

Article 2

LIQUOR LICENSE REQUIRED

3-2-1: LIQUOR DEALER'S LICENSE REQUIRED:

It shall be unlawful to sell or offer for sale in the Village any alcoholic liquor without having a liquor dealer's license, or in violation of the terms of such liquor license. (Ord. 1994-0-43, 8-1-1994)

3-2-2: LOCAL LIQUOR CONTROL COMMISSIONER:

The President of the Board of Trustees of the Village of Oak Park, or a designee appointed in accordance with this section, shall be the Local Liquor Control Commissioner and shall be charged with the administration within the Village of the appropriate provisions of this chapter; and whenever the term "Commissioner" is used herein, such term shall refer to the Local Liquor Control Commissioner.

If the President has an interest in the manufacture, sale, or distribution of alcoholic liquor, the President must direct the Village Board to appoint, by majority vote, a person other than him or her to serve as the Local Liquor Control Commissioner. The appointment must be made within thirty (30) days from the day on which the President takes office and the President cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the President with the 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 Village Board 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 Village President, or members of the Village Board.

The Local Liquor Control Commissioner, with the consent of the Village Board of Trustees, shall appoint a Liquor Control Review Board of five (5) Oak Park residents to investigate and review all applications, renewals and complaints; to investigate the operation of all licensed establishments, conduct hearings, receive evidence and sworn testimony and make recommendations to the Commissioner. Members of the Liquor Control Review Board shall serve, without compensation, for a term of three (3) years. The Local Liquor Control Commissioner shall appoint a chairperson, with the consent of the Board of Trustees, from among the members of the Liquor Control

Review Board to serve as chairperson for a term of one year. The Local Liquor Control Commissioner shall also serve as a nonvoting ex officio member of the Liquor Control Review Board.

The Commissioner shall notify the Board of Trustees of the Commissioner's activities and shall have the following powers, functions and duties with respect to licenses:

- A. To grant and, subject to article 7 of this chapter, to suspend for not more than thirty (30) days, revoke for cause or to deny renewal of, all local liquor licenses issued to persons for premises within the Commissioner's jurisdiction;
- B. 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 this chapter or any rules or regulations adopted by the Commissioner and Liquor Control Review Board or by the State Liquor Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;
- C. To receive complaints from any citizen within the Commissioner's jurisdiction that any of the provisions of this chapter, or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;
- D. To receive local liquor license fees and pay the same forthwith to the Village Collector;
- E. In the event that an application is rejected by the Commissioner, the Board of Trustees may overrule the Commissioner if a motion to do so is made within forty five (45) days of the rejection. If the Commissioner is overruled and the Board of Trustees, by ordinance, has created a liquor license of the class applied for, the Commissioner shall issue such liquor license to the applicant. (Ord. 2013-0-52, 7-22-2013)

3-2-3: APPLICATIONS:

- A. Applications for a liquor license, other than a special event class E-2 liquor license, shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant (if an individual, or if a club, association, limited liability company, partnership or corporation, by a duly authorized agent thereof, verified by oath or affidavit). The application shall be accompanied by a nonrefundable check or

money order payable to the Village of Oak Park in the amount of two hundred fifty dollars (\$250.00) to defray a portion of the expense incurred by the Village in processing the application. The application shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; in the case of a partnership, the same information from the persons entitled to share in the profits thereof; and in the case of a corporation or limited liability company, the date of incorporation, the objects for which it was organized, a summary of its activities during the past year, and the names and addresses of the officers, directors, all persons owning directly or beneficially more than five percent (5%) of the stock of such corporation or limited liability company, and the person operating as manager of the premises; and in the case of a club or association, the date of its incorporation, the objects for which it was organized, a summary of its activities during the past year, the names and addresses of the officers, directors, and the person operating as manager. A club or association applying for a liquor license or renewal must file with the Commissioner at the time of its application two (2) copies of a list of names and residences of its current members, and officers, and similarly file within ten (10) days of the election of any additional member, his or her name and address;
2. The citizenship of the applicant, the place of the applicant's birth, and if a naturalized citizen, the time and place of the applicant's naturalization;
3. The character of business of the applicant; and in case of a corporation, limited liability company, club, association or partnership, the objects for which it was formed;
4. The length of time said applicant has been in business of that character, or in the case of a corporation, limited liability company, club, association or partnership, the date when its charter was issued;
5. The amount of goods, wares and merchandise on hand at the time application is made;
6. The location and description of the premises or place of business which is to be operated under such liquor license, including a description of any present or proposed signs advertising alcoholic beverages and the general location(s) for their placement;
7. A statement whether applicant has made application for a similar or other liquor license on premises other than described in the application, and the disposition of such application;
8. A statement that applicant is not disqualified to receive a liquor license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the Village, and a statement as to whether applicant has ever been convicted of a felony;

