



Meeting of the Village of Buffalo Grove
Village Board
Committee of the Whole
May 2, 2022 at 7:30 PM

Fifty Raupp Blvd
Buffalo Grove, IL 60089-2100
Phone: 847-459-2500

1. Call to Order

- A. Pledge of Allegiance

2. Village President's Report

- A. Proclamation Recognizing be Kind to Animals Week (Clerk Sirabian, President Sussman) (Staff Contact: Brett Robinson)
- B. Proclamation Recognizing Municipal Clerks Week (Clerk Sirabian) (Staff Contact: Jessie Brown)

3. Special Business

- A. Special Programs to Assist 'At-Risk' Residents (Trustee Weidenfeld, Trustee Johnson) (Staff Contact: Evan Michel)
- B. Discuss Pond/Basin Management (Trustee Stein) (Staff Contact: Darren Monico)
- C. Code Review Title 5 (Trustee Weidenfeld) (Staff Contact: Brett Robinson)

4. Questions From the Audience

Questions from the audience are limited to items that are not on the regular agenda. In accordance with Section 2.02.070 of the Municipal Code, discussion on questions from the audience will be limited to 5 minutes and should be limited to concerns or comments regarding issues that are relevant to Village business. All members of the public addressing the Village Board shall maintain proper decorum and refrain from making disrespectful remarks or comments relating to individuals. Speakers shall use every attempt to not be repetitive of points that have been made by others. The Village Board may refer any matter of public comment to the Village Manager, Village staff or an appropriate agency for review.

5. Adjournment

The Village Board will make every effort to accommodate all items on the agenda by 10:30 p.m. The Board, does, however, reserve the right to defer consideration of matters to another meeting should the discussion run past 10:30 p.m.

The Village of Buffalo Grove, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the ADA Coordinator at 459-2525 to allow the Village to make reasonable accommodations for those persons.



Information Item : Proclamation Recognizing be Kind to Animals Week

Recommendation of Action

N/A

The Village of Buffalo Grove proclaims the first week of May as Be Kind to Animals week.

ATTACHMENTS:

- Proclamation (DOCX)

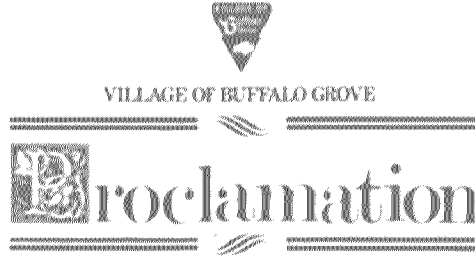
Trustee Liaison

Ms. Sirabian, Sussman

Staff Contact

Brett Robinson, Finance

Monday, May 2, 2022



Village of Buffalo Grove

PROCLAMATION RECOGNIZING BE KIND TO ANIMALS WEEK MAY 1- 7, 2022

WHEREAS, “Be Kind to Animals Week” was created in 1915 by American Humane to increase awareness of the importance of treating animals with kindness and compassion.

WHEREAS, The Village of Buffalo Grove would remind all pet owners that they are responsible for the well-being of their pets; and

WHEREAS, Pet owners should strive to provide an environment for their pets that is free of fear, anxiety and emotional distress; and

WHEREAS, Pet owners should provide adequate shelter and protection from all weather conditions including wind, snow, rain and extreme temperatures; and

WHEREAS, Pet owners should allow their pets to express normal behavior; and

WHEREAS, Pet owners should provide animals in their care with Veterinary care, vaccinations and medical attention when needed to prevent suffering;

NOW THEREFORE, BE IT PROCLAIMED by the President and Board of Trustees of the Village of Buffalo Grove that the first week of May, is designated as “Be Kind to Animals Week”.

Proclaimed this 2nd day of May, 2022.

Beverly Sussman,
Village President

Attachment: Proclamation (Be Kind to Animals Week)



Information Item : Proclamation Recognizing Municipal Clerks Week

Recommendation of Action

N/A

Communities throughout the world are celebrating Municipal Clerks Week. We recognize the accomplishments of our Village of Buffalo Grove Clerk, Janet M. Sirabian and Administrative Services Manager, Jessie Brown.

