LIQUOR LICENSING & ALCOHOL-RELATED CONSIDERATIONS:

TOWN OF NORMAL

- Apply for liquor licenses through Town Clerk:

Applications for license shall be made in writing to the Commissioner, signed by the applicant, if an individual, by all participating parties of a partnership, or by a duly authorized officer thereof, if a club or corporation, verified by affidavit, and shall be submitted to and filed with the Town Clerk at least thirty (30) days prior to the issuance of any license. The applicant shall, at the time of application, file with the Town Treasurer, a non-refundable filing fee in the amount of $100.00 by certified check, cashier’s check, bank money order, personal money order, or postal money order.

Requirements for application include:

- Three complete sets of building or remodeling plans showing compliance with all Town Codes and which indicate where liquor will be stored, sold and served in the building, outdoor garden or other area for which applicant is seeking a license. For premises licensed for consumption on the premises, the plans shall include a “floor plan” indicating the nature and location of all seating.

- Bond. Each and every applicant for a license, or renewal thereof, shall, simultaneously with the application therefore and prior to the issuance thereof, execute and deliver a bond in the penal sum of $10,000.00 to the Town as the obligee. Said bond shall be conditional for the faithful performance of all provisions of this Chapter and all amendments thereto and the payment of all fines and penalties by reason of the violation thereof with security to be approved by the Commissioner. The maximum liability of any and all sureties on said bond shall be limited to the penalty thereof, to wit, the sum of $10,000.00.

- Dram Shop Insurance. Each applicant for a license shall furnish, contemporaneously with the application and bond, evidence of insurance coverage against Dram Shop liability under 235 ILCS 5/6-21, covering the proposed licensee and the owner of the premises for a full twelve (12) month period from the date of the application. Evidence of similar coverage shall be furnished as a condition for each and every annual renewal of any license hereunder.

- A detailed statement as to the general nature of the applicant’s anticipated business, including a financial statement and a business plan. The financial statement shall include a list of the entity’s assets, debts and anticipated assets and debts such that a fair assessment can be made of the applicant’s financial condition. The business plan shall include the applicant’s projected income by source and expected expenses, including operating costs, capital costs and other expenses such that a fair assessment of the likelihood of success can be made.

- For restaurant license applications, a copy of the proposed menu of food items that the establishment will offer for sale.
Restrictions for license issuance include:

- person not 21 years old or who is under any legal disability
- person who is not of good character and reputation in the community in which he resides
- person who has been convicted of a felony under any federal or state law unless the Commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust
- person who has been convicted of being the keeper or is keeping a house of ill fame
- person who has been convicted or pandering or other crime or misdemeanor opposed to decency and morality within the last three (3) years
- corporation, if any stockholder owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason
- 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
- Any law enforcing public official, the mayor or member of the Town Council. No Town regular employee and no member of the Board of Fire and Police Commissioners shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor within the Town’s boundaries
- Any person convicted of a violation of selling or furnishing alcohol to a minor within the preceding five (5) years

Classifications and Fees include:

- Class A ($3,000/year) – All liquor – off premises consumption
- Class B ($500 - $1,000/year) – Beer only – on premises consumption
- Class C ($100 - $2,000/year) – Beer and wine only – on premises consumption
- Class D ($600 - $3,000/year) – All Liquor – on premises consumption
- Class E ($3,000/year) - Hotels
- Class F ($100/year or $25/year if have another license) – Catering
- Class G ($100/day & $50/subsequent day) – Secondary Premises (must have current license)
- Class H ($250/year) – Outdoor Gardens and Sidewalk Cafes (must have current license – e.g., Buffalo Wild Wings outdoor patio)
- Class I ($50/day or year if have another license) – Wine Tasting
- Class J ($25/day) – One Day Extended Premises (current license holder can sell in another approved area other that premises covered by license on a certain)
- Class K ($100/license) – One Day License (must be must be civic, service, charitable, fraternal or social organizations, groups or entities generally recognized as such in the community, with a degree of permanence and continuity demonstrated by not less than three years of continuous prior local organized existence)
- Class L ($250/year) – Para-mutuel Betting Parlor (e.g., Swingers)
- Class M ($2,500-$3,000/year) – Brewpub (e.g., Destihl)
- Class N ($3,000/year) – Stadium License (e.g., Cornbelters)
- Class O ($3,000/year) – Limited Hours (can sell beer/wine on premises and separately packaged beer/wine for off-premises consumption). (e.g., Stave Wine Bar)
-Reviewed by Liquor Commission, which can:

- issue written reprimands to license holders, fine license holders, and/or suspend or revoke any liquor license, as appropriate;
- receive applications, investigate applicants and grant or renew Liquor Licenses; and
- update the Liquor Code of the Town.

