

CHAPTER 9
LIQUOR CONTROL AND LIQUOR LICENSING

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9.01 Definitions

Terms used in this Ordinance shall mean as follows:

Alcohol: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin, and includes synthetic ethyl alcohol; it does not include denatured alcohol or wood alcohol.

Alcoholic Liquor: Alcohol, spirits, wine and beer and every liquid or solid patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

Beer: A beverage obtained by the alcohol fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Club: A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors which conforms to the definition of a club, as provided by 235 ILCS 5/1-3.24, commonly known as Liquor Control Act as amended.

Country Club: A recreational area with buildings or structures used in conjunction therewith for the primary use of members and their guests, as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, e.g. golf, tennis, etc.

Golf Course: A recreational area with or without club house facilities primarily for the use of members and their guests or the general public, as the case may be, engaging in a form of recreation or game commonly known as golf.

Hotel: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed, and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 10 or more rooms are used for sleeping accommodations and dining rooms being conducted in the same building and such building or structure being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Local Liquor Control Commissioner: The President of the Village.

Premises: For the purposes of this ordinance, the premises is the enclosed, roofed building, and does not include the lot on which it is erected.

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail Sales: The sale for use of consumption and not for resale.

Spirits: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or spirits, as above defined.

Wine: Any alcoholic beverage/liquor obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

9.02 License Required

It shall be unlawful for any person to engage in the business or occupation of the retail sale of alcoholic liquor without first having obtained a license therefore in accordance with the terms and provisions of this chapter. No person shall be deemed fully licensed until a license has been actually issued and delivered to the applicant therefore. A separate license shall be required for each location, place or premises where such business or occupation is proposed to be carried on, whether or not under the same roof or on the same premises, or at the same street address.

9.03 Application Requirements.

- A. Application for a liquor license shall be made to the Local Liquor Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit
- B. An applicant applying for an annual liquor license shall first deposit the license fee and application fee, if applicable, with the Local Liquor Commissioner
- C. No license shall be issued hereunder until the applicant shall have been investigated by the Police Department and a report filed with the Local Liquor Commissioner. As part of the investigation, the Local Liquor Commissioner shall require fingerprints of each applicant. A copy of the fingerprints shall be held on record by the Chief of Police or his or her designee.
- D. No license shall be issued hereunder until the Building Department conducts an administrative review of the application. The Building Department review may include a site inspection of the premises.
- E. For any start-up business the applicant must make application not less than 60 days prior to the issuance date of the license to provide sufficient time for a background check.
- F. In the event there is a change of ownership in a licensed business, or change of managers, or partners in a partnership, or shareholders in a corporation who own more than 5 percent of the stock of a corporation, or members in a limited liability company, the new owners must apply for a new license. In this event, the Local Liquor Commissioner, at his discretion, may issue temporary license prior to receiving the results of the background check so long as all other application requirements are met and if the owner/manager of the existing business is to be retained by the purchaser until such time as the purchaser's background investigation has been received, reviewed and approved by the Local Liquor Commissioner. However, if the background check reveals information provided in the application is false or if the applicant is prohibited from

holding a liquor license, the license will be subject to revocation, the applicant will be subject to a fine and there shall be no refund of any portion of the license fee.

- G. No license or permit shall be issued hereunder unless the applicant files with the application a certificate of insurance, issued by an insurance company that is authorized to do business in the state, certifying that the applicant, and the owner of the premises housing the establishment from where the liquor is sold, has in force and effect liquor liability insurance as required by Section 9.15.
- H. Failure to obtain or maintain liquor liability insurance shall result in revocation or suspension of the liquor license.
- I. No portion of the annual license fee shall be refunded in the event the licensed business ceases to operate during the license year except when a licensee's business is terminated due to eminent domain proceedings. If a licensee's business ceases during the license year due to eminent domain proceedings, the Village shall prorate the license fee and refund the portion relating to the part of the license year after the business ceases.
- J. The Local Liquor Commissioner shall have the right to examine, or cause to be examined, the books and records of any applicant. For the purpose of obtaining any information desired by the Local Liquor Commissioner under this Section 9.03, he/she may authorize his/her agent to act on his/her behalf.
- K. A liquor license application shall contain the following statements, information and attachments:
 - 1. The full name including middle initial, address, social security number, date of birth, title, telephone number for each individual applicant, sole proprietor, partner, corporate officer or director (whether or not they own any stock), shareholder owning in the aggregate stock equal to or more than 5%, (including officers, directors and shareholders with stock equal to or more than 5% for all corporate shareholders), and/or manager or agent conducting the business. All Not-for profit organizations and associations must provide the requested information for all corporate officers, directors and manager.
 - 2. Citizenship of the applicant(s), respective places of birth, and if a naturalized citizen(s) of the United States, the date and place of said respective naturalization.
 - 3. The name and address of the landlord if the premises is leased
 - 4. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application; a statement whether an application was filed or a similar license was issued in any other state, county or local municipality; the date of issuance, name and address of the governmental entity; the disposition of said application or license; and the reasons therefore.
 - 5. A statement that applicant will allow neither gambling or gambling devices on the premises except licensed raffles, "Las Vegas" type events and video gaming

terminals for which all necessary permits and licenses required by the Village and the State have been obtained.

