



*Scott Eisenhauer, Mayor*

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## INSTRUCTIONS FOR LIQUOR LICENSE APPLICATIONS

- ❖ Review Intoxicating Liquor Ordinance (Chapter 96)
- ❖ Complete Liquor License Application
- ❖ Review and Complete Liquor License Application Checklist
- ❖ Mail completed application with ***Insurance Bond; Certificate of Insurance for Liquor Liability***, A copy of ***Certificate of Occupancy, Manager's Form, Incorporation Papers*** (if incorporated), ***Business Premises Information*** (Renting or Purchasing), ***Three Character References***, & ***Payment*** to City Clerk at 17 W. Main St., Danville IL 61832 or submit electronically to [lmonson@cityofdanville.org](mailto:lmonson@cityofdanville.org) with payment made by credit card. Credit card payments can be taken over the phone by calling (217) 431-2304. Please make checks payable to City of Danville.
- ❖ Completed application, attachments & payment can also be dropped off in person at the City Clerk's office at the Robert E. Jones Municipal Building, 1<sup>st</sup> Floor, 17 W. Main St., Danville IL between the hours of 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:30 p.m. Monday through Friday.
- ❖ Upon receipt of payment and application, the City Clerk's office will forward documents to the Liquor Commissioner and begin working on the Business Liquor License.
- ❖ Accounts Receivable will need to meet with you regarding Liquor Taxes.

\*\*If you will be having Video Gaming Terminals and/or Amusement devices in your facility you will need to fill out a Video Gaming Application and/or an Amusement Device Application. Please contact the City Clerk's Office for more information.



## CITY OF DANVILLE

17 W. Main St., Danville, IL 61832

City Clerk's Office, (217) 431-2304

# City of Danville Liquor License Application Check List

*Before turning in your application, please check to make sure you have attached/included the following information:*

- 1) Completed Application \_\_\_\_\_
- 2) Insurance Bond \_\_\_\_\_
- 3) Certificate of Insurance for Liquor Liability \_\_\_\_\_
- 4) Copy of Certificate of Occupancy issued by Public Works Department \_\_\_\_\_
- 5) If Business is Incorporated be sure to include:
  - a) Completed & signed Manager's form \_\_\_\_\_
  - b) Copy of Incorporation papers \_\_\_\_\_
- 5) If purchasing an existing business, a letter from the current license holder is required. The current license must be surrendered when the new license is issued. \_\_\_\_\_
- 6) If renting the business premises, a copy of the Lease agreement is required.  
\_\_\_\_\_
- 7) Three Character References \_\_\_\_\_
- 8) The fee is prorated through June; including the month application is filed. Fee paid: \_\_\_\_\_
- 9) Meet with Accounts Receivable regarding Liquor Taxes. \_\_\_\_\_

**If you have any questions, please call the City Clerk's office at 217-431-2304 or 217-431-2867 or e-mail to [imonson@cityofdanville.org](mailto:imonson@cityofdanville.org).**



**CITY OF DANVILLE**  
 17 W. Main St., Danville, IL 61832  
 City Clerk's Office, (217) 431-2304

Office Use Only
Business
Account No: _____
Class: _____

## APPLICATION FOR LIQUOR LICENSE

### Chapter 96.01-96.99

*City of Danville Liquor Commissioner: Mayor Scott Eisenhauer*

(PLEASE PRINT LEGIBLY OR TYPE APPLICATION)

*The undersigned hereby makes application for the issuance of a City license for the sale of alcoholic liquor and hereby certifies to the following facts:*

▪ **Type of Business:** (Check one)    **Corporation**     **LLC**     **Partnership**     **Individual Applicant**

▪ **Name of Corporation, LLC, Partnership, or Individual:** \_\_\_\_\_

**Local Business Name (assumed or d/b/a name):** \_\_\_\_\_

**If Corporation, Date of Incorporation:** \_\_\_\_\_ **Purpose of Incorporation:** \_\_\_\_\_

▪ **Classification of License Applying for: (See Section 96.07 of the Liquor Ordinance for definition.) (Please check one)**

- Class A     Class AA     Class B     Class BW     Class E     Class F     Class GC     Class P  
 Class PG     Class Q     Class R     Class W     Class Z

▪ **Office Address of Corporation, LLC, Partnership, or Individual:**

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office Phone: \_\_\_\_\_ Office Fax: \_\_\_\_\_

**Mailing Address (if different than above):**

Street \_\_\_\_\_ City \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

▪ **Contact Person (If Other Than Individual):** \_\_\_\_\_

Phone No: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**FEIN:** \_\_\_\_\_ **IL Business Registration #:** \_\_\_\_\_  
 (Federal Employer Identification Number)

▪ **Mail business license renewal to:**     Local Business Address     Corporation, LLC, Partnership Address

**Renewal period for liquor licenses is May 1<sup>st</sup> through June 30<sup>th</sup>.**

**Business Information:** *(Please print clearly or type)*

**For Corporations:** List each Officer/Director, **For LLCs:** List LLC Manager and all members of the LLC, **For Partnerships:** List each Partner, and **For Individual:** List individual applicant.

**Name:** Last: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_  
**Home Address:** Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
**Contact Numbers:** Main: \_\_\_\_\_ Cell: \_\_\_\_\_  
**E-mail Address:** (optional) \_\_\_\_\_  
**SSN:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_  
**Position/Title:** \_\_\_\_\_  
**Citizen of the United States:**  Yes  No  
**If a naturalized citizen, list the time and place of naturalization:**

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**Name:** Last: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_  
**Home Address:** Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
**Contact Numbers:** Main: \_\_\_\_\_ Cell: \_\_\_\_\_  
**E-mail Address:** (optional) \_\_\_\_\_  
**SSN:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_  
**Position/Title:** \_\_\_\_\_  
**Citizen of the United States:**  Yes  No  
**If a naturalized citizen, list the time and place of naturalization:**

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**Name:** Last: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_  
**Home Address:** Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
**Contact Numbers:** Main: \_\_\_\_\_ Cell: \_\_\_\_\_  
**E-mail Address:** (optional) \_\_\_\_\_  
**SSN:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_  
**Position/Title:** \_\_\_\_\_  
**Citizen of the United States:**  Yes  No  
**If a naturalized citizen, list the time and place of naturalization:**

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**\* Please copy this page (if needed) to list all required persons**

**\*\*Please inform the City Clerk's Office when/if there is a change in officers.**

- Have you (or anyone listed above) made a similar application for a similar license on premises other than described in this application?  Yes  No

What was the disposition of that application? \_\_\_\_\_  
\_\_\_\_\_

- Have you (or anyone listed above) ever been convicted of a felony?  Yes  No  
Can you (or anyone listed above) be disqualified to receive a license by reason of any matter contained in the ordinance, laws of the State of Illinois or other ordinance of the City?  Yes  No

If yes, list the reason(s): \_\_\_\_\_  
\_\_\_\_\_

- Have you (or anyone listed above) ever had a previous license revoked either by the City, State or Federal government?  Yes  No

If yes, list the reason(s): \_\_\_\_\_  
\_\_\_\_\_

- Have you (or anyone listed above) ever been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor, or forfeited your liquor bond to appear in court to answer charges for any violation?  Yes  No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

- Do you own the premises?  Yes  No

If no, Owner's name: \_\_\_\_\_

Owner's address: \_\_\_\_\_  
\_\_\_\_\_

Term of Lease: \_\_\_\_\_

***\*Terms of lease must be submitted with this application 96.04 (B)(12), please attach copy.***

- Are the premises already operating under a liquor license?  Yes  No

If No, will the premises be ready to open upon issuance of a liquor license?

