non-refundable, and if a license is granted, applied to the first license fee. BYOB and Special Event license application fees shall be the cost of the license. Any outstanding fines and fees related to said licensure owed to the City by the licensee, its officers, directors or shareholders, shall be satisfied before a license is granted or renewed. All monies paid to the City shall be delivered via a certified bank check, or cash. The City will not accept credit cards or personal checks. At the discretion of the City Clerk, corporate checks may be accepted.

Any license that is issued in advance of the completion of the fingerprint background investigation may be rescinded by the Liquor Commissioner if the results of the investigation do not comply with section 5.08.080 of this Code.

5.08.080 – License – Restriction on Issuance

No such license shall be issued to:

1. A person who is not a resident of the City of St. Charles;
2. A person who is not of good character and reputation in the community ~~in which he resided~~ in-resides or in St. Charles;
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, unless the Local Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
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 under this chapter or the Liquor Control Act 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, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence in the City, unless residency is required by local ordinance;
10. A corporation or limited liability company, if any member, 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 citizenship and residence within the City;
11. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Local Liquor Control Commissioner shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;
12. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by 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, or who shall have forfeited his bond to appear in court to answer charges for any such violation;
14. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
15. Any ~~law-enforcing~~ law-enforcing public official, including members of the local liquor control commission, the mayor or any member of the City Council, interested directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, whether as an individual or under a corporate entity in such liquor related business, except:
 - ~~1.a.~~ 1.a. A license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;
 - ~~2.b.~~ 2.b. A license may be granted to any member of the City Council in relation to premises that are located within the territory subject to the jurisdiction of that official if:
 - ~~1.~~ 1. the sale of alcoholic liquor pursuant to the license is incidental to the selling of food,
 - ~~2.~~ 2. the issuance of the license is approved by the State Commission,
 - ~~3.~~ 3. the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and

~~4.~~ the official granted a license does not vote on alcoholic liquor issues pending before the City Council to which the license holder is elected;

16. Any person, firm or corporation not eligible for a state retail liquor dealer's license;
17. Any applicant who fails to obtain a state liquor license;
18. A person who is not a beneficial owner of the business to be operated by the licensee;
19. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, approved July 18, 1961, or as proscribed by a statute replacing any of the aforesaid statutory provisions;
20. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act;
21. A person who intends to sell alcoholic liquors for use or consumption on ~~the~~ ~~his or her~~ licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in the Liquor Control Act;
22. A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Local Liquor Control Commissioner shall determine if all provisions of this subsection (V) have been met before any action on the corporation's license is initiated;
23. In addition to other grounds specified in this chapter, the Local Liquor Control Commissioner shall refuse the issuance or renewal of a local liquor license, or suspend or revoke such license, for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:
 - ~~1.~~a. Failure to make a tax return,
 - ~~2.~~b. The filing of a fraudulent return,
 - ~~3.~~c. Failure to pay all or any part of any tax or penalty finally determined to be due,
 - ~~4.~~d. Failure to keep books and records,
 - ~~5.~~e. Failure to secure and display a certificate or sub-certificate of registration, if required,

- 6.f. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

5.08.085 – Issuance of Licenses and Restrictions-Liquor Control Commissioner/City Council

The Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner and City Council deem necessary. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, permit entertainment as specifically authorized with the issuance of any license.

5.08.090 – License - Classifications

Local liquor licenses for the retail sale of alcoholic liquor shall be divided into the following classes and sub-classes:

Class A – Packaged Alcoholic Liquor Licenses Class A licenses shall authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises, except as permitted for the Class A-4 license. Class A licenses are divided into the following sub-classes:

~~A.~~ **A-1.** Class A-1 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand square feet.

~~B.~~ **A-2.** Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000'), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.

Additional provisions include:

- 1. Alcohol sold in original packages and intended for off premises consumption shall not be opened or consumed on the premises or in any designated seating/ serving area.
- 2. Wine/beer tasting shall be permitted on such premises in accordance with state law.
- 3. The sale of liquor intended for consumption on the premises shall be limited to individual servings of spirits, beer, wine or sake.
- 4. The sale of spirits, beer, wine or sake, for consumption on the premises, shall be served only in a designated seating/ serving area, which includes an area where food is prepared and regularly served on the premises. Such food shall include hot or cold sandwiches, appetizers, tapas, sushi, baked goods or other similar foods. Alcohol consumption and sales will be allowed outside at grilling stands/ barbeque areas so long as store personnel are present at all times consumption/ sales are taking place and consumption is limited to a designated patio area; approved in advance by the Liquor Commissioner.

- 5. The consumption of spirits, beer, wine and sake on the premises shall be permitted in the designated seating/ serving area as well as the shopping areas throughout the premises or the aforementioned patio; however, the licensee shall mark, with conspicuous signage, the area past which consumption of spirits, beer, wine and sake is no longer permitted.
 - 6. The designated seating/ serving area for customers consuming spirits, beer, wine or sake on the premises shall be limited to five percent(5%) of the gross floor area.
 - 7. It is intended that the service of spirits, beer, wine and sake is merely adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
 - 8. Hours for the sale of packaged alcoholic liquor, for consumption off the premises shall be in accordance with this code, but in no case shall the sale of spirits, beer, wine, or sake take place outside of the normal business hours of the grocery store.
 - 9. The establishment does not engage in the retail sale of goods outside of groceries, such as, but not limited to, clothing, shoes, home goods, electronics, and sporting goods.
 - 10. The annual fee for such license shall be in accordance with our current fee schedule.
1. **A-2B.** Class A-2B licenses shall authorize the retail sale of beer and wine only in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of beer and wine, such as food ~~store~~stores, drug ~~store~~stores or mass ~~merchandise~~merchandisers. The premises shall have a minimum gross area of ten thousand square feet (10,000'), ~~and~~ provided the square footage devoted to the retail sale of beer and wine is ten percent (10%) or less, of the gross square footage.
- ~~A.~~ **A-3.** Class A-3 licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises and the retail sale of alcoholic liquor for consumption off the premises. A Class A-3 license shall be subject to the following restrictions:
1. The products sold for consumption off the premises shall neither be opened nor consumed on the premises;
 2. The total square footage of the premises dedicated for the retail sale of alcoholic liquor for consumption off the premises shall not exceed 10% the total square footage of the premises;
 3. Permitted goods and merchandise, other than alcoholic liquor, shall also be offered for retail sale on the premises and alcoholic liquor consumption shall only be permitted within designated areas of a café/seating area;
 4. The premises are operated as a filling station, a gasoline station, a service station or any other location wherein gasoline, diesel fuel, gasohol or any other motor fuel is sold or offered for sale.

~~1-~~ **A-4. Class A-4** licenses shall authorize the retail sale of beer, wine, or spirits for consumption on or off the premises, where brewed, distilled, or fermented on the premises, provided the retail sale of beer or wine for consumption off the premises shall be in original packages only.

~~2-~~ **A-5. Class A-5** licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet/ craft beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor and beer shall be incidental to wine sales and shall not exceed twenty-five percent (25%) of the annual

gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, gourmet/craft beer and alcoholic liquor by the glass, flight, or bottle only, for consumption on the premises.

~~3-~~ **A-6 Class A-6** licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in convenience stores or gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

~~4-~~ **A-7 Class A-7; Specialty Shop:** The class A-7 liquor license shall authorize the sale of gourmet craft beer/wines in their original sealed package or container for consumption off the premises, in conjunction with the on-premises retail sale of packaged spices, sauces and flavorings. For purposes of this section, such on-premises sale of gourmet craft beer/wine shall be incidental to the off-premises retail sale of packaged spices, sauces and flavorings and comprise no more than ten percent (10%) of the gross square footage.

Class B – Restaurant Licenses - Class B licenses shall authorize the retail sale of alcoholic liquors, beer, or wine, for consumption on the premises of a restaurant or tavern, whose primary purpose is that of a restaurant or restaurant and tavern as defined in this chapter. Live entertainment may be permitted as otherwise provided in this chapter. A restaurant licensed to sell alcohol under this Section may permit a patron to remove one, unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, ~~one-time-use~~one-time-use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is sealed in accordance with the provisions of this section and not tampered with shall not be in violation of section 5.08.290 while being transported in a motor vehicle.

~~2-~~ **B-1 Class B-1** licenses shall authorize the retail sale of alcoholic beverages for consumption on the premises of a restaurant and tavern.

~~3-~~ **B-2. Class B-2** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-2 licenses shall also

authorize the retail sale of wine in original packages only and not for consumption on the premises, in conjunction and solely with a ~~carry-out~~ carryout order of one or more meals. The following additional application requirements apply to all Class B licenses:

~~A.a.~~ _____ Every application for a Class B license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following:

~~A.~~ • the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof;

~~B.~~ • the designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, ~~rest-rooms~~ restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided.

~~C.~~ • the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.

~~B.b.~~ _____ The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting the same on the approved site drawing or as provided ~~on the of by~~ the licensee.

~~C.c.~~ _____ A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.

~~D.d.~~ _____ It shall be unlawful for any Class B licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

4. **B-3 Class B-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-3 shall also authorize the retail sale of wine or ~~speciality~~ specialty drinks originating from the licensed premises in original packages only and not for consumption on the premises that are sold within the segregated retail/cashier area of the premises. The retail wine/~~speciality~~ specialty drink area shall not exceed fifty percent (50%) of the total square footage of the premises. Further, wine and tasting bars shall be permitted in the retail wine area of said premises, and wine tasting may be conducted in accordance with St. Charles Municipal Code 5.08.260

Class C – Tavern, ~~Bar~~ Bar; Saloon Licenses - Live entertainment may be permitted as otherwise provided in this chapter for Class C licenses. A tavern, bar, or saloon licensed to sell wine under this Code may permit a patron to remove one, ~~unsealed~~ and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of

wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, ~~one-time use~~one-time-use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall be in violation of section 5.08.290 while being transported in a motor vehicle. Class C licenses are divided into the following sub-classes:

~~1.~~ **C-1. Class C-1** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-1 licenses may authorize the sale of alcoholic liquor in outdoor sales areas, provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner.

~~2.~~ **C-2. Class C-2** licenses shall authorize the retail sale of beer and wine only for consumption on the premises of a tavern, bar, or saloon.

~~3.~~ **C-3. Class C-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-3 licenses may authorize the sale of alcoholic liquor in outdoor sales areas, provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner. Class C-3 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises. The following additional application requirements apply to all Class C licenses:

a. Every application for a Class C license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale, showing the following:

~~i.~~ i. the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof,

~~ii.~~ ii. the designated use ~~if of~~ each room or segregated area (e.g. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided (Class C-2 only with Local Liquor Control Commissioner approval), etc.).

~~iii.~~ iii. _____ the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.

b. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such

restrictions as he deems appropriate on any licensee by noting the same on the approved site drawing or as provided on the face of the license.

- c. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
- d. It shall be unlawful for any Class C licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

Class D – Specific Alcoholic Liquor Sales and Site Specific Licenses -Class D licenses are divided into the following sub-classes:

D-1. Class D-1 license:

1. The license shall authorize the service, sale, and/or delivery of alcoholic liquor for consumption on the premises in Park District owned or leased facilities within the City of St. Charles where authorized by the St. Charles Park District Board for Park District sponsored events, subject to the following:
 - ~~1.a.~~ 1.a. The Park District shall take control of such alcoholic liquors promptly upon purchase, and delivery thereof to the premises, ~~and shall provide BASSET trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.~~
 - ~~2.b.~~ 2.b. Any and all alcoholic liquors shall be opened, dispensed, delivered, and/or served on the premises only by such servers and only to the attendees of the event.
 - ~~3.c.~~ 3.c. As an alternative to engaging the service of Park District staff, the Park District may allow the service of a vendor who holds a then current and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the Park District premises.
 - ~~4.d.~~ 4.d. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided by the St. Charles Park District for those properties leased from the City of St. Charles, and the City shall be named as additional insured.
2. The holder of this City of St. Charles liquor license may allow for the sale, delivery, and consumption of alcoholic liquors on its premises, that have been brought onto premises by a person or persons who have contracted for an event to be held on the premises, subject to the following:

~~1.a.~~ A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided by the patron or patrons supplying the alcoholic liquors, and the St. Charles Park District shall be named as additional insured.

~~2.b.~~ Attendance at the event shall not be open to the general public and must be by appointment, presale tickets or special invitation by the person or persons who have contracted for the event to be held on the premises.

~~3.c.~~ The service and consumption of alcoholic liquor shall be permitted only on the event premises to the invitees.

~~4.d.~~ The contracting person or persons obtains such other liquor license(s) required by the City of St. Charles.

3. Maximum number of licenses allowed: One such license is allowed, which shall be applicable for all St. Charles Park District premises within the City of St. Charles, with the exception being the Pottawatomie Golf Course, which requires a D-3 license.

~~b.~~ **D-2. Class D-2** licenses shall authorize the retail sale of alcoholic liquors for consumption _____ on the premises of any hotel or motel only and shall be issued only to the operator of said _____ hotel or motel. Additionally, each of the residence rooms of the hotel or motel may have a _____ mini-bar that may be accessed only by a special key obtained from the hotel management _____ by a patron that may be served alcoholic liquors.

~~e.~~ **D-3. Class D-3** licenses shall authorize the retail sale of alcoholic liquors for consumption _____ on the premises of a golf club or any banquet hall at a golf club in conjunction with the _____ service of sit down meals. One (1) or more portable or permanent bars are permitted, _____ when the person who operates the banquet hall makes such retail sale of alcoholic liquor. _____ Class D-3 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house _____ and from two (2) motorized food and beverage cars operating on eighteen (18) hole and _____ nine (9) hole golf courses for consumption on said golf course only, subject to the following _____ restrictions: all alcoholic liquors shall be served in something other than glass containers; _____ all cars shall only operate on designated golf paths.

~~d.~~ **D-4. Class D-4-1** licenses shall authorize the retail sale of alcoholic liquors for consumption _____ on the premises only, of any club, provided, that such club shall have been in existence for _____ at least six (6) months prior to the filing of an application for a license under this chapter _____ and shall have maintained clubrooms for such period of time immediately preceding the _____ filing of its application.

~~(Ord. 2015-M-14 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-80 § 1.)~~

~~e.~~ **D-5. Class D-5** licenses shall authorize the retail sale of alcoholic liquors for consumption _____ on the premises only of the entertainment complex located at 105 East Main St. Alcoholic _____ liquor sales are limited to individuals and their guests under the direct control of the _____ licensee.

f. D-6. Class D-6 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only in conjunction with the operation of the Q Center, located on the premises at 1405 North Fifth Ave. Alcoholic liquor sales are limited to individuals and their guests who are participating in events under the direct control of the licensee. The license shall not be removed from the location at 1405 North Fifth Ave. without the approval of the City Council and consent of the Local Liquor Control Commissioner.

g. D-7 Class D7 licenses shall authorize the retail sale of wine and beer for consumption on the premises only for non-for-profit organization of such theatre located at 111 West Main Street. The sale of beer and wine shall be from one (1) permanent location in the vestibule and service will only be allowed when theatre events are being held on this premise.

h. D-8. Class D-8 licenses authorize the retail sale and consumption of alcoholic liquors at an arts, crafts, cooking, and entertainment studio, while the patron(s) are participating in an arts, crafts, cooking, or other classes that are offered by the entertainment licensee. The consumption of alcoholic liquors is restricted to the licensed premises and shall be limited to members of a group assembled on the premises for the purpose of attending an art, crafts, cooking, or other entertainment classes offered by an art studio, arts and crafts school, cooking school, or similar leisure/entertainment business while the licensee is conducting classes.

Partially consumed bottles of wine can be removed from the premises but only securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag and not for public distribution or consumption.

i. D-9. Class D-9 licenses shall authorize the service or delivery of alcoholic liquors, for the consumption on the premises only, at a Special Event Venue. Special Event Venues shall consist of a business for which the exclusive activity is to provide space for catered private parties and shall be classified in terms of two distinct categories:

j. Parties of less than fifty (50) persons or where the locations capacity is less than (75) persons shall be deemed a "small event venue".

k. Parties of more than seventy-five (75) persons of where the locations capacity exceeds seventy-five (75) persons shall be deemed a "large event venue".

l. Special Event Venues provide for the service and consumption at tables of hors d'oeuvres, a buffet, or full multiple course meal, and at which alcoholic liquor may be served incident to such food service. Each venue event at which alcoholic liquor may be served shall be prearranged under the sponsorship of a particular person or organization. Venue events shall not be open to the general public, but attendance shall be by appointment or special invitation of the sponsors. No admission charge shall be levied to guests at such event venues, except for an event sponsored by a non-for-profit corporation or association registered with the State of Illinois. A Class D-9 license does not permit the direct retail sale of alcoholic liquor from the D-9 licensee to the event sponsor or any event attendees.

_____ For purposes of selling or service of alcoholic liquor for a particular event on the premises, _____ the holder of a Class D-9 license shall engage the services of a _____ caterer holds a then current _____ and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of _____ supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on _____ the premises where the service of food predominates.

_____ As an alternative to engaging the services of a vendor who holds a then current and _____ otherwise valid Class E or H license issued by the City of St. Charles for the purpose of _____ selling or delivering alcoholic liquor for a particular event on the premises, the holder of a _____ Class D-9 License may instead allow for the consumption of alcoholic liquors, on the _____ premises, that have been brought onto the premises by a person or persons who have _____ contracted for an event to be held on the premises where the service of food _____ predominates, subject to the following:

1. The licensee shall take control of such alcoholic liquors promptly upon delivery thereof _____ to the premises, and shall provide BASSET trained servers for the opening, dispensing, _____ delivery, and/or serving of such alcoholic liquors during the event.
 2. Any and all alcoholic liquors shall be opened, dispensed, delivered and/or served on the _____ premises only by such servers, and only to attendees of the event.
 3. A certificate of insurance reflecting coverage for general liability purposes in the _____ amounts otherwise due from and in place for the licensee shall be provided to the _____ licensee by the patron or patrons supplying the alcoholic liquors, and the City of St. _____ Charles and the Local Liquor Control Commission of the City shall be named as an _____ additional insured on the policy.
 4. Any alcoholic liquor remaining unserved after the conclusion of the event may be _____ returned to the person or persons who supplied them, to be transported off the _____ premises only in accordance with law.
 5. A partially consumed bottle of wine that is to be removed from the premises shall be _____ securely sealed by the licensee or an agent of the licensee prior to removal from the _____ premises and placed in a transparent, ~~one-time-use~~one-time-use, tamperproof bag.
 6. Any license(s) / permit(s) from the State of Illinois.
- **D-10. Class D-10** licenses shall authorize the retail sale of alcoholic liquors for consumption _____ on the premises of an entertainment venue or theater for consumption on the premises as _____ determined in an approved site plan from a service bar or snack shop. Such licenses shall _____ only be issued to establishments where the service of alcoholic beverages is ancillary and _____ incidental to entertainment services.
 - **D-11. Class D-11** Theater licenses shall authorize the retail sale of alcoholic liquor for _____ consumption on the licensed premises where the primary business is that of a Theater as _____ defined herein, subject to the following conditions:

1. A movie theater establishment qualifying for this license shall be kept, used and maintained, advertised, and held out to the public as a ~~full-time~~full-time movie theater establishment regularly providing and showing movies to the public.
2. The licensee must first verify that every patron possessing or consuming alcoholic liquor is at least ~~twenty-one~~twenty-one (21) years of age.
3. The containers in which alcoholic beverages are served must be of a different color, size, and design than those in which nonalcoholic beverages are served. In addition, no glassware is allowed.
4. The licensee shall not serve or deliver more than two alcoholic beverages to a customer at a time, and no person shall ~~have in his/her possession~~possess at any given time more than two alcoholic beverages.
5. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day or before 7:00 a.m. or after the conclusion of the last movie to be shown on any day or 12:00 a.m.
6. The licensee shall not permit any possession or consumption of alcohol by any person younger than ~~twenty-one~~twenty-one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

~~1-~~ **D-12. Class D-12** licenses shall authorize the retail sale and consumption of alcoholic liquor, for consumption on the specified premises, as an adjunct to a salon, spa, hairdresser, beautician, manicure, pedicure, ~~and/or~~and/or barbershop services while the patrons are receiving contemporaneous ~~spa/salons~~spa/salon services from the license holder. Special events, such as arts and craft shows and ~~charity-type~~charity-type events, are permitted on the premises so long as they are within the permitted hours of retail sale of alcoholic liquor. Massage only facilities are prohibited from offering alcoholic liquor to their patrons. The retail sale of alcoholic liquor while receiving ~~spa/salons~~spa/salon services shall be limited to one drink per hour, per customer or patron of the premises, and no such customer or patron shall be served more than three alcoholic beverages during the permitted hours of the retail sale of alcoholic liquor during any one calendar day.

~~2-~~ **D-13. Class D-13.**

~~1-~~ The D-13 license shall authorize the service, sale, and/or delivery of alcoholic liquor for consumption on the premises of the St. Charles Public Library District owned premises within the City of St. Charles where authorized by the St. Charles Public Library District Board Trustees for St. Charles Public Library District sponsored events, subject to the following:

~~a.~~1. The St. Charles Public Library District shall take control of such alcoholic liquors promptly upon purchase, and delivery thereof to the premises, and shall provide ~~BASSET trained~~BASSET-trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.

~~b.~~2. Any and all alcoholic liquors shall be opened, dispensed, delivered, and/or served on the premises only by such servers and only to the attendees of the event.

~~c.~~3. As an alternative to engaging the service of St. Charles Public Library District staff, the St. Charles Public Library District may allow (i) the service of a vendor who holds a then current and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on St. Charles Public Library District owned or leased premises, or (ii) allow for the sale, delivery, and consumption of alcoholic liquors on its premises, that have been brought onto premises by a person or persons who have contracted for an event to be held on the premises, subject to the following:

- ~~•~~• Attendance at the event shall not be open to the general public and must be by appointment, presale tickets, or special invitation by the person or persons who have contracted for the event to be held on the premises.

- ~~•~~• The service and consumption of alcoholic liquor shall be permitted only on the event premises to the invitees.

- ~~•~~• The contracting person or persons obtains such other liquor license(s) required by the City of St. Charles.

2. Maximum number of licenses allowed: One such license is allowed, which shall be applicable for all St. Charles Public Library District owned premises within the City of St. Charles.