-Governed by Town of Normal Code (Chapter 4)

- SEC. 4.1 PURPOSE. The purpose of this ordinance is to provide administration for licenses and permits and for local regulations and procedures for the conduct of sale and consumption of alcoholic liquor for the general welfare of this community.

- SEC. 4.3 PROHIBITIONS. A.) It shall be unlawful to sell, offer or keep for sale, or possess for sale, alcoholic liquor or beer, except under the terms, conditions, limitations, and restrictions enumerated within this Chapter and the laws of the State of Illinois. A license issued by the Normal Local Liquor Commissioner shall be required prior to the sale of alcoholic liquor within the corporate limits of the Town of Normal in accordance with the terms of this Chapter.

- SEC. 4.3 PROHIBITIONS. F.) Except during approved private employee parties, it shall be unlawful for any licensee to permit or allow any bottle, glass, cup, pitcher, tumbler, or other container of or containing alcoholic liquor to remain in the possession of any customer or at any location accessible to customers before or after the hours during which the sale of such alcoholic liquor is permitted.

- SEC. 4.3 PROHIBITIONS H.) No individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.

- SEC. 4.3 PROHIBITIONS N.) No licensee or employee of a licensee shall consume alcoholic liquor while on duty at a licensed establishment, nor shall any licensee or employee of a licensee perform work at a licensed establishment while under the influence of alcohol. The foregoing shall not prohibit, however, a licensee or an employee of a licensee at a brewpub from customary sampling of beer during the brewing, fermentation and conditioning procedures and for other quality control tests provided such licensee or employee is not under the influence of alcohol.

- SEC. 4.15 EMPLOYMENT OF UNDERAGE PERSONS. It shall be unlawful for any individuals under 19 years of age to sell, serve, pour or mix alcoholic liquor in a licensed establishment. It shall be unlawful for any licensed establishment to employ or permit any individual under 19 years of age to sell, serve, pour or mix alcoholic liquor.
SEC. 4.18 HEARINGS. License may be revoked or suspended, a fine imposed or a reprimand issued by the Commissioner only after a public hearing as follows:

No license shall be revoked or suspended nor shall a fine be imposed or a reprimand issued except after a public hearing with a three-day written notice to the licensee affording the licensee an opportunity to appear and defend. It shall be deemed sufficient notice if the notice is sent by regular mail to the licensee’s resident agent. The public hearing may be held by the Commissioner or by a hearing examiner.

Hearing Procedures:
- The licensee shall at all times be afforded due process including the right to subpoena witnesses in his own behalf, the right to hear witnesses and evidence given against him, the right to counsel, the right to cross-examination, and the right to demand a written specification of charges against him in advance of the hearing.
- Witnesses shall be sworn, but in all other respects the hearings shall be informal and strict rules of evidence shall not apply including rules prohibiting hearsay.
- A certified court reporter shall at the public hearing take the complete record of all evidence, testimony and comments and, upon notification by the Commissioner, shall prepare a certified official record of the proceedings suitable for filing with the State Liquor Control Commission and that all reviews of the proceedings of the Commissioner be “on the record” so that the State Commission’s scope of review is limited to those three (3) instances stated therein. The cost of taking and preparing the certified official record of the proceeding shall be shared equally between the Commissioner and the Licensee, with payment of the Licensee’s share to be made to the Town at or before the time the Order of the Commissioner becomes effective, provided, however, if the Order action or decision of the Commissioner is reversed by the State Commission or a court of law, any such payment made by the Licensee shall be returned.
- No person shall make a false statement to the Commissioner.