Yes, state anticipated date of opening: \_\_\_\_\_

No, state reason and anticipated date of opening: \_\_\_\_\_  
\_\_\_\_\_

**\*A liquor license will not be issued until a Certificate of Occupancy has been issued by the City of Danville.**

- **\*If applying for a Class W Liquor License, please list the three (3) types of liquor you plan to sell: (Ch.96(A)(12)**

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

**Please Submit Three (3) Character References with Application – Ch. 96.04 (B)(10):**

*(Please print clearly or type)*

1) **Name:** Last: \_\_\_\_\_ First: \_\_\_\_\_  
**Address:** Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
**Phone:** Home: (\_\_\_\_\_) \_\_\_\_\_ Mobile: (\_\_\_\_\_) \_\_\_\_\_  
**E-mail Address (optional):** \_\_\_\_\_

2) **Name:** Last: \_\_\_\_\_ First: \_\_\_\_\_  
**Address:** Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
**Phone:** Home: (\_\_\_\_\_) \_\_\_\_\_ Mobile: (\_\_\_\_\_) \_\_\_\_\_  
**E-mail Address (optional):** \_\_\_\_\_

3) **Name:** Last: \_\_\_\_\_ First: \_\_\_\_\_  
**Address:** Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
**Phone:** Home: (\_\_\_\_\_) \_\_\_\_\_ Mobile: (\_\_\_\_\_) \_\_\_\_\_  
**E-mail Address (optional):** \_\_\_\_\_

**Affidavit for a Liquor License**

State of Illinois )

County of Vermilion )

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the City of Danville or the laws of the United States of America, and shall comply with Chapter 96 of the City of Danville, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by (Individual, all partners if a Partnership, or duly authorized agent if a Club, Unincorporated Association, Limited Partnership, or Corporation.)

\_\_\_\_\_  
Signature of Applicant or Authorized Agent      Printed Name & Title of Applicant      Date

\_\_\_\_\_  
Signature of Applicant or Authorized Agent      Printed Name & Title of Applicant      Date

\_\_\_\_\_  
Signature of Applicant or Authorized Agent      Printed Name & Title of Applicant      Date

**SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
**NOTARY PUBLIC**

(NOTARY SEAL)

**\*Please return completed application to the City Clerk’s Office, 17 W. Main St., Danville, IL 61832. Questions can be directed to the City Clerk’s Office at (217) 431-2304.**

**OFFICE USE ONLY**

Date Received: _____	By: _____	Paid: \$ _____	Date Paid: _____
Executive Assistant to Mayor: _____	Date: _____	Accounts Receivable: _____	Date: _____
Liquor Commissioner: _____	Approved: _____	Denied: _____	Date: _____
Liquor License: Mailed _____	Picked Up _____	Date: _____	By: _____
Liquor License Number: _____	Effective date of Liquor License: _____		

**MANAGER'S FORM - LIQUOR LICENSE APPLICATIONS**

<b>Business Name</b>
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Name: \_\_\_\_\_  
(Include middle initial)

Home Address: \_\_\_\_\_

Home Telephone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security No: \_\_\_\_\_

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

Are you a Citizen of the United States?      Yes      No

If you are a naturalized citizen, date and place of naturalization. \_\_\_\_\_

Have you ever been convicted of a felony?      Yes      No

If so, give particulars, including date and offense: \_\_\_\_\_

Have you ever been convicted of being the keeper of a house of ill fame, or other crime or misdemeanor opposed to decency and morality?      Yes      No

If so, give particulars, including date and offense: \_\_\_\_\_

Have you ever been convicted of a violation of a Federal or State liquor law?

Yes      No      If so, give particulars, including date and offense: \_\_\_\_\_

Have you made application for a similar other license for premises other than described in this application?      Yes      No      If so, give date, location of premises and disposition of other application: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Manager

Mayor's Approval \_\_\_\_\_ Date \_\_\_\_\_

## Section

- 96.01 License
- 96.02 Display of license
- 96.03 Bond
- 96.04 Application for license
- 96.05 Restrictions on issuance of license
- 96.06 (Reserved)
- 96.07 Classification of licenses and fees
- 96.08 Conformance with laws
- 96.09 Payment of license fees; annual renewal; proration of fees
- 96.10 Disposition of fees collected
- 96.11 Record of licenses
- 96.12 License transfer and renewal
- 96.13 (Reserved)
- 96.14 Temporary liquor license
- 96.15 Adjacent premises development requirements
- 96.16 Consumption on premises
- 96.17 Change of location
- 96.18 Premises to be kept in sanitary condition
- 96.19 (Reserved)
- 96.20 Days and hours of sale
- 96.21 Sale where dancing permitted
- 96.22 (Reserved)
- 96.23 Sale of liquor at gasoline stations and convenient stores prohibited
- 96.24 Drive-up windows
- 96.25 Sales near churches and schools
- 96.26 (Reserved)
- 96.27 Interior of premises
- 96.28 Connections with living quarters
- 96.29 Duty to report disturbances
- 96.30 Duty to maintain the premises and adjacent areas
- 96.31 Age
- 96.32 Minors - purchase, possession, consumption
- 96.33 Misrepresentation of age by a minor
- 96.34 Possession of alcoholic liquor in motor vehicles
- 96.35 Liquor Commissioner; suspension/revocation of license
- 96.36 Appeals
- 96.37 Possession of alcoholic liquor on city property
- 96.38 Definitions
- 96.39 Severability
- 96.99 Penalties

§ 96.01 LICENSE.

It shall be unlawful for any person, limited partnership, partnership, association, club, corporation, limited liability company or similar entity, either personally or through their agents, to sell or offer for sale at retail in the City, any alcoholic liquor or alcoholic beverage without having a current retail liquor dealer's license issued by the City, as described herein, or while in violation of any of the terms of the license, state laws, or the ordinances of the City. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8806, passed 5-1-12) Penalties, see § 96.99

§ 96.02 DISPLAY OF LICENSE.

Every licensee under this chapter shall have his license framed and hung in plain view in or on the licensed premises. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.03 BOND.