Class E – Temporary Licenses - Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1, E-4, or E-5 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, issue two (2) or more Class E licenses so as to authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function. Class E licenses are divided into the following sub-classes:

~~a.~~ **E-1.** Class E-1 licenses shall authorize, at the approval of the Local Liquor Control Commissioner with advice and consent of the City Council, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 shall be issued for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner, with advice and consent of the

City Council, approves otherwise. There shall be no Class E-1 licenses issued beginning at 12:00 a.m. Friday, before Columbus Day and ending 12:00 a.m. Monday, on Columbus Day.

~~b-~~ **E-2. Class E-2** licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor ~~licensees—licenses~~ for special events or catered functions where the dispensing of food predominates. There ~~shall—shall~~ be no Class E-2 licenses issued beginning at 12:00 a.m. Friday before Columbus Day and ending at 12:00 a.m. Monday, on Columbus Day. Notwithstanding the restrictions on the issuance of Class E-2 licenses in the preceding sentence, Class E-2 licenses may be issued during the said period subject to the following provisions:

1. A Class E-2 license may be issued only in the event the principal street access in front of the licensed premises is blocked due to road closure resulting from a festival taking place during said October period;
2. In addition to all other conditions and restrictions applicable to Class E-2 licenses, the Local Liquor Control Commissioner may impose such additional conditions and/or restrictions as he deems necessary; and
3. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, waive or vary any conditions and/or ~~restriction—restrictions~~ applicable to a Class E-2 license, if deemed appropriate under the circumstances.

~~e-~~ **E-3. The Class E-3** license shall authorize the retail sale of beer and wine for consumption on the premises only and within the pre-designated area of the Kane County Fair Grounds. Class E-3 shall also authorize the retail sale of wine and/or beer in original packages only. The retail area and consumption areas must be pre-approved by the Chief of Police (with a site drawing) at the time of the liquor license application. Further, wine and ~~beer—tasting~~beer-tasting bars shall be permitted in accordance with St. Charles Municipal Code 5. 08. 260.

~~f-~~ **Class E-3** license shall be issued solely to the Kane County Fair for the conduct of the annual Kane County Fair and not more than twenty (20) days of events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year. Each of the events shall be subject to approval by the Chief of Police so as to avoid conflicts between other events and festivals occurring in the City. The Class E-3 license shall be valid only for the scheduled dates as outlined above and are subject to daily fees in accordance with St. Charles Municipal Code 5. 08. 100.

~~g-~~ **E-4. Class E-4** licenses shall authorize at the Local Liquor Control Commissioner's discretion, and subject to prior approval by the City Council, either the sale or delivery of beer and wine, or alcoholic liquors, for consumption on City owned property, including but not by way of limitation, 1st Street Plaza. There shall be no Class E-4 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.

~~3.~~ **E-5.** Class E-5 licenses shall authorize, at the Local Liquor Control Commissioner, with advice and consent of the City Council, either the sale or delivery of beer and wine or alcoholic liquors, for consumption on the premises only. The Class E-5 license shall be issued solely for the conduct of not more than twenty (20) days of events that the Local Liquor Control Commissioner, City Council and Chief of Police deem licensable per calendar year at specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to, Flea Market held at the Kane County Fairgrounds, Riverfest, Scarecrow Festival, and the St. Patrick's Day Parade. Such license shall be issued solely for specific premises that is open to the public and kept, used, maintained, advertised and held out to the public as a place where retail business activities or operations are conducted, other than the sale of alcoholic liquor. Events shall be permitted solely on such dates and during such times as are set forth in any Class E-5 license issued.

~~4.~~ **E-6.** Class E-6 Temporary License Permits shall authorize the retail sale of beer and wine or the retail sale of alcoholic liquor for consumption on the premises only until 1:00 a.m. or 2:00 a.m. on a specified date. This license shall be issued to Class B and C license holders only for special events or catered functions with the dispensing of food. The issuance of the Class E-6 Temporary License Permit shall be at the discretion of the Local Liquor Control Commissioner, with advice and consent of City Council. Application for a Class E-6 Temporary License Permit shall be submitted 45 days in advance of a scheduled date. No more than four (4) permits shall be issued to any licensee per fiscal year. A license permit is per event during a 24-hour period. There shall be no Class E-6 Temporary License permits issued during the second full week of October beginning 12:00 a.m. on Friday and ending 12:00 a.m. on Monday.

~~5.~~ **E-7.** Class E-7 Temporary License Permits shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-7 licenses shall be issued to only Class A-2 and A-2B liquor licenses for special events or catered functions where the dispensing of food predominates. The issuance of the Class E-7 Temporary License Permit shall be at the discretion of the local Liquor Control Commissioner, with advice and consent of City Council. No more than four (4) permits shall be issued to any one licensee per fiscal year. Application for a Class E-7 Temporary License Permit shall be submitted at least 45 days prior to a scheduled event. The hours of service for beer and wine under the E-7 Temporary License Permit shall be restricted to the hours of 12:00 p.m. – 9:00 p.m., Monday through Sunday.”

~~6.~~ **E-8.** Class E-8 licenses shall authorize the service or delivery of alcoholic liquor, for consumption on the premises only and incident to food service at a special event sponsored by, or conducted at the St. Charles History Museum located at 215 E. Main Street, St. Charles, Illinois. The Class E-8 license shall be issued solely for the conduct of not more than twelve (12) events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year at the specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to Scarecrow Festival, the

St. Patrick's Day Parade, and the Holiday Homecoming Electric Lights Parade. Any such event at the premises which is in whole or partly held outdoors or on the City sidewalk, street or parking facility must otherwise be in accordance with any and all applicable provisions of the City's Code, including obtaining a special event permit from the City.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class E-8 license shall engage the services of a vendor who holds a then current and otherwise valid liquor license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

In the event any Class E license (with respect to any Class E-5 license, if required in whole or in part by the Local Liquor Control Commissioner, City Council or Chief of Police) is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

- a. The license shall rope off or fence the licensed premises.
- b. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 or Class E-4 license) consumption to the ~~roped-off~~roped-off or fenced area shall be prominently displayed by the licensee at all times.
- c. The license shall provide for the pickup of all litter and trash.
- d. The Local Liquor Control Commissioner, with the advice and consent of the City Council, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check the identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If the said deposit does not cover the actual amount due, the licensee is responsible for any balance due.
- ~~e.~~—A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, permit minors to be present in ~~the~~a-licensed premises where food is also served.
- ~~f.~~—Obtain any licenses ~~and/or~~and/or permits required by the State of Illinois.
- ~~g.~~ **F-1 Carry-In License** shall authorize the carry-in of beer or wine (spirits are not permitted) to a commercial business or place of public accommodation that does not sell

alcoholic beverages in which food preparation and service of food is the principal business conducted for consumption on the premises subject to the following limitations:

- a. The beer or wine is carried and unopened;
- b. No more than one bottle of wine not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron;
- c. At the licensee's discretion, the licensee may require the beer or wine to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
- d. The beer or wine may only be consumed by persons who are served a meal;
- e. The beer or wine may be served only during the hours that food is being served;
- f. Proof of dram shop insurance;
- g. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
- h. Carry-in licensees are prohibited from storing alcohol on the premises, unless the licensee also has an appropriate license allowing the retail sale of alcoholic liquors on the premises;
- i. Patrons may remove one, unsealed and partially consumed bottled of wine for ~~off-premise~~off-premise consumption and any sealed bottles/cans of beer provided that the patron has purchased a meal and consumed a portion of the bottle of wine/beers with the meal on the restaurant premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag;
- j. Carry-in licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the ~~over-serving~~over-serving of patrons;
- k. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
- l. The hours of operation for a class F-1 license holder are the same as those prescribed for a Class A license holder in Section 5.08.130A of this chapter.

~~2-~~ **F-2 Carry-In/Store on Premise** License shall authorize the ~~carry in~~carry-in of beer, wine, or spirits into a commercial business and place of public accommodation in which social interaction takes place (social club) that does not sell alcoholic beverages and the

aforementioned items can either be securely stored on the premises in a secured locker or carried away subject to the following limitations:

- a. The beer, wine, or spirits are carried and unopened;
- b. No more than one bottle of wine/spirits not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron at any one time;
- c. At the licensee's discretion, the licensee may require the beer, wine or spirits to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
- d. Proof of dram shop insurance;
- e. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
- f. Patron may remove one, unsealed and partially consumed bottled of wine/spirits for off-premise consumption and any sealed bottles/cans of beer. Partially consumed bottles of wine/spirits or sealed bottles/cans of beer must be removed from the premises securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag or stored away in a secured locker and not for public distribution or consumption;
- g. Carry-in/store licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;
- h. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
- i. The hours of operation for a Class F-2 license holder are the same as those prescribed for a Class A license holder in Section 5.08-130A of this chapter.

G-1. Class G-1 Licenses shall authorize the retail sale of beer manufactured on premises for consumption on the premises or for consumption not on the premises in original/sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises. Food service, late night permitting, and other alcoholic beverage service, shall be permitted in accordance with other Class B or C Licenses.

± **G-2. Class G-2** Licenses shall authorize the retail sale of beer manufactured on premises for consumption on the premises of any nano-brewery market, or for consumption not on the premises in original sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises.

Food service shall be permitted in accordance with Class B or C Licenses. Class G-2 licenses shall further authorize the retail sale of crafted beers for consumption on the premises and the retail sale of alcoholic liquors in original packages only and not for consumption on the premises subject to the following provisions:

~~1.a.~~ The products sold for consumption off the premises are not opened and consumed _____ on the premises;

~~2.b.~~ Permitted food service, goods, and merchandise, other than alcoholic liquor, are _____ also offered for ~~the~~ retail sale on the premises.

~~3.c.~~ The retail sale of beer, wine, or alcoholic liquor for consumption off the premises _____ shall be in original packages only.

~~4.d.~~ If the licensed premises ~~consists-includes~~ ~~of~~ multiple shops or restaurants at one _____ street address, alcohol sold for the purpose of consumption on the premises may _____ be carried and consumed throughout the premises and only if such movement can _____ be made wholly within the enclosed structure of the premises, or approved outdoor _____ seating area. This license shall be a site license for the complete premises.

Class H (Catering Licenses)

Class H licenses shall permit the sale or service of alcoholic liquor of any type by a caterer in conjunction with the sale of prepared food for service at events that are not publicly advertised and that ~~are-is~~ not open to the general public at locations other than the premises leased, owned, or otherwise occupied or operated by the licensee. For purposes of this chapter, the location of the catered event shall be deemed the licensee's licensed premises. In addition to compliance with other requirements mandated by the State of Illinois and this chapter, a Class H licensee shall comply with the following:

~~a.~~ 1.) A Class H licensee shall be a bona fide caterer and/or restaurant. For purposes of this subsection, a bona fide caterer is one who has been issued an Illinois Department of Revenue Sales Tax number, is certified by the County's Health Department, and is registered with the City (alcohol tax). Caterers ~~holds-hold~~ themselves out to the general public as a person(s) who provides catering services where food is prepared at one location and served at another.

~~b.~~ 2.) Service and consumption of alcoholic liquor shall be permitted only on the event premises where food is catered. In the event that the Class H licensee has entered into a contract with another individual or entity for the service of food at the catered event, the sale or service of alcoholic liquor is permitted, but must take place in conjunction with food offerings.

~~c.~~ 3.) No person other than a Class H licensee holder shall be permitted to sell or serve alcoholic liquor for consumption at the private catered event unless such other person(s) has been issued a Class D liquor license provided in this chapter.

~~1.2.~~ **Class H-1 licenses** ~~allows-allow~~ catering for restaurants located within St. Charles that already possess an existing liquor license to cater food and/or alcoholic beverages at an

off-site location ~~but~~ within the City of St. Charles, but not before obtaining the aforementioned license.

3. **Class H-2 licenses** ~~allows~~ **allow** a catering company or restaurant (outside of St. Charles) to cater food and/or alcoholic beverages at a location within the City of St. Charles, but not before obtaining the aforementioned license.

~~2.~~

V (Video Gaming) which is a supplemental license only, permits Video Gaming only in a Licensed Establishment, otherwise qualified to hold a Video Gaming License, all as provided for in Title 5.09 of the City Code.

1. Class V licenses shall only be issued to holders of class A-4, A-5, B-1, B-2, B-3, C-1, C-2, C-3, D-2, D-3, D-4, D-5, D-6, G-1, or G-2 liquor licenses, and licensed fraternal and veterans' establishments. Class V licenses shall have the same hours of operation as provided for the underlying liquor license as set forth in Title 5.08.130.(1) A complete and accurate application to the City for the issuance of a Video Gaming License and the underlying eligible class of a liquor license shall be deemed an application for the issuance of a class V supplemental license.
2. Class V licenses may only be issued to qualified Licensed Establishments in good standing which have continuously held a class A-4, A-5, B-1, B-2, B-3, C-1, C-2, C-3, D-2, D-3, D-4, D-5, D-6, G-1, or G-2 liquor license, and licensed fraternal and veterans' establishments, except as provided in Section 8(3) below, have operated their business on a regular basis for a period of at least one (1) year prior to the date of application for a Class V license.
3. A new establishment applying for a Class V license must meet the requirements of Section 8(2) above [one (1) year of regular operation], unless (i) the majority owner of the applicant for the new qualified Licensed Establishment is also the current majority owner of an existing qualified Licensed Establishment at another location in the City, which has been operational for at least one (1) year immediately prior thereto, or (ii) the business model for the new qualified Licensed Establishment is proposed to and shall operate to substantially replicate the immediately prior existing business model, which otherwise would have qualified as a Licensed Establishment, and had been operational for a minimum of six (6) months prior thereto, at the location.
4. Video Gaming Cafes Prohibited.
 - a. In all events, a Video Gaming Café shall not be qualified to obtain a City liquor license or supplement Class V license and is prohibited from becoming a Licensed Establishment within the City. Further, no liquor license allowing Video Gaming Cafes shall be created, maintained or authorized by this Chapter. A Video Gaming Café is an establishment for which the primary or a major focus of the establishment is Video Gaming and the service of alcohol; food is secondary to the operation of Video Gaming regardless of the percent of total gross revenue from

Video Gaming operations. The following factors may be considered when determining if the establishment is a Video Gaming Café:

- ~~1~~.i. The layout and design of the Licensed Establishment;
- ~~2~~.ii. The preparation and variety of food and beverages offered;
- ~~3~~.iii. The creation and operation of a commercial kitchen on the premises where gaming is situated;
- ~~4~~.iv. The number of video gaming machines relative to the customer seating capacity of the Licensed Establishment;
- ~~5~~.v. The square footage of space devoted to Video Gaming relative to the amount of space devoted to other activities;
- ~~6~~.vi. The source of proposed or actual revenue derived from the Licensed Establishment and whether the probable revenue derived from the Licensed Establishment will be primary from Video Gaming;
- ~~7~~.vii. The number of employees at the Licensed Establishment and their proposed function;
- ~~8~~.viii. Any other facts deemed relevant by the City's Liquor Control Commissioner.

- b. Upon the request of the City's Liquor Control Commissioner, any such license holder shall provide financial, tax and operational records to the City sufficient to demonstrate that they are not a Video Gaming Café. If in any quarter the Video Gaming revenues payable to the Licensed Establishment exceed 50% of the total gross revenues generated by the Licensed Establishment, the Licensed Establishment's Class V License may be revoked, suspended or altered, including the potential reduction in the number of Video Gaming terminals at the Licensed Establishment. Any Licensed Establishment that exceeds the 50% requirement in this Section in total for the previous calendar year shall not be eligible for the reissuance of a Class V License and underlying liquor license and any existing Video Gaming License shall be automatically revoked. In the event it is determined by the Liquor Control Commissioner that a license holder is operating a Video Gaming Café, their liquor licenses permitting Video Gaming shall be revoked in accordance with the provisions of this Chapter or shall not be renewed; such a licensee may request a hearing before the City's Liquor Control Commissioner to determine if they are eligible for a non-Class V underlying liquor license. For new applicants with no history of operations, they must provide reasonable assurance to the satisfaction of the City's Liquor Control Commissioner that they will not operate in violation of this Section.

5. Violation and Revocation: If a licensee violates any provision of the Video Gaming Act or any provision related to Video Gaming contained in this Code, such violation shall be deemed a violation of the licensee's liquor licenses. In addition, the Commissioner may revoke the City's Video Gaming license for any violation of this Section or of any ordinance pertaining to the conduct of such business as provided for in this Code and may report any violations to the Illinois State Gaming Board or other appropriate regulatory agency.

5.08.095 – Late Night Permit

1. The late night permit is issued as a condition of a Class B-Restaurant License and Class C-Tavern; Bar; Saloon Licenses and authorizes the holder of a Class B, Class C or Class G1 license to apply for either a 1:00 a.m. or 2:00 a.m. late night permit. The City Council may modify the number of Late Night Permits upon the application, revocation, surrender, expiration without renewal or abandonment of a Class B, Class C or Late Night Permit. Class B and C licenses, absent a Class E-6 Temporary License Permit or Late Night Permit, will be permitted to operate until either 1:00 a.m. or 2:00 a.m. immediately following the day of the City of St. Charles sponsored St. Patrick's Day Parade, the Wednesday before Thanksgiving, and New Year's Eve.
2. The City Council may, but is not limited to, consider the following criteria in reviewing and recommending the issuance of the late night permit to the Liquor Control Commissioner.
 - a. The surrounding land uses,
 - b. The business concept,
 - c. The proximity to other liquor establishments,
 - d. The applicant's prior business experience,
 - e. The public's health, safety and welfare,
 - f. Public Safety resources,
 - g. Market conditions,
 - h. Any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.
3. Annually, the late-night permit renewal process shall commence on the first City business day in February. Current late-night permit holders shall submit a renewal application and include any requested changes. License holders applying for a new or renewing a late-night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late-night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely late-night permit application on or before the date set in the application

renewal process may result in a delay in issuing said license and permit by May 1 of that year. There shall be a late payment fee of one-hundred dollars (\$100) for failure to comply with the foregoing for the first offense, two-hundred fifty dollars (\$250) for the second offense and five hundred dollars (\$500) for the third and subsequent offenses.

4. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
 - a. Chief of Police
 - b. Fire Department
 - c. Finance Department
 - d. Community Development Department
5. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder, that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the ~~police related~~police-related activity which will support a recommendation from the Chief of Police on whether the ~~late-night~~late-night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.
6. Any application and recommendation for a new or renewal of a ~~late-night~~late-night permit, shall be reviewed by the Liquor Control Commission. Based on this review, the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a ~~late-night~~late-night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. ~~Late night~~Late-night permits and renewals of ~~late-night~~late-night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
7. Any new liquor license application where a new ~~late-night~~late-night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E, and F of this Chapter.
8. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, ~~where~~when a liquor license holder has been issued a ~~late-night~~late-night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The ~~liquor~~ licensee with the ~~late night~~late-night permit shall be given notice of the purpose, date, time, and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor

Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.

9. Cause to Reduce Hours, Revoke Late Night Permit, or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a ~~late-night~~late-night permit, and has demonstrated circumstances giving reason to review whether that late-night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
 - a. Finance Department as it relates to unpaid fees, utilities or city taxes;
 - b. Fire Department as it relates to repetitive fire code violations affecting health and safety;
 - c. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
 - d. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
 - e. Other departments with applicable information.
10. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
11. The Liquor Control Commission may recommend the issuance or denial of a requested ~~late night~~late-night permit for 1:00 a.m. or 2:00 a.m., or a reduction in hours based on the cause to the City Council for final decision.
12. In the event a ~~late-night~~late-night permit, due to a violation, is revoked or the hour for closing is reduced, there shall be no reimbursement of the late-night permit fee.

5.08.100 – License Fees; Late Night Permit Fees; Fees Established

1. Fees Established. The fees for the various Classes of local liquor licenses authorized in this chapter shall be as follows:

<u>Class License</u>	<u>Annual License Fee</u>	<u>Comments</u>
<u>A-1</u>	<u>\$1,600.00</u>	<u>Package Liquor Stores Only</u>
<u>A-2</u>	<u>\$1,600.00</u>	<u>Grocery Stores</u>
<u>A-2B</u>	<u>\$1,600.00</u>	<u>Wine/Beer Sales Only</u>
<u>A-3</u>	<u>\$1800.00</u>	<u>Gasoline Station with Convenient Store and Cafe</u>
<u>A-4</u>	<u>\$1,600.00</u>	<u>Brewery, Distillery, and Winery Sales</u>
<u>A-5</u>	<u>\$1,800.00</u>	<u>Wine by Glass & Bottle Sales</u>
<u>A-6</u>	<u>\$1,600.00</u>	<u>Gasoline Station with Convenience Store</u>
<u>A-7</u>	<u>\$500.00</u>	<u>Specialty Shop</u>
<u>B-1</u>	<u>\$1,200.00</u>	<u>Basic Restaurant Liquor License</u>
<u>B-2</u>	<u>\$1,800.00</u>	<u>Purchase Wine w/Takeout</u>
<u>B-3</u>	<u>\$1,800.00</u>	<u>On Premise Consumption & Retail Sale of Wine</u>
<u>C-1 & C2</u>	<u>\$1,200.00</u>	<u>Basic Tavern Liquor License</u>
<u>C-3</u>	<u>\$1,800.00</u>	<u>Sale of Bottled Wine</u>
<u>D-1</u>	<u>\$0.00</u>	<u>St Charles Park District</u>
<u>D-2</u>	<u>\$2,000.00</u>	<u>Hotels</u>
<u>D-3</u>	<u>\$2,000.00</u>	<u>Banquet Halls/Country Clubs</u>
<u>D-4</u>	<u>\$1,000.00</u>	<u>Moose/Clubs</u>
<u>D-5</u>	<u>\$2,000.00</u>	<u>Arcada</u>
<u>D-6</u>	<u>\$2,000.00</u>	<u>Q-Center</u>
<u>D-7</u>	<u>\$500.00</u>	<u>Steel Beam Theatre</u>
<u>D-8</u>	<u>\$1,200.00</u>	<u>Arts, Crafts, Cooking, & Entertainment License</u>
<u>D-9</u>	<u>\$500.00</u>	<u>Small Event Venues</u>
<u>D-9</u>	<u>\$1000.00</u>	<u>Large Event Venue</u>
<u>D-10</u>	<u>\$1,000</u>	<u>Entertainment</u>
<u>D-11</u>	<u>\$1,200.00</u>	<u>Movie Theater</u>
<u>D-12</u>	<u>\$500.00</u>	<u>Salon/Spa</u>
<u>D-13</u>	<u>\$0.00</u>	<u>St Charles Public Library</u>
<u>E-1</u>	<u>\$50.00 per day</u>	<u>Not for Profit</u>
<u>E-2</u>	<u>\$100.00 per day</u>	<u>Special Events B/C licensees</u>
<u>E-3</u>	<u>\$50.00 per day</u>	<u>Kane County Fair</u>
<u>E-4</u>	<u>\$100.00 per day</u>	<u>City Owned Premises</u>
<u>E-5</u>	<u>\$500.00 annual</u>	<u>Harley Davidson</u>
<u>E-6</u>	<u>\$100.00 per day</u>	<u>Special Late Night Permit Event</u>
<u>E-7</u>	<u>\$100.00 per day</u>	<u>Special Events A-2/A-2B licensees</u>
<u>E-8</u>	<u>\$500.00 annual</u>	<u>St. Charles History Museum</u>
<u>F-1</u>	<u>\$100.00</u>	<u>BYOB Beer and Wine Only</u>
<u>F-2</u>	<u>\$250.00</u>	<u>BYOB Beer, Wine, and Spirits</u>
<u>G-1</u>	<u>\$1,600.00</u>	<u>Brewery/Restaurant</u>
<u>G-2</u>	<u>\$3,000.00</u>	<u>Nano Brewery/Market</u>
<u>H-1</u>	<u>\$500.00</u>	<u>Catering - City of St. Charles restaurant with liquor license</u>
<u>H-2</u>	<u>\$750.00</u>	<u>Catering - Catering business or restaurant outside the City of St. Charles</u>
1113224.1	<u>\$1000 - Initial License</u>	
	<u>\$500 - Each Renewal License</u>	
<u>V</u>	<u>\$100 - Per each video gaming</u>	<u>Video Gaming</u>

NOTE: Initial license fee is doubled for all first-time Class A, B, C, D, G license applicant fees.(Ord. 2017-M-17 § 1; Ord. 2014-M-25§ 2; Ord. 2014-M-5 § 2; Ord. 2014-M-4 § 3; Ord. 2012-M-30 § 7; Ord. 2010- M-52 § 7.