6. A statement that the applicant neither has been convicted of a felony nor is disqualified to receive a license reason of any matter or thing contained in this Ordinance, the ordinances of this Village or the laws of this State and the United States of America.
 7. A statement that applicant will not violate any laws of the State of Illinois, the United States or any ordinance of the Village in the conduct of his place of business.
 8. Length of time said applicant has been in business of that character; or if a corporation, whether the corporation is either a continuation or successor of a prior entity and if so, the character of the prior entity's business.
 9. Amount of all goods, wares and merchandise on hand at the time application is made.
 10. Location, general description and approximate square footage of the premises or place of business which is to be operated under such license, including a scaled drawing of the premises showing all ingress and egress locations, windows and location of bar.
 11. On initial applications, or whenever there has been remodeling, photographs depicting the interior of the premises including all ingress and egress locations including ADA ramps, windows, restrooms, and bar and service areas.
 12. Upon a change of any of the information included in 9.03 (K) paragraphs 1-11 (above); the applicant shall file notice with the Village of Johnsburg within 30 days of the change being made. Failure to provide information in 30 days could result in the termination or revocation of liquor license for the establishment.
- L. Any applicant initially applying for a license or a renewal thereof shall provide his or her fingerprints in connection with such application and shall pay the fee required by the Illinois Department of State Police for processing such fingerprints, as well as any fee incurred by the Village relative to a criminal background check of the applicant. This Subsection 9.03-C-12 shall not apply to an applicant who is an air carrier operating under a certification or a foreign air permit issued pursuant to the Federal Aviation Act of 1958.
- M. Each applicant for a liquor license must submit a copy of a fully executed lease of the premises for which he or she is seeking a license, and such lease must have a coverage period equal to or longer than the duration of the applicant's liquor license. Said lease must name the applicant as lessee.
- N. Each applicant must submit a bond executed by the applicant, and by good and sufficient corporate surety, in the sum of \$5,000.00 and conditioned that the licensee shall faithfully observe and conform to the state law and to all of the provisions of these rules, and any and all amendments hereafter passed during the period of said license; and conditioned further for the payment of any and all fines or penalties levied or assessed against such licensee for the violation of any of the terms and conditions of

these rules and of any amendments hereto, or of the state law. Such bond shall be further conditioned that the licensee will pay all the necessary costs and charges incurred by reason of any complaint filed for the suspension or revocation of his or her license herein by the Local Liquor Commissioner where same is occasioned by any violation by the licensee of the terms and provisions of these rules, Village ordinance or state law. Such bond must have a coverage period equal to or longer than the duration of the applicant's liquor license.

9.04 Application Fee.

A non-refundable application fee of \$500.00 shall be paid to the Local Liquor Control Commissioner at the time the initial application is made, and shall be forthwith turned over to the Village Clerk. Said non-refundable fee is over and above the required license fee. Said application fee does not apply to annual license renewals and those persons applying for a daily permit.

9.05 Restrictions on Licenses.

In accordance with 235 ILCS 5/6-2) (from Ch. 43, par. 120) and any amendments thereafter, No license shall be issued to:

- A. A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.
- 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 any Federal or State law, unless the Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with Section 6-2.5 of this Act and the Commission's investigation.
- E. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- F. A person who has been convicted of pandering.
- G. A person whose license issued under this Act 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, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.
- J. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
 - a. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

- K. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by 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 Act or has forfeited his bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with Section 6-2.5 of this Act, that the person will not be impaired by the conviction in engaging in the licensed practice.
- M. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- N. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 55,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. Notwithstanding any provision of this paragraph (14) to the contrary, an alderman or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the mayor of a city with a population of 55,000 or less or the president of a village with a population of 55,000 or less may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the council or board over which he or she presides has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of this Act.
- O. A person who is not a beneficial owner of the business to be operated by the licensee.
- P. A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- Q. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.
- R. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that

premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

- S. A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this paragraph (19), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.
- T. A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this paragraph (20), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.
- U. A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

9.06 Violation of Federal Law, State Statute or Village Ordinance or Regulation

- A. No person holding a liquor license issued by the village shall:
 - 1. Violate or allow or permit a violation of any federal or state statute including, but not limited to, gambling, or any rule or regulation of the Illinois Liquor Commission, or any ordinance or regulation regulating the sale of alcoholic liquor, or violate any rule or regulation of the Commission.
 - 2. Make any false statements on the Liquor License Application or do any act which would cause statements on said Liquor License Application to be false if currently made, even though true at the time of the application.