(A) Persons desiring a Class A, E, or Z license under this chapter shall execute a penal bond in form and with surety satisfactory to the Liquor Commissioner, conditioned on the faithful observance of the provisions of the law of the state and of this chapter. The bond shall be in the sum of \$5,000 and shall, on the approval by the Liquor Commissioner, be filed in the office of the City Clerk.

(B) Persons desiring classes of licenses other than Class A, E, or Z licenses, shall execute a penal bond in form and with surety satisfactory to the Liquor Commissioner, conditioned on the faithful observance of the provisions of the laws of the state and of this chapter. The bond shall be in the sum of \$1,000 and shall, on the approval by the Liquor Commissioner, be filed in the office of the City Clerk. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.04 APPLICATION FOR LICENSE.

(A) Applications for licenses required by this chapter shall be made to the Liquor Commissioner, in writing, on such forms as provided by the City Clerk.

(B) The application shall contain, but may not be limited to, the following information and statements:

(1) The name, age, and address of the applicant in the case of an individual. In the case of a co-partnership or a limited partnership, the name, age and address of the persons entitled to share in the profits. In the case of a club or association which is not incorporated, the objects for which the club or association was organized, and the names and addresses of the officers and directors. In the case of a corporation or limited liability company, the date of incorporation, the objects for which it was organized, and the names and addresses of the officers and directors.

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

(3) The character of business of the applicant.

(4) The length of time the applicant has been in business of that character.

(5) The location and description of the premises which is to be operated under the license.

(6) A statement regarding whether the applicant has made a previous application for a similar license, and the disposition of such previous application.

(7) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter contained in this chapter, laws of the state, or other ordinances of the City.

(8) Whether a previous license by any state or political subdivision, or by the federal government, has been revoked and the reason for the revocation.

(9) A statement that the applicant will not violate any federal, state or local law in the conduct of his business.

(10) Three character references.

(11) A statement that the applicant has never been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any violation.

(12) The name and address of the owner of the premises described in application. If the premises is not owned by applicant, the terms of the lease must be submitted with the application.

(13) A statement that the premises which is to be operated under the license is in operation under an existing license or ready to be opened for business upon issuance of the license. If not ready to be opened for business, a statement of the reason for the premises not being opened for business, and the date when the premises will be opened for business.

(C) All applications shall be signed and verified under oath or affidavit by: the applicant, if an individual; all of the partners, if a partnership; or, a duly authorized agent, if a club, unincorporated association, limited partnership, corporation, limited liability company or similar entity.

(D) All applications shall be accompanied by a copy of the bond required by this chapter, as well as a copy of the certificate of dram shop insurance covering the applicant.

(E) If, after submission of the application, any information within the application changes or needs to be modified, the applicant shall notify the Liquor Commissioner of the change or new information within ten days.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10) Penalties, see § 96.99

#### § 96.05 RESTRICTIONS ON ISSUANCE OF LICENSE.

The Liquor Commissioner shall not issue a liquor license under the provisions of this chapter to:

(A) A person who is not a resident of the City.

(B) A person who is not of good character and reputation in the City.

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

(D) A person who has been convicted of being the keeper of, or who is keeping a house of prostitution.

(E) A person who has been convicted of a felony.

(F) A person who has been convicted of pandering, or other crime or misdemeanor opposed to decency and morality.

(G) A person whose license issued under this chapter has been revoked for cause.

(H) A person who, at the time of application or renewal of any license, would not be eligible for the license on a first application.

(I) A co-partnership, unless all of the members of the co-partnership are qualified to obtain a license. This provision shall not apply to members of a limited partnership.

(J) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(K) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to January 31, 1934, or who has forfeited his bond to appear in court to answer charges for such violation.

(L) A person who does not own the premises for which a license is sought, or does not have a lease for the full period for which the license is to be issued.

(M) The Mayor, any Alderman, or any law enforcing public official. Such public officials shall not be associated with in any way, either directly or indirectly in the manufacture, sale, or distribution of alcoholic liquor.

(N) Any person or association not eligible for a state retail liquor dealer's license.

(O) A corporation, limited partnership, limited liability company or similar entity whose place of business is conducted by a manager or agent who shall be considered a person within the meaning of this chapter, if the manager or agent comes under the restrictions set forth in divisions (A) through (H), and divisions (J), (K), (M), and (N) of this section.

(P) Any applicant for a license whose premises is not ready or available for business. However, if the premises is being constructed or remodeled, the license shall be issued, but retained by the Liquor Commissioner until the premises is ready for business. If the construction or remodeling shall not be commenced within 90 days after the application for a license is filed, or the construction or remodeling shall cease for more than 60 days, the license held by the Liquor Commissioner may be voided. If voided, no refund of the license fee shall be made. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10)

§ 96.06 (RESERVED.)

§ 96.07 CLASSIFICATION OF LICENSES AND FEES.

(A) Licenses required by this chapter are divided into the following classes:

(1) Class A. Class A licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises, as well as other retail sales of liquor, but shall not be used for a package liquor store in lieu of a Class P license. The number of Class A licenses which may be issued shall be limited to 24.

(2) Class AA. Class AA licenses shall be issued only to hotels or motels with restaurants. Any such restaurant shall have a minimum seating capacity of 175 for dining room guests. A Class AA license shall authorize the retail sale of all alcoholic liquor for consumption on or off the premises where sold. The number of Class AA licenses which may be issued shall be limited to four.

(3) Class B. Class B licenses shall authorize the retail sale of malt beverages and wine for consumption on the premises of restaurants; provided for the purpose of this section, sandwiches shall be interpreted as meals. The number of Class B licenses which may be issued shall be limited to six.

(4) Class BW. Class BW licenses shall permit an establishment, commonly referred to as a micro-brewery/winery, primarily engaged in the production and wholesale distribution of beer, ale, or other malt beverages or wine to sell at retail any beer, ale, other malt beverage, or wine by the drink or by the package for consumption on the premises, or in original package form for consumption off the premises where sold, subject to the following requirements:

(a) The floor area that is open to the public for said retail sale of beer, ale, other malt beverage or wine shall not exceed the total floor area on the premises used for the production and storage for wholesale of beer, ale, other malt beverage or wine made on the premises; and,

(b) Ninety percent of the gross revenue from the retail sale of beer, ale,

other malt beverage or wine sold on the premises shall be derived from product manufactured on the premises.

The number of Class BW licenses which may be issued shall be limited to one.

(5) Class E. Class E licenses shall authorize the retail sale of alcoholic liquors to members of clubs or their guests for consumption on the premises where sold. The number of Class E licenses which may be issued shall be limited to eight. This shall not include bottle clubs, as defined herein, which are hereby specifically prohibited in the City.

(6) Class F. Class F licenses shall authorize the retail sale of beer, wine coolers and other malt beverages at athletic contests which are held in the enclosed portion of Danville Stadium. The number of Class F licenses which may be issued shall be limited to one.