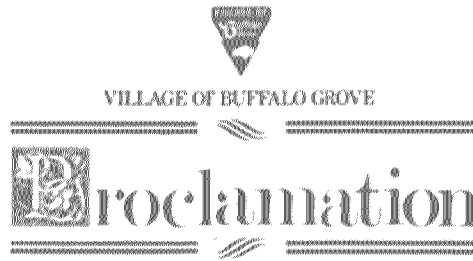
ATTACHMENTS:

- Municipal Clerks Week Proclamation 2022 (DOC)

Trustee Liaison
Ms. Sirabian

Staff Contact
Jessie Brown, Community Development

Monday, May 2, 2022	
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Village of Buffalo Grove

53st ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK May 1 – 7, 2022

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Beverly Sussman, Village President of the Village of Buffalo Grove, do proclaim May 1 – May 7, 2022 as Municipal Clerks Week in Illinois, and further extend appreciation to our Municipal Clerk, Janet M. Sirabian, and Jessie Brown, Administrative Service Manager/ Deputy Clerk, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 2nd day of May, 2022.

Beverly Sussman
Village President

Attachment: Municipal Clerks Week Proclamation 2022 (Municipal Clerks Week)



Information Item : Special Programs to Assist 'At-Risk' Residents

Recommendation of Action

Staff recommends presentation.

Staff will provide an update to the Village Board regarding a collaboration between the Rick Kahen Commission for Residents with Disabilities, the Buffalo Grove Police Department, and the Buffalo Grove Community Foundation to expand the services available to those registered with the "At-Risk Resident" program database by creating wearable HEALTH iD tags and Police Department-issued identification cards.

Trustee Liaison

Weidenfeld, Johnson

Staff Contact

Evan C Michel, Office of the Village Manager

Monday, May 2, 2022



Information Item : Discuss Pond/Basin Management

Recommendation of Action

Staff recommends discussion.

Staff will be presenting an update to the detention basin and native area management policy for property owners, which was last discussed at Committee of the Whole on March 7, 2022. Public Works will be shifting toward a proactive approach, working with property owners to identify problems before they turn into drainage or flooding issues.

ATTACHMENTS:

- basin inspection update memo (DOCX)
- Inspection letter example (DOCX)
- Basin Inspection checksheet 22-0426 (DOCX)

Trustee Liaison

Stein

Staff Contact

Darren Monico, Public Works

Monday, May 2, 2022	
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VILLAGE OF BUFFALO GROVE



MEMORANDUM

DATE: April 18, 2022
TO: Dane Bragg, Village Manager
FROM: Darren Monico, Village Engineer
SUBJECT: Basin Inspection and Native Area Management Board Update

At the March 7th Committee of the Whole, Public Works Department staff discussed the stewardship of natural areas and detention basins around the Village and how these areas are an important part of the Village's stormwater management and native area land management. Like all infrastructure, they need maintenance and care to ensure that they are in proper working condition. If these areas are not maintained properly, they will require of additional investment in the future to return them to a functioning natural state.

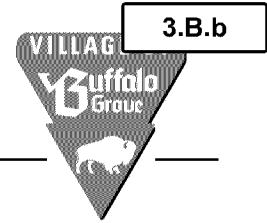
Like the Village owned properties, privately owned detention basins, ponds, and natural areas should also be inspected on a regular basis to make sure they are functioning properly. The Department of Public Works intends to shift to a proactive approach with property owners were staff time and efforts into outreach and assistance. The alternative approach is reactive, and residents are only when there is a problem, flooding, or lack of drainage.

Therefore, staff is proposing to assist these private property owners through a management program in which the property owners would be asked to perform a yearly inspection of these areas and provide the report to the Village. Recently, staff has completed additional review of the current ordinances and after a discussion with the Village Attorney, staff believes that there is sufficient authority within the Property Maintenance Code currently in place and no new ordinances will be needed at this time to create this program. The goal of this program would be to seek compliance and create a program that benefits the natural areas around town without placing a large burden on the village's residents or staff.

Throughout 2022, staff will send out approximately sixty letters to the owners of private detention ponds and/or native areas that are owned by homeowners' associations of residential subdivisions within the Village. These letters will provide helpful information and a request to the owners to inspect the property with a provided checklist for submittal to the Village. The inspection should be completed by a knowledgeable consultant for the HOA or management company, and it is expected that their current pond management company can complete the checklist. Staff is currently reviewing if this could be done online to avoid submitting paper copies of the checklist. This will be the first year of the program and it will be reviewed at the end of the year for improvement. If the program is considered successful, there will be approximately sixty more letters sent out in both 2023 and 2024 to the remaining commercial properties with privately owned ponds within the Village, completing a three-year cycle.