- B. Violations of federal law, state statute or village ordinance or regulation may be proved by:
1. Evidence that the licensee has been convicted of a violation of a federal law or a law of the State, or has been found guilty of violating any village ordinance regulating the sale of alcoholic liquor or
 2. Proof before the Local Liquor Commissioner of facts which establish, by a preponderance of the evidence, a violation of any federal law, state statute, village ordinance or resolution or rule of the Illinois Liquor Control Commission.
- C. A violation as determined by the Local Liquor Commissioner shall be sufficient cause of the revocation or suspension and/or fine of any license issued by the village, irrespective of whether or not a disposition with a finding of guilt has been obtained in any court.

9.07 Terms, Prorated Fee.

A license is purely a personal privilege, good for a period not to exceed one year from the date of issuance. The one year period shall be from the 1st day of May of each year to the 30th day of April of each following year, unless sooner revoked or suspended. Licenses issued after the 1st day of May of any year shall pay the full license fee as provided herein.

All licenses, regardless of the date of issuance, shall terminate on the 30th day of April of each year following the date of issuance.

Any and all licenses issued pursuant to this Section 9 shall be subject to any and all changes or amendments which may be hereafter made and any and all rules adopted by the Local Liquor Commissioner. Any and all licenses shall be subject to any restrictions or conditions deemed desirable by the Local Liquor Commissioner.

9.08 Classifications of Licenses, Daily Permits, Number and Fees

- A. Classes. Liquor licenses shall be divided into three classes:
1. A Class A License which shall authorize the retail sale, in the enclosed premises approved by the Local Liquor Commissioner, of alcoholic liquor for the consumption on the premises as well as the retail sale of alcoholic liquor in the original package, both on premises as well as by delivery to a location within the corporate boundaries of the Village. Outside entertainment is not permitted except for two (2) special events annually, by request to the Local Liquor Commissioner.
 2. A Class A-1 License which shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as the retail sale of the alcoholic liquor in the original package, both on premises as well as by delivery to a location within the corporate boundaries of the Village. Also an outdoor area immediately contiguous to the building or structure where alcoholic beverages are served or consumed shall be permitted. Any outdoor area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:

- a. The Building department will conduct an administrative review of the application and a site review; and will make a recommendation to either approve or deny the application to the Local Liquor Commissioner within 30 days of receipt. The application shall include, at a minimum, the following information:
 - 1. A plot plan showing the location of the outdoor area;
 - 2. Plans depicting fencing, or other barriers features that will restrict access to the outdoor area to the licensed premises;
 - 3. Distance to all property lines;
 - 4. Provisions for refuse disposal for the outdoor area.
- b. The outdoor area shall comply with all building codes, public safety requirements and ADA requirements;
- c. The outdoor area shall not be detrimental to the health, safety and welfare of nearby residents, or members of the public;
- d. The outdoor area shall be no greater in size than 100% of the square footage of the existing structure.
- e. The outdoor area shall have a maximum capacity as defined by applicable fire code which shall be separately posted at the entrance to the outdoor area.
- f. Any part of the outdoor area not blocked by a building shall be surrounded by a fence or other barrier approved by the Local Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with ordinances regarding vision, clearance, and required distance from corners.
- g. All combustible rubbish shall be stored in a noncombustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- h. The noise emanating from any outdoor area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of this or other Village codes pertaining to noise.
- i. The license holder shall be responsible for preventing violations of this section.
- j. No outdoor area where alcoholic beverages are served pursuant to this license shall be permitted within 100 feet of land zoned for residential purposes (as measured from the licensed building protruding decks or fences).
- k. The outdoor area shall be closed between the hours of 12:00 midnight

and 9:00 am on the following day

- I. A service bar shall be permitted in the outdoor area but no seating shall be allowed at such service bar.
3. Class B License which shall authorize the retail sale of alcoholic liquor not for consumption on the premises where sold, but for i) carry out or ii) by delivery to a location within the corporate boundaries of the Village only.
4. Class C License which shall authorize the retail sale of alcoholic liquor, on the premises specified, for consumption on premises of a not-for-profit corporation where sold.
5. Daily Permit. The Local Liquor Control Commissioner may grant a daily permit to any nonprofit organization or club within the Village, such as a church, order of lodge, veteran's organization, civic organization, fire department or other similar organization, authorizing the sale of alcoholic liquor at any picnic, club or similar function sponsored by such organization or club.