9. Whether a previous liquor license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof;
 10. A statement that the applicant will not violate any of the laws of the state of Illinois, or of the United States, including, but not limited to, the Americans with disabilities act, or any ordinances of the Village in the conduct of the applicant's place of business; and
 11. A criminal background check shall be required of applicants, including fingerprinting of the applicant pursuant to section 4-7 of the liquor control act, 235 Illinois Compiled Statutes 5/4-7, as amended. At the discretion of the Local Liquor Control Commissioner, background checks and fingerprinting of the manager(s) of an applicant may also be required. At the discretion of the Local Liquor Control Commissioner, fingerprints of an applicant for renewal of a license may also be required. Should the applicant be a club, association, corporation, or a limited liability company, the Local Liquor Control Commissioner may require the following individuals to be fingerprinted: the officer(s), manager(s) or director(s) thereof, or any member(s) or stockholder(s) owning in the aggregate more than five percent (5%) of the capital stock of said corporation or limited liability company. All such fingerprinting and background checks shall be performed by the Village Police Department. Fingerprints shall be processed by the Illinois state police in conjunction with the federal bureau of investigation. The cost of fingerprinting shall be paid by the applicant and any applicable background check shall be without charge.
- B. Applications for a special event class E-2 liquor license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant at least forty five (45) days prior to the special event for which such license is sought. The application shall be accompanied by an application fee in the amount of fifty dollars (\$50.00) payable by a nonrefundable check or money order to the Village of Oak Park to defray a portion of the expense incurred by the Village in processing the application. The application shall contain the following statements and information:
1. The name and address of the applicant, and whether the applicant is an individual, association, partnership, limited liability company, corporation, club or exists by some other form of ownership;
 2. The date(s) and name of the special event, and the hours of operation of the event;
 3. Unless the special event is sponsored or cosponsored by the Village, a copy of the special event permit issued by the Village in accordance with chapter 30 of this code for the event at which the license is requested;
 4. A copy of the applicant's valid state of Illinois retail liquor license;

5. The location and description of the premises where alcoholic liquor will be sold under such liquor license, including the name of the property owner on whose property the special event will take place, and a written statement of consent from the property owner, or in the case the property is owned by the Village, a copy of the Village issued special event permit;
6. The names, phone numbers and addresses of those persons who are responsible for liquor sales on behalf of the applicant at the special event, which persons shall remain on the special event's premises for the duration of the special event;
7. A statement that the applicant is not disqualified from receiving a liquor license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the Village, and a statement as to whether the applicant has ever been convicted of a felony; and
8. Proof of the insurance coverage required by section 3-4-6 of this chapter including proof that the insurance covers the dates and location of the proposed special event. (Ord. 2014-0-12, 3-17-2014)

3-2-4: MANDATORY ALCOHOL AWARENESS TRAINING:

- A. It shall be the responsibility of each liquor licensee of any licensed establishment within the Village which sells alcoholic liquors for consumption on the authorized premises, to have present on the premises at all times when alcoholic liquor may legally be sold, a manager or other employee in charge of such establishment who shall have successfully completed a state certified beverage alcohol sellers and servers education and training (BASSET) program approved by the Local Liquor Control Commissioner. In addition to the penalties otherwise provided in this chapter, any failure to comply with this section shall be cause for suspension, revocation or denial of a liquor license.
- B. The initial application and all subsequent renewal applications for all classes of alcoholic liquor dealer's licenses, except classes C-1 through C-6, D-5, E-1, and E-2, shall be accompanied by proof of completion of such state certified beverage alcohol sellers and servers education and training (BASSET) program by all facility managers and any number of other current employees necessary to comply with the provisions of subsection 3-2-4A of this section.
- C. Effective December 1, 2013, all managers, supervisors, sellers and servers of alcoholic liquor employed by any licensed establishment, except establishments with a class C-1 through C-6, D-5, E-1 or E-2 license, shall have successfully completed BASSET training by a state certified program approved by the Local

Liquor Control Commissioner. From and after January 1, 2014, all managers, supervisors, sellers and servers shall maintain current BASSET training certifications and all new employees shall have ninety (90) days from the date of hire to become BASSET certified.

- D. BASSET certifications shall only be valid for a three (3) year period from the date of issuance. All BASSET certifications shall be renewed prior to expiration. (Ord. 2013-0-24, 3-18-2013)