<u>Late Night Permit</u>	<u>Fee</u>	<u>Renewal</u>
<u>Late Night Permit – 1 (1:00 a.m.)</u>	<u>\$800.00</u>	<u>\$800.00</u>
<u>Late Night Permit – 2 (2:00 a.m.)</u>	<u>\$2,300.00</u>	<u>\$2,300.00</u>

<u>1.—</u>	<u>2.—</u>	<u>3.—</u>
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~~4.— NOTE: Initial license fee is doubled for all first timefirst-time Class A, B, C, D, G license applicant fees.(Ord. 2017 M 17 § 1; Ord. 2014 M 25§ 2; Ord. 2014 M 5 § 2; Ord. 2014 M 4 § 3; Ord. 2012 M 30 § 7; Ord. 2010 M 52 § 7.~~

~~5.— (Ord. 2014 M 25 § 2; Ord. 2014 M 4 § 3.)~~

~~6.1. Proration: There shall be no proration of local liquor license fees or late night permit fees for any reason. Notwithstanding the foregoing, if an initial license is issued after November 1, the initial license fee shall be one-half (1/2) of the “Initial License Fee” set forth above.~~

~~7.2. Forfeiture of License Fee: Whenever any local liquor license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for said local liquor license.~~

5.08.110 – Number of Licenses

At no time shall the maximum number of licenses in each class exceed the actual number of licenses issued except as amended from time to time by actions of the City Council.

5.08.120 – Temporary License

Notwithstanding any provision of this chapter to the contrary, and provided that an applicant has otherwise fully complied with the requirements of this chapter and is eligible to receive a local liquor license, including the payment of the applicable local liquor license fee, the Local Liquor Control Commissioner may issue a temporary local liquor license.

A temporary local liquor license shall be valid for a period of two (2) months, unless sooner terminated, as hereinafter provided. The temporary license must show proof to the City of issuance of a State of Illinois liquor license.

A temporary local liquor license shall terminate upon the first of the following to occur:

~~9.1. The expiration of two (2) months after the issuance of such temporary local liquor license;~~

~~10.2. The receipt of satisfactory results with respect to the fingerprint(s) record search for the applicant and the issuance of the local liquor license otherwise provided for by this chapter;~~

~~11.3.~~ The receipt of results with respect to the fingerprint(s) record search for the applicant which would give the Local Liquor Control Commissioner grounds not to issue the local liquor license otherwise provided for by this chapter.

The Local Liquor Control Commissioner may issue no more than two (2) temporary local liquor licenses with respect to a particular application. Any applicant requesting and receiving a temporary local liquor license does so at his own risk. Under no circumstances shall the local license fee paid be prorated or refunded, even if no local liquor license is issued.

5.08.130 – License - Hours of Sale

~~9.1.~~ It shall be unlawful for any person holding a Class A- 1, A- 2, A- 2B, A-3, A- 4, A- 5, A- 6, A-7, F- 1, F- 2 or G-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7:00 a.m. and after the hour of 12:00 a.m. (midnight).

~~10.2.~~ It shall be unlawful for any person holding a Class B-1, B-2, B-3, C-1, C-2, C-3, D-8, D- 9, D-10, D-11, D-12, E-8, G-1, H-1, or H-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any ALCOHOLIC BEVERAGES 5.08-21 licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 7:00 a.m.

~~11.3.~~ It shall be lawful for any person holding a B- 1, B-2, B- 3, C- 1, C-2, C- 3, or G-1 license issued pursuant to this chapter to sell, offer for sale, in or upon any licensed premises, any alcoholic liquor until 2:00 a.m. on January 1 without being issued a Late Night Permit.

~~12.4.~~ It shall be unlawful for any person holding a Class D- 2, D-4, D- 5, D- 6, or D- 7 license issued pursuant to this liquor chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m.

~~13.5.~~ It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m.

~~14.6.~~ It shall be unlawful for any person holding a Class E-5 license issued pursuant to this chapter to sell or deliver, in or upon any licensed premises, any alcoholic liquor, except during those hours as specifically set forth in said Class E-5 license.

~~15.7.~~ It shall be lawful for any person holding a Class E-6 Temporary License Permit issued pursuant to 5.08-22 this chapter to sell, offer for sale in or upon any licensed premises, any alcoholic liquor until 1:00 a.m. or 2:00 a.m. (on specified date as stated on approved permit by City Council).

5.08.140 – License – Renewal Deadline

Any licensee may renew its local liquor license at the expiration thereof; provided, that it is then qualified to receive a local liquor license and the premises for which such renewal local liquor license is sought are suitable for such purpose; provided further, that the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent

the City Council from decreasing the number of local liquor licenses to be issued within the City. A liquor licensee shall file an application for renewal of a local liquor license, accompanied by the applicable local liquor license fee and all required documentation, including dram shop insurance coverage, on or before the date set in the application renewal process in any given year. There shall be a late payment fee of ~~one-hundred~~one hundred dollars (\$100) for failure to comply with the foregoing for the first offense, two-hundred fifty dollars (\$250) for the second offense, and for the third and subsequent offenses, five-hundred dollars (\$500.00).

5.08.150 – License – Cessation of Business – Revocation of Licenses – Reduction in Licenses

Removed in its entirety.

5.08.160 – License – Licensed Premises – Change of Location

A local liquor license issued under this chapter shall permit the sale of alcoholic liquor only in the premises described in the application and local liquor license. Such location may be changed only when and upon the written ~~permit~~permission to make such change is issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

5.08.170 – License – Change in Name

A liquor licensee that changes the name of the establishment but does not change the location or ownership shall, within 30 days of the change, notify the Local Liquor Control Commissioner and pay a fee of \$50. The Local Liquor Control Commissioner shall issue a local liquor license in the new name, cause the new local liquor license to be available, and shall take possession of the local liquor license made out in the old name upon the turning over of the new local liquor license to the licensee.

5.08.180 – License – Licensed Premises – Change in Personnel

~~9.1.~~ Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a local liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner within thirty days of the change and be reported to the State of Illinois Liquor Commission.

~~10.2.~~ When a license has been issued to a partnership and a change of ownership occurs, resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

~~11.3.~~ When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.

~~12.4.~~ When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.

~~13.5.~~ All owners and managers in charge of a local liquor licensed establishment shall at all times be declared with such person(s) or entity(s) names being on record with the Local Liquor Control Commissioner and Chief of Police.

~~14.6.~~ Upon a license being rejected, an applicant or personnel shall be afforded a hearing pursuant to existing protocols established within this chapter.

5.08.190 – License – Transfer

A license shall be purely a personal privilege, good for a period not to exceed one year after issuance, unless sooner revoked as in this chapter provided, 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 not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that 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 the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but no longer than six months after the death, bankruptcy, or insolvency of such license. No refund shall be made of that portion of the local liquor license fee paid for any period in which the licensee shall be prevented from operating under such local liquor license in accordance with provisions of this section.

5.08.200 – License – Use of Licensed Premises After Revocation

When any license shall have been revoked for any cause, no local liquor license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only and the new licensee is not related to the revoked licensee.

5.08.210 – License – Display of License Required

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

5.08.220 – License – Multiple Locations

Where two (2) or more locations, places or premises are under the same roof or at one street address and do not hold a site license, a separate local liquor license shall be obtained for each such location, place or premise; provided that nothing herein contained shall be so construed as to prevent any hotel or motel operator licensed under the provisions of this chapter from serving alcoholic liquor to his-the registered guests in any room or part of his-the hotel or motel, if such liquor so served shall be kept in and served from a licensed location, place or premises in said hotel or motel.

Alcohol sold from one licensed location for the purpose of consumption on the premises may be carried to and consumed within a second licensed location under the same roof so long as such movement can be made wholly within the enclosed structure of the premises or within a permitted outside consumption area.

5.08.230 – Licensed Premises - Location Restrictions

The provisions of the Illinois Liquor Control Act *235 ILCS 5/6-11) are expressly adopted in its entirety by the reference and incorporated herein as though a part of this Act. Any such exemptions must be authorized by ordinance pursuant to 235 ILCS 5/6-11(a)(5).

5.08.240 – Stores Selling School Supplies or Food to Underage Persons

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

5.08.250 – Regulations Applicable Generally

~~9.1.~~ 9.1. ~~_____~~ False Statement. - It shall be a violation of this chapter for any licensee or any officer, associate, member, representative, agent, or employee of any licensee to make a false statement of fact to the Local Liquor Control Commissioner, ~~his~~ agent or any police officer with respect to any application for a local liquor license or investigation of any alleged violation of this chapter or law.

~~10.2.~~ 10.2. ~~_____~~ Compliance with law - All licenses, licensees and licensed premises shall be subject to all of the provisions of the Liquor Control Act, all applicable federal and state statutes, and ordinances of the City.

~~11.3.~~ 11.3. ~~_____~~ Compliance with State Liquor Commission Rules - All licensees shall be subject to the Rules and Regulations of the Illinois Liquor Control Commission, as amended (11 Ill. Admin. Code Part 100), specifically including, but not limited to the following:

- a. No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- b. No licensee, individual, partnership or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (1) of this section. This includes, but is not limited to, advertisements using the words “free” or “complimentary” with alcoholic liquor.
- c. Subsection (1) shall not apply to wine tasting when permitted by this chapter.

~~12.4.~~ 12.4. ~~_____~~ BASSET Training - It shall be the duty of every licensee to require ~~their~~ officers, associates, members, representatives, agents or any employee who sells, gives, oversees (bouncers/doormen), or delivers alcoholic liquor or beverages to be trained and certified

by the Beverage Alcohol Sellers and Servers Education and Training Program (BASSET) licensed and administered by the State of Illinois Liquor Control Commission (ILCC). Further, BASSET training and certification shall be a prerequisite to the issuance of local liquor licenses. It shall be the duty of the City of St. Charles Liquor Control Commissioner to notify all present licensed holders and persons making ~~application~~ applications for a liquor license of this requirement. Furthermore, BASSET verification must be made available upon request, and files indicating BASSET training shall be maintained on-site ~~of~~ by every licensee. Any not-for-profit corporation ~~who~~ that applies for a Class E temporary license shall be exempt from the BASSET training and certification requirements under the following conditions:

- a. That the applicant has not been found in violation of any of the ordinances of the City of St. Charles within the past three years;
- b. That uniformed St. Charles police officers are present during all times that alcohol is being served. The Local Liquor Control Commissioner shall determine the required number of officers which shall be present;
- c. That at least one representative of the applicant organization is BASSET trained and certified;
- d. That the BASSET certified representative provides and instructs BASSET training principles to all persons who will be serving alcohol pursuant to the Class E license.
- e. That the Class E license holder is required to provide a bond, letter of credit or some type of surety to the City in the amount of \$1,000 prior to issuance of the license. The surety will be returned to the license holder within 30 days after the event, provided no offenses occurred during the event. In the event the license holder is charged with any type of violation during the course of the event, the surety will be retained by the City and used to cover the hearing and other related costs.

~~13.5.~~ 13.5. Warning to Underage Persons - Every licensee shall display at all times a printed sign, which shall read substantially as follows:
“WARNING TO UNDERAGE PERSONS –
You are subject to a fine of up to seven hundred fifty (\$750) dollars under the Ordinances of the City of St. Charles if you purchase alcoholic liquor or misrepresent your age for the purposes of purchasing or obtaining alcoholic liquor.”

~~14.6.~~ 14.6. Warning to Pregnant Women - Every licensee shall display at all times a printed sign, which shall be framed and hung in plain view reading as follows: “Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.”

~~15.~~ 15. Sanitary Conditions - All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor or such sale, shall be kept in a clean and sanitary condition, and shall

be kept in full compliance with all applicable laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

Athletic Amusements, Contests, Demonstrations, Entertainment, Activities, Events, and Exhibitions on the Licensed Premises Prohibited – Exceptions.

~~a.~~ The following athletic amusements, contests, demonstrations, entertainment, activities, events, and exhibitions are prohibited at all establishments licensed by this chapter:

~~1.a.~~ Races between persons, animals, or vehicles.

~~2.b.~~ Baseball games.

~~3.c.~~ Boxing, kickboxing, wrestling, hand-to-hand combat, and martial arts.

~~4.d.~~ Ultimate fighting, including, without limitation, physical combat between two (2) or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques, or any combination thereof.

~~5.e.~~ Any other such athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition.

~~b.7.~~ Notwithstanding the ~~forgoing~~~~foregoing~~, the Local Liquor Control Commissioner, in ~~his~~ sole discretion, may approve, in writing, any athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition prohibited by this section, subject to the prior consent of the City Council pursuant to a resolution. In the event of approval, as provided herein, the licensee shall secure a permit for such athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition, as appropriate and as required by this Code.

~~e.8.~~ The licensee shall provide sufficient members and equipment of the police department and the fire department, including paramedic personnel, as the City Council determines necessary in its resolution consenting to such athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition. The licensee shall be responsible for all fees, payments, and salaries of such members and personnel. The licensee shall be required to post a cash deposit to secure the payment of estimated fees, payments, and salaries of such members and personnel. If ~~the~~ said deposit does not cover the actual amount due, ~~the~~ licensee is responsible for any balance due.

~~16.9.~~ Gambling on Licensed Premises Prohibited - It is unlawful to permit any gambling except, as may be authorized by the state, on any premises licensed to sell alcoholic liquor.

~~17.10.~~ Refilling Original Packages - No person licensed under this chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it is unlawful for any person to have in his possession for

sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages.

~~18~~11. solicitation on Licensed Premises Prohibited - It is unlawful for any licensee, his manager, or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon, to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or non-alcoholic liquor for said person, or any other person therein; nor shall any person, whether employee, entertainer, or otherwise, solicit any patron or customer therein to purchase alcoholic or non-alcoholic liquor for ~~herself or himself~~themselves or any other person therein; provided, however, that nothing contained in this section shall prohibit any adult manager, bartender, waiter or~~or~~waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, bartender, waiter or waitress.

~~19~~12. Quantity Sales for ~~On-Premises~~On-Premises Consumption - It is unlawful for any licensee, other than a hotel offering restaurant service or regularly organized club or restaurant within the meaning of that term as defined in the Illinois act entitled "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended, to sell, give away or permit to be sold, served or given away for consumption on the licensed premises any distilled spirits, except by the glass in individual servings not exceeding thirteen fluid ounces.

~~20~~13. Election Days - Licensees may sell at retail any alcoholic liquor on the day of any national, state, county or municipal election, including primary Election, including hours the polls are open. within the political area in which such election is being held.

~~21~~14. Happy Hour Regulations -No licensee shall violate the "happy hour" regulations set forth in 235 ILCS 5/6-28, as amended from time to time.

~~22~~15. After Hour Occupancy of Establishment.

- a. It is unlawful for any person to sell or offer for sale, at retail, or to give away, in or upon any licensed premises, any alcoholic liquor during the hours in which sale of such alcoholic liquors is prohibited. It is unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which sale of such alcoholic liquor is prohibited. Establishments at which the primary purpose of the premises shall be for retail sales other than the sale of alcoholic liquors, such as food store, drug store mass merchandiser, clubs, hotels and motels may remain open for business during such hours, but no alcoholic liquor may be sold or

consumed during such hours. The licensee and any of its employees and no other persons shall be allowed to remain on or about the licensed premises to clean up or perform maintenance on the premises.

- b. All premises in which alcoholic liquors are sold at retail for consumption on the premises and which are located below ground level shall have visible access to the interior for purposes of police inspection and the after-hours safety of the occupants. Such visible access may be through an exterior door with a window measuring not less than eight inches by eight inches.
- c. It is unlawful for any person to consume any alcoholic liquor on any premises licensed under the provisions of this chapter during the hours when the sale of such alcoholic liquor is prohibited by this chapter, including, but not limited to the licensee, its officers, agents and employees.

23.16. Employment of Underage Persons.

- a. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty-one (21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this subsection shall not be construed to prevent the employment of persons who are at least eighteen (18) years of age as waiters or waitresses for the purpose of serving food and alcoholic liquor on the licensed premises.
- b. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell any alcoholic liquor in any licensed premises.

24.17. Licenses – Curb/Drive-Through Service -No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curb service or a drive-through window without City Council approval.

25.18. Harboring Intoxicated Persons - No licensee under the provisions of this chapter, either individually or through agents or employees, shall harbor or permit any intoxicated person or persons to loiter on the premises, or to permit any conduct, which shall tend to disturb the peace and quiet of the neighborhood.

26.19. Prohibited Sales.

- a. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give, deliver, or allow the consumption of alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person

or to any person known by him or her to be under legal disability or in need of mental treatment.

- b. For the purpose of preventing the violation of this section, any licensee, or his agent or employee, shall refuse to sell, deliver, serve, or allow the consumption of ~~alcoholic~~ liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is twenty-one (21) years of age or older.
- c. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or a 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 a member of the Armed Forces. Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, ~~forbidden~~ by this section is an affirmative defense in any proceeding to enforce this section or to any proceedings for the suspension or revocation of any local liquor license based thereon.
- d. It is unlawful for any holder of a liquor license, ~~or his or her~~ agent or employee, to suffer or permit any person under the age of 21 ~~years~~ to be or remain in any room or any compartment adjoining or adjacent to or situated in the room or place where such licensed premise is located; provided, that this subsection shall not apply to any such person under the age of 21 ~~years~~ who is accompanied by ~~his or her~~ an agent or guardian; or
 1. ~~That~~ portion of any licensed premise which derives its principal business from the sale of service or commodities other than alcoholic liquor; or
 2. ~~Any~~ public place that engages in the retail sale of alcoholic liquors for consumption on the premises where the sale and consumption of food predominates the sale and consumption of alcoholic liquor except as otherwise prohibited for Class B and Class C licenses, as hereinafter provided in this chapter; or
 3. ~~A~~ picnic, bazaar, fair, festival, wedding, ~~or~~ similar assembly where food is dispensed and only where the dispensing of food predominates for a period from 12:00 noon to midnight and subject to the other applicable provisions as set forth in this Code; or
 4. ~~Any~~ licensed premise ~~which~~ that, for a period of at least 30 minutes prior to the admission of minors and for at least 30 minutes after the departure of minors, ~~does~~ do not dispense or sell any alcoholic liquor to any person on the premise.

~~27-20.~~ 27-20. B.Y.O.B. (Bring Your Own Bottle) Prohibited in Licensed Premises - It is unlawful for any licensee, or his or her agent or employee, to permit any person to consume any alcoholic liquor on the licensed premises that was not purchased from the licensee.

~~28-21.~~ 28-21. Prohibited Entertainment - It shall be unlawful to permit the following conduct on licensed premises:

- a. Performance of acts~~7~~, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual acts.
- b. The actual or simulated touching~~z~~, caressing or fondling of the breasts, buttocks, pubic hair, anus~~z~~ or genitals.
- c. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
- d. Permitting any person to remain upon licensed premises who exposes to public view any portion of ~~his or her~~ breasts, buttocks, pubic hair, genitals, vulva~~z~~ or anus.

~~29-22.~~ 29-22. Teen Club/Teen Dance Club Prohibited - It is unlawful to permit or operate a teen club/teen dance club at any time on any premises licensed to sell alcoholic liquor. For purposes of this subsection V, a teen club/teen dance club is defined as follows: Any premises open to the public, all or any constituent part of which is restricted to the admission of, and which caters and/or is promoted to, patrons between the ages of thirteen (13) and twenty (20), inclusive, irrespective of whether admission is with or without an admission fee or charge, where patrons enjoy dancing, live and recorded music and entertainment, video or arcade games or other games or devices related to amusement or entertainment, or where videotape presentations are shown. "Teen Club/Teen Dance Club" does not include places operated by government entities, schools, religious institutions or any other non-commercial organization which might occasionally host or sponsor entertainment or activities for teenagers incidental to the organization's principle purpose.

~~30-23.~~ 30-23. Payment of Taxes, Fees, Charges and Other Monies to City when Due - It is the obligation of every licensee to pay to the City, ON OR BEFORE THE DUE DATE, each and every tax (including, but not limited to the St. Charles Alcohol Tax), fee, charge or other monetary obligation imposed by and/or owed to the City by said licensee. The failure of a licensee to make any required payment, ON OR BEFORE THE DUE DATE, shall subject the licensee to a Citation being issued to determine if the licensee shall be fined ~~and/or~~ and/or ~~having~~ have its license suspended or revoked.