(7) Class GC. Class GC licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a municipally-owned golf course. The premises of the golf course shall consist of the clubhouse, snack bar, the defined golf course area, and from mobile carts operated on the golf course. "GOLF COURSE" shall be defined as land consisting of a series of holes, each with a teeing area marked by two (2) markers showing the bounds of the legal tee area, fairway, rough, and other hazards, and the putting green surrounded by the fringe with the pin (flagstick) and cup. A typical golf course consists of eighteen (18) holes, but nine hole courses are also common. This definition excludes facilities commonly known as "miniature golf courses". The number of Class GC licenses which may be issued shall be limited to one.

(8) Class P. Class P licenses shall authorize the retail sale of alcoholic liquors in the original package or container, not for consumption on the premises, at a package liquor store. The number of Class P licenses which may be issued shall be limited to nine.

(9) Class PG. Class PG licenses shall authorize the retail sale of alcoholic liquors in the original package or container, not for consumption on the premises, at a grocery store or drug store. The number of Class PG licenses which may be issued shall be limited to 12.

(10) Class Q. Class Q licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises where sold. Class Q licenses shall be issued only to Illinois municipal corporations. The number of Class Q licenses which may be issued shall be limited to one.

(11) Class R. Class R licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises of restaurants, but shall not be used for a package liquor store in lieu of a Class P license. The number of Class R licenses which may be issued shall be limited to 15.

(12) Class W. Class W licenses shall authorize the retail sale of wine, beer or other malt beverages, and a limited variety of liquor (not more than three types) for consumption on the premises. Consumption on the premises shall include the area of the sidewalk immediately adjacent to the licensed premises, but only so long as seating is provided and it does not impede pedestrian traffic along such sidewalk. Class W licenses shall also authorize the retail sale of wine for consumption not on the premises if such wine is contained in a gift basket or other similar arrangement, but in no event solely as individual bottles. The number of Class W licenses which may be issued shall be limited to three.

(13) Class T. Class T licenses shall authorize the temporary retail sale and consumption of alcoholic liquor as described in § 96.14.

(14) Class Z. Class Z licenses shall authorize the sale of liquor in the original container or package for carry-out, and the sale of alcoholic liquor initially dispensed for consumption on the premises, where both such sales occur in areas which are immediately adjacent to each other. The number of Class Z licenses shall be limited to one. This license classification shall be eliminated upon the revocation of such license, or the transfer of ownership of the licensed business. In the event that the Class Z license is eliminated through the transfer of ownership of the business, either a Class A or Class P license shall be made available to the new owner, if necessary.

(B) License fees shall be as follows:

Class A	\$1,375 per year
Class AA	\$2,640 per year
Class B	\$880 per year
Class BW	\$1,000 per year
Class E	\$1,100 per year
Class F	\$125 per year
Class GC	\$500 per year
Class P	\$1,210 per year
Class PG	\$1,210 per year
Class Q	\$125 per year
Class R	\$1,375 per year
Class T	up to \$50 per day
Class W	\$500 per year
Class Z	\$1,500 per year

(Ord. 7728, passed 9-20-94; Am. Ord. 7859, passed 10-1-96; Am. Ord. 7905, passed 8-5-97; Am. Ord. 7927, passed 11-18-97; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8701, passed 6-1-10; Am. Ord. 8788, passed 3-6-12; Am. Ord. 8990, passed 5-5-15)

§ 96.08 CONFORMANCE WITH LAWS.

All businesses seeking a liquor license shall conform with all governmental laws and regulations, including Chapters 92, 150 and 151 of the City Code.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8806, passed 5-1-12)

§ 96.09 PAYMENT OF LICENSE FEES; ANNUAL RENEWAL; PRORATION OF FEES.

(A) The fees for Class A, AA, E, GC, R, W, and Z licenses may be paid on a yearly basis, or in two installments with one payment being payable at the beginning of the license year and the second payment being payable six months later. The fees for Class B, BW, F, P, PG and Q licenses shall be paid in full at the time of initial application or at least 14 days prior to the expiration of the license if submitting a renewal application. The fee for a Class T license (temporary liquor license) shall be paid in full at the time of issuance of such license.

(B) All licenses, other than a Class T, shall be valid for the period of time consistent with the fee payment, being six months if one-half of the license fee is paid, or one year if the license fee is paid in full. A license year shall run from July 1 to June 30. Renewal applications shall be submitted at least 14 days prior to the expiration of the license year. Class T licenses shall be valid for the days and times set forth on such license.

(C) The fees for the initial issuance of all licenses, other than Class T, may be reduced in proportion to the full calendar months which have expired prior to the issuance of such initial license.  
(Ord. 7728, passed 9-20-94; Am. Ord. 7905, passed 8-5-97; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8484, passed 6-6-06; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8701, passed 6-1-10; Am. Ord. 8788, passed 3-6-12)

§ 96.10 DISPOSITION OF FEES COLLECTED.

All licenses fees shall be paid to the City Clerk's office at the time application is made and the fees shall be turned over to the City Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03)

§ 96.11 RECORD OF LICENSES.

The Liquor Commissioner shall keep, or cause to be kept, a complete record of all licenses issued by him under the provisions of this chapter, and shall furnish the City Clerk, City Treasurer, and Chief of Police with a copy. On issuance of any new license, or revocation of any old license, the Liquor Commissioner shall give written notice of the action to each of these officers within 48 hours of the action.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03)

§ 96.12 LICENSE TRANSFER AND RENEWAL.

(A) A license issued under this chapter shall be a personal privilege, good for only one year after issuance, unless revoked. It 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 hypothecated.

(B) The license shall not descend by the laws of testate or intestate succession but shall cease on the death of the licensee; provided executors or administrators of the estate of any deceased licensee and the trustees of any insolvent or bankrupt licensee may, when the estate consists in part of alcoholic liquor, continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court. They may exercise the privilege of the deceased, insolvent, or bankrupt licensee, after the death of the decedent or the insolvency or bankruptcy until the expiration of the license, but not longer than six months after the death, bankruptcy, or insolvency.

(C) A refund may be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license through severe or catastrophic event beyond the control of the licensee. In no event shall a refund of any portion of the license fee be made as a result of a suspension or revocation of the license. A licensee may renew his license on expiration unless the classification of license is changed or discontinued, provided he is then qualified to receive a license and the premises for which the renewal license is sought are suitable for that purpose; and provided further the renewal privilege shall not be construed as a vested right which shall, in any case, prevent the Liquor Commissioner from decreasing or limiting the number of licenses to be issued within his jurisdiction at any time.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03)

§ 96.13 (RESERVED.)§ 96.14 TEMPORARY LIQUOR LICENSE.