Attachment: basin inspection update memo (Discuss Pond/Basin Management and Inspection)

VILLAGE OF BUFFALO GROVE



Engineering Department
Fifty-One Raupp Blvd.
Buffalo Grove, IL 60089-2198
Fax 847-537-5845

Darren Monico
Village Engineer
Phone 847-459-2523
dmonico@vbg.org

<DATE>

RE: STORMWATER BASIN INSPECTION

Dear <CONTACT>,

This letter is to inform you of a new program for stormwater facility inspections in the Village of Buffalo Grove. These natural areas are very important to the overall stormwater management plan in the Village and the Village desires to work proactively with the property owners of these facilities to assist in the maintenance and care of these ponds, basins, or natural areas. The Village has created an inspection program in which property owners of these natural areas are being asked to inspect their stormwater facilities and/or natural areas and submit it to the Village. These inspections are intended to ensure that the privately-operated facilities connected with the Village's stormwater system are properly maintained and in good working order. If you were unaware of the maintenance responsibilities of your organization, now is a great time to familiarize yourself!

Included, please find information on the stormwater facilities your <HOA> is responsible for. An example suggested checklist is also included as a guide. Depending on your organization's facility (ies) you may not utilize all form fields. Additional materials about stormwater and typical stormwater facilities are included. We encourage you to visit the Village's stormwater webpage at [<STORMWATER HOMEPAGE>](#) to learn more about stormwater and view some tips and tricks relating to inspections and various facility types.

This letter is intended for the Homeowner Association's President or designated representative according to the most recent records we have available. If you are not the appropriate contact, please contact the Public Works Engineering Division at 847-459-2523 so that we may update our records. We can also answer any questions you may have about the inspection and associated requirements. Thank you in advance for your cooperation!

Sincerely,

Darren Monico, P.E.
Village Engineer

*An Internationally Accredited
Public Works Agency
Since 2004*



Packet Pg. 9

Attachment: Inspection letter example (Discuss Pond/Basin Management and Inspection)

Why am I receiving this notice?

The Village of Buffalo Grove has instituted a requirement for the inspection and submission of inspection record of all privately held stormwater facilities in the Village of Buffalo Grove. Not only does this requirement serve the practical purposes of ensuring facilities are well maintained, but it also helps with our compliance responsibilities under the Illinois Environmental Protection Agency (IEPA) and the National Flood Insurance Program (NFIP). According to our records, you are the most recent contact for your association. If you do not believe this is accurate, please contact the Engineering Division at Public Works at 847-459-2523.

My organization has to maintain stormwater facilities? What are these?

Stormwater facilities are an important part of the Village's stormwater conveyance system. While the Village maintains the pipes under Village right-of-ways, stormwater storage areas are typically the responsibility of private HOAs or business park management. Storage areas can be in the form of wet ponds, dry-bottom depressions, even buried pipes and holding tanks; these areas are designed to retain the water from storms and release it at a slower, more controlled rate. This keeps downstream streams and ponds from being overwhelmed and helps downstream neighbors from being flooded out!

Why do we need to inspect stormwater facilities?

Most facilities are designed to function with very little maintenance, but they still need someone to keep an eye on things! Stormwater facilities should be inspected (at minimum) annually to ensure they are functioning as designed and to schedule any needed maintenance. Common issues include overgrown vegetation, shoreline instability, clogged pipes, eroded locations at pipe inflows, and debris/garbage accumulation.

The Village takes care of the pond next to ours; why can't Public Works just take care of my organization's basin?

Public works does an excellent job caring for the facilities we already have maintenance responsibility over. When subdivisions are originally designed and accepted, they assign responsibilities for maintenance. Some assign maintenance to the Village or Park District or other public entities, others create a private HOA or maintenance entity responsible for the functionality of shared storm facilities.

What if I find a problem during the inspection?

That is what inspections are for! Many of the issues you find can be delt with on the spot with a pair of loppers or a shovel. Depending on what the issue is, you may want to consult a landscaping contractor or engineer to help you with a solution. Public Works also has knowledgeable staff ready to discuss many of your facility's issues. You can contact the Engineering Division to get you pointed in the right direction. Call us at 847-459-2523.

Where can I learn more about stormwater?

The Village's stormwater page is full of helpful pointers and great resources for many of your questions. Please visit our stormwater homepage at <STORMWATER HOMEPAGE>.

Stormwater Facility Maintenance Inspection Form

FACILITY #: _____ LOCATION: _____ DATE: _____ TIME: _____ LAST INSPECTION DATE: _____ 36-HOUR PRECIPITATION: _____ INSPECTOR: _____ AFFILIATION: _____	Subdivision Name: _____ Owner: _____ Property Classification (circle): Residential Industrial Commercial OTHER: _____ Type of Basin (circle): Detention (dry bottom) Retention (wet bottom) Wetland Multi-pond system? (Y/N) _____
Inspection: Y =Yes, Inspected; N =No, Not inspected; N/A = Not Applicable Follow-Up: 0= No issues, 1= Monitor (potential for future problem), 2= Routine Maintenance Required, 3= Immediate Repair necessary	
*** Use NOTES area for additional details on why items were not inspected and maintenance follow-up needs/location. ***	

INSPECTION AREAS		Inspection	Follow-Up	NOTES
A) Shoreline Areas				
1.	Does the facility show signs of settling, cracking, bulging, misalignment, or other structural deterioration?	Y N N/A	0 1 2 3	
2.	Do the embankments, emergency spillways, side slopes or inlet/outlet ends show signs of erosion?	Y N N/A	0 1 2 3	
3.	Are there trees present on the banks? (Too many trees do not allow vegetation to grow beneath it)	Y N N/A	0 1 2 3	
4.	Is there evidence of animal burrows? (Too many animal burrows create erosion and damage the banks)	Y N N/A	0 1 2 3	
5.	Is the downstream outfall showing evidence of erosion or destabilization?	Y N N/A	0 1 2 3	
6.	Is there standing water where it should not be located?	Y N N/A	0 1 2 3	
7.	Is there accumulation of trash or debris?	Y N N/A	0 1 2 3	
8.	Is there evidence of encroachment or improper use of the pond/native areas?	Y N N/A	0 1 2 3	
9.	Are there signs of vandalism or dumping of yard waste?	Y N N/A	0 1 2 3	
B) Vegetation				
1.	Is vegetation being appropriately maintained?	Y N N/A	0 1 2 3	
2.	If native vegetation: is the area being overly mowed or encroached upon?	Y N N/A	0 1 2 3	

C) Pipes & Structures				
1.	Are the pipes going into and/or out of the pond clogged or obstructed with sediment or other debris? Is there a buildup of clippings that could clog the facility?	Y N N/A	0 1 2 3	
2.	Vegetation around the outfall pipe(s) should be neat and trim. All grating and trash racks should be clear as well.	Y N N/A	0 1 2 3	
3.	Is there damage, corrosion, or stains on any pipe ends? Have any end sections become dislodged?	Y N N/A	0 1 2 3	
4.	Is the control structure clear and easy to access?	Y N N/A	0 1 2 3	
5.	Are restrictors present, accessible, and clean?	Y N N/A	0 1 2 3	
6.	Is the overflow weir appropriately stabilized with vegetation/ rip rap/concrete in good condition? Is it clear of woody vegetation and there are no signs of erosion?	Y N N/A	0 1 2 3	
D) Illicit Discharges				
1.	Is there excessive algae or dominance of one type of vegetation?	Y N N/A	0 1 2 3	
2.	Is there evidence of automotive fluids entering the pond or native facility?	Y N N/A	0 1 2 3	
3.	Is there a foul or offensive odor emanating from the water, inlets, or any part of the basin?	Y N N/A	0 1 2 3	
4.	Is there flow present after 3 days of dry weather?	Y N N/A	0 1 2 3	
5.	Is the water an odd color or excessively turbid? Is there suds, oily sheen, or grey water?	Y N N/A	0 1 2 3	
E) Wet-Bottom (Retention) Basins				
1.	Aerator/fountain/bubbler missing or not functional?	Y N N/A	0 1 2 3	
2.	Is there evidence of