~~31-24.~~ 31-24. Delivery of Alcohol - Alcoholic liquor delivered to any address located within the corporate limits of the City of St. Charles must adhere to all state statutes and city ordinances that apply to a liquor license within the City of St. Charles.

THERE IS A ZERO TOLERANCE POLICY. THE CITATION SHALL BE PROSECUTED TO ITS CONCLUSION,

~~9~~.1. Class A Licenses - Single Serve Sales Prohibited

Beer in containers of 16 ounces or less shall not be sold to any person in quantities of less than six cans or bottles for consumption. The above provision shall not be applicable to the permitted sale of beer for consumption on the premises when brewed on the premises of a Class A-4 license.

~~10~~.2. Class A, Class D-1 and Class E Licenses - Wine and Beer Tasting

Class A, Class B-3, Class D-1, and local liquor ~~license-licenses~~ hold ~~on-premise~~ wine and beer tasting, but only in connection with the bona fide sale of wine or beer in the original package for consumption, not on the premises. Wine and beer tasting shall be confined to samples of not more than one ounce (1oz.) of wine and two ounces (2 oz.) of beer in conjunction with the anticipated sale of wine and beer. The sample shall be provided without compensation. Class E local liquor license holders may conduct such wine and beer tasting, but only with the written approval of the Local Liquor Control Commissioner.

~~11~~.3. Class B, Class C, Class D-1, Class E, Class G-1 Licenses - Live Entertainment

Class B, C, D-1, and G-1 local liquor licenses may permit live entertainment as defined in this chapter and as regulated by this chapter and the City's zoning ordinance. Live entertainment may be permitted during the hours that alcoholic liquor may be sold.

Notwithstanding the foregoing, outdoor live entertainment is expressly prohibited every day between the hours of 10:00 p.m. and noon the following day. Further, the sound level of any amplified outdoor entertainment shall not exceed sixty (60) decibels at the property line of any residential district.

Class E licenses shall permit live entertainment only as expressly permitted in the approval of any such Class E license.

~~12~~.4. Class B and Class C Licenses – Underage Persons Prohibited in Licensed Premises at Certain Times

Notwithstanding any provision of this chapter to the contrary, no Class B or Class C licensee shall permit any person under the age of twenty-one (21) years to enter or remain upon the licensed premises after the hour of 11:00 p.m., unless such person is accompanied by ~~his or her~~ parent or legal guardian at all times.

From and after the hour of 11:00 p.m. until closing, every Class B and Class C licensee shall verify that each person entering or remaining on the licensed premises is at least twenty-one (21) years of age, unless such person is accompanied by ~~his or her~~ parent or legal guardian at all times. This restriction shall not apply to private gatherings within an establishment, the location of which has been segregated from the general public within said establishment.

From and after the hour of 11:00 p.m. until closing, every Class B and Class C licensee shall have an employee or agent posted, at all times, at each entrance to the licensed premises who shall be responsible for verifying that each person entering the licensed premises is at least twenty-one (21) years of age, unless accompanied by ~~his or her~~ parent or legal guardian.

Notwithstanding the foregoing, the provisions of this subsection D shall not be applicable to any person under the age of twenty-one (21) years lawfully employed at the licensed premises, provided that such person is on duty, working and being compensated therefore.
(Ord. 2010-M-52 § 9.)

~~13.5.~~ 13.5. Class B and Class C Licenses – Sale/Consumption of Alcoholic Liquor on Licensed Premises Only – Defined

Class B and Class C licenses authorize the retail sale of alcoholic liquor for consumption solely on the licensed premises. Class B and Class C licenses shall not engage in the sale of alcoholic liquor nor suffer or permit the consumption of alcoholic liquor, except on the licensed premises. For purposes of this prohibition, “premises” means the interior of the building governed by a Class B or C license. “Premises” specifically excludes sidewalks, streets, parking areas and grounds adjacent to any such building, regardless of whether such sidewalks, streets, parking areas and grounds adjacent to any such building are under the ownership or control of the licensee.

Notwithstanding the foregoing, a patio, deck or similar area may be specifically authorized and designated as being included in a Class B or Class C licensee’s licensed premises, if the Local Liquor Control Commissioner, in his sole discretion, approves the sale and/or consumption of alcoholic liquor, in such patio, deck or similar area, on the site plan required for each Class B and Class C license.

~~14.6.~~ 14.6. Class B Licenses – Holding Bar

Class B licensed premises are permitted to have a holding bar on said premises, provided that said holding bar shall not contain seating in excess of 20% of the total number of seats approved for said premises.

5.08.270 – Underage Persons

1. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service.
2. No person shall sell, give, or furnish to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or Photostatted evidence of the age and identity of such person nor shall anyone sell, give or furnish to any person under the age of twenty-one (21) years evidence of age and identification of any other person.
3. No person under the age of twenty-one (21) years shall present or offer to any licensee, ~~his~~ its-agent or employee, any written, printed, or photostatted evidence of age and identity which is false, fraudulent, or not actually ~~his own~~ belonging to the person for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic liquor, nor shall any person ~~have in his possession~~ possess any false or fraudulent written, printed, or photostatted evidence of age and identity.
4. No person under the age of twenty-one (21) years shall have or possess any alcoholic liquor ~~in his possession~~ nor shall any such person consume any alcoholic liquor. This section does

not apply to possession by a person under the age of twenty-one (21) years or consumption in the performance of a religious ceremony or service.

5. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of the order ~~of his or her~~ parent or in pursuance of ~~his or her~~ employment.

Any person violating this section shall be fined two-hundred fifty dollars (\$250.00) for the first offense nor more than seven hundred fifty dollars (\$750.00) for each subsequent offense.

5.08.280 – Peddling Alcoholic Liquor in City Prohibited

It is unlawful to peddle alcoholic liquor in the City.

5.08.290 – Possession of Alcoholic Liquor in Motor Vehicle

No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle, except in the original package and with the seal unbroken.

5.08.300 – Sale, Delivery, Consumption and Possession of Alcoholic Liquor on Public Property

It is unlawful for any person to sell, deliver, consume or possess, except in original packages with seals unbroken, any alcoholic liquor upon any streets, sidewalk, alley or other public right-of-way and City property unless otherwise stipulated in a site plan approved by the Liquor Commissioner with advice and consent of the City Council. Notwithstanding approval of the City Council and the consent of the Local Liquor Control Commissioner, this section shall not apply to the premises of a Class E license issued pursuant to this chapter.

Notwithstanding the foregoing, alcoholic liquor may be sold, delivered, consumed and possessed on the public right-of-way adjacent to licensed premises located within the First Street TIF District (described below) and other certain locations, subject to: (a) approval of the City Council, (b) the premises obtaining a Sidewalk Café permit pursuant to Section 12.04.102 of this Code, and/or a license agreement with the City to use certain public property and (c) strict compliance with the site drawing (including conditions imposed by the Local Liquor Control Commissioner thereon) approved in conjunction with the issuance of the license for said premises.

~~Any person violating this section shall be fined not less than one hundred dollars (\$100.00) for the first offense nor more than two hundred fifty dollars (\$250.00) for each subsequent offense.~~

5.08.310 – Responsibility of the Owner or Occupant of Premises

Except under the direct supervision and approval of the parents or parent, it is unlawful for any owner or occupant of any premises located within the City to knowingly allow a person under the age of twenty-one (21) years to remain on such premise while in the possession of alcoholic liquor or while consuming alcoholic liquor in violation of this chapter.

5.08.320 – License – Revocation or Suspension – Hearing Procedure

1. The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend any license issued under ~~his~~the Local Liquor Control Commissioner's authority if ~~he~~it's determineds that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. In addition to or in lieu of a suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand (\$1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred (\$1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred (\$2,500) Dollars for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand (\$15,000) Dollars in fines under this section may be imposed against any licensee during the period of ~~his~~the license. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspendedd, and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three-day (3) written notice to the licensee, affording the licensee an opportunity to appear and defend. Further, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this chapter, they may order the licensee to pay to the City the following: 1) reasonable attorney's fees incurred by the City, the Chief of Police and the Local Liquor Control Commissioner; and 2) reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.
2. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, they may, upon the issuance of a written order stating the reason for such conclusions and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; except, if the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.
3. The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if ~~it~~they determinedd after such hearing that the license should be revoked or suspended, or that the licensee should be fined, shall state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.
4. Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Compiled Statutes.

[5.08.330 – List of Licenses and Revocations](#)

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all licenses issued ~~by him~~ and shall furnish the clerk, treasurer and Chief of Police a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of said officers, and in case of revocation a written notice shall be given to the licensee whose license has been revoked. All notices provided for in this section shall be given forty-eight (48) hours from the time of any such action or actions. Notice shall also be given to the Illinois Liquor Control Commission of the revocation of any and all such licenses.

[5.08.340 – Forfeiture of Fees Upon License Revocation](#)

Whenever any license under this chapter has been revoked, as provided for in this chapter, the license shall incur a forfeiture of all moneys that have been paid for said license.

[5.08.350 – Owner of Premises Permitting Violation](#)

If the owner of the licensed premises or a person from whom the license derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment.

[5.08.360 – Acts of Agent or Employee; Liability of Licensee; Knowledge](#)

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 said act or omission had been done or omitted ~~by him~~ personally ~~by the employee or licensee-~~

~~(2015-M-14: § 1; 2010-M-29: § 1)~~

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[5.08.370 – Violation - Penalty](#)

~~Except as otherwise provided, a~~Any person, firm, or corporation violating any provision of this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) for the first offense and up to seven hundred and fifty dollars (\$750.00) for each subsequent offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

~~Exhibits:-~~

~~ [5-08.pdf](#)~~

~~(2015-M-14: § 1; 2010-M-29: § 1; 2004-M-12: § 1; 1982-M-62: § 2)~~

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~~2023 City of St. Charles Municipal Code Book~~

5.08 – Alcoholic Beverages

5.08.010 – Definitions

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934, approved January 31, 1934, as amended (235 ILCS 5/1-1 et seq.) (“Liquor Control Act”), shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

- 22.1.** “Alcohol” means the product of the distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- 23.2.** “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 any liquid or solid containing ~~one-half~~ one-half of one percent, or less, of alcohol by volume.
- 24.3.** “Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- 25.4.** “Club” means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors, which conforms to the definition of a club in the Liquor Control Act, as amended.
- 26.5.** “Growlers and Crowlers” means a glass, ceramic, or steel container used to sell, seal, and transport alcoholic liquor that is brewed, distilled, fermented, or mixed on site.
- 27.6.** “Halfway House” means premises located on a golf course in the proximity of the ninth hole of an eighteen-hole golf course, where alcoholic liquor sales are incidental to the sale of food and snacks. All alcoholic liquors shall be served in something other than glass containers.
- 28.7.** “Holding Bar” means an area within a restaurant where patrons awaiting food service may consume alcoholic liquors served by a bartender. The holding bar area shall be separated from the dining area by means of a partition wall. Food service tables are permitted in the holding bar area. A counter shall separate the bartender and patrons.
- 29.8.** “Hotel” or “Motel” means 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 such guests and having one or more public dining rooms, where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings, in connection therewith and such building or buildings, structures

being provided with adequate and sanitary kitchen and dining room equipment and capacity.

~~30.9.~~ "Intoxication" or "intoxicated" means that as a result of drinking alcoholic liquor there is an impairment of a person's mental or physical faculties so as to diminish the ability to think and act with ordinary care.

~~31.10.~~ "Live Entertainment" means the playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in the zoning code of St. Charles, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital of poetry.

~~32.11.~~ "Private function" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

~~33.12.~~ "Resort Hotel" or "Resort Motel" means a hotel or motel, as described in Paragraph G above, which provides golfing and swimming.

~~34.13.~~ "Restaurant" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and 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. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant shall be the service of meals. No restaurant licensed as such shall sell alcoholic liquor unless its full kitchen, ~~kitchen-~~~~kitchen~~ staff and serving staff are in operation providing the restaurant's full menu to its guests. Alcoholic liquor may be served from a service bar or in a holding bar. ~~(Ord. 2012-M-30 § 1.)~~

~~35.14.~~ "Restaurant and Tavern" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and 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. The intent of this definition is that the primary business conducted on premises to be licensed as a restaurant and tavern shall be the service of meals. Provided, all tables at which food is served shall only be served alcoholic liquor by waitpersons from a service bar. Alcoholic liquor may be served from a holding bar, provided, a full menu, including entrees and appropriate side dishes, shall be available at all times liquor sales are being conducted until eleven o'clock (11) p.m. Sunday through Thursday, and eleven o'clock (11) p.m. Friday and Saturday. After such times, in the event, a full menu is not provided, a reduced menu, which includes only appetizers,

sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available, ~~however;~~ however, provided in no event shall the kitchen cease operating sooner than one hour before closing. "Sale" means any transfer, exchange or barter in any manner, ~~or by any means whatsoever,~~ and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~36.15.~~ 36.15. "Sell at retail" and "Sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

~~37.16.~~ 37.16. "Service bar" means a permanent or portable bar from which waitpersons pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. A service bar shall not have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons shall not be served from a service bar.

~~38.17.~~ 38.17. "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~39.18.~~ 39.18. "Tavern," "Bar" or "Saloon" means any place that engages in the retail sale of alcoholic liquor for consumption on the premises. No tavern, bar or saloon shall sell alcoholic liquor unless food/menu items are offered to its guests. In the event a full menu is not provided a reduced menu, which includes appetizers, sandwiches, snacks, hors d'oeuvres or other similar foods, shall be available. ~~(Ord. 2015-M-14 § 1; Ord. 2012-M-30 § 2.)~~

~~40.19.~~ 40.19. "To sell" includes to keep or expose for sale and to keep with intent to sell.

~~41.20.~~ 41.20. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits."

~~42.21.~~ 42.21. "Specialty Drink" means any unique or original drink that originates from the licensed establishment and is exclusive to that business.

5.08.020 – Local Liquor Control Commissioner – Designated

~~d.1.~~ d.1. Local Liquor Control Commission – Purpose and Creation: A Local Liquor Control Commission is hereby created. The Commission shall be composed of five (5) members. The Local Liquor Control Commissioner shall be the Mayor of the City of St. Charles and ~~he/she be~~ the Chairman of the Local Liquor Control Commission for purposes of presiding over its meetings. The other four (4) members of the Commission shall be appointed by the Local Liquor Control Commissioner. The creation of the Local Liquor Control Commission shall not be construed to grant any substantive authority to the Commission, which shall act as an advisory and hearing commission only.

~~e.2.~~ e.2. Local Liquor Control Commission – Membership and Team: Two (2) members of the Local Liquor Control Commission shall be members of the St. Charles City Council, ~~and~~ and two (2)

members shall be residents of the City of St. Charles. Appointments shall be made to coincide with the term of the Mayor. Members shall hold office for their designated terms or until their successors have been appointed. No member of the Local Liquor Control Commission shall have any ownership interest in, or be employed by, any licensed establishment. No person shall be appointed to, or remain a member of the Local Liquor Control Commission if a spouse, parent, sibling, or child has, or acquires any ownership interest in, or is employed by, any licensed establishment.

~~§3.~~ **Mayoral Interest in Alcoholic Liquor-** If the mayor has an interest in the manufacture, sale, or distribution of alcoholic liquor, the mayor must direct the City Council to appoint, by majority vote, a person other than ~~him the Mayor or her~~ to serve as the Local Liquor Control Commissioner. The appointment must be made within thirty (30) days from the day on which after the mayor (i) takes office or (ii) has an interest in the manufacture, sale, or distribution of alcoholic liquor the mayor cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the mayor with ~~the an~~ interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the appointee: a) shall be an attorney with an active license to practice law in the State of Illinois; b) shall not legally represent liquor license applicants or holders before the City Council or before the Liquor Control Review Board, or before an adjacent jurisdiction; c) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor; and d) shall not be appointed to a term to exceed the term of the mayor, or members of the City Council.

5.08.030 – Local Liquor Control Commissioner – Powers, Duties and Functions

The Local Liquor Control Commissioner shall have the following powers, duties, and functions with respect to local liquor licenses:

~~8.1.~~ To grant and/or suspend for not more than thirty days or revoke for cause, all local liquor licenses issued to persons or entities for premises within the City, and to impose fines as authorized in this chapter;

~~9.2.~~ To enter or to authorize any law enforcing officer to enter, at any time, upon any premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act or City ordinance or any rules or regulations adopted by the City or by the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Local Liquor Control Commissioner pursuant to Section 5.08.020 shall have the powers given to the Local Liquor Control Commissioner by this subsection;

~~10.3.~~ To receive complaints from any citizen within the City that any provision of the Liquor Control Act or of this chapter ~~have has~~ been or ~~are is~~ being violated and to act upon such complaints in the manner provided by law;

~~11.4.~~ _____ To receive local liquor license fees and pay the same to the City. The Local Liquor Control Commissioner also has the duty to notify the Secretary of State of any convictions or dispositions of court supervision for violation of Section 6-20 of the Liquor Control Act;

~~12.5.~~ _____ To examine or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee upon whom notice of revocation, suspension or fine has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine or cause to be examined, the books and records of any such applicant or licensee; and to hear testimony and take evidence for ~~his~~ information in the performance of ~~his~~ duties, and for such purposes to issue subpoenas which shall be effective in any part of this State. For the purposes of obtaining any information desired by the Local Liquor Control Commissioner, ~~he~~ the Local Liquor Control Commissioner may authorize his agent to act on his behalf;

~~6.~~ To notify the Secretary of State of Illinois where a club incorporated under the General Not for Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq., as amended) or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this chapter by selling or offering for sale at retail alcoholic liquors without a local liquor license pursuant to this chapter.

~~13.~~

5.08.035 – Local Liquor Control Commission – Powers and Duties

The Local Liquor Control Commission shall perform such functions and duties as directed or requested by the Local Liquor Control Commissioner in relation to the regulation of license activities, including but not limited to the following:

~~7.1.~~ Upon the request of the Local Liquor Control Commissioner, the Local Liquor Control Commission shall review the applications and the investigations of applicants for liquor licenses, and submit its findings and recommendations to the Local Liquor Control Commissioner.

~~8.2.~~ Conduct disciplinary hearings and submit findings and recommendations to the Local Liquor Control Commissioner setting forth its conclusions with respect to the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any.

~~9.3.~~ Review and recommend changes in this Chapter to the Local Liquor Control Commissioner.

~~10.4.~~ _____ Keep written records of its meetings and proceedings, which shall be open for public inspection in accordance with the Freedom of Information Act (5 ILCS 140/1 et seq.)

~~11.5.~~ _____ Hold regular meetings at times and on days as designated by the ~~Chairman of the~~ Local Liquor Control Commissioner.

5.08.040 – License - Required - Term

It is unlawful to sell or offer for sale at retail in the City any alcoholic liquor without a local retail liquor license (“local liquor license”), or in violation of the terms of such license. Each local liquor license issued under this chapter shall terminate on April 30, following the date of issuance.

5.08.050 – License - No ~~Issurance~~ Issuance to Debtor

No local liquor license shall be authorized for issuance, and no initial local liquor license or renewal local liquor license shall be issued if the applicant, or any sole proprietor, partner, co-partner, member, officer, manager, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock thereof (either individually or in the foregoing capacities) is a debtor to the City for any reason whatsoever, regardless of whether the debt has been discharged such that the City can no longer collect such debt in any legal proceeding and regardless of whether such debt is owed by any of the foregoing:

~~3-a.~~ individually/personally; or

~~4-b.~~ in the capacity as a sole proprietor, partner, co-partner, member, officer, manager, director, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of any other legal entity, other than the applicant, that is a debtor to the City for any reason whatsoever, and regardless of whether the debt has been discharged such that the City can no longer collect such debt in any legal proceeding

5.08.060 – License – Dram Shop Insurance Required Prior to Issuance

No local liquor license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. The City shall be given at least ten ~~days’~~ days written notice from such insurance carrier prior to cancellation, termination, or amendment of any such dram shop insurance. In addition, a copy of said insurance policy must be made available at all times for inspection and filed with the City Clerk.

Every licensee shall be required to provide the Local Liquor Commissioner with a copy of each renewal/new policy of dram shop insurance when applying for either a new or renewal license. Any licensee failing to provide a copy of the renewal/new policy of dram shop insurance shall pay a late filing fee in the amount of \$50.00. Further, said licensee shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) for their first offense of operating without Dram Shop insurance, nor more than seven hundred fifty dollars (\$750.00) for each subsequent offense.

Further, said licensee may be subject to a fine and / or license suspension or license revocation as provided by this Chapter 5.08.

5.08.070 – License – Application Requirements

~~4-~~ Applications for a local liquor dealer's license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent

thereof if not an individual, verified by oath or affidavit, and shall contain the following statements and information:

- ~~1.a.~~ In the case of an individual, the full name, age and address of the applicant; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which it is organized, the names and addresses of the officers and directors, and if five percent or more in interest in the stock of such corporation is owned by a person or his nominee or nominees, the name and address of each such person or persons;
- ~~2.b.~~ The citizenship of the applicant, his date and place of birth and, if a naturalized citizen, the time and place of his naturalization;
- ~~3.c.~~ The character of business of the applicant;
- ~~4.d.~~ The length of time said applicant has been in business of that character;
- ~~5.e.~~ The amount of goods, wares and merchandise on hand at the time application is made;
- ~~6.f.~~ The location and description of the premises or place of business which is to be operated under such license;
 - ~~1.~~ ~~●~~ If ~~a leased premises~~ a leased premise, a copy of the lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
 - ~~2.~~ ~~●~~ The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust;
- ~~7.g.~~ A statement whether the applicant has made similar application for a similar ~~other license~~ other licenses on premises other than described in this application, and the disposition of such application;
- ~~8.h.~~ A statement that applicant has never been convicted of a felony, or a misdemeanor opposed to decency or morality, and is not disqualified to receive a license by reason of any matter or thing contained in the laws of the state or the ordinances of the City;
- ~~9.i.~~ Whether a previous license by any state or subdivision thereof or by the federal government has been issued; if so, where and when; or if any such license has been revoked, the reason therefor;
- ~~10.j.~~ _____ The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation;

~~11.k.~~ _____ 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 City in the conduct of his place of business;

~~12.l.~~ _____ Any applicant for a newly created city liquor license is to be fingerprinted whether said applicant is an individual or a partnership. Should the applicant be a corporation, the Local Liquor Control Commissioner may, within his discretion, require the following to be fingerprinted: the officers, manager or director thereof, or any stockholder or stockholders owning the aggregate of more than five percent of the capital stock of said corporation. The City police department shall do all such fingerprinting. There shall be a fingerprint fee of fifty (\$50) dollars per application to be paid at the time of application and non-refundable.