Reprimands, Fines, Suspensions, Or Revocation:
- After public hearing as provided herein, and if the Commissioner determines that any of the grounds for fine and/or suspension or revocation of a license exist of this Chapter, the Commissioner may do any of the following:
  - Direct a written reprimand to the licensee. A copy of said reprimand shall be made a part of the liquor license application file which is preserved in the office of the Town Clerk.
  - Impose a fine against the licensee. Any fine imposed shall not exceed $10,000.00 for each violation. Each day on which a violation continues shall constitute a separate violation for which a separate fine may be assessed. Fines shall be payable in the manner indicated in any order which results from a hearing, or as the Liquor Commissioner may otherwise specify in writing, and the failure to pay any part of a fine as so indicated or specified may result in the license being summarily suspended or revoked by the Liquor Commissioner. The licensee may request a hearing on such action; but, pending a hearing and a decision thereon by the Liquor Commissioner, the license shall remain suspended or revoked. It shall be the duty of each licensee who cannot make a fine payment as indicated or specified to request a hearing at the earliest possible time to explain the situation and request that license(s) not be suspended or revoked, as provided for herein, or for any other reason. Any fine may be collected in court as provided by law.
  - May suspend the liquor license of such licensee for a period of not more than 150 days.
  - May revoke the liquor license of such licensee.
- In making his determination to reprimand, fine, suspend or revoke, or in determining the amount of a fine imposed or the length of a suspension imposed, the Commissioner may consider any of the following:
  - The nature of the violation;
  - The record of the licensee with regard to violations;
  - Past action of the Commissioner in comparable situations;
  - The factual situation and circumstances surrounding the violation.
CITY OF BLOOMINGTON

License Classifications:

- Class "CA" (Clubs - All Types of Alcoholic Liquor)
- Class "CB" (Clubs - Beer and Wine Only)
- Class “EA” (Entertainment/Recreational Sports Venue – All Types of Alcoholic Liquor)
- Class “EB” (Entertainment/Recreational Sports Venue – Beer and Wine Only)
- Class "GPA" (Convenience Store - All Types of Alcohol)
- Class "GPB" (Convenience Store - Beer and Wine Only)
- Class "LA" (Limited - All Types of Alcoholic Liquor)
- Class "LB" (Limited - Beer and Wine Only)
- Class "MA" (Motel/Hotel Rooms - All Types)
- Class "MB" (Motel/Hotel Rooms - Beer and Wine Only)
- Class "O" (Outdoor)
- Class "PA" (Package Sales - All Types of Alcoholic Liquor)
- Class "PB" (Package Sales - Beer and Wine Only)
- Class "RA" (Restaurant - All Types of Alcoholic Liquor)
- Class "RB" (Restaurant - Beer and Wine Only)
- Class "S" (Sunday)
- Class "SA" (Secondary Premises - All Types of Alcohol)
- Class "SB" (Secondary Premises - Beer and Wine Only)
- Class “SPA” (Seasonal Performance – All Types of Alcohol)
- Class “SPB” (Seasonal Performance – Beer and Wine Only)
- Class “ST” (Stadium)
- Class "TA" (Tavern - All Types of Alcoholic Liquor)
- Class "TB" (Tavern - Beer and Wine Only)
- Class "W" (Catering)
McLEAN COUNTY

31.19 LICENSE CLASSIFICATIONS

Licenses shall be divided into six classes as follows:

(A) Class A License: Class A licenses shall authorize the retail sale of alcoholic beverages as defined in this Ordinance on the premises specified for consumption on such premises as well as other retail sales of such alcoholic beverages.

(B) Class B License: Class B licenses shall authorize the retail sale of beer or wine as defined in this Ordinance on the premises specified for consumption on such premises as well as other retail sales of such beer or wine.

(C) Class C License: Class C licenses shall authorize the sale of alcoholic beverages as defined in this Ordinance on the premises specified in packages or original containers unopened, at retail, not to be consumed on such premises where sold.