The following restrictions are applicable for daily permits.

- 1) No more than seven (7) daily permits shall be issued to anyone such organization or club during a one year period.
 - 2) All sales and consumption pursuant to the daily permit shall be conducted only during the hours specified on the permit.
 - 3) Unless specifically provided otherwise, all requirements of this chapter including, but not limited to, a policy of insurance, shall apply to daily permits granted under this subsection.
 - 4) If the applicant does not own the premises from which the sale of liquor is made, a statement in writing executed and acknowledged by the owner of the premises shall be provided to the Local Liquor Commissioner stating that the applicant has permission to occupy the premises at the dates and time of and for the purposes set forth in the application.
 - 5) Requests for daily permit must be made 30 days prior to effective date of the permit.
 - 6) Application fee for a daily permit shall be those costs associated with issuing the permit but in no case less than \$50.00.
6. Class E License. A Class E License shall be issued only to a business that is a caterer-retailer and who presently holds a Class A, Class A-1 or Class B liquor license issued by the Village of Johnsburg. The Class E license authorizes the sale and delivery of alcoholic beverages by the drink for consumption as an incidental part of food service off-site of the licensed premises. The annual fee for a Class E license shall be \$250.00

plus \$50.00 per event. There shall be no more than one Class E license in force in the Village at any one time.

7. **BYOB Corkage License.** A BYOB Corkage License shall authorize a restaurant establishment to allow customers to bring beer or wine into the premises to be consumed on premise only as a compliment to food served on premise. For the purposes of a BYOB License, the restaurant must derive more than forty percent (40%) of its gross revenue (on an annual basis) from the sale of food. The determination of whether the forth percent (40%) gross revenue standard has been met shall be made at the time of a license renewal for the year just ended., In the event a license holder has not possessed a BYOB License for a full year, the determination of whether the forth (40%) standard has been met shall be deferred until the next license renewal period. The records used to determine whether the forty percent (40%) standard has been met shall include, but not be limited to audited financial statements, corporate financial reports, tax return information, or any other form of information deemed acceptable by the Village. The following terms and conditions shall apply to a BYOB Corkage License:
 - a. The license holder is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.
 - b. The license holder and employees over the age of twenty one (21) are permitted to open and pour the wine or beer.
 - c. The license holder is permitted to provide storage for the beer or wine as allowed by all applicable laws.
 - d. The license holder may charge a corkage fee for these services.
 - e. An opened bottle of wine may be removed from the restaurant provided staff seals the container in a tamperproof bag as provided by law.
 - f. In addition to general liability insurance, licensee must provide a certificate of insurance naming the Village of Johnsbury certificate holder and additional insured in the amount of Two hundred and fifty thousand dollars (\$250,000) per person and Five hundred thousand dollars (\$500,000) per occurrence for bodily injury liability; Fifty thousand dollars (\$50,000) for loss of means of support, Fifty thousand dollars (\$50,000) for property damage liability, or a Five hundred thousand dollar (\$500,000) single limit dramshop policy.
8. **BYOB License.** A BYOB License shall authorize a restaurant establishment to allow customers to bring beer or wine into the premises to be consumed on premise only as a compliment to food served on premise. For the purposes of a BYOB License, the restaurant must derive more than forty percent (40%) of its gross revenue (on an annual basis) from the sale of food. The determination of whether the forth percent (40%) gross revenue standard has been met shall be made at the time of a license renewal for the year just ended., In the event a license holder has not possessed a BYOB License for a full year, the determination of whether the forth (40%) standard has been met shall be deferred until the next license renewal period. The records used to determine whether the forty percent (40%) standard has been met shall include, but not be limited to audited financial statements, corporate financial reports, tax return information, or any other form of information deemed

acceptable by the Village. The following terms and conditions shall apply to a BYOB License:

- a. The license holder is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.
 - b. No license holder, nor any employee or staff member are permitted to open and pour the wine or beer.
 - c. No storage of beer or wine is permitted.
 - d. No corkage fee may be charged,
 - e. An opened bottle of wine may not be removed from the restaurant but must be disposed of before the customer leaves the premises.
 - f. In addition to general liability insurance, licensee must provide a certificate of insurance naming the Village of Johnsburg certificate holder and additional insured in the amount of Two hundred and fifty thousand dollars (\$250,000) per person and Five hundred thousand dollars (\$500,000) per occurrence for bodily injury liability; Fifty thousand dollars (\$50,000) for loss of means of support, Fifty thousand dollars (\$50,000) for property damage liability, or a Five hundred thousand dollar (\$500,000) single limit dramshop policy.
9. BYOB Non-restaurant License. A BYOB Non-restaurant License shall authorize a retail establishment to allow customers to bring beer or wine into the premises only at a special event. The following terms and conditions shall apply to a BYOB Non-restaurant License:
- a. The license holder is permitted to provide glasses and other amenities for the consumption of beer and wine only on premises.
 - b. No license holder, nor any employee or staff member are permitted to open and pour the wine or beer.
 - c. No storage of beer or wine is permitted.
 - d. No corkage fee may be charged,
 - e. An opened bottle of wine may not be removed from the establishment and must be disposed of before the customer leaves the premises.
 - f. In addition to general liability insurance, licensee must provide a certificate of insurance naming the Village of Johnsburg certificate holder and additional insured in the amount of Two hundred and fifty thousand dollars (\$250,000) per person and Five hundred thousand dollars (\$500,000) per occurrence for bodily injury liability; Fifty thousand dollars (\$50,000) for loss of means of support, Fifty thousand dollars (\$50,000) for property damage liability, or a Five hundred thousand dollar (\$500,000) single limit dramshop policy.

10. Special Events

- All license holders are granted one special event permit to be utilized during Saufen und Spiel which is held annually during the first part of September.
- In addition to the special event permit granted for Saufen und Spiel, each license holder shall be granted two (2) special event permits each year.
- Consumption during special events outside the premises shall be restricted to not less than twenty five (25) feet from a roadway, twenty five

(25) feet from property boundaries, or as restricted by the Local Liquor Commissioner

- Special event request must be made to the Local Liquor Commissioner no less than thirty (30) days prior to the event.

B. License Classification and Fees. There shall be not more than the following number of licenses per class of license and the following fees shall be paid upon application for a new or renewed license:

1. Class A: Eleven (11)
2. Class A-1: Six (6)
3. Class B: Three (3)
4. Class C: Three (3)
5. Class E: One (1)

- | | |
|------------------|----------------------------------|
| 1. Class A: | \$1,700.00 |
| 2. Class A-1: | \$2,000.00 |
| 3. Class B: | \$1,250.00 |
| 4. Class C: | \$ 500.00 |
| 5. Class E: | \$ 250.00 plus \$50.00 per event |
| 6. BYOB Corkage | \$ 400.00 |
| 7. BYOB | \$ 200.00 |
| 8. BYOB (retail) | \$ 200.00 |
| 9. Daily Permit | \$ 25.00 |

9.09 Records.

The Local Liquor Control Commissioner shall keep, at the Office of the Village Administrator a complete record of all licenses issued, and shall furnish the Chief of Police with a copy thereof. Upon the issuance of any new license, or the suspension or revocation of any old license, the Local Liquor Control Commissioner shall file written notice of such action with the Village Administrator and copy to the Chief of Police.

9.10 Death or Bankruptcy of Licensee.

A license shall not to exceed one year after issuance unless revoked sooner, 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 cease upon the death of the licensee and shall not descend by the laws of the state or in the state devolution, provided that the executors or administrators of the estate of any deceased licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic privileges of the deceased or insolvent or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

9.11 Change of Location.

A liquor 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 receipt of written permission from the Local Liquor Control Commissioner. No change of location shall be

permitted unless the proposed new location is in compliance with the provisions and regulations of this Ordinance.

9.12 Abandonment.

If the licensee to which a license has been issued discontinues operations at the premises described in the application and license for 45 consecutive days, or whenever there is evidence of a clear intent of the licensee to abandon the premises, said license shall be subject to revocation.

9.13 Renewal of License.

Any licensee may submit an application to renew his liquor license, provided the licensee is qualified to receive the license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege shall not be construed as a vested right which shall prevent Board of Trustees from decreasing the number of licenses to be issued within the Village.

No license renewal shall be considered unless the applicant, at the time of filing the application for renewal of the liquor license, provides documentation that any debt owed to the Village by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order or cash.

License holders will be subject to a background check every four years.

The processing of a renewal application shall be a minimum of 5 business days from date application is submitted to the Village.

9.14 Displaying License.

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises. In the event the current license is not displayed pursuant to this Section, the village shall presume that the license has been lost and the licensee shall purchase and display a replacement license pursuant to this Section. The replacement license fee shall be \$50.

9.15 Insurance

No license shall be issued to any person or entity that cannot produce a policy of insurance by a solvent and responsible company authorized to do business in the state insuring said person or entity against liability for any injury or death which said parties may incur while operating under the provisions of the Liquor Control Act as follows:

- A. Not less than \$1,000,000 per occurrence of liquor liability; and
- B. Not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate of general liability insurance; and
- C. "Host" insurance shall not satisfy the terms of this Section.