(A) It shall be unlawful for any person, partnership, association, club, corporation, limited liability company, or similar entity, either personally or through an agent, to sell, offer for sale, or allow the consumption of alcoholic liquor at any banquet, picnic, wedding reception, bazaar, fair, casino night, champagne breakfast, or similar private or public assembly, where food or drink is sold, served or dispensed, without having first obtained a liquor license from the Liquor Commissioner. The Liquor Commissioner is authorized to issue, at his discretion, a temporary license, Class T, for any such event, if he finds that said event shall not represent a serious negative influence on the health, safety and well-being of the neighborhood in which the event will be located, or to the entire community.

(B) It shall be unlawful for any holder of a license described in § 96.07 to conduct a wild game feed, champagne breakfast, wine-tasting, or similar special event, without first having obtained a temporary liquor license from the Liquor Commissioner. The Liquor Commissioner is authorized to issue, at his discretion, a temporary liquor license, Class T, for any such event, if such event is considered special and is not conducted on a regular basis by a particular licensee.

(C) A temporary liquor license shall be valid for any period of time not exceeding 72 hours. The temporary liquor license shall not permit the sale of alcoholic liquors in original packages or in any place where the sale of alcoholic liquor is prohibited by any federal, state or local law, or which is not within the jurisdiction of the City.

(D) The temporary liquor license shall specify the dates and times approved by the Liquor Commissioner for the license.

(E) Application for a temporary liquor license shall be made on forms provided by the City Clerk. Such application shall be completed and submitted at least seven days before the start of the event. At the time of application, the applicant will pay the appropriate fee for each day of the license as follows: businesses, \$50; all others, \$25.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8928, passed 3-18-14)

§ 96.15 ADJACENT PREMISES DEVELOPMENT REQUIREMENTS.

(A) Application. Upon application and approval by the Liquor Commissioner, Class A, AA, B, E, and R license holders may develop an adjacent premises facility, as that term is defined in this chapter. If approved, an adjacent premises facility would allow the sale and consumption of alcohol, as may be authorized by the particular license held, within such facility. The application for an adjacent premises facility shall be on a form provided by the City Clerk and shall require the following information:

(1) The days and hours during which the adjacent premises facility may be available for use;

(2) A site plan that describes the location and extent of the adjacent premises to be regulated by this section, and that such plan shall be reviewed by the Public Development Department;

(3) A description of the physical improvements to be made by the applicant to insure that minors shall not be frequenting the adjacent premises facility and to insure that minors are not served, offered or allowed to possess alcoholic drinks;

(4) Information showing the ownership of the land proposed to be developed, and if different than the licensee, an affidavit signed by the owner of the land, stating that the owner has freely and fully consented to the development of such a facility.

(B) Causes for denial. The Liquor Commissioner may refuse to approve the application for an adjacent premises facility as provided for herein if it is found:

(1) That any provision of state law, local ordinance or other duly adopted rule or regulation relating to the licensing or sale of alcoholic liquor at retail, other than those provisions which would be in direct conflict with the provisions herein relating to the application, would be violated;

(2) That to grant the application would pose any threat to public safety or would likely create a public nuisance; or

(3) That the improvements proposed by the licensee to insure the protection of minors are not adequate to reasonably insure such protection.

(C) Conditions of approval. An application for an adjacent premises facility, if approved, may be conditioned upon the applicant enforcing certain conditions including, but not limited to, those imposed for the protection of minors. Whenever deemed appropriate by the Liquor Commissioner, the failure of a licensee to enforce such imposed conditions may constitute grounds to suspend or revoke the liquor license of the licensee.

(D) Compliance with other laws. The adjacent premises facility, if approved, shall not in any manner be regarded to relieve the licensee of complying with any other requirement of law or ordinance.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8436, passed 7-5-05)

§ 96.16 CONSUMPTION ON PREMISES.

It shall be unlawful for anyone not having a temporary liquor license, or a Class A, AA, B, GC, R, or W license to sell, or offer for sale, any alcoholic liquor for consumption on the premises where sold or to permit the same to be consumed on the premises where sold; provided this section shall not in any way change, extend, or modify § 96.07. During the times and hours when wine may be served for consumption on the premises of a Class W license holder, the licensee shall: not allow or permit a customer, employee or other person to remove open alcohol from the designated service area; and, not serve, allow or permit any person to be served, be in possession of, or consume alcoholic liquor in the designated service area unless the person is utilizing the seating provided by the licensee.  
(Ord. 7728, passed 9-20-94; Am. Ord. 7905, passed 8-5-97; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8701, passed 6-1-10) Penalties, see § 96.99

§ 96.17 CHANGE OF LOCATION.

A liquor license issued pursuant to this chapter shall apply only on the premises described in the application and license.

The Liquor Commissioner may, in writing, permit the location to be changed but only upon written request of the licensee and where such request is in writing specifying the proposed new location and the reasons for the proposed change. No change in location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the ordinances of the City.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8806, passed 5-1-12) Penalties, see § 96.99

§ 96.18 PREMISES TO BE KEPT IN SANITARY CONDITION.

All premises used in conjunction with a license issued pursuant to this chapter shall be kept in clean, sanitary condition, and shall be kept in full compliance with all applicable federal, state, and local laws regulating the condition of premises used for the storage or sale of food for human consumption. All glasses and containers used in the consumption of alcoholic liquor shall be kept in a clean and sanitary condition.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8806, passed 5-1-12) Penalties, see § 96.99

§ 96.19 (RESERVED.)

§ 96.20 DAYS AND HOURS OF SALE.

(A) No person or establishment licensed to sell alcoholic liquor pursuant to this chapter shall sell, offer for sale, or serve any alcoholic liquors, nor shall any alcoholic liquors be consumed at the place of business of such licensee, except during the following described days and hours (all times being local Danville time):

- (1) For all license classifications, except Class AA, Class GC, Class W and Class T:
  - (a) Monday through Thursday, from 6:00 a.m. to 12:00 midnight;
  - (b) Friday and Saturday, from 6:00 a.m. to 2:00 a.m.; and
  - (c) Sunday, from 7:00 a.m. to 11:00 p.m.
- (2) For Class AA licenses:
  - (a) Monday through Saturday, from 6:00 a.m. to 2:00 a.m.; and
  - (b) Sunday, from 7:00 a.m. to 2:00 a.m.
- (3) For Class GC: 7:00 a.m. to 9:00 p.m. Monday through Sunday.
- (4) For Class W: 9:00 a.m. to 11:00 p.m. Monday through Sunday.

(5) For Class T, the days and hours shall be as set forth within such license when issued.

(6) On New Year's Eve, alcoholic liquor may be sold or offered for sale at any time between the hours of 6:00 a.m. on December 31 to 2:00 a.m. on January 1.

(B) Class A, P and Z license holders shall not be open for any purpose during the hours in which the sale of alcoholic liquor is prohibited.