~~5.~~ The Local Liquor Control Commissioner shall issue a written acceptance or rejection of such application within sixty days of its receipt by the Local Liquor Control Commissioner or city clerk ~~in on~~ his behalf with the advice and consent of the City Council.

~~6.~~ There shall be an application fee of two hundred (\$200) dollars, which shall be non-refundable, and if a license is granted, applied to the first license fee. BYOB and Special Event license application fees shall be the cost of the license. Any outstanding fines and fees related to said licensure owed to the City by the licensee, its officers, directors or shareholders, shall be satisfied before a license is granted or renewed. All monies paid to the City shall be delivered via a certified bank check, or cash. The City will not accept credit cards or personal checks. At the discretion of the City Clerk, corporate checks may be accepted.

Any license that is issued in advance of the completion of the fingerprint background investigation may be rescinded by the Liquor Commissioner if the results of the investigation do not comply with section 5.08.080 of this Code.

5.08.080 – License – Restriction on Issuance

No such license shall be issued to:

~~24.1.~~ _____ A person who is not a resident of the City of St. Charles;

~~25.2.~~ _____ A person who is not of good character and reputation in the community ~~in which heresided in-resides~~ or in St. Charles;

~~26.3.~~ _____ A person who is not a citizen of the United States;

~~27.4.~~ _____ A person who has been convicted of a felony under any Federal or State law, unless the Local Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

~~28.5.~~ _____ A person who has been convicted of being the keeper or is keeping a house of ill fame;

- ~~29~~.6. _____ A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- ~~30~~.7. _____ A person whose license under this chapter or the Liquor Control Act has been revoked for cause;
- ~~31~~.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;
- ~~32~~.9. _____ A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence in the City, unless residency is required by local ordinance;
- ~~33~~.10. _____ A corporation or limited liability company, if any member, 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 citizenship and residence within the City;
- ~~34~~.11. _____ A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Local Liquor Control Commissioner shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;
- ~~35~~.12. _____ A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee;
- ~~36~~.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, or who shall have forfeited his bond to appear in court to answer charges for any such violation;
- ~~37~~.14. _____ A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- ~~38~~.15. _____ Any ~~law-enforcing~~law-enforcing public official, including members of the local liquor control commission, the mayor or any member of the City Council, interested directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, whether as an individual or under a corporate entity in such liquor related business, except:
- ~~1~~.a. A license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;

~~2.~~b. A license may be granted to any member of the City Council in relation to premises that are located within the territory subject to the jurisdiction of that official if:

- ~~1.~~1. the sale of alcoholic liquor pursuant to the license is incidental to the selling of food,
- ~~2.~~2. the issuance of the license is approved by the State Commission,
- ~~3.~~3. the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and
- ~~4.~~4. the official granted a license does not vote on alcoholic liquor issues pending before the City Council to which the license holder is elected;

~~39.~~16. _____ Any person, firm or corporation not eligible for a state retail liquor dealer's license;

~~40.~~17. _____ Any applicant who fails to obtain a state liquor license;

~~41.~~18. _____ A person who is not a beneficial owner of the business to be operated by the licensee;

~~42.~~19. _____ A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, approved July 18, 1961, or as proscribed by a statute replacing any of the aforesaid statutory provisions;

~~43.~~20. _____ A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act;

~~44.~~21. _____ A person who intends to sell alcoholic liquors for use or consumption on ~~the his or her~~ licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in the Liquor Control Act;

~~45.~~22. _____ A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Local Liquor Control Commissioner shall determine if all provisions of this subsection (V) have been met before any action on the corporation's license is initiated;

~~46.~~23. _____ In addition to other grounds specified in this chapter, the Local Liquor Control Commissioner shall refuse the issuance or renewal of a local liquor license, or suspend or

revoke such license, for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:

- ~~1~~.a. Failure to make a tax return,
- ~~2~~.b. The filing of a fraudulent return,
- ~~3~~.c. Failure to pay all or any part of any tax or penalty finally determined to be due,
- ~~4~~.d. Failure to keep books and records,
- ~~5~~.e. Failure to secure and display a certificate or sub-certificate of registration, if required,
- ~~6~~.f. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

5.08.085 – Issuance of Licenses and Restrictions-Liquor Control Commissioner/City Council

The Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner and City Council deem necessary. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, permit entertainment as specifically authorized with the issuance of any license.

5.08.090 – License - Classifications

Local liquor licenses for the retail sale of alcoholic liquor shall be divided into the following classes and sub-classes:

Class A – Packaged Alcoholic Liquor Licenses Class A licenses shall authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises, except as permitted for the Class A-4 license. Class A licenses are divided into the following sub-classes:

- ~~C~~. **A-1. Class A-1** licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand square feet.
- ~~D~~. **A-2. Class A-2** licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000'), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.

Additional provisions include:

- ~~a~~. Alcohol sold in original packages and intended for off premises consumption shall not be opened or consumed on the premises or in any designated seating/ serving area.

- b. Wine/beer tasting shall be permitted on such premises in accordance with state law.
 - c. The sale of liquor intended for consumption on the premises shall be limited to individual servings of spirits, beer, wine or sake.
 - d. The sale of spirits, beer, wine or sake, for consumption on the premises, shall be served only in a designated seating/ serving area, which includes an area where food is prepared and regularly served on the premises. Such food shall include hot or cold sandwiches, appetizers, tapas, sushi, baked goods or other similar foods. Alcohol consumption and sales will be allowed outside at grilling stands/ barbeque areas so long as store personnel are present at all times consumption/ sales are taking place and consumption is limited to a designated patio area; approved in advance by the Liquor Commissioner.
 - e. The consumption of spirits, beer, wine and sake on the premises shall be permitted in the designated seating/ serving area as well as the shopping areas throughout the premises or the aforementioned patio; however, the licensee shall mark, with conspicuous signage, the area past which consumption of spirits, beer, wine and sake is no longer permitted.
 - f. The designated seating/ serving area for customers consuming spirits, beer, wine or sake on the premises shall be limited to five percent(5%) of the gross floor area.
 - g. It is intended that the service of spirits, beer, wine and sake is merely adjunct to the operation of a grocery store and that the facility shall not be advertised or otherwise held out to be a drinking establishment.
 - h. Hours for the sale of packaged alcoholic liquor, for consumption off the premises shall be in accordance with this code, but in no case shall the sale of spirits, beer, wine, or sake take place outside of the normal business hours of the grocery store.
 - i. The establishment does not engage in the retail sale of goods outside of groceries, such as, but not limited to, clothing, shoes, home goods, electronics, and sporting goods.
 - j. The annual fee for such license shall be in accordance with our current fee schedule.
- ~~2-~~ **A-2B.** Class A-2B licenses shall authorize the retail sale of beer and wine only in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of beer and wine, such as food ~~store~~stores, drug ~~store~~stores or mass ~~merchandise~~merchandisers. The premises shall have a minimum gross area of ten thousand square feet (10,000'), ~~and~~ provided the square footage devoted to the retail sale of beer and wine is ten percent (10%) or less, of the gross square footage.

~~B.~~ **A-3. Class A-3** licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises and the retail sale of alcoholic liquor for consumption off the premises. A Class A-3 license shall be subject to the following restrictions:

~~5.a.~~ The products sold for consumption off the premises shall neither be opened nor consumed on the premises;

~~6.b.~~ The total square footage of the premises dedicated for the retail sale of alcoholic liquor for consumption off the premises shall not exceed 10% the total square footage of the premises;

~~7.c.~~ Permitted goods and merchandise, other than alcoholic liquor, shall also be offered for retail sale on the premises and alcoholic liquor consumption shall only be permitted within designated areas of a café/seating area;

~~8.d.~~ The premises are operated as a filling station, a gasoline station, a service station or any other location wherein gasoline, diesel fuel, gasohol or any other motor fuel is sold or offered for sale.

~~5.~~ **A-4. Class A-4** licenses shall authorize the retail sale of beer, wine, or spirits for consumption on or off the premises, where brewed, distilled, or fermented on the premises, provided the retail sale of beer or wine for consumption off the premises shall be in original packages only.

~~6.~~ **A-5. Class A-5** licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet/ craft beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor and beer shall be incidental to wine sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, gourmet/craft beer and alcoholic liquor by the glass, flight, or bottle only, for consumption on the premises.

~~7.~~ **A-6 Class A-6** licenses shall authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, in convenience stores or gas stations containing convenience stores where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items and the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less of the gross square footage.

~~8.~~ **A-7 Class A-7; Specialty Shop:** The class A-7 liquor license shall authorize the sale of gourmet craft beer/wines in their original sealed package or container for consumption off the premises, in conjunction with the on-premises retail sale of packaged spices, sauces and flavorings. For purposes of this section, such on-premises sale of gourmet craft beer/wine shall be incidental to the off-premises retail sale of packaged spices, sauces and flavorings and comprise no more than ten percent (10%) of the gross square footage.

Class B – Restaurant Licenses - Class B licenses shall authorize the retail sale of alcoholic liquors, beer, or wine, for consumption on the premises of a restaurant or tavern, whose primary purpose is that of a restaurant or restaurant and tavern as defined in this chapter. Live entertainment may be permitted as otherwise provided in this chapter. A restaurant licensed to sell alcohol under this Section may permit a patron to remove one, unsealed and partially consumed bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, ~~one-time-use~~one-time-use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is sealed in accordance with the provisions of this section and not tampered with shall not be in violation of section 5.08.290 while being transported in a motor vehicle.

~~5.~~5. **B-1 Class B-1** licenses shall authorize the retail sale of alcoholic beverages for consumption on the premises of a restaurant and tavern.

~~6.~~6. **B-2. Class B-2** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-2 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises, in conjunction and solely with a ~~carry-out~~carryout order of one or more meals. The following additional application requirements apply to all Class B licenses:

~~A.~~A.a. _____ Every application for a Class B license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following:

~~A.~~A.a. the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof;

~~B.~~B.a. the designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, ~~rest-rooms~~restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided.

~~C.~~C.a. the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.

~~B.~~B.b. _____ The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting the same on the approved site drawing or as provided ~~on the of by~~on the of by the licensee.

~~C.c.~~ _____ A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.

~~D.d.~~ _____ It shall be unlawful for any Class B licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

~~7.~~ **B-3 Class B-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-3 shall also authorize the retail sale of wine or ~~speciality-specialty~~ drinks originating from the licensed premises in original packages only and not for consumption on the premises that are sold within the segregated retail/cashier area of the premises. The retail wine/~~speciality-specialty~~ drink area shall not exceed fifty percent (50%) of the total square footage of the premises. Further, wine and tasting bars shall be permitted in the retail wine area of said premises, and wine tasting may be conducted in accordance with St. Charles Municipal Code 5.08.260

Class C – Tavern, ~~Bar~~; Saloon Licenses - Live entertainment may be permitted as otherwise provided in this chapter for Class C licenses. A tavern, bar, or saloon licensed to sell wine under this Code may permit a patron to remove one, ~~unsealed and partially consumed~~ bottle of wine for off-premise consumption, provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, ~~one-time-use~~ one-time-use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this section and not tampered with shall be in violation of section 5.08.290 while being transported in a motor vehicle. Class C licenses are divided into the following sub-classes:

~~4.~~ **C-1. Class C-1** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-1 licenses may authorize the sale of alcoholic liquor in outdoor sales areas, ~~provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner.~~

~~5.~~ **C-2. Class C-2** licenses shall authorize the retail sale of beer and wine only for consumption on the premises of a tavern, bar, or saloon.

~~6.~~ **C-3. Class C-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a tavern, bar, or saloon. Class C-3 licenses may authorize the sale of alcoholic liquor in outdoor sales areas, ~~provided such sales are in conjunction with food service, if approved by the Local Liquor Control Commissioner.~~ Class C-3 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises. The following additional application requirements apply to all Class C licenses:

- a. Every application for a Class C license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale, showing the following:
 - i. ~~i.~~ the location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof,
 - ii. ~~ii.~~ the designated use ~~if-of~~ each room or segregated area (e.g. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided (Class C-2 only with Local Liquor Control Commissioner approval), etc.).
 - iii. ~~iii.~~ the seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
- b. The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Control Commissioner may impose such restrictions as he deems appropriate on any licensee by noting the same on the approved site drawing or as provided on the face of the license.
- c. A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
- d. It shall be unlawful for any Class C licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.

Class D – Specific Alcoholic Liquor Sales and Site Specific Licenses -Class D licenses are divided into the following sub-classes:

~~iii.~~ **D-1. Class D-1 license:**

1. The license shall authorize the service, sale, and/or delivery of alcoholic liquor for consumption on the premises in Park District owned or leased facilities within the City of St. Charles where authorized by the St. Charles Park District Board for Park District sponsored events, subject to the following:
 - ~~i.~~ a. The Park District shall take control of such alcoholic liquors promptly upon purchase, and delivery thereof to the premises, and shall provide ~~BASSET trained~~ BASSET-trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.

~~2~~.b. Any and all alcoholic liquors shall be opened, dispensed, delivered, and/or served on the premises only by such servers and only to the attendees of the event.

~~3~~.c. As an alternative to engaging the service of Park District staff, the Park District may allow the service of a vendor who holds a then current and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the Park District premises.

~~4~~.d. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided by the St. Charles Park District for those properties leased from the City of St. Charles, and the City shall be named as additional insured.

2. The holder of this City of St. Charles liquor license may allow for the sale, delivery, and consumption of alcoholic liquors on its premises, that have been brought onto premises by a person or persons who have contracted for an event to be held on the premises, subject to the following:

~~1~~.a. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided by the patron or patrons supplying the alcoholic liquors, and the St. Charles Park District shall be named as additional insured.

~~2~~.b. Attendance at the event shall not be open to the general public and must be by appointment, presale tickets or special invitation by the person or persons who have contracted for the event to be held on the premises.

~~3~~.c. The service and consumption of alcoholic liquor shall be permitted only on the event premises to the invitees.

~~4~~.d. The contracting person or persons obtains such other liquor license(s) required by the City of St. Charles.

3. Maximum number of licenses allowed: One such license is allowed, which shall be applicable for all St. Charles Park District premises within the City of St. Charles, with the exception being the Pottawatomie Golf Course, which requires a D-3 license.

~~#~~ **D-2. Class D-2** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of any hotel or motel only and shall be issued only to the operator of said hotel or motel. Additionally, each of the residence rooms of the hotel or motel may have a mini-bar that may be accessed only by a special key obtained from the hotel management by a patron that may be served alcoholic liquors.

~~o-~~ **D-3. Class D-3** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a golf club or any banquet hall at a golf club in conjunction with the service of sit down meals. One (1) or more portable or permanent bars are permitted, when the person who operates the banquet hall makes such retail sale of alcoholic liquor. Class D-3 licenses shall authorize the sale of alcoholic liquors from one (1) halfway house and from two (2) motorized food and beverage cars operating on eighteen (18) hole and nine (9) hole golf courses for consumption on said golf course only, subject to the following restrictions: all alcoholic liquors shall be served in something other than glass containers; all cars shall only operate on designated golf paths.

~~p-~~ **D-4. Class D-4-1** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of any club, provided, that such club shall have been in existence for at least six (6) months prior to the filing of an application for a license under this chapter and shall have maintained clubrooms for such period of time immediately preceding the filing of its application.

~~(Ord. 2015 M 14 § 1; Ord. 2010 M 29 § 1; Ord. 2008 M 80 § 1.)~~

~~q-~~ **D-5. Class D-5** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only of the entertainment complex located at 105 East Main St. Alcoholic liquor sales are limited to individuals and their guests under the direct control of the licensee.

~~r-~~ **D-6. Class D-6** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only in conjunction with the operation of the Q Center, located on the premises at 1405 North Fifth Ave. Alcoholic liquor sales are limited to individuals and their guests who are participating in events under the direct control of the licensee. The license shall not be removed from the location at 1405 North Fifth Ave. without the approval of the City Council and consent of the Local Liquor Control Commissioner.

~~s-~~ **D-7 Class D7** licenses shall authorize the retail sale of wine and beer for consumption on the premises only for non-for-profit organization of such theatre located at 111 West Main Street. The sale of beer and wine shall be from one (1) permanent location in the vestibule and service will only be allowed when theatre events are being held on this premise.

~~t-~~ **D-8. Class D-8** licenses authorize the retail sale and consumption of alcoholic liquors at an arts, crafts, cooking, and entertainment studio, while the patron(s) are participating in an arts, crafts, cooking, or other classes that are offered by the entertainment licensee. The consumption of alcoholic liquors is restricted to the licensed premises and shall be limited to members of a group assembled on the premises for the purpose of attending an art, crafts, cooking, or other entertainment classes offered by an art studio, arts and crafts school, cooking school, or similar leisure/entertainment business while the licensee is conducting classes.

Partially consumed bottles of wine can be removed from the premises but only securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag and not for public distribution or consumption.

~~h.~~ **D-9. Class D-9** licenses shall authorize the service or delivery of alcoholic liquors, ~~for the~~ consumption on the premises only, at a Special Event Venue. Special Event Venues shall consist of a business for which the exclusive activity is to provide space for catered private parties and shall be classified in terms of two distinct categories:

~~v.~~a. Parties of less than fifty (50) persons or where the locations capacity is less than (75) persons shall be deemed a “small event venue”.

~~w.~~b. Parties of more than seventy-five (75) persons or where the locations capacity exceeds seventy-five (75) persons shall be deemed a “large event venue”.

~~x.~~c. Special Event Venues provide for the service and consumption at tables of hors d’oeuvres, a buffet, or full multiple course meal, and at which alcoholic liquor may be served incident to such food service. Each venue event at which alcoholic liquor may be served shall be prearranged under the sponsorship of a particular person or organization. Venue events shall not be open to the general public, but attendance shall be by appointment or special invitation of the sponsors. No admission charge shall be levied to guests at such event venues, except for an event sponsored by a non-for-profit corporation or association registered with the State of Illinois. A Class D-9 license does not permit the direct retail sale of alcoholic liquor from the D-9 licensee to the event sponsor or any event attendees.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class D-9 license shall engage the services of a ~~caterer~~ holds a then current and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

As an alternative to engaging the services of a vendor who holds a then current and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on the premises, the holder of a Class D-9 License may instead allow for the consumption of alcoholic liquors, on the premises, that have been brought onto the premises by a person or persons who have contracted for an event to be held on the premises where the service of food predominates, subject to the following:

~~7.~~a. The licensee shall take control of such alcoholic liquors promptly upon delivery thereof to the premises, and shall provide BASSET trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.

~~8.~~b. Any and all alcoholic liquors shall be opened, dispensed, delivered and/or served on the premises only by such servers, and only to attendees of the event.

~~9.~~c. A certificate of insurance reflecting coverage for general liability purposes in the amounts otherwise due from and in place for the licensee shall be provided to the licensee by the patron or patrons supplying the alcoholic liquors, and the City of St. Charles and the Local

Liquor Control Commission of the City shall be named as an additional insured on the policy.

~~10.d.~~ Any alcoholic liquor remaining unserved after the conclusion of the event may be returned to the person or persons who supplied them, to be transported off the premises only in accordance with law.

~~11.e.~~ A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, ~~one-time-use~~one-time-use, tamperproof bag.

~~12.~~ Any license(s) / permit(s) from the State of Illinois.

~~•~~ **D-10. Class D-10** licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of an entertainment venue or theater for consumption on the premises as determined in an approved site plan from a service bar or snack shop. Such licenses shall only be issued to establishments where the service of alcoholic beverages is ancillary and incidental to entertainment services.

~~•~~ **D-11. Class D-11** Theater licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the primary business is that of a Theater as defined herein, subject to the following conditions:

~~a.1.~~ A movie theater establishment qualifying for this license shall be kept, used and maintained, advertised, and held out to the public as a ~~full~~full-time movie theater establishment regularly providing and showing movies to the public.

~~b.2.~~ The licensee must first verify that every patron possessing or consuming alcoholic liquor is at least ~~twenty-one~~twenty-one (21) years of age.

~~c.3.~~ The containers in which alcoholic beverages are served must be of a different color, size, and design than those in which nonalcoholic beverages are served. In addition, no glassware is allowed.

~~d.4.~~ The licensee shall not serve or deliver more than two alcoholic beverages to a customer at a time, and no person shall ~~have in his/her~~possess at any given time more than two alcoholic beverages.

~~e.5.~~ There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day or before 7:00 a.m. or after the conclusion of the last movie to be shown on any day or 12:00 a.m.

~~f.6.~~ The licensee shall not permit any possession or consumption of alcohol by any person younger than ~~twenty-one~~twenty-one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

~~3.~~ **D-12. Class D-12** licenses shall authorize the retail sale and consumption of alcoholic liquor, for consumption on the specified premises, as an adjunct to a salon, spa, hairdresser, beautician, manicure, pedicure, ~~and/or~~ and/or barbershop services while the patrons are receiving contemporaneous ~~spa/salon~~ spa/salon services from the license holder. Special events, such as arts and craft shows and ~~charity-type~~ charity-type events, are permitted on the premises so long as they are within the permitted hours of retail sale of alcoholic liquor. Massage only facilities are prohibited from offering alcoholic liquor to their patrons. The retail sale of alcoholic liquor while receiving ~~spa/salon~~ spa/salon services shall be limited to one drink per hour, per customer or patron of the premises, and no such customer or patron shall be served more than three alcoholic beverages during the permitted hours of the retail sale of alcoholic liquor during any one calendar day.

~~4.~~ **D-13. Class D-13.**

3. The D-13 license shall authorize the service, sale, and/or delivery of alcoholic liquor for consumption on the premises of the St. Charles Public Library District owned premises within the City of St. Charles where authorized by the St. Charles Public Library District Board Trustees for St. Charles Public Library District sponsored events, subject to the following:

~~a.1.~~ The St. Charles Public Library District shall take control of such alcoholic liquors promptly upon purchase, and delivery thereof to the premises, and shall provide ~~BASSET-trained~~ BASSET-trained servers for the opening, dispensing, delivery, and/or serving of such alcoholic liquors during the event.

~~b.2.~~ Any and all alcoholic liquors shall be opened, dispensed, delivered, and/or served on the premises only by such servers and only to the attendees of the event.