Each applicant shall show by evidence satisfactory to the Local Liquor Control Commissioner the issuance of a policy of liquor liability insurance, and in the event he or she is not the owner of the premises described in said application, that he or she has a lawful right to possession of the same until the expiration of the term of license for which application is made. In the event of cancellation, the Local Liquor Control Commissioner shall be notified immediately of such

cancellation, or a certificate of insurance, which shall remain in effect during the term of the license, shall be filed with the application. The Local Liquor Control Commissioner shall be named in the certificate of insurance to allow for notice in the event of cancellation.

9.16 Sanitary Conditions.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

9.17 Employee Restrictions.

It shall be unlawful for any person under the age of 21 to draw, pour or mix any alcoholic liquor as an employee of any retail licensee. No person under the age of 21 years shall at any time attend any bar; or draw, pour or mix any alcoholic liquor, or sell any alcoholic liquor for consumption on or off the premises in any licensed retail premises.

It shall be unlawful to employ in any premises used for retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way the handling, preparing or distribution of such liquor.

9.18 Location Restrictions, Notification.

- A. Location Restrictions. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, undertaking establishments or mortuary, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station provided that this prohibition shall not apply to the delivery destination of alcoholic liquor. Distance shall be measured from the nearest part of the building on the licensed premises to the nearest part of the building housing any church, school, hospital, undertaking establishment or mortuary, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station. No liquor license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any park, provided that this prohibition shall not apply to clubs established prior to December 17, 1991.
- B. Notification. Prior to the initial application for a liquor license under this Ordinance, the applicant shall notify, by certified mail, return receipt requested, the owners of all property adjoining and within 500 feet adjacent to the property for which the applicant is seeking a license, including the property directly opposite and across a public street or alley, of the filing of its application for a liquor license and the location of the property for which the license is sought. Proof of such notification shall be submitted with the applicant's initial application for the license.

The Village Board reserves the right to direct the initial applicant to notify additional interested property owners, groups or organizations. This notice shall be given not less than 15 days prior to the granting of an initial liquor license.

For the purpose of notice, "owner" shall mean the person to whom the most recent statement of real property taxes on the property in question was sent.

This Section shall not apply to the renewal of liquor license provided the renewal pertains to the same location for which the initial license was granted.

9.19 Building and Grounds.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

9.20 Books and Records.

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or the Local Liquor Control Commissioner. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase.

9.21 Stores Selling School Supplies, Lunches, Etc.

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

9.22 Closing Hours.

It shall be unlawful to keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of liquor is prohibited. Only employees engaged in the actual conduct of cleaning or closing the business shall be allowed in the premises during closed hours.

It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.

9.23 Consumption on Premises, Drinking on Public Streets.

A. Consumption on Premises.

1. It shall be unlawful for anyone to consume alcoholic liquor in the driveway, parking lot or any other portion of a licensed property except for the premises and approved outdoor areas.
2. It shall be unlawful for anyone having a Class B 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.

B. Drinking on Public Streets. No person shall openly drink or furnish to others any alcoholic liquor to be drunk upon any street, public place or vacant lot within the Village

and no person shall aid and abet or instigate others to violate any provision of this Ordinance.

9.24 Outdoor Activities.

Activities conducted outside of the structure of the premises specified by a class of liquor license such as baseball games, horseshoes or volleyball etc. shall be permitted as follows:

- A. Activity is conducted solely on the property of the license holder.
- B. The noise emanating from the outdoor activities shall not violate any of the provisions of this or any other Village codes.
- C. Alcoholic beverages are not to be consumed other than as provided by this Chapter.
- D. Outdoor activities will not be allowed after 11:00 p.m. (*Amended by Ord. 01-02-12*)

9.25 Peddling.

It shall be unlawful to peddle alcoholic liquor in the Village.

9.26 Purchase or Acceptance of Gifts of Liquor by Persons under the Age of 21 Years; Identification Cards; Punishment; Exceptions.

- A. Purchase or Acceptance. It shall be a violation of this Ordinance for any person under the age of 21 to purchase, obtain, accept delivery of, accept a gift of, consume, or have in his or her possession alcoholic liquor.
- B. Warning Placard. In every place in the Village where alcoholic liquor is sold, there shall be displayed at all times, in a prominent place, a printed sign, two feet in length and two feet in width, which shall be supplied by the Village Clerk, and which shall read substantially as follows:

Warning to Persons Under 21 Years of Age
You are subject to a fine up to One Thousand Dollars (\$1,000.00)
under the Liquor Control Ordinance of the Village of Johnsburg if
you purchase alcoholic liquor, or misrepresent your age for the
purpose of purchasing or obtaining alcoholic liquor.