(C) Any person or establishment licensed pursuant to this chapter shall be allowed one-half hour to remove the public from the premises under the day and time restrictions set forth in division (A) above. During such one-half hour period, no alcoholic liquor shall be sold, offered for sale or otherwise dispensed or furnished.

(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8701, passed 6-1-10; Am. Ord. 8788, passed 3-6-12; Am. Ord. 8806, passed 5-1-12) Penalties, see § 96.99

#### § 96.21 SALE WHERE DANCING PERMITTED.

Dancing may be permitted by the Liquor Commissioner in establishments licensed under the provisions of this chapter provided that said place contains a dance floor consisting of a minimum of 100 square feet, to be set aside and apart from other space and if the dance floor is used primarily for dancing to music furnished by a live band, orchestra, or a live disc jockey, hired on a contractual basis, playing recorded music. Dancing shall be restricted to, and permitted only in the place set aside for dancing. In evaluating an establishment's plans to allow dancing, or entertainment, the Liquor Commissioner shall require full compliance with Chapter 127 of the City's code of ordinances (Adult Businesses).

(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10)

#### § 96.22 (RESERVED.)

#### § 96.23 SALE OF LIQUOR AT GASOLINE STATIONS AND CONVENIENT STORES PROHIBITED.

No alcoholic beverage shall be sold, served or consumed at any business categorized as a gasoline station or convenient store.

(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

#### § 96.24 DRIVE-UP WINDOWS.

(A) Drive-up service windows that provide only for the sale of alcoholic liquor may, after appropriate review and approval by the Liquor Commissioner, be permitted for establishments licensed as Class P or Z under the terms of this chapter. In an effort to resolve or evaluate traffic-related issues related to drive-up windows, the Liquor Commissioner is encouraged to seek the advice of planning or traffic engineering professionals.

(B) Drive-up windows existing as of the effective date of this chapter shall be allowed to continue and be maintained.

(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03)

#### § 96.25 SALES NEAR CHURCHES AND SCHOOLS.

(A) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any: church; school, other than an institution of higher learning; hospital; home for aged or indigent persons; or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants or other places where the sale of alcoholic liquors is not the principal business (less than 50% of gross sales as determined by the Liquor Commissioner) carried on, if the place of business so exempted shall have been established for such purposes prior to the taking effect of this chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within 100 feet since the issuance of the original license.

(B) In the case of a hospital, the distance of 100 feet shall be measured to the nearest part of any building used for the provision of medical services to patients and not to property boundaries. In all other cases, the distance of 100 feet shall be measured from the nearest point of any lot, tract or parcel having a structure used for those purposes set forth in subsection (A) above, to the nearest point of any lot, tract or parcel on which there exists a single building used for the sale at retail of alcoholic liquor, provided that any "group" of lots, tracts or parcels that are from a practical or operational perspective, under the control of an applicant shall be considered one lot, tract, or parcel.

(C) Where multiple stores are contained in one building, the measurement of 100 feet shall be to that portion of the building owned, operated, or leased by a business which includes the sale of alcoholic beverages. If the sale of alcoholic liquor is contained in a separate area with no direct access to the balance of the store, the measurement shall be to the nearest wall of the store selling alcoholic beverages.

(D) Businesses licensed under the provisions of this chapter prior to the effective date of this chapter shall not be required to conform to the spacing provisions of this section, and they shall be allowed to rebuild and expand, except that such a business shall not be allowed to expand in such a way as to place it closer to a school or church, as herein defined.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8784, passed 2-7-12) Penalties, see § 96.99

§ 96.26 (RESERVED.)§ 96.27 INTERIOR OF PREMISES.

(A) View. Premises licensed to sell alcoholic liquor under the provisions of this chapter, except restaurants, hotels, or private clubs, shall have an exterior window and/or door which provides a clear view into the interior of the premises. No booths, screens, partitions, blinds, curtains, articles, or other things, nor any arrangements of lights or lighting shall be permitted in or about the interior of the premises, which create an obstruction and prevent a clear view of the interior of the premises.

(B) Lighting. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light and/or artificial light so that all parts of the interior of the premises shall be clearly visible.

(C) Obstruction. If the view or lighting required by this section shall be willfully obscured or in any manner obstructed, the license shall be subject to suspension or revocation in the manner provided in this chapter.

(D) Plans, drawings. In order to enforce the provisions of this section, the Liquor Commissioner shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the views into the premises and the available lighting and lighting fixtures within the premises. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03)

§ 96.28 CONNECTIONS WITH LIVING QUARTERS.

Except in hotels, motels, and clubs, there shall be no passageway or means of communication between the building or portion of any building in which alcoholic liquor is sold and any rooms used for living or sleeping quarters. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.29 DUTY TO REPORT DISTURBANCES.

It shall be the duty of the owner, operator, or person in charge of any premises covered by a liquor license issued pursuant to this chapter to promptly report to the police any disturbance, riot, breach of the peace, assault, battery, or injury occurring on the premises or any property used in association with the premises covered by such license. (Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.30 DUTY TO MAINTAIN THE PREMISES AND ADJACENT AREAS.

Licenses are responsible for keeping their premises, any property used in association with their premises, and any adjacent areas (as defined in Chapter 150), free from liquor

bottles, cans, food wrappings, broken glass and other refuse. The Liquor Commissioner, or his designee, shall issue a written notice to remove such refuse. If said licensee does not cause the refuse to be removed within 24 hours, the Liquor Commissioner may revoke the subject liquor license, or take whatever other legal steps are deemed appropriate to enforce this provision.

(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.31 AGE.

(A) The sale to, gift to, or purchase for or on behalf of any person which is prohibited by the statutes of the State of Illinois is hereby prohibited. If a licensee or his agents or employees believes that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, he or she shall, before making the sale or delivery, demand presentation of some form of positive identification containing proof of age.

(B) During business hours, no minor shall be permitted in any place or establishment where the sale of intoxicating liquor for consumption on the premises is permitted. Where the principal business of any establishment is something other than the sale of intoxicating liquor, this provision shall apply only to that portion of the premises used for the sale or serving of intoxicating liquor if that portion is confined to a separate room. Where the principal business of any establishment is something other than the sale of intoxicating liquor or the providing of amusement, a minor accompanied by his parent or legal guardian shall not be prohibited from entering these premises.

(C) With the exception of Class A, AA, P and Z license holders, nothing in this section shall be construed to prohibit a person of the age of 18 or above from serving, directly or indirectly, alcoholic beverages as an employee of an establishment licensed pursuant to this chapter. (Ord. 7728, passed 9-20-94; Am. Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.32 MINORS - PURCHASE, POSSESSION, CONSUMPTION.

(A) Except as provided in § 96.31(C), it shall be unlawful for any minor to purchase, accept a gift of or delivery of alcoholic liquor, or have alcoholic liquor in his or her possession.