~~c.3.~~ As an alternative to engaging the service of St. Charles Public Library District staff, the St. Charles Public Library District may allow (i) the service of a vendor who holds a then current and otherwise valid Class E or H license issued by the City of St. Charles for the purpose of selling or delivering alcoholic liquor for a particular event on St. Charles Public Library District owned or leased premises, or (ii) allow for the sale, delivery, and consumption of alcoholic liquors on its premises, that have been brought onto premises by a person or persons who have contracted for an event to be held on the premises, subject to the following:

~~*1.~~ Attendance at the event shall not be open to the general public and must be by appointment, presale tickets, or special invitation by the person or persons who have contracted for the event to be held on the premises.

~~*2.~~ The service and consumption of alcoholic liquor shall be permitted only on the event premises to the invitees.

~~*3.~~ The contracting person or persons obtains such other liquor license(s) required by the City of St. Charles.

4. Maximum number of licenses allowed: One such license is allowed, which shall be applicable for all St. Charles Public Library District owned premises within the City of St. Charles.

Class E – Temporary Licenses - Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1, E-4, or E-5 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. The Local Liquor Control Commissioner may, with the advice and consent of the City Council, issue two (2) or more Class E licenses so as to authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function. Class E licenses are divided into the following sub-classes:

~~d.~~ **E-1.** Class E-1 licenses shall authorize, at the approval of the Local Liquor Control Commissioner with advice and consent of the City Council, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 shall be issued for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner, with advice and consent of the City Council, approves otherwise. There shall be no Class E-1 licenses issued beginning at 12:00 a.m. Friday, before Columbus Day and ending 12:00 a.m. Monday, on Columbus Day.

~~e.~~ **E-2.** Class E-2 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor ~~licensees—licenses~~ for special events or catered functions where the dispensing of food predominates. There ~~shall—shall~~ be no Class E-2 licenses issued beginning at 12:00 a.m. Friday before Columbus Day and ending at 12:00 a.m. Monday, on Columbus Day. Notwithstanding the restrictions on the issuance of Class E-2 licenses in the preceding sentence, Class E-2 licenses may be issued during the said period subject to the following provisions:

~~1-a.~~ A Class E-2 license may be issued only in the event the principal street access in front of the licensed premises is blocked due to road closure resulting from a festival taking place during said October period;

~~2-b.~~ In addition to all other conditions and restrictions applicable to Class E-2 licenses, the Local Liquor Control Commissioner may impose such additional conditions and/or restrictions as he deems necessary; and

~~3-c.~~ The Local Liquor Control Commissioner may, with the advice and consent of the City Council, waive or vary any conditions and/or ~~restriction—restrictions~~ applicable to a Class E-2 license, if deemed appropriate under the circumstances.

~~f.~~ **E-3.** The Class E-3 license shall authorize the retail sale of beer and wine for consumption on the premises only and within the pre-designated area of the Kane County Fair Grounds. Class E-3 shall also authorize the retail sale of wine and/or beer in original packages only. The retail area and consumption areas must be pre-approved by the Chief

of Police (with a site drawing) at the time of the liquor license application. Further, wine and ~~beer-tasting~~beer-tasting bars shall be permitted in accordance with St. Charles Municipal Code 5. 08. 260.

~~a.~~ **Class E-3** license shall be issued solely to the Kane County Fair for the conduct of the annual Kane County Fair and not more than twenty (20) days of events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year. Each of the events shall be subject to approval by the Chief of Police so as to avoid conflicts between other events and festivals occurring in the City. The Class E-3 license shall be valid only for the scheduled dates as outlined above and are subject to daily fees in accordance with St. Charles Municipal Code 5. 08. 100.

~~7.~~ **E-4. Class E-4** licenses shall authorize at the Local Liquor Control Commissioner's discretion, and subject to prior approval by the City Council, either the sale or delivery of beer and wine, or alcoholic liquors, for consumption on City owned property, including but not by way of limitation, 1st Street Plaza. There shall be no Class E-4 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.

~~8.~~ **E-5. Class E-5** licenses shall authorize, at the Local Liquor Control Commissioner, with advice and consent of the City Council, either the sale or delivery of beer and wine or alcoholic liquors, for consumption on the premises only. The Class E-5 license shall be issued solely for the conduct of not more than twenty (20) days of events that the Local Liquor Control Commissioner, City Council and Chief of Police deem licensable per calendar year at specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to, Flea Market held at the Kane County Fairgrounds, Riverfest, Scarecrow Festival, and the St. Patrick's Day Parade. Such license shall be issued solely for specific premises that is open to the public and kept, used, maintained, advertised and held out to the public as a place where retail business activities or operations are conducted, other than the sale of alcoholic liquor. Events shall be permitted solely on such dates and during such times as are set forth in any Class E-5 license issued.

~~9.~~ **E-6. Class E-6** Temporary License Permits shall authorize the retail sale of beer and wine or the retail sale of alcoholic liquor for consumption on the premises only until 1:00 a.m. or 2:00 a.m. on a specified date. This license shall be issued to Class B and C license holders only for special events or catered functions with the dispensing of food. The issuance of the Class E-6 Temporary License Permit shall be at the discretion of the Local Liquor Control Commissioner, with advice and consent of City Council. Application for a Class E-6 Temporary License Permit shall be submitted 45 days in advance of a scheduled date. No more than four (4) permits shall be issued to any licensee per fiscal year. A license permit is per event during a 24-hour period. There shall be no Class E-6 Temporary License permits issued during the second full week of October beginning 12:00 a.m. on Friday and ending 12:00 a.m. on Monday.

~~10.~~ **E-7. Class E-7 Temporary License Permits** shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-7 licenses shall be issued to only Class A-2 and A-2B liquor licenses for special events or catered functions where the dispensing of food predominates. The issuance of the Class E-7 Temporary License Permit shall be at the discretion of the local Liquor Control Commissioner, with advice and consent of City Council. No more than four (4) permits shall be issued to any one licensee per fiscal year. Application for a Class E-7 Temporary License Permit shall be submitted at least 45 days prior to a scheduled event. The hours of service for beer and wine under the E-7 Temporary License Permit shall be restricted to the hours of 12:00 p.m. – 9:00 p.m., Monday through Sunday.”

~~11.~~ **E-8. Class E-8 licenses** shall authorize the service or delivery of alcoholic liquor, for consumption on the premises only and incident to food service at a special event sponsored by, or conducted at the St. Charles History Museum located at 215 E. Main Street, St. Charles, Illinois. The Class E-8 license shall be issued solely for the conduct of not more than twelve (12) events that the Local Liquor Control Commissioner and Chief of Police deem licensable per calendar year at the specific premises. Each of the events may not be more than one day in duration. The schedule of such events shall be subject to approval by the Chief of Police so as to avoid conflicts between said events and major festivals or events occurring in the City, including, but not limited to Scarecrow Festival, the St. Patrick’s Day Parade, and the Holiday Homecoming Electric Lights Parade. Any such event at the premises which is in whole or partly held outdoors or on the City sidewalk, street or parking facility must otherwise be in accordance with any and all applicable provisions of the City’s Code, including obtaining a special event permit from the City.

For purposes of selling or service of alcoholic liquor for a particular event on the premises, the holder of a Class E-8 license shall engage the services of a vendor who holds a then current and otherwise valid liquor license issued by the City of St. Charles for the purpose of supplying, opening, dispensing, selling, and/or serving alcoholic liquors for consumption on the premises where the service of food predominates.

In the event any Class E license (with respect to any Class E-5 license, if required in whole or in part by the Local Liquor Control Commissioner, City Council or Chief of Police) is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

~~g.a.~~ The license shall rope off or fence the licensed premises.

~~h.b.~~ A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 or Class E-4 license) consumption to the ~~roped-off~~roped-off or fenced area shall be prominently displayed by the licensee at all times.

~~i.c.~~ The license shall provide for the pickup of all litter and trash.

~~j.d.~~ The Local Liquor Control Commissioner, with the advice and consent of the City Council, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check the identification of

persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If the said deposit does not cover the actual amount due, the licensee is responsible for any balance due.

~~k.e.~~ A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, with the advice and consent of the City Council, and as designated in any license, permit minors to be present in thea-licensed premises where food is also served.

~~l.f.~~ Obtain any licenses ~~and/or~~ and/or permits required by the State of Illinois.

~~3.~~ **F-1 Carry-In License** shall authorize the carry-in of beer or wine (spirits are not permitted) to a commercial business or place of public accommodation that does not sell alcoholic beverages in which food preparation and service of food is the principal business conducted for consumption on the premises subject to the following limitations:

- a. The beer or wine is carried and unopened;
- b. No more than one bottle of wine not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron;
- c. At the licensee's discretion, the licensee may require the beer or wine to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
- d. The beer or wine may only be consumed by persons who are served a meal;
- e. The beer or wine may be served only during the hours that food is being served;
- f. Proof of dram shop insurance;
- g. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
- h. Carry-in licensees are prohibited from storing alcohol on the premises, unless the licensee also has an appropriate license allowing the retail sale of alcoholic liquors on the premises;
- i. Patrons may remove one, unsealed and partially consumed bottled of wine for ~~off-premise~~ off-premise consumption and any sealed bottles/cans of beer provided that the patron has purchased a meal and consumed a portion of the bottle of wine/beers with the meal on the restaurant premises. A partially consumed bottle of wine or sealed beer bottles/cans that are to be removed from the premises shall

be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag;

- j. Carry-in licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the ~~over serving~~over-serving of patrons;
- k. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
- l. The hours of operation for a class F-1 license holder are the same as those prescribed for a Class A license holder in Section 5.08.130A of this chapter.

~~4.~~ **F-2 Carry-In/Store on Premise License** shall authorize the ~~carry in~~carry-in of beer, wine, or spirits into a commercial business and place of public accommodation in which social interaction takes place (social club) that does not sell alcoholic beverages and the aforementioned items can either be securely stored on the premises in a secured locker or carried away subject to the following limitations:

- a. The beer, wine, or spirits are carried and unopened;
- b. No more than one bottle of wine/spirits not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron at any one time;
- c. At the licensee's discretion, the licensee may require the beer, wine or spirits to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
- d. Proof of dram shop insurance;
- e. Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
- f. Patron may remove one, unsealed and partially consumed bottled of wine/spirits for off-premise consumption and any sealed bottles/cans of beer. Partially consumed bottles of wine/spirits or sealed bottles/cans of beer must be removed from the premises securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag or stored away in a secured locker and not for public distribution or consumption;
- g. Carry-in/store licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;

- h. Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;
- i. The hours of operation for a Class F-2 license holder are the same as those prescribed for a Class A license holder in Section 5.08-130A of this chapter.

G-1. Class G-1 Licenses shall authorize the retail sale of beer manufactured on premises for consumption on the premises or for consumption not on the premises in original/sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises. Food service, late night permitting, and other alcoholic beverage service, shall be permitted in accordance with other Class B or C Licenses.

~~2.~~ **G-2. Class G-2** Licenses shall authorize the retail sale of beer manufactured on premises for consumption on the premises of any nano-brewery market, or for consumption not on the premises in original sealed packaging only. The retail sales portion of the licensed premises shall be separate from the manufacturing portion of the premises. Food service shall be permitted in accordance with Class B or C Licenses. Class G-2 licenses shall further authorize the retail sale of crafted beers for consumption on the premises and the retail sale of alcoholic liquors in original packages only and not for consumption on the premises subject to the following provisions:

- ~~5.~~a. The products sold for consumption off the premises are not opened and consumed on the premises;
- ~~6.~~b. Permitted food service, goods, and merchandise, other than alcoholic liquor, are also offered for ~~the~~ retail sale on the premises.
- ~~7.~~c. The retail sale of beer, wine, or alcoholic liquor for consumption off the premises shall be in original packages only.
- ~~8.~~d. If the licensed premises ~~consists~~includes ~~of~~ multiple shops or restaurants at one street address, alcohol sold for the purpose of consumption on the premises may be carried and consumed throughout the premises and only if such movement can be made wholly within the enclosed structure of the premises, or approved outdoor seating area. This license shall be a site license for the complete premises.

Class H (Catering Licenses)

Class H licenses shall permit the sale or service of alcoholic liquor of any type by a caterer in conjunction with the sale of prepared food for service at events that are not publicly advertised and that ~~are~~is not open to the general public at locations other than the premises leased, owned, or otherwise occupied or operated by the licensee. For purposes of this chapter, the location of the catered event shall be deemed the licensee's licensed premises. In addition to compliance with other requirements mandated by the State of Illinois and this chapter, a Class H licensee shall comply with the following:

- a. 1). A Class H licensee shall be a bona fide caterer and/or restaurant. For purposes of this subsection, a bona fide caterer is one who has been issued an Illinois Department of

Revenue Sales Tax number, is certified by the County's Health Department, and is registered with the City (alcohol tax). Caterers ~~holds~~ hold themselves out to the general public as a person(s) who provides catering services where food is prepared at one location and served at another.

b. 2.) Service and consumption of alcoholic liquor shall be permitted only on the event premises where food is catered. In the event that the Class H licensee has entered into a contract with another individual or entity for the service of food at the catered event, the sale or service of alcoholic liquor is permitted, but must take place in conjunction with food offerings.

c. 3.) No person other than a Class H licensee holder shall be permitted to sell or serve alcoholic liquor for consumption at the private catered event unless such other person(s) has been issued a Class D liquor license provided in this chapter.

~~3.~~ **Class H-1 licenses** ~~allows~~ allow catering for restaurants located within St. Charles that already possess an existing liquor license to cater food and/or alcoholic beverages at an off-site location ~~but~~ within the City of St. Charles, but not before obtaining the aforementioned license.

~~4.~~ **Class H-2 licenses** ~~allows~~ allow a catering company or restaurant (outside of St. Charles) to cater food and/or alcoholic beverages at a location within the City of St. Charles, but not before obtaining the aforementioned license.

V (Video Gaming) which is a supplemental license only, permits Video Gaming only in a Licensed Establishment, otherwise qualified to hold a Video Gaming License, all as provided in Title 5.09 of the City Code.

~~6.1.~~ 6.1. Class V licenses shall only be issued to holders of class A-4, A-5, B-1, B-2, B-3, C-1, C-2, C-3, D-2, D-3, D-4, D-5, D-6, G-1, or G-2 liquor licenses, and licensed fraternal and veterans' establishments. Class V licenses shall have the same hours of operation as provided for the underlying liquor license as set forth in Title 5.08.130.(1) A complete and accurate application to the City for the issuance of a Video Gaming License and the underlying eligible class of a liquor license shall be deemed an application for the issuance of a class V supplemental license.

~~7.2.~~ 7.2. Class V licenses may only be issued to qualified Licensed Establishments in good standing which have continuously held a class A-4, A-5, B-1, B-2, B-3, C-1, C-2, C-3, D-2, D-3, D-4, D-5, D-6, G-1, or G-2 liquor license, and licensed fraternal and veterans' establishments, except as provided in Section 8(3) below, have operated their business on a regular basis for a period of at least one (1) year prior to the date of application for a Class V license.

~~8.3.~~ 8.3. A new establishment applying for a Class V license must meet the requirements of Section 8(2) above [one (1) year of regular operation], unless (i) the majority owner of the applicant for the new qualified Licensed Establishment is also the current majority owner of an existing qualified Licensed Establishment at another location in the City, which has been operational for at least one (1) year immediately prior thereto, or (ii) the business model for the new qualified Licensed Establishment is proposed to and shall operate to

substantially replicate the immediately prior existing business model, which otherwise would have qualified as a Licensed Establishment, and had been operational for a minimum of six (6) months prior thereto, at the location.

9.4. Video Gaming Cafes Prohibited.

- a. In all events, a Video Gaming Café shall not be qualified to obtain a City liquor license or supplement Class V license and is prohibited from becoming a Licensed Establishment within the City. Further, no liquor license allowing Video Gaming Cafes shall be created, maintained or authorized by this Chapter. A Video Gaming Café is an establishment for which the primary or a major focus of the establishment is Video Gaming and the service of alcohol; food is secondary to the operation of Video Gaming regardless of the percent of total gross revenue from Video Gaming operations. The following factors may be considered when determining if the establishment is a Video Gaming Café:
 - 1.a. The layout and design of the Licensed Establishment;
 - 2.b. The preparation and variety of food and beverages offered;
 - 3.c. The creation and operation of a commercial kitchen on the premises where gaming is situated;
 - 4.d. The number of video gaming machines relative to the customer seating capacity of the Licensed Establishment;
 - 5.e. The square footage of space devoted to Video Gaming relative to the amount of space devoted to other activities;
 - 6.f. The source of proposed or actual revenue derived from the Licensed Establishment and whether the probable revenue derived from the Licensed Establishment will be primary from Video Gaming;
 - 7.g. The number of employees at the Licensed Establishment and their proposed function;
 - 8.i. Any other facts deemed relevant by the City's Liquor Control Commissioner.
- b. Upon the request of the City's Liquor Control Commissioner, any such license holder shall provide financial, tax and operational records to the City sufficient to demonstrate that they are not a Video Gaming Café. If in any quarter the Video Gaming revenues payable to the Licensed Establishment exceed 50% of the total gross revenues generated by the Licensed Establishment, the Licensed Establishment's Class V License may be revoked, suspended or altered, including the potential reduction in the number of Video Gaming terminals at the Licensed Establishment. Any Licensed Establishment that exceeds the 50% requirement in

this Section in total for the previous calendar year shall not be eligible for the reissuance of a Class V License and underlying liquor license and any existing Video Gaming License shall be automatically revoked. In the event it is determined by the Liquor Control Commissioner that a license holder is operating a Video Gaming Café, their liquor licenses permitting Video Gaming shall be revoked in accordance with the provisions of this Chapter or shall not be renewed; such a licensee may request a hearing before the City's Liquor Control Commissioner to determine if they are eligible for a non-Class V underlying liquor license. For new applicants with no history of operations, they must provide reasonable assurance to the satisfaction of the City's Liquor Control Commissioner that they will not operate in violation of this Section.

~~10.5.~~ Violation and Revocation: If a licensee violates any provision of the Video Gaming Act or any provision related to Video Gaming contained in this Code, such violation shall be deemed a violation of the licensee's liquor licenses. In addition, the Commissioner may revoke the City's Video Gaming license for any violation of this Section or of any ordinance pertaining to the conduct of such business as provided for in this Code and may report any violations to the Illinois State Gaming Board or other appropriate regulatory agency.

5.08.095 – Late Night Permit

~~13.1.~~ The late night permit is issued as a condition of a Class B-Restaurant License and Class C-Tavern; Bar; Saloon Licenses and authorizes the holder of a Class B, Class C or Class G1 license to apply for either a 1:00 a.m. or 2:00 a.m. late night permit. The City Council may modify the number of Late Night Permits upon the application, revocation, surrender, expiration without renewal or abandonment of a Class B, Class C or Late Night Permit. Class B and C licenses, absent a Class E-6 Temporary License Permit or Late Night Permit, will be permitted to operate until either 1:00 a.m. or 2:00 a.m. immediately following the day of the City of St. Charles sponsored St. Patrick's Day Parade, the Wednesday before Thanksgiving, and New Year's Eve.

~~14.2.~~ The City Council may, but is not limited to, consider the following criteria in reviewing and recommending the issuance of the late night permit to the Liquor Control Commissioner.

- a. The surrounding land uses,
- b. The business concept,
- c. The proximity to other liquor establishments,
- d. The applicant's prior business experience,
- e. The public's health, safety and welfare,
- f. Public Safety resources,

- g. Market conditions,
- h. Any other criteria that is relevant to the issuance, establishment, and administration of a retail liquor license.

~~15.3.~~ 15.3. Annually, the late-night permit renewal process shall commence on the first City business day in February. Current late-night permit holders shall submit a renewal application and include any requested changes. License holders applying for a new or renewing a late-night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late-night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely late-night permit application on or before the date set in the application renewal process may result in a delay in issuing said license and permit by May 1 of that year. There shall be a late payment fee of one-hundred dollars (\$100) for failure to comply with the foregoing for the first offense, two-hundred fifty dollars (\$250) for the second offense and five hundred dollars (\$500) for the third and subsequent offenses.

~~16.4.~~ 16.4. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:

- a. Chief of Police
- b. Fire Department
- c. Finance Department
- d. Community Development Department

~~17.5.~~ 17.5. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder, that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the ~~police-related~~ police-related activity which will support a recommendation from the Chief of Police on whether the ~~late-night~~ late-night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.

~~18.6.~~ 18.6. Any application and recommendation for a new or renewal of a ~~late-night~~ late-night permit, shall be reviewed by the Liquor Control Commission. Based on this review, the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a ~~late-night~~ late-night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a

recommendation. ~~Late-night~~Late-night permits and renewals of ~~late-night~~late-night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.

~~19~~7. Any new liquor license application where a new ~~late-night~~late-night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E, and F of this Chapter.

~~20~~8. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, ~~where~~when a liquor license holder has been issued a ~~late-night~~late-night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The ~~liquor~~ licensee with the ~~late-night~~late-night permit shall be given notice of the purpose, date, time, and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.

~~21~~9. Cause to Reduce Hours, Revoke Late Night Permit, or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a ~~late-night~~late-night permit, and has demonstrated circumstances giving reason to review whether that ~~late-night~~late-night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:

- a. Finance Department as it relates to unpaid fees, utilities or city taxes;
- b. Fire Department as it relates to repetitive fire code violations affecting health and safety;
- c. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
- d. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
- e. Other departments with applicable information.

~~22~~10. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.

~~23~~11. The Liquor Control Commission may recommend the issuance or denial of a requested ~~late-night~~late-night permit for 1:00 a.m. or 2:00 a.m., or a reduction in hours based on the cause to the City Council for final decision.

~~24~~12. In the event a ~~late-night~~late-night permit, due to a violation, is revoked or the hour for closing is reduced, there shall be no reimbursement of the ~~late-night~~late-night permit fee.