- C. Exemptions. The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Ordinance.

9.27 Sale to Persons Under 21 Years of Age.

- A. Sale by Licensee. It shall be a violation of this Ordinance for the licensee or any officer, associate, member, representative, agent or employee of such licensee, to sell, give or deliver alcoholic liquor to any person under the age of 21 years.
- B. Sale by Other Persons. It shall be a violation of this Ordinance for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic

liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

- C. Proof of Identity and Age. To prevent the violation of this Section, any licensee, or his officer, associate, member, representative, agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years. Adequate written evidence of age and identity of the person is a document issued by a Federal, State, County or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the Armed Forces.

9.28 Sale or Use of False Evidence of Age and Identity.

- A. It shall be a violation of this Ordinance for any person to sell, give or furnish to any person under the age of 21 years any false or fraudulent written, printed or photo static evidence of the age and/or identity of such person or to sell, give or furnish to any person under the age of 21 years evidence of age and/or identification of any other persons.
- B. It shall be a violation of this Ordinance for any person under the age of 21 years to present or offer to any licensee, his agent or employee, any written, printed or photo static evidence of age and/or identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed or photo static evidence of age and/or identity.

9.29 BASSET Training or its Equivalent Required

In order to provide information to sellers and servers of alcoholic liquor about the effects of alcohol and drug use and abuse and to provide the necessary skill development techniques to identify and/or intervene with patron use problems thereby reducing the incidence of patron misuse, all employees of holders of Class A, Class A-1, Class B and Class E liquor licenses issued by the Village who sell alcoholic liquor and at least one representative of the holders of a Daily Permit issued by the Village, who shall be on site during the permitted time, shall complete Beverage Alcohol Sellers and Servers Education and Training (BASSET) pursuant to a program licensed by the Illinois Liquor Control Commission pursuant to 77 Illinois Administrative Code, Chapter XVI, Part 3500, Sec. 3500.101, et seq., as may be amended. Employees may complete different training programs if the Local Liquor Commissioner determines in his sole discretion that the alternative program is equivalent to BASSET Training. All new applicants for a liquor license including applicants for a Daily Permit shall provide proof of compliance with this section prior to being issued a license by the Village. When a license holder adds a new employee, the new employee shall comply with this section and proof shall be provided to the Village within 90 days of commencement of employment.

9.30 Sales to Intoxicated Persons.

No licensee, or any officer, associate, member, representative or agent or employee of the licensee shall sell, give or deliver alcoholic liquor to any intoxicated person.

No licensee, or agent or employee of the licensee shall harbor or permit any intoxicated persons to loiter on the licensed premises or permit any conduct which shall tend to disturb the peace or quiet or the neighborhood or the premises.

9.31 Inspections and Enforcement.

Any law enforcement official of the Village may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Ordinance or whether any of the rules or regulations adopted by the President and Board of Trustees or by the State of Illinois have been or are being violated and at such time may examine the premises of the licensee in connection therewith.

Any law enforcement official of the Village may receive complaint from any citizen within the jurisdiction of the Village that any of the provisions of this Ordinance or any rules or regulations adopted by the President and Board of Trustees or by the State of Illinois have been or are being violated, and may act upon such complaints in the manner provided.

The Local Liquor Control Commissioner shall have the authority to make and establish rules and regulations of procedure concerning notice of hearings and all such other matters as may from time to time be necessary, and to appoint deputy commissioners to the Local Liquor Control Commission.

It shall be a violation of this Ordinance to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer or any other legally authorized person.

9.32 Reporting of Violations/Need for Medical Assistance

In the event a person on the licensed premises requests that the Licensee, including the employees thereof, telephone for police or medical/ambulatory assistance, the Licensee or its employee, as the case may be, shall do so immediately.

In the event that the Licensee, including the employees thereof, observes or has knowledge of any activity which he or she reasonably believes to be a violation of the Johnsburg Municipal Code or the Illinois Criminal Code, he or she will report such conduct to the Village's police department immediately. This provision shall not be construed as to require the Licensee or its employees to incriminate itself or themselves, as the case may be, however.