(D) Reserved

(E) Class E License: Class E licenses shall authorize the retail sale of beer or wine as defined in this Ordinance on the site specified for consumption on such site in connection with a one-day special event held by a non-profit organization. Such licenses shall be issued only to said non-profit organization. (Amended 6-17-86)

(F) Class F License: Class F licenses shall authorize the retail sale of alcoholic beverages as defined in this Ordinance on specified premises for consumption on such premises in connection with private social functions, including but not limited to weddings, birthday parties, retirement parties, religious events, graduation parties, family and school reunions, attendance at which is by invitation only and does not require purchase of a ticket or payment of a fee for admission the function. Such licenses shall be issued only to persons who either have a Class A or B license issued by McLean County or holders of a comparable license issued by any town, city or village for premises located within McLean County and shall only authorize the holder to sell the type of alcoholic beverages authorized by the holder’s McLean County, town, city, or village license. There shall be a separate license required for each function and there will be no more than 12 licenses issued to any one license holder during any calendar year. (Added 9-21-2010)

(G) Class G License: Class G license shall authorize the retail sale alcoholic beverages in outdoor gardens as defined in the ordinance for consumption in the outdoor gardens. Class G licenses may only be issued to holders of Class A or B license. (Added 8-16-05)
STATE OF ILLINOIS

RETAILER’S LIQUOR LICENSE

DEFINITION: A Retailer’s Liquor License shall allow the licensee to sell and offer for sale at retail, only at the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form; provided that any retail liquor license issued to a manufacturer shall only permit such manufacturer to sell alcoholic beverages at retail on the premises actually occupied by such manufacturer [235ILCS 5/5-1(d)], the only exception being a wine-maker’s retail license—2nd location [235 ILCS 5/5-1(i)]. All applicants for licensing as a liquor “retailer” must complete this application form. Respond to all questions on the application and furnish all required supporting documents. Failure to do so will result in the rejection of the application and non-issuance of a state liquor license.

The following documents and information are REQUIRED prior to receiving state license:

1) Photocopy of Certificate of Insurance if alcohol will be consumed on-premise;

2) Photocopy of Current Local Liquor License;

3) Prior State Liquor License (if applicable);

4) Bulk Sales Release Order—Address Release (if applicable);

5) Proof of Purchase, e.g., bill of sale or closing statement (the closing on the purchase of business must occur prior to applying for state license); IMPORTANT: You must also present proof that the applicant (e.g., Corporation, LLC, Partnership, or Sole-Proprietor) has the right to possession of the property (e.g., Recorded Deed or Lease). If there is an existing state liquor license on the premise, this license should be surrendered (if available);

6) Federal Employer Identification Number (FEIN);

7) Illinois Business Tax (Sales Tax Account) Number, if applicable;

8) Check or Money Order payable to the “Illinois Liquor Control Commission” for the $500.00 Retailer’s Liquor License fee;

9) This application with the information requested printed or typed in the spaces provided. This form MUST bear an Original Signature.
FEDERAL GOVERNMENT

Liquor Laws and Regulations for Retail Dealers

Retail dealers of distilled spirits, wine or beer must comply with certain requirements of federal laws and regulations. Failure to comply with these requirements carries severe penalties and renders the dealer liable to criminal prosecution. This publication summarizes the more important provisions of federal laws and regulations applicable to retail dealers.

Retail Dealers Must Register with TTB

Although the special tax for retail dealers has been repealed, every retail dealer is still required to register with TTB.

Refilling, Reusing and Disposing of Liquor Bottles

- Refilling or reusing liquor bottles - Any retail dealer, or agent or employee of such dealer, who refills any liquor bottle with distilled spirits, or who reuses any liquor bottle by adding distilled spirits or any substance (including water) to the original contents is subject to a fine of not more than $1000 or imprisonment for not more than 1 year, or both.
- Disposition of liquor bottle - The possession of used liquor bottles by any person other than the one who emptied the contents thereof is prohibited, except that this prohibition shall not:

  (1) prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises
  
  (i) for delivery to a bottler or importer on specific request for such bottler or importer;
  
  (ii) for destruction either on the premises on which the bottles are emptied or elsewhere, including disposition for purposes which will result in the bottles being rendered unusable as bottles; or
  
  (iii) in the case of unusual or distinctive bottles, for disposition as collectors' items or for other purposes not involving the packaging of any products for sale;

  (2) prevent any person from possessing, offering for sale, or selling such unusual or distinctive bottles for purposes not involving the packaging of any product for sale; or

  (3) prevent any person from assembling used liquor bottles for the purpose of recycling or reclaiming the glass or other approved liquor bottle material.