5.08.100 – License Fees; Late Night Permit Fees; Fees Established

~~2.1.~~ Fees Established. The fees for the various Classes of local liquor licenses authorized in this chapter shall be as follows:

<u>Class License</u>	<u>Annual License Fee</u>	<u>Comments</u>
<u>A-1</u>	<u>\$1,600.00</u>	<u>Package Liquor Stores Only</u>
<u>A-2</u>	<u>\$1,600.00</u>	<u>Grocery Stores</u>
<u>A-2B</u>	<u>\$1,600.00</u>	<u>Wine/Beer Sales Only</u>
<u>A-3</u>	<u>\$1800.00</u>	<u>Gasoline Station with Convenient Store and Cafe</u>
<u>A-4</u>	<u>\$1,600.00</u>	<u>Brewery, Distillery, and Winery Sales</u>
<u>A-5</u>	<u>\$1,800.00</u>	<u>Wine by Glass & Bottle Sales</u>
<u>A-6</u>	<u>\$1,600.00</u>	<u>Gasoline Station with Convenience Store</u>
<u>A-7</u>	<u>\$500.00</u>	<u>Specialty Shop</u>
<u>B-1</u>	<u>\$1,200.00</u>	<u>Basic Restaurant Liquor License</u>
<u>B-2</u>	<u>\$1,800.00</u>	<u>Purchase Wine w/Takeout</u>
<u>B-3</u>	<u>\$1,800.00</u>	<u>On Premise Consumption & Retail Sale of Wine</u>
<u>C-1 & C2</u>	<u>\$1,200.00</u>	<u>Basic Tavern Liquor License</u>
<u>C-3</u>	<u>\$1,800.00</u>	<u>Sale of Bottled Wine</u>
<u>D-1</u>	<u>\$0.00</u>	<u>St Charles Park District</u>
<u>D-2</u>	<u>\$2,000.00</u>	<u>Hotels</u>
<u>D-3</u>	<u>\$2,000.00</u>	<u>Banquet Halls/Country Clubs</u>
<u>D-4</u>	<u>\$1,000.00</u>	<u>Moose/Clubs</u>
<u>D-5</u>	<u>\$2,000.00</u>	<u>Arcada</u>
<u>D-6</u>	<u>\$2,000.00</u>	<u>Q-Center</u>
<u>D-7</u>	<u>\$500.00</u>	<u>Steel Beam Theatre</u>
<u>D-8</u>	<u>\$1,200.00</u>	<u>Arts, Crafts, Cooking, & Entertainment License</u>
<u>D-9</u>	<u>\$500.00</u>	<u>Small Event Venues</u>
<u>D-9</u>	<u>\$1000.00</u>	<u>Large Event Venue</u>
<u>D-10</u>	<u>\$1,000</u>	<u>Entertainment</u>
<u>D-11</u>	<u>\$1,200.00</u>	<u>Movie Theater</u>
<u>D-12</u>	<u>\$500.00</u>	<u>Salon/Spa</u>
<u>D-13</u>	<u>\$0.00</u>	<u>St Charles Public Library</u>
<u>E-1</u>	<u>\$50.00 per day</u>	<u>Not for Profit</u>
<u>E-2</u>	<u>\$100.00 per day</u>	<u>Special Events B/C licensees</u>
<u>E-3</u>	<u>\$50.00 per day</u>	<u>Kane County Fair</u>
<u>E-4</u>	<u>\$100.00 per day</u>	<u>City Owned Premises</u>
<u>E-5</u>	<u>\$500.00 annual</u>	<u>Harley Davidson</u>
<u>E-6</u>	<u>\$100.00 per day</u>	<u>Special Late Night Permit Event</u>
<u>E-7</u>	<u>\$100.00 per day</u>	<u>Special Events A-2/A-2B licensees</u>
<u>E-8</u>	<u>\$500.00 annual</u>	<u>St. Charles History Museum</u>
<u>F-1</u>	<u>\$100.00</u>	<u>BYOB Beer and Wine Only</u>
<u>F-2</u>	<u>\$250.00</u>	<u>BYOB Beer, Wine, and Spirits</u>
<u>G-1</u>	<u>\$1,600.00</u>	<u>Brewery/Restaurant</u>
<u>G-2</u>	<u>\$3,000.00</u>	<u>Nano Brewery/Market</u>
<u>H-1</u>	<u>\$500.00</u>	<u>Catering - City of St. Charles restaurant with liquor license</u>
<u>H-2</u>	<u>\$750.00</u>	<u>Catering - Catering business or restaurant outside the City of St. Charles</u>
1113224.1	<u>\$1000 - Initial License</u>	
	<u>\$500 - Each Renewal License</u>	
<u>V</u>	<u>\$100 - Per each video gaming</u>	<u>Video Gaming</u>

NOTE: Initial license fee is doubled for all first-time Class A, B, C, D, G license applicant fees.(Ord. 2017-M-17 § 1; Ord. 2014-M-25§ 2; Ord. 2014-M-5 § 2; Ord. 2014-M-4 § 3; Ord. 2012-M-30 § 7; Ord. 2010- M-52 § 7.

<u>Late Night Permit</u>	<u>Fee</u>	<u>Renewal</u>
Late Night Permit – 1 (1:00 a.m.)	\$800.00	\$800.00
Late Night Permit – 2 (2:00 a.m.)	\$2,300.00	\$2,300.00

6.—	7.—	8.—
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~~9.— NOTE: Initial license fee is doubled for all first timefirst-time Class A, B, C, D, G license applicant fees.(Ord. 2017 M 17 § 1; Ord. 2014 M 25§ 2; Ord. 2014 M 5 § 2; Ord. 2014 M 4 § 3; Ord. 2012 M 30 § 7; Ord. 2010 M 52 § 7.~~

~~10. (Ord. 2014 M 25 § 2; Ord. 2014 M 4 § 3.)~~

~~8.2.~~ Proration: There shall be no proration of local liquor license fees or late night permit fees for any reason. Notwithstanding the foregoing, if an initial license is issued after November 1, the initial license fee shall be one-half (1/2) of the “Initial License Fee” set forth above.

~~9.3.~~ Forfeiture of License Fee: Whenever any local liquor license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for said local liquor license.

5.08.110 – Number of Licenses

At no time shall the maximum number of licenses in each class exceed the actual number of licenses issued except as amended from time to time by actions of the City Council.

5.08.120 – Temporary License

Notwithstanding any provision of this chapter to the contrary, and provided that an applicant has otherwise fully complied with the requirements of this chapter and is eligible to receive a local liquor license, including the payment of the applicable local liquor license fee, the Local Liquor Control Commissioner may issue a temporary local liquor license.

A temporary local liquor license shall be valid for a period of two (2) months, unless sooner terminated, as hereinafter provided. The temporary license must show proof to the City of issuance of a State of Illinois liquor license.

A temporary local liquor license shall terminate upon the first of the following to occur:

~~12.1.~~ The expiration of two (2) months after the issuance of such temporary local liquor license;

~~13.2.~~ The receipt of satisfactory results with respect to the fingerprint(s) record search for the applicant and the issuance of the local liquor license otherwise provided for by this chapter;

~~14.3.~~ The receipt of results with respect to the fingerprint(s) record search for the applicant which would give the Local Liquor Control Commissioner grounds not to issue the local liquor license otherwise provided for by this chapter.

The Local Liquor Control Commissioner may issue no more than two (2) temporary local liquor licenses with respect to a particular application. Any applicant requesting and receiving a temporary local liquor license does so at his own risk. Under no circumstances shall the local license fee paid be prorated or refunded, even if no local liquor license is issued.

5.08.130 – License - Hours of Sale

~~16.1.~~ It shall be unlawful for any person holding a Class A- 1, A- 2, A- 2B, A-3, A- 4, A- 5, A- 6, A-7, F- 1, F- 2 or G-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7:00 a.m. and after the hour of 12:00 a.m. (midnight).

~~17.2.~~ It shall be unlawful for any person holding a Class B-1, B-2, B-3, C-1, C-2, C-3, D-8, D- 9, D-10, D-11, D-12, E-8, G-1, H-1, or H-2 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any ALCOHOLIC BEVERAGES 5.08-21 licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 7:00 a.m.

~~18.3.~~ It shall be lawful for any person holding a B- 1, B-2, B- 3, C- 1, C-2, C- 3, or G-1 license issued pursuant to this chapter to sell, offer for sale, in or upon any licensed premises, any alcoholic liquor until 2:00 a.m. on January 1 without being issued a Late Night Permit.

~~19.4.~~ It shall be unlawful for any person holding a Class D- 2, D-4, D- 5, D- 6, or D- 7 license issued pursuant to this liquor chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m.

~~20.5.~~ It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m.

~~21.6.~~ It shall be unlawful for any person holding a Class E-5 license issued pursuant to this chapter to sell or deliver, in or upon any licensed premises, any alcoholic liquor, except during those hours as specifically set forth in said Class E-5 license.

~~22.7.~~ It shall be lawful for any person holding a Class E-6 Temporary License Permit issued pursuant to 5.08-22 this chapter to sell, offer for sale in or upon any licensed premises, any alcoholic liquor until 1:00 a.m. or 2:00 a.m. (on specified date as stated on approved permit by City Council).

5.08.140 – License – Renewal Deadline

Any licensee may renew its local liquor license at the expiration thereof; provided, that it is then qualified to receive a local liquor license and the premises for which such renewal local liquor license is sought are suitable for such purpose; provided further, that the renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent

the City Council from decreasing the number of local liquor licenses to be issued within the City. A liquor licensee shall file an application for renewal of a local liquor license, accompanied by the applicable local liquor license fee and all required documentation, including dram shop insurance coverage, on or before the date set in the application renewal process in any given year. There shall be a late payment fee of ~~one-hundred~~one hundred dollars (\$100) for failure to comply with the foregoing for the first offense, two-hundred fifty dollars (\$250) for the second offense, and for the third and subsequent offenses, five-hundred dollars (\$500.00).

5.08.150 – License – Cessation of Business – Revocation of Licenses – Reduction in Licenses

Removed in its entirety.

5.08.160 – License – Licensed Premises – Change of Location

A local liquor license issued under this chapter shall permit the sale of alcoholic liquor only in the premises described in the application and local liquor license. Such location may be changed only when and upon the written ~~permit~~permission to make such change is issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

5.08.170 – License – Change in Name

A liquor licensee that changes the name of the establishment but does not change the location or ownership shall, within 30 days of the change, notify the Local Liquor Control Commissioner and pay a fee of \$50. The Local Liquor Control Commissioner shall issue a local liquor license in the new name, cause the new local liquor license to be available, and shall take possession of the local liquor license made out in the old name upon the turning over of the new local liquor license to the licensee.

5.08.180 – License – Licensed Premises – Change in Personnel

~~15.1.~~ Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a local liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner within thirty days of the change and be reported to the State of Illinois Liquor Commission.

~~16.2.~~ When a license has been issued to a partnership and a change of ownership occurs, resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

~~17.3.~~ When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.

~~18.4.~~ When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.

~~19.5.~~ All owners and managers in charge of a local liquor licensed establishment shall at all times be declared with such person(s) or entity(s) names being on record with the Local Liquor Control Commissioner and Chief of Police.

~~20.6.~~ Upon a license being rejected, an applicant or personnel shall be afforded a hearing pursuant to existing protocols established within this chapter.

5.08.190 – License – Transfer

A license shall be purely a personal privilege, good for a period not to exceed one year after issuance, unless sooner revoked as in this chapter provided, 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 not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that 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 the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but no longer than six months after the death, bankruptcy, or insolvency of such license. No refund shall be made of that portion of the local liquor license fee paid for any period in which the licensee shall be prevented from operating under such local liquor license in accordance with provisions of this section.

5.08.200 – License – Use of Licensed Premises After Revocation

When any license shall have been revoked for any cause, no local liquor license shall be granted to any person for the period of one year thereafter for the conduct of the business of selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only and the new licensee is not related to the revoked licensee.

5.08.210 – License – Display of License Required

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

5.08.220 – License – Multiple Locations

Where two (2) or more locations, places or premises are under the same roof or at one street address and do not hold a site license, a separate local liquor license shall be obtained for each such location, place or premise; provided that nothing herein contained shall be so construed as to prevent any hotel or motel operator licensed under the provisions of this chapter from serving alcoholic liquor to his-the registered guests in any room or part of his-the hotel or motel, if such liquor so served shall be kept in and served from a licensed location, place or premises in said hotel or motel.

Alcohol sold from one licensed location for the purpose of consumption on the premises may be carried to and consumed within a second licensed location under the same roof so long as such movement can be made wholly within the enclosed structure of the premises or within a permitted outside consumption area.

5.08.230 – Licensed Premises - Location Restrictions

The provisions of the Illinois Liquor Control Act *235 ILCS 5/6-11) are expressly adopted in its entirety by the reference and incorporated herein as though a part of this Act. Any such exemptions must be authorized by ordinance pursuant to 235 ILCS 5/6-11(a)(5).

5.08.240 – Stores Selling School Supplies or Food to Underage Persons

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

5.08.250 – Regulations Applicable Generally

~~32.1.~~ 32.1. False Statement. - It shall be a violation of this chapter for any licensee or any officer, associate, member, representative, agent, or employee of any licensee to make a false statement of fact to the Local Liquor Control Commissioner, ~~his~~ agent or any police officer with respect to any application for a local liquor license or investigation of any alleged violation of this chapter or law.

~~33.2.~~ 33.2. Compliance with law - All licenses, licensees and licensed premises shall be subject to all of the provisions of the Liquor Control Act, all applicable federal and state statutes, and ordinances of the City.

~~34.3.~~ 34.3. Compliance with State Liquor Commission Rules - All licensees shall be subject to the Rules and Regulations of the Illinois Liquor Control Commission, as amended (11 Ill. Admin. Code Part 100), specifically including, but not limited to the following:

- a. No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- b. No licensee, individual, partnership or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (1) of this section. This includes, but is not limited to, advertisements using the words “free” or “complimentary” with alcoholic liquor.
- c. Subsection (1) shall not apply to wine tasting when permitted by this chapter.

~~35.4.~~ 35.4. BASSET Training - It shall be the duty of every licensee to require ~~their~~ officers, associates, members, representatives, agents or any employee who sells, gives, oversees (bouncers/doormen), or delivers alcoholic liquor or beverages to be trained and certified by the Beverage Alcohol Sellers and Servers Education and Training Program (BASSET)

licensed and administered by the State of Illinois Liquor Control Commission (ILCC). Further, BASSET training and certification shall be a prerequisite to the issuance of local liquor licenses. It shall be the duty of the City of St. Charles Liquor Control Commissioner to notify all present licensed holders and persons making ~~application~~ applications for a liquor license of this requirement. Furthermore, BASSET verification must be made available upon request, and files indicating BASSET training shall be maintained on-site ~~of~~ by every licensee. Any not-for-profit corporation ~~who~~ that applies for a Class E temporary license shall be exempt from the BASSET training and certification requirements under the following conditions:

- a. That the applicant has not been found in violation of any of the ordinances of the City of St. Charles within the past three years;
- b. That uniformed St. Charles police officers are present during all times that alcohol is being served. The Local Liquor Control Commissioner shall determine the required number of officers which shall be present;
- c. That at least one representative of the applicant organization is BASSET trained and certified;
- d. That the BASSET certified representative provides and instructs BASSET training principles to all persons who will be serving alcohol pursuant to the Class E license.
- e. That the Class E license holder is required to provide a bond, letter of credit or some type of surety to the City in the amount of \$1,000 prior to issuance of the license. The surety will be returned to the license holder within 30 days after the event, provided no offenses occurred during the event. In the event the license holder is charged with any type of violation during the course of the event, the surety will be retained by the City and used to cover the hearing and other related costs.

~~36.5.~~ 36.5. Warning to Underage Persons - Every licensee shall display at all times a printed sign, which shall read substantially as follows:

“WARNING TO UNDERAGE PERSONS –

You are subject to a fine of up to seven hundred fifty (\$750) dollars under the Ordinances of the City of St. Charles if you purchase alcoholic liquor or misrepresent your age for the purposes of purchasing or obtaining alcoholic liquor.”

~~37.6.~~ 37.6. Warning to Pregnant Women - Every licensee shall display at all times a printed sign, which shall be framed and hung in plain view reading as follows: “Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.”

~~38.7.~~ 38.7. Sanitary Conditions - All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor or such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with all applicable laws and ordinances regulating the

condition of premises used for the storage or sale of food for human consumption. Athletic Amusements, Contests, Demonstrations, Entertainment, Activities, Events, and Exhibitions on the Licensed Premises Prohibited – Exceptions.

- a. The following athletic amusements, contests, demonstrations, entertainment, activities, events, and exhibitions are prohibited at all establishments licensed by this chapter:

~~1.~~ Races between persons, animals, or vehicles.

~~2.~~ Baseball games.

~~3.~~ Boxing, kickboxing, wrestling, hand-to-hand combat, and martial arts.

~~4.~~ Ultimate fighting, including, without limitation, physical combat between two (2) or more individuals who attempt to defeat the opponent by using elbow strikes, kicking, choking, bare knuckles, boxing, wrestling, martial arts techniques, or any combination thereof.

~~5.~~ Any other such athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition.

- b. Notwithstanding the ~~forgoing~~foregoing, the Local Liquor Control Commissioner, in ~~his~~ sole discretion, may approve, in writing, any athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition prohibited by this section, subject to the prior consent of the City Council pursuant to a resolution. In the event of approval, as provided herein, the licensee shall secure a permit for such athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition, as appropriate and as required by this Code.

- c. The licensee shall provide sufficient members and equipment of the police department and the fire department, including paramedic personnel, as the City Council determines necessary in its resolution consenting to such athletic amusement, contest, demonstration, entertainment, activity, event, and/or exhibition. The licensee shall be responsible for all fees, payments, and salaries of such members and personnel. The licensee shall be required to post a cash deposit to secure the payment of estimated fees, payments, and salaries of such members and personnel. If the said deposit does not cover the actual amount due, the licensee is responsible for any balance due.

~~39.8.~~ Gambling on Licensed Premises Prohibited - It is unlawful to permit any gambling except, as may be authorized by the state, on any premises licensed to sell alcoholic liquor.

~~40.9.~~ Refilling Original Packages - No person licensed under this chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind

or quality of alcoholic liquor; and it is unlawful for any person to have in his possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor, except in original packages.

41.10. solicitation on Licensed Premises Prohibited - It is unlawful for any licensee, his manager, or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon, to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or non-alcoholic liquor for said person, or any other person therein; nor shall any person, whether employee, entertainer, or otherwise, solicit any patron or customer therein to purchase alcoholic or non-alcoholic liquor for ~~herself or himself~~ themselves or any other person therein; provided, however, that nothing contained in this section shall prohibit any adult manager, bartender, ~~waiter or~~ waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, bartender, waiter or waitress.

42.11. Quantity Sales for ~~On-Premises~~ On-Premises Consumption - It is unlawful for any licensee, other than a hotel offering restaurant service or regularly organized club or restaurant within the meaning of that term as defined in the Illinois act entitled "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended, to sell, give away or permit to be sold, served or given away for consumption on the licensed premises any distilled spirits, except by the glass in individual servings not exceeding thirteen fluid ounces.

43.12. Election Days - Licensees may sell at retail any alcoholic liquor on the day of any national, state, county or municipal election, including primary Election, including hours the polls are open. within the political area in which such election is being held.

44.13. Happy Hour Regulations -No licensee shall violate the "happy hour" regulations set forth in 235 ILCS 5/6-28, as amended from time to time.

45.14. After Hour Occupancy of Establishment.

- a. It is unlawful for any person to sell or offer for sale, at retail, or to give away, in or upon any licensed premises, any alcoholic liquor during the hours in which sale of such alcoholic liquors is prohibited. It is unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which sale of such alcoholic liquor is prohibited. Establishments at which the primary purpose of the premises shall be for retail sales other than the sale of alcoholic liquors, such as food store, drug store mass merchandiser, clubs, hotels and motels may remain

open for business during such hours, but no alcoholic liquor may be sold or consumed during such hours. The licensee and any of its employees and no other persons shall be allowed to remain on or about the licensed premises to clean up or perform maintenance on the premises.

- b. All premises in which alcoholic liquors are sold at retail for consumption on the premises and which are located below ground level shall have visible access to the interior for purposes of police inspection and the after-hours safety of the occupants. Such visible access may be through an exterior door with a window measuring not less than eight inches by eight inches.
- c. It is unlawful for any person to consume any alcoholic liquor on any premises licensed under the provisions of this chapter during the hours when the sale of such alcoholic liquor is prohibited by this chapter, including, but not limited to the licensee, its officers, agents and employees.

~~46-15.~~ 46-15. Employment of Underage Persons.

- a. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty-one (21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this subsection shall not be construed to prevent the employment of persons who are at least eighteen (18) years of age as waiters or waitresses for the purpose of serving food and alcoholic liquor on the licensed premises.
- b. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell any alcoholic liquor in any licensed premises.

~~47-16.~~ 47-16. Licenses – Curb/Drive-Through Service -No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curb service or a drive-through window without City Council approval.

~~48-17.~~ 48-17. Harboring Intoxicated Persons - No licensee under the provisions of this chapter, either individually or through agents or employees, shall harbor or permit any intoxicated person or persons to loiter on the premises, or to permit any conduct, which shall tend to disturb the peace and quiet of the neighborhood.

~~49-18.~~ 49-18. Prohibited Sales.

- a. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give, deliver, or allow the consumption of alcoholic liquor

to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.

- b. For the purpose of preventing the violation of this section, any licensee, or his agent or employee, shall refuse to sell, deliver, serve, or allow the consumption of ~~-~~alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is twenty-one (21) years of age or older.
- c. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or a 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 a member of the Armed Forces. Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this section is an affirmative defense in any proceeding to enforce this section or to any proceedings for the suspension or revocation of any local liquor license based thereon.
- d. It is unlawful for any holder of a liquor license, ~~or his or her~~ agent or employee, to suffer or permit any person under the age of 21--years to be or remain in any room or any compartment adjoining or adjacent to or situated in the room or place where such licensed premise is located; provided, that this subsection shall not apply to any such person under the age of 21--years who is accompanied by ~~his or her~~her agent or guardian; or
 - 1.● That portion of any licensed premise which derives its principal business from the sale of service or commodities other than alcoholic liquor; or
 - 2.● Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises where the sale and consumption of food predominates the sale and consumption of alcoholic liquor except as otherwise prohibited for Class B and Class C licenses, as hereinafter provided in this chapter; or
 - 3.● A picnic, bazaar, fair, festival, wedding, or similar assembly where food is dispensed and only where the dispensing of food predominates for a period from 12:00 noon to midnight and subject to the other applicable provisions as set forth in this Code; or
 - 4.● Any licensed premise ~~which~~that, for a period of at least 30 minutes prior to the admission of minors and for at least 30 minutes after the departure of minors, ~~does~~do not dispense or sell any alcoholic liquor to any person on the premise.

~~50~~19. B.Y.O.B. (Bring Your Own Bottle) Prohibited in Licensed Premises - It is unlawful for any licensee, or his or her agent or employee, to permit any person to consume any alcoholic liquor on the licensed premises that was not purchased from the licensee.

~~51~~20. Prohibited Entertainment - It shall be unlawful to permit the following conduct on licensed premises:

- a. Performance of acts~~7~~, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual acts.
- b. The actual or simulated touching~~z~~, caressing or fondling of the breasts, buttocks, pubic hair, anus~~z~~ or genitals.
- c. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.
- d. Permitting any person to remain upon licensed premises who exposes to public view any portion of ~~his or her~~ breasts, buttocks, pubic hair, genitals, vulva~~z~~ or anus.

~~52~~21. Teen Club/Teen Dance Club Prohibited - It is unlawful to permit or operate a teen club/teen dance club at any time on any premises licensed to sell alcoholic liquor. For purposes of this subsection V, a teen club/teen dance club is defined as follows: Any premises open to the public, all or any constituent part of which is restricted to the admission of, and which caters and/or is promoted to, patrons between the ages of thirteen (13) and twenty (20), inclusive, irrespective of whether admission is with or without an admission fee or charge, where patrons enjoy dancing, live and recorded music and entertainment, video or arcade games or other games or devices related to amusement or entertainment, or where videotape presentations are shown. "Teen Club/Teen Dance Club" does not include places operated by government entities, schools, religious institutions or any other non-commercial organization which might occasionally host or sponsor entertainment or activities for teenagers incidental to the organization's principle purpose.

~~53~~22. Payment of Taxes, Fees, Charges and Other Monies to City when Due - It is the obligation of every licensee to pay to the City, ON OR BEFORE THE DUE DATE, each and every tax (including, but not limited to the St. Charles Alcohol Tax), fee, charge or other monetary obligation imposed by and/or owed to the City by said licensee. The failure of a licensee to make any required payment, ON OR BEFORE THE DUE DATE, shall subject the licensee to a Citation being issued to determine if the licensee shall be fined ~~and/or~~and/or ~~having~~have its license suspended or revoked.

~~54~~23. Delivery of Alcohol - Alcoholic liquor delivered to any address located within the corporate limits of the City of St. Charles must adhere to all state statutes and city ordinances that apply to a liquor license within the City of St. Charles.

THERE IS A ZERO TOLERANCE POLICY. THE CITATION SHALL BE PROSECUTED TO ITS CONCLUSION,

~~15-~~24. Class A Licenses - Single Serve Sales Prohibited

Beer in containers of 16 ounces or less shall not be sold to any person in quantities of less than six cans or bottles for consumption. The above provision shall not be applicable to the permitted sale of beer for consumption on the premises when brewed on the premises of a Class A-4 license.

~~16-~~25. Class A, Class D-1 and Class E Licenses - Wine and Beer Tasting

Class A, Class B-3, Class D-1, and local liquor ~~license~~licenses hold ~~on-premise~~on-premise wine and beer tasting, but only in connection with the bona fide sale of wine or beer in the original package for consumption, not on the premises. Wine and beer tasting shall be confined to samples of not more than one ounce (1oz.) of wine and two ounces (2 oz.) of beer in conjunction with the anticipated sale of wine and beer. The sample shall be provided without compensation. Class E local liquor license holders may conduct such wine and beer tasting, but only with the written approval of the Local Liquor Control Commissioner.

~~17-~~26. Class B, Class C, Class D-1, Class E, Class G-1 Licenses - Live Entertainment

Class B, C, D-1, and G-1 local liquor licenses may permit live entertainment as defined in this chapter and as regulated by this chapter and the City's zoning ordinance. Live entertainment may be permitted during the hours that alcoholic liquor may be sold.

Notwithstanding the foregoing, outdoor live entertainment is expressly prohibited every day between the hours of 10:00 p.m. and noon the following day. Further, the sound level of any amplified outdoor entertainment shall not exceed sixty (60) decibels at the property line of any residential district.

Class E licenses shall permit live entertainment only as expressly permitted in the approval of any such Class E license.

~~18-~~27. Class B and Class C Licenses – Underage Persons Prohibited in Licensed Premises at Certain Times

Notwithstanding any provision of this chapter to the contrary, no Class B or Class C licensee shall permit any person under the age of twenty-one (21) years to enter or remain upon the licensed premises after the hour of 11:00 p.m., unless such person is accompanied by ~~his or her~~hera parent or legal guardian at all times.

From and after the hour of 11:00 p.m. until closing, every Class B and Class C licensee shall verify that each person entering or remaining on the licensed premises is at least twenty-one (21) years of age, unless such person is accompanied by ~~his or her~~hera parent or legal guardian at all times. This restriction shall not apply to private gatherings within an establishment, the location of which has been segregated from the general public within said establishment.

From and after the hour of 11:00 p.m. until closing, every Class B and Class C licensee shall have an employee or agent posted, at all times, at each entrance to the licensed premises who shall be responsible for verifying that each person entering the licensed premises is at least twenty-one (21) years of age, unless accompanied by ~~his or her~~hera parent or legal guardian.

Notwithstanding the foregoing, the provisions of this subsection D shall not be applicable to any person under the age of twenty-one (21) years lawfully employed at the licensed premises,

provided that such person is on duty, working and being compensated therefore.
(Ord. 2010-M-52 § 9.)

~~19-28.~~ 28. Class B and Class C Licenses – Sale/Consumption of Alcoholic Liquor on Licensed Premises Only – Defined

Class B and Class C licenses authorize the retail sale of alcoholic liquor for consumption solely on the licensed premises. Class B and Class C licenses shall not engage in the sale of alcoholic liquor nor suffer or permit the consumption of alcoholic liquor, except on the licensed premises. For purposes of this prohibition, “premises” means the interior of the building governed by a Class B or C license. “Premises” specifically excludes sidewalks, streets, parking areas and grounds adjacent to any such building, regardless of whether such sidewalks, streets, parking areas and grounds adjacent to any such building are under the ownership or control of the licensee.

Notwithstanding the foregoing, a patio, deck or similar area may be specifically authorized and designated as being included in a Class B or Class C licensee’s licensed premises, if the Local Liquor Control Commissioner, in his sole discretion, approves the sale and/or consumption of alcoholic liquor, in such patio, deck or similar area, on the site plan required for each Class B and Class C license.

29. Class B Licenses – Holding Bar

Class B licensed premises are permitted to have a holding bar on said premises, provided that said holding bar shall not contain seating in excess of 20% of the total number of seats approved for said premises.

~~20.~~

5.08.270 – Underage Persons

~~6-1.~~ 1. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service.

~~7-2.~~ 2. No person shall sell, give, or furnish to any person under the age of twenty-one (21) years any false or fraudulent written, printed, or Photostatted evidence of the age and identity of such person nor shall anyone sell, give or furnish to any person under the age of twenty-one (21) years evidence of age and identification of any other person.

~~8-3.~~ 3. No person under the age of twenty-one (21) years shall present or offer to any licensee, ~~his~~ its-agent or employee, any written, printed, or photostatted evidence of age and identity which is false, fraudulent, or not actually ~~his own~~ belonging to the person for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic liquor, nor shall any person ~~have in his possession~~ possess any false or fraudulent written, printed, or photostatted evidence of age and identity.

~~9-4.~~ 4. No person under the age of twenty-one (21) years shall have ~~or possess~~ or possess any alcoholic liquor ~~in his possession~~ nor shall any such person consume any alcoholic liquor. This section does

not apply to possession by a person under the age of twenty-one (21) years or consumption in the performance of a religious ceremony or service.

~~10.5.~~ This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of alcoholic liquor in pursuance of the order ~~of his or her~~a parent or in pursuance of ~~his or her~~ employment.

Any person violating this section shall be fined two-hundred fifty dollars (\$250.00) for the first offense nor more than seven hundred fifty dollars (\$750.00) for each subsequent offense.

5.08.280 – Peddling Alcoholic Liquor in City Prohibited

It is unlawful to peddle alcoholic liquor in the City.

5.08.290 – Possession of Alcoholic Liquor in Motor Vehicle

No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle, except in the original package and with the seal unbroken.

5.08.300 – Sale, Delivery, Consumption and Possession of Alcoholic Liquor on Public Property

It is unlawful for any person to sell, deliver, consume or possess, except in original packages with seals unbroken, any alcoholic liquor upon any streets, sidewalk, alley or other public right-of-way and City property unless otherwise stipulated in a site plan approved by the Liquor Commissioner with advice and consent of the City Council. Notwithstanding approval of the City Council and the consent of the Local Liquor Control Commissioner, this section shall not apply to the premises of a Class E license issued pursuant to this chapter.

Notwithstanding the foregoing, alcoholic liquor may be sold, delivered, consumed and possessed on the public right-of-way adjacent to licensed premises located within the First Street TIF District (described below) and other certain locations, subject to: (a) approval of the City Council, (b) the premises obtaining a Sidewalk Café permit pursuant to Section 12.04.102 of this Code, and/or a license agreement with the City to use certain public property and (c) strict compliance with the site drawing (including conditions imposed by the Local Liquor Control Commissioner thereon) approved in conjunction with the issuance of the license for said premises.

~~Any person violating this section shall be fined not less than one hundred dollars (\$100.00) for the first offense nor more than two hundred fifty dollars (\$250.00) for each subsequent offense.~~

5.08.310 – Responsibility of the Owner or Occupant of Premises

Except under the direct supervision and approval of the parents or parent, it is unlawful for any owner or occupant of any premises located within the City to knowingly allow a person under the age of twenty-one (21) years to remain on such premise while in the possession of alcoholic liquor or while consuming alcoholic liquor in violation of this chapter.

5.08.320 – License – Revocation or Suspension – Hearing Procedure

~~5.1.~~ The Local Liquor Control Commissioner may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend

any license issued under ~~his~~the Local Liquor Control Commissioner's authority if ~~he~~it's determineds that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City or any applicable rule or regulation established by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission which is not inconsistent with law. ~~In addition to or in lieu of a suspension,~~The Local Liquor Control Commissioner, after a hearing conducted by the Local Liquor Control Commission, may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand (\$1,000) Dollars for a first violation within a twelve (12) month period, One Thousand Five Hundred (\$1,500) Dollars for a second violation within a twelve (12) month period, and Two Thousand Five Hundred (\$2,500) Dollars for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand (\$15,000) Dollars in fines under this section may be imposed against any licensee during the period of ~~his~~the license. Proceeds from such fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspended, and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three-day (3) written notice to the licensee, affording the licensee an opportunity to appear and defend. Further, and in addition to an order of a fine and suspension or revocation, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this ~~Chapter,~~they the Local Liquor Control Commissioner- may order the licensee to pay to the City the following: 1) reasonable attorney's fees incurred by the City, the Chief of Police and the Local Liquor Control Commissioner; and 2) reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.

~~6.2.~~ If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, ~~they~~the Local Liquor Control Commissioner may, upon the issuance of a written order stating the reason for such conclusions and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; except, if the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.

~~7.3.~~ The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if ~~it's~~they determinedd after such hearing that the license should be revoked or suspended, or that the licensee should be fined, shall state the reason for such determination in a written order of revocation or suspension and/or fine and serve a copy of such order within the five (5) days upon the licensee.

4. The licensee shall pay such fines and costs to the City within seven (7) days of notification by the Local Liquor Control Commissioner. Failure to pay such fines and costs within seven (7) days of notification is a violation of this Article and may be cause for license suspension or revocation, or the levy of additional fines and costs.

~~8.5.~~ Review of decisions of the Local Liquor Control Commissioner shall be as provided for in Section 5/7-9 of Chapter 235 of the Illinois Compiled Statutes.

5.08.330 – List of Licenses and Revocations

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all licenses issued ~~by him~~ and shall furnish the clerk, treasurer and Chief of Police a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Local Liquor Control Commissioner shall give written notice of such action to each of said officers, and in case of revocation a written notice shall be given to the licensee whose license has been revoked. All notices provided for in this section shall be given forty-eight (48) hours from the time of any such action or actions. Notice shall also be given to the Illinois Liquor Control Commission of the revocation of any and all such licenses.

5.08.340 – Forfeiture of Fees Upon License Revocation

Whenever any license under this chapter has been revoked, as provided for in this chapter, the license shall incur a forfeiture of all moneys that have been paid for said license.

5.08.350 – Owner of Premises Permitting Violation

If the owner of the licensed premises or a person from whom the license derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment.

5.08.360 – Acts of Agent or Employee; Liability of Licensee; Knowledge

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 said act or omission had been done or omitted ~~by him~~ personally by the employee or licensee.

~~(2015 M 14: § 1; 2010 M 29: § 1)~~

~~2. Back to top~~

5.08.370 – Violation - Penalty

Except as otherwise provided, aAny person, firm, or corporation violating any provision of this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) for the first offense and up to seven hundred and fifty dollars (\$750.00) for each subsequent offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Exhibits:-

 5-08.pdf

~~(2015 M 14: § 1; 2010 M 29: § 1; 2004 M 12: § 1; 1982 M 62: § 2)~~

~~b. Back to top~~

Up to [Title 5 - Business Licenses and Regulations](#)
~~2023 City of St. Charles Municipal Code Book~~

Section 2. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____ 2023.

PASSED by the City Council of the City of St. Charles, Illinois, this ____ day of _____ 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois, Illinois, this ____ day of _____ 2023.

Lora A. Vitek, Mayor

ATTEST:

City Clerk


COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 7
	Title:	Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.16 “Tobacco,” Section 5.16.180 “Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code	
Presenter:	Police Chief Keegan		
Meeting: Liquor Control Commission		Date: November 20, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>Please see the attached document for the proposed changes to the City of St. Charles City Code updating Chapter 5.16 “Tobacco,” Section 5.16.180 “Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs.”</p>			
Attachments (please list):			
Changes highlighted in ordinance format			
Recommendation/Suggested Action (briefly explain):			
<p>Recommendation to modify City Code with the listed revisions to Title 5 “Business Licenses and Regulations,” Chapter 5.16 “Tobacco,” Section 5.16.180 “Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code.</p>			

City of St. Charles, Illinois
Ordinance No. 2023-M- _____

**An Ordinance Amending Title 5 “Business Licenses and Regulations”,
Chapter 5.16 “Tobacco”, Section 5.16.180 “Tobacco Commissioner; Tobacco
Commission; Suspension, Revocation of License; Fines, Costs” of the St.
Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5 “Business Licenses and Regulations”, Chapter 5.16 “Tobacco”, Section 5.16.180 “Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code be and is hereby replaced in its entirety with the following:

**5.16.180 – Tobacco ~~e~~C~~ommissioner~~; ~~f~~T~~obacco~~ ~~e~~C~~ommission~~; ~~s~~S~~uspension~~, ~~r~~R~~evocation of~~ ~~l~~L~~icense~~; ~~f~~F~~ines~~,
~~e~~C~~osts~~**

- A. The Local Liquor Control Commissioner shall serve as the ~~f~~T~~obacco~~ ~~e~~C~~ommissioner~~ and shall be charged with the administration of this ~~a~~A~~rticle~~ and of such other ordinances relating to tobacco sales and licensing as may be from time to time enacted by the ~~e~~C~~ity~~ ~~e~~C~~ouncil~~. A ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ is created, which shall be composed of the same five members of the ~~e~~C~~ity~~’s ~~l~~L~~ocal~~ ~~l~~L~~iquor~~ ~~e~~C~~ommission~~. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this ~~a~~A~~rticle~~ as though fully set forth in this ~~a~~A~~rticle~~, as being specifically applicable to the creation, enforcement, and administration of this ~~a~~A~~rticle~~.
- B. The ~~f~~T~~obacco~~ ~~e~~C~~ommissioner~~, after a hearing conducted by the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~, may levy a fine against the licensee, in addition to the suspension or revocation of any license issued under the provisions of this ~~a~~A~~rticle~~ if ~~they-it is~~ determined that the licensee has violated any of the provisions of this ~~a~~A~~rticle~~. ~~In lieu of suspension or revocation of the license, the tobacco commissioner may instead levy a fine on the licensee.~~—The fine imposed shall be in an amount not less than two hundred fifty (\$250.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue.
- C. No license issued under this ~~a~~A~~rticle~~ shall be suspended or revoked and no licensee shall be fined except after a public hearing by the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ affording the licensee an opportunity to appear and defend against the charges.
- D. If the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ determines after such hearing that the license under this Article should be revoked ~~or~~and suspended or that the licensee shall be fined, the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ shall recommend to the ~~f~~T~~obacco~~ ~~e~~C~~ommissioner~~ ~~either~~the amount of the fine, in addition to the period of suspension or that the license be revoked.

E. In addition, ~~a~~Any licensee determined by the ~~€~~Tobacco ~~e~~Commissioner to have violated any of the provisions of this ~~a~~Article shall also pay to the City the costs of the hearing before the ~~€~~Tobacco ~~e~~Commission on such violation. The ~~€~~Tobacco ~~e~~Commissioner shall determine the costs incurred by the City for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the ~~local Liquor Control Tobacco~~ Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the ~~€~~Tobacco ~~e~~Commissioner may allow.

F. The licensee shall pay such finer and costs to the ~~e~~City within ~~30~~seven (7) days of notification ~~of the costs~~ by the ~~€~~Tobacco ~~e~~Commissioner. Failure to pay such finer and costs within ~~30~~seven (7) days of notification is a violation of this ~~a~~Article and may be cause for license suspension or revocation, or the levy of additional finer and costs.

FG. All decisions of the ~~€~~Tobacco ~~e~~Commissioner are appealable in the manner provided by law.

SECTION THREE: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION FOUR: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ___ day of _____, 2023.

PASSED by the City Council of the City of St. Charles, Illinois this ___ day of _____, 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2023.

Lora Vitek, Mayor

ATTEST:


City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent: _____

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 8
	Title:	<p>Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.20 “Massage Establishments,” Section 5.20.150 “Massage Business Commissioner; Massage Business Commission; Suspension; Revocation of License; Fines, Costs” of the St. Charles Municipal Code</p>	
	Presenter:	Police Chief Keegan	
Meeting: Liquor Control Commission		Date: November 20, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>Please see the attached document for the proposed changes to the City of St. Charles City Code updating Chapter 5.20, “Massage Establishments,” Section 5.20.150, “Massage Business Commissioner; Massage Business Commission; Suspension; Revocation of License; Fines, Costs.”</p>			
Attachments (please list):			
Changes highlighted in ordinance format			
Recommendation/Suggested Action (briefly explain):			
<p>Recommendation to modify City Code with the listed revisions to Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Section 5.20.150 “Massage Business Commissioner; Massage Business Commission; Suspension; Revocation of License; Fines, Costs” of the St. Charles Municipal Code.</p>			

City of St. Charles, Illinois
Ordinance No. 2023-M- _____

**An Ordinance Amending Title 5 “Business Licenses and Regulations,”
Chapter 5.20, “Massage Establishments,” Section 5.20.150 “Massage Business
Commissioner; Massage Business Commission; Suspension; Revocation of
License; Fines, Costs” of the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE, AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5 “Business Licenses and Regulations,” Chapter 5.20 “Massage Establishments,” Section 5.20.150 “Massage Business Commissioner; Massage Business Commission; Suspension; Revocation of License; Fines, Costs” of the St. Charles Municipal Code be and is hereby replaced in its entirety with the following:

5.20.150 – Massage Business Commissioner; Massage Business Commission; Suspension, Revocation of License; Fines, Costs

- A. The Local Liquor Control Commissioner shall serve as the Massage Commissioner and shall be charged with the administration of this Article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the City Council. A Massage Commission is created, which shall be composed of the same five members of the City’s Local Liquor Commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this Article as though fully set forth in this Article, as being specifically applicable to the creation, enforcement, and administration of this Article.
- B. The Massage Commissioner, after a hearing conducted by the Massage Commission, may levy a fine against the licensee, in addition to the suspension or revocation of any license issued under the provisions of this Article if it is determined that the licensee has violated any of the provisions of this Article. The fine imposed shall be in an amount not less than two hundred fifty (\$250.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue.
- C. No license issued under this Article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Massage Commission affording the licensee an opportunity to appear and defend against the charges.
- D. If the Massage Commission determines after such hearing that the license under this Article should be revoked and suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner the

amount of the fine, in addition to the period of suspension or that the license be revoked.

E. In addition, any licensee determined by the Massage Commissioner to have violated any of the provisions of this Article shall also pay to the City the costs of the hearing before the Massage Commission on such violation. The Massage Commissioner shall determine the costs incurred by the City for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the Massage Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the Massage Commissioner may allow.

F. The licensee shall pay such fines and costs to the City within seven (7) days of notification by the Massage Commissioner. Failure to pay such fines and costs within seven (7) days of notification is a violation of this Article and may be cause for license suspension or revocation, or the levy of additional fines and costs.

G. All decisions of the Massage Commissioner are appealable in the manner provided by law.

~~16. The Local Liquor Control Commissioner shall serve as the Massage Commissioner and shall be charged with the administration of this Article and of such other ordinances relating to massage sales and licensing as may be from time to time enacted by the City Council. A Massage Commission is created, which shall be composed of the same five members of the City's Local Liquor Commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this Article as though fully set forth in this Article, as being specifically applicable to the creation, enforcement, and administration of this Article.~~

~~17. No license issued under this Article shall be suspended or revoked and no licensee shall be fined except after a hearing by the Massage Commission affording the licensee an opportunity to appear and defend against the charges.~~

~~18. If the Massage Commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the Massage Commission shall recommend to the Massage Commissioner either the amount of the fine, the period of suspension or that the license be revoked.~~

~~19. Any licensee determined by the Massage Commissioner to have violated any of the provisions of this Article shall pay to the City the costs of the hearing before the Massage Commission on such violation. The Massage Commissioner shall determine the costs incurred by the City for such hearing, including but not limited to, attorneys' fees, court reporter's fees, fees incurred by the City, Chief of Police and the local Massage Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the Massage Commissioner may allow. The licensee shall pay such costs to the City within thirty (30) days of notification of the costs by the Massage Commissioner. Failure to pay such costs within thirty (30) days of notification is a violation of this Article and may be cause for license suspension or revocation, or the levy of a fine.~~

~~20. All decisions of the Massage Commissioner are appealable in the manner provided by law.~~

SECTION THREE: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION FOUR: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2023.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2023.

Lora Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____