9.33 Revocation or Suspension of License; Fines; Notice; Hearings; Appeal

The Local Liquor Control Commissioner may revoke or suspend any local retail liquor dealer's license issued by him if he/she determines that the licensee has violated any provision of this Chapter 9 or any valid ordinance or resolution enacted by the Board of Trustees or any applicable rule or regulation established by the Local Liquor Control Commission which is consistent with law. Licenses granted under this Section 9 may be revoked upon the conviction of the licensee under the Illinois Criminal Code. Should any applicant for license make a false or fraudulent statement in such application, the same shall be cause for revocation by the Local Liquor Commissioner of such license. In addition to such suspension or revocation, the Local Liquor Control Commissioner may levy a fine on the licensee for such violation. The fine imposed shall not exceed \$1,000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within

a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the General Corporate Fund of the Village. In addition to such fines, revocation or suspension, the Local Liquor Commissioner may assess attorney's fees and costs, as well as the costs of transcription or reporting services incurred by the Village arising from the public hearing.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. Such hearing shall be held at a reasonable time, date and place. A licensee may present evidence and argument at such hearing. The Local Liquor Commissioner may limit, but not prohibit, the presentation of evidence and argument. Evidence not admissible under the rules of evidence and privilege as applied in civil cases in the circuit courts of this state may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

Where a licensee has received the requisite notice under this Section 9 and fails to appear at a hearing, the Local Liquor Commissioner may act ex parte. The Local Liquor Commissioner may also have an informal hearing where the liquor license will not be affirmatively acted on at such hearing. Compliance with any or all of the provisions of this Section 9 concern procedure may be waived by written stipulation of all parties.

Continuances for hearings:

- A. A request for a continuance of any hearing in any matter before the Local Liquor Commissioner will not be allowed by the said Commissioner unless for good and valid reason in writing and unless made at least two (2) days prior to the date set for hearing.
- B. The Local Liquor Commissioner may, in his or her discretion, grant a continuance if extenuating and unusual circumstances are presented in support of the request for continuance.
- C. Any continuances requested by the licensee shall be contingent upon payment by the licensee of all costs, fees and expenses, as determined by the Local Liquor Commissioner.

Appeal on the record: Any appeal taken from a decision of the Local Liquor Commissioner shall be reviewed on the record taken by and prepared by a certified court reporter or certified shorthand reporter.

The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any licensee whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such licensee; to hear testimony and take proof his information in the performance of his duties; and for such purpose to issue subpoenas which shall be effective in any part of the State of Illinois. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this Section 9.29, he/she may authorize his/her agent to act on his/her behalf.

The Local Liquor Control Commissioner shall, within five days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended and/or that the licensee should be fined, state the reason or reasons for such determination in written order, and the amount of the fine, if any, the period of suspension or that the license has been revoked, and shall serve a copy of such order within the five days upon the licensee.

If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, he/she, may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

9.34 License Forfeiture.

Whenever any licensee shall have been convicted by any court of a willful violation of any provision of this Ordinance, or of the state law, he/she shall, in addition to the penalties for such offense, incur a forfeiture of his local license and monies that have been paid thereof. The Local Liquor Control Commissioner shall thereupon pursue the revocation of the license pursuant to the provisions of this ordinance.

9.35 Gatherings Where One or More Persons are Under the Age of 21 Years.

It shall be a violation of this Ordinance for any person to knowingly permit a gathering at a residence which he/she occupies of two or more persons where any one or more of the persons is under 21 years of age and any of the following factors apply:

- D. The person occupying the residence knows that the person or persons under the age of 21 is in possession of or is consuming an alcoholic beverage; or
- E. The possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Ordinance; or
- F. The person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this section, where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

9.36 Noise.

It shall be unlawful to emit beyond the boundaries of the licensed premises any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity including but not limited to any one or more of the following:

- G. Noise constituting a violation (as described by findings and order of the Illinois Pollution Control Board {IPCB} of 415 ILCS 5/23, as from time to time amended, or any regulation or standard adopted by the IPCB pursuant thereto as set forth in the Illinois Administrative Code, subsequently entitled "Noise", Section 900.101 et seq.
- H. Noise emitted by the use or operation of a sound amplifying device so that the device produced a loud, disturbing or raucous sound that can be heard by persons at a

distance greater than 100 feet from the boundaries of the licensed premises at any time.

- I. Noise emanating from any outdoor activity, including but not limited to, outdoor gathering of persons, shall not violate any of the provisions of this or any other Village code and must cease no later than 11:00 p.m.

9.37 Settlement of Offense.

Unless the Liquor Control Commissioner revokes or suspends a local retail liquor dealer's license, as set forth in this Chapter, any offense arising under this Chapter 9, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class D violation in Chapter 1.07-E.

9.38 Severability.

Wherever possible, each provision of this Chapter 9 shall be interpreted in such manner as to be effective and valid under applicable law, but if any such provision of this Chapter 9 shall be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Chapter 9.