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Bruce Clark
COUNTY CLERK
KANKAKEE COUNTY

ORDINANCE NO. 2011 - O - 06

LIQUOR LICENSES

Whereas, the Village of Hopkins Park is a home rule municipality, it does hereby adopt this ordinance pursuant an exercise of its home rule powers;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Hopkins Park, Kankakee County, Illinois, an Illinois home rule municipality, as follows:

Section 1: Chapter 12, Article III, Section 10 of the Municipal Code of the Village of Hopkins Park, Illinois, of 1984, as amended, is hereby amended to read in full as follows:

> Section 10: Number of Licenses. There shall be issued in the Village of HopkinsPark no more than three (3) Class A licenses and one (1) Class B license to be in effect at any time.

Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law. The Village Clerk is hereby ordered to publish this Ordinance in pamphlet form.

PASSED this 20th day of September, 2011, by the corporate authorities of the Village of Hopkins Park on a roll call vote as follows:

AYES: 6

NAYS: 0

ABSENT: 0

ARTICLE III. DEALERS IN INTOXICATING LIQUORS

Section 1: License Required. It shall be unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a license permitting the sale or offering for sale issued by the authority of the Village of Hopkins Park.

Section 2: Definitions. Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definitions given as follows:

Alcoholic liquor - any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.

Retail sale - the sale for use or consumption, and not for resale.

Section 3: Applications. Applications for a license to sell or offer for sale at retail in the village shall be accompanied by a copy of the lease covering the term of the license and shall be made to the President of the Board of Trustees in writing at least thirty days prior to the issuance of the license, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and containing the following information and statements:

(a) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;

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

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

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

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

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

(g) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Article, laws of this State, or the Ordinances of the Village of Hopkins Park;

(h) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

(i) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinance of the Village of Hopkins Park in the conduct of his place of business.

Section 4: Restriction on Licenses. No such license shall be issued to:

(a) A person who is not a resident of the Village of Hopkins Park;

(b) A person who is not of good character and reputation in the community in which he resides;

(c) A person who is not a citizen of the United States;

(d) A person who has been convicted of a felony under the laws of the State of Illinois;

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

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

(g) A person whose license issued under this article has been revoked for cause;

(h) 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;

(i) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(j) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(k) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

(l) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this article, or shall have forfeited his bond to appear in Court to answer charges for any such violation;

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

(n) Any law enforcing public official, any President of the Village of Hopkins Park Board of Trustees, any member of a Village of Hopkins Park Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

(o) Any person, association or corporation not eligible for a State Retail Liquor Dealer's License.

Section 5: Termination. Any license granted hereunder shall be terminated at such time as the resident's requirements of this article are no longer met. The termination of such license shall be made by the President, by informing said licensee that said license has been terminated by sending a registered letter or posting a notice on the front door of the store or building wherein such license permitted the sale or offering for sale of alcoholic beverages at retail.

Section 6: Term - Pro-Rating Fee. Each such license shall terminate on the 30th day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

Section 7: Fees. Such licenses shall be, and are hereby divided into two classes, to wit:

(1) Class A licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be $500.00 payable as hereafter provided.

(2) Class B licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption off the premises, only if said sales be in conjunction with the retail business of a grocery store or supermarket dealing in the main food stuffs. The annual fee for such license shall be $500.00, and said full amount of $500.00 shall be submitted with the application.

Licenses issued under the terms of this article shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be $500.00, one-half of which amount, or the sum of $250.00 shall be payable on the 30th day of April each year when the licenses are issued, and one-half of said amount, or the sum of $250.00 shall be payable on the 30th day of October each year. If an application for such license shall be made between the 30th day of April and the 30th day of October of any year, then such application shall be accompanied by $250.00 for such six month period, or any part thereof. If an application for such license shall be made between the 1st day of November and the 30th day of April of any year, then such application shall be accompanied by $250.00 for such six month period, or any part thereof.

Section 8: Disposition of Fees. All such fees shall be paid to the President at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Board of Trustees, by proper action.

Section 9: Consumption on Premises. It shall be unlawful for anyone not having a Class A 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.

Section 10: Number of Licenses. There shall be issued in the Village of Hopkins Park no more than two (2) Class A licenses and one (1) Class B license to be in effect at any time.

Section 11: List. The President shall keep or cause to be kept a complete record of all such licenses issued by him.

Section 12: Transfer of License. A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this article 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 of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee, or to the end of the licensed year whichever is the shorter.

Section 13: Renewal of License. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Board of Trustees and President from decreasing the number of licenses to be issued within his or their jurisdiciton.

Section 14: No Refund on Transfer. If any person, firm, partnership or corporation holding a license under this article sells, transfers, assigns or discontinues his business during the licensed year then he shall not receive any refund from the Village for any unused portion of such license and the new owner or transferee shall make application as provided for herein and shall submit with said application the sum necessary for a license as provided for herein to the end of the licensed year.

Section 15: Change of Location. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the ordinances of the Village.

Section 16: Sale Hours. Retail sales of alcoholic liquor as provided for herein shall be made only during the following hours: Sunday Twelve (12) midnight to Two (2) A.M.; Eleven (11) A.M. to Twelve (12) midnight; Weekdays 7:00 A.M. to One (1) A.M.

Section 17: Revocation - Suspension. The President may suspend or revoke any license to sell alcoholic beverages at retail for any violation of any provision of this article or for the violation of any State law pertaining to the sale of alcholic liquor, as provided by law.