Any person possessing liquor bottles in violation of law or regulations is subject to a fine of not more that $1000, imprisonment for not more than 1 year, or both.
Required Records

All retail dealers must either keep a record in book form showing the date and quantity of all distilled spirits, wine and beer received on their premises, and from whom received, or keep all invoices of, and bills for all distilled spirits, wine or beer received. Also, every retail dealer is required to keep a record of sales of distilled spirits, wine or beer in quantities of 20 wine gallons or more to the same person at the same time, which shows (a) the date of sale, (b) name and address of purchaser, (c) kind and quantity of liquors sold and (d) the serial numbers of any full cases of distilled spirits in the sale. A dealer who, with fraudulent intent, fails or refuses to keep the required records, is subject to a fine of not more than $10,000 and imprisonment for not more than 5 years, and a dealer who, without fraudulent intent, fails to keep the required records is subject to a fine of not more than $1000, imprisonment for not more than 1 year, or both.

Inspection by Alcohol and Tobacco Tax and Trade Officers

A retail dealer's place of business and the stock of liquors are subject to inspection by TTB officers having proper credentials. The TTB officers are authorized to examine records and to accept tender of offers in compromise of liability arising from a violation of Federal liquor laws. The TTB officer will issue a receipt to a dealer for any type of remittance received if the dealer requests a receipt.

If any dealer forcibly rescues any liquor or other property seized by a TTB officer, or attempts to do so, he is subject to a fine of either not more than $500 or double the value of the property rescued, whichever is greater, or imprisonment for not more than 2 years. Any retailer who forcibly obstructs or attempts to obstruct a TTB officer in the performance of his duties is subject to a fine of not more than $5000 or imprisonment for not more than 3 years, or both, except that if the offense is committed only by threats of force, the person convicted thereof shall be fined not more than $3000 or imprisoned for not more than 1 year, or both.
DRAM SHOP CONSIDERATIONS:

Section 6-21 of the Liquor Control Act of 1934 (the Dramshop Act) (235 ILCS 5/6-21) creates a cause of action against owners of businesses that sell liquor, and also against lessors or owners of the premises on which the liquor is sold, for physical injury to a person, for injury to tangible property, or for injury to means of support or loss of society, but not both, caused by an intoxicated person.

Under the Illinois Dramshop Act, a Plaintiff can recover from licensees involved in the sale or gift of alcoholic beverages for damages after demonstrating:

1. Proof of sale or gift in Illinois;
2. Injuries sustained by a third party as a result of tortious act of the patron;
3. Proximate cause between the sale or gift and intoxication; and
4. Intoxication is at least one cause of the third party’s damages.

- Each action hereunder shall be barred unless commenced within one year next after the cause of action accrued.
- However, a licensed distributor or brewer whose only connection with the furnishing of alcoholic liquor which is alleged to have caused intoxication was the furnishing or maintaining of any apparatus for the dispensing or cooling of beer is not liable under this Section, and if such licensee is named as a defendant, a proper motion to dismiss shall be granted.

Amount of minimum dram shop liability coverage allowed for 2015 increased to $211,094.19

The Illinois Liquor Control Act of 1934 [235 ILCS 5/6-21(a)] requires the Illinois Comptroller to determine each year the liability limits for causes of action brought under the Act in accordance with the consumer price index-u (CPI-U) during the preceding 12-month calendar year.

According to the Bureau of Labor Statistics of the United States Department of Labor, the CPI-U increased 0.76 percent during the preceding calendar year. Based upon the previous determinations, the 2015 Dram Shop Liability Limits have been adjusted as follows:

- For causes of action involving persons injured or killed on or after January 20, 2015, the judgment or recovery under the Liquor Control Act of 1934 for injury to the person shall not exceed $65,511.99 for each person incurring damages;
- For causes of action involving persons incurring property damage on or after January 20, 2015, the judgment or recovery under the Liquor Control Act of 1934 for property of any person shall not exceed $65,511.99 for each person incurring damages; and
- For causes of action under the Liquor Control Act of 1934 for either loss of means of support or loss of society resulting from the death or injury of any person on or after January 20, 2015, the judgment or recovery shall not exceed $80,070.21.