(B) It shall be unlawful for any minor to consume alcoholic liquor.

(C) A license holder of a Class F, GC, or W license, or his representative, agent or employee, shall monitor at all times the presence of any person on the licensed premises to whom the sale, gift, or delivery of any alcoholic liquor is prohibited. (Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8701, passed 6-1-10) Penalties, see § 96.99

§ 96.33 MISREPRESENTATION OF AGE BY A MINOR.

(A) It shall be unlawful for any minor to represent that he or she is 21 years of age or older for the purpose of purchasing, accepting or receiving alcoholic liquor.

(B) It shall be unlawful for any minor to transfer, alter, or deface an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.34 POSSESSION OF ALCOHOLIC LIQUOR IN MOTOR VEHICLES.

(A) It shall be unlawful for any minor to transport, carry, possess or have any alcoholic liquor in, on or about any motor vehicle.

(B) The presence in a motor vehicle of any alcoholic liquor is prima facie evidence that it is in the possession of and is being carried by all persons occupying such motor vehicle at the time the alcoholic liquor is found, except under the following circumstances:

(1) If the alcoholic liquor is found directly on the person of one of the occupants; or

(2) If the alcoholic liquor is found in a motor vehicle for hire by a duly licensed driver in the due, lawful, and proper pursuit of his or her trade, the presumption above shall not apply to the driver.

(Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03) Penalties, see § 96.99

§ 96.35 LIQUOR COMMISSIONER; SUSPENSION/REVOCAION OF LICENSE.

(A) The Mayor shall serve as the City's Liquor Commissioner. The Liquor Commissioner shall have such powers and perform such duties as are prescribed by state law and this chapter.

(B) If warranted, as determined by the Liquor Commissioner, an advisory committee may be formed to review the merits of a particular issue relative to the provisions of this chapter. Such a committee shall be advisory, with the Liquor Commissioner retaining full power to accept or reject recommendations made by the committee. After a public hearing, and in conformance with the committee's recommendations, the Liquor Commissioner may modify or vary the requirements of this chapter in order to accommodate unforeseen circumstances, provided the modification or variance requested does not negatively affect the health, safety, and well-being of the community or the neighborhood in which the premises is located.

(C) The Liquor Commissioner, or any law enforcement officer, may enter upon a premises licensed pursuant to this chapter, at any time, to determine whether any of the provisions of state law or City ordinances 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.

(D) The Liquor Commissioner may examine, or cause to be examined, the financial books and records of a licensee, and to hear testimony and take evidence for use in the performance of his duties under this chapter.

(E) The Liquor Commissioner may adopt other rules and regulations regarding the administration and enforcement of the provisions of this chapter as deemed necessary.

(F) The Liquor Commissioner may suspend or revoke any license issued under this chapter for any of the following reasons:

(1) Violation of any provision of this chapter or any other related City ordinance; violation of any state law pertaining to violations involving alcohol; failure to pay retail sales taxes; permitting gambling on the premises covered by the license, except that sale of lottery tickets or any act done in connection with the Illinois Lottery Law shall not be considered gambling; failure to report or pay when due the City's liquor tax;

(2) The willful making of any false statement as to a material fact in the application for a license;

(3) Failure to comply with any rules or regulations promulgated by the Liquor Commissioner;

(4) Failure to pay any fines or costs imposed pursuant to this chapter within 21 days of notice of the imposition of such fines or costs;

(5) Failure to answer under oath all relevant and material questions propounded to the licensee at a hearing conducted pursuant to this chapter; or

(6) Failure to maintain dram shop insurance and the bond required by this chapter.

(G) In lieu of, or in addition to, the suspension or revocation of a license, the Liquor Commissioner may impose a fine of not less than \$100 nor more than \$10,000 for a violation of this chapter. Each day that a violation continues shall constitute a separate offense.

(H) No license issued under this chapter shall be revoked or suspended or any fines or costs imposed except after a public hearing held by the Liquor Commissioner. The licensee shall be given a three-day written notice of such hearing affording the licensee an opportunity to appear and defend. The Liquor Commissioner shall maintain an accurate record of the proceedings.

If the Liquor Commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community, the Liquor Commissioner may, upon the issuance of a written order stating the reason for the conclusion and without notice or hearing, suspend the license and order the premises closed for not more than seven days. The licensee shall be given an opportunity to be heard within such seven-day period. The seven-day period shall begin on the date of the closing. If the licensee is engaged in the conduct of another business on the licensed premises other than the sale of alcoholic liquor, the closure order shall not be applicable to such other business.

After a hearing conducted pursuant to this chapter, the Liquor Commissioner shall make a final determination concerning the license at issue. Upon making such determination, the Liquor Commissioner shall prepare a written order stating the reason or reasons for the determination and the amount of any fines or costs imposed, the period of suspension or that the license has been revoked. The Liquor Commissioner shall serve a copy of the written order upon the licensee.  
(Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8806, passed 5-1-12)

#### § 96.36 APPEALS.

(A) Any order or action of the Liquor Commissioner may, within 20 days after notice of such order or action, be appealed to the State Liquor Control Commission.

(B) All appeals to the State Liquor Control Commission shall be limited to a review of the official record of the formal proceedings before the Liquor Commissioner.

(C) If an appeal is sought by a licensee, all costs of preparing and transcribing the official record on appeal to the State Liquor Control Commission shall be borne by the licensee.

(D) Upon the decision of the Liquor Commissioner being upheld on appeal or upon the failure of the licensee to appeal within the appeal period, the licensee shall be responsible for the payment of all costs borne by the City in relation to bringing the hearing, including but not limited to court reporter costs and fees, attorney's fees, and witness and mileage fees.  
(Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10)

#### § 96.37 POSSESSION OF ALCOHOLIC LIQUOR ON CITY PROPERTY.

(A) No person shall transport, carry, or possess any alcoholic liquor, except in the original package and with the seal unbroken, in any City park or other real property owned or controlled by the City.

(B) The sale or consumption of alcoholic liquor may be permitted in a City park or on other real property owned or controlled by the City pursuant to a Class GC, or W liquor license or a temporary liquor license issued by the Liquor Commissioner.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8701, passed 6-1-10) Penalties, see § 96.99

#### § 96.38 DEFINITIONS.

(A) General. For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively. Any pertinent word or term not part of this listing, but vital to the interpretation of this chapter, shall have its usual definition as determined by the City's Corporation Counsel. When administering this chapter, the following rules shall apply:

(1) Present tense includes the future tense.

(2) The masculine gender includes the feminine and the neuter.

(3) The singular number includes the plural, and vice versa.

(4) The word "shall" is always mandatory, while the word "may" is always permissive.

(B) "ADJACENT PREMISES FACILITY." A defined area that is generally enclosed, but not necessarily under roof, which shall not extend more than 100 feet from the nearest exterior wall of the structure containing the premises licensed under this chapter.

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

(D) "ALCOHOLIC LIQUOR" or "ALCOHOLIC BEVERAGE." Any spirits, wine, beer, ale, or other liquid containing alcohol which is fit for beverage purposes, as defined in the Illinois Compiled Statutes.

(E) "APPLICANT." An individual, co-partnership or corporation which seeks to be licensed under the provisions of this chapter. In the case of a club, applicant shall mean the officers, directors and person operating as manager, and in the case of a corporation, it shall mean the officers, directors, all persons owning directly or beneficially any stock of such corporation and the person operating as manager of the premises.

(F) "BEER." A beverage which meets the definition of alcohol, 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, porter and the like.

(G) "BOTTLE CLUB." Any establishment, building or room used on a regular basis for the serving or consumption of alcoholic liquors brought into the establishment by the patrons for which any fee, subscription, membership, donation or consideration of any kind, direct or indirect, is charged or accepted, or which establishment provides for the sale of any retail items of any kind or nature whatsoever, including, but not limited to the retail sale of food or general merchandise.

(H) "CITY." The City of Danville, Illinois, located in the County of Vermilion.

(I) "CLUB." An association of individuals organized under the laws of this state, not for pecuniary profit, but for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or a space in a building of such extent and character as suitable and adequate for the reasonable and comfortable use of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment and maintain a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests. The affairs and management shall be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and no member or any officer, agent, or employee of the club shall be paid, directly or indirectly, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or to the members of the club or its guests, beyond the amounts of salary fixed and voted out of the general revenue of the club by the members at an annual meeting or by its board of directors, or other governing body.

(J) "CONVENIENT STORE." A business (no greater than 20,000 square feet in size) that sells a limited variety of food products, general merchandise, and other convenience items; but which may also sell, as an incidental use, gasoline, oil or other automotive products. To be considered a convenient store more than 50% of the gross sales of the business must be derived from the sale of products other than gasoline, oil and other automotive products.

(K) "DRIVE-UP WINDOW." An opening in the wall of a structure which can be opened thereby allowing merchandise to be passed from

inside said structure to a person outside of said structure. Said windows are generally designed to serve customers that remain in their motor vehicles as they pass along side the drive-up window, but may also be used to serve pedestrian or individuals on bicycles.

(L) "DRUG STORE." A business (no less than 10,000 square feet in size) that sells over-the-counter medicines, medical supplies, and other health-related products and merchandise, and often employs a pharmacist to fill medical prescriptions; but which may also sell, as an incidental use, other general merchandise and convenience items. To be considered a drug store, more than 50% of the gross sales of the business must be derived from the sale of prescriptions, over-the-counter medicines, medical supplies, and other health-related products and merchandise.

(M) "GASOLINE STATION." A business or portion thereof used for the retail sale of gasoline, oil, or other fuel, parts, supplies, or accessories for motor vehicles; but which may also include, as an incidental use, the sale of food and other convenience items. To be considered a gasoline station, more than 50% of the gross sales of the business must be derived from the sale of motor fuel and other automotive related products.

(N) "GROCERY STORE." A business (no less than 20,000 square feet in size) where more than 50% of the gross sales are derived from the sales of groceries, produce, fresh meat, and associated products. For purposes of this chapter, the term "GROCERY STORE" shall include a retail business which is in excess of 100,000 square feet and includes the sale of grocery items, but where such sales may not exceed 50% of gross sales.

(O) "HOTELS AND MOTELS." 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 where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of guests, and having one or more public dining rooms where meals are served to guests. The sleeping accommodations and dining rooms being conducted in the same building or structure shall be provided with adequate capacity and sanitary kitchen and dining room equipment.

(P) "LIQUOR COMMISSIONER." The Mayor of the City of Danville, Illinois, shall serve as the Liquor Commissioner.

(Q) "MINOR." Any individual who has not attained the age of 21 years.

(R) "MALT BEVERAGES." All beer, lager beer, ale, and porter which have an alcoholic content not to exceed 20% of alcohol by weight.

(S) "MANUFACTURE." To distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor, whether for one's self or for another, and includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted by law to serve drinks for consumption on the premises where sold. All containers or packages of blended alcoholic liquors shall have affixed thereto a label setting forth and stating clearly the names of all ingredients which the blended alcohol liquors offered for sale shall contain.

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

(U) "PACKAGE LIQUOR STORE." A business where retail sales of alcoholic liquor in its' original package constitutes the primary purpose of said business such that the substantial majority of gross sales at said business come from the retail side of alcoholic liquor, and where alcoholic liquor is not generally available by the drink.

(V) "PERSON." Any individual or partnership (except a limited partnership), club, or association not incorporated.

(W) "PREMISES." The area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation and sale of alcoholic liquor, but specifically excluding any outside areas such as patios, open porches, rooftops, balconies, stoops, sidewalks, yards, driveways, parking lots, and similar outside areas; except as otherwise stated.

(X) "RESTAURANT." Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are regularly served within the premises, without sleeping accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and employing sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. To be considered a "RESTAURANT", more than 60% of the gross sales of the business must be derived from the sale of prepared or fresh food and other food-related products for consumption on the premises. As used in this chapter, the term "RESTAURANT" shall not include those businesses that serve food directly to customers in motor vehicles for consumption either on or off the premises.

(Y) "SALE AT RETAIL." The sale for use or consumption and not for resale.

(Z) "SALE." Any transfer, exchange or barter in any manner, or by any means whatsoever, including all sales made by any person, whether principal, proprietor, agent, servant or employee.

(AA) "VINOUS BEVERAGES" or "WINE." 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 obtained by distillation, containing an alcoholic content not to exceed 20% alcohol by weight.  
(Ord. 7728, passed 9-20-94; Am. Ord. 7905, passed 8-5-97; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10; Am. Ord. 8788, passed 3-6-12; Am. Ord. 8806, passed 5-1-12)

#### § 96.39 SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or provision of this chapter is held to be invalid, such holding shall not affect, impair or invalidate the remainder of this chapter.  
(Ord. 7728, passed 9-20-94; Am. Ord. 8327, passed 11-4-03)

#### § 96.99 PENALTIES.

(A) Each violation of a section of this chapter for which no other penalty is provided shall subject the offender to a fine of not less than \$100 nor more than \$10,000.

(B) Upon a conviction for a violation of § 96.31, § 96.33 or § 96.37, the offender shall be fined not less than \$150 nor more than \$1,000 for each offense.

(C) Upon a conviction for a violation of § 96.32 or § 96.34, the offender shall be fined not less than \$150 nor more than \$1,000 for each offense.

(D) In addition to any fine imposed hereunder, the offender shall be ordered to pay all costs and fees incurred by the City in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.  
(Ord. 8108, passed 7-5-00; Am. Ord. 8327, passed 11-4-03; Am. Ord. 8691, passed 3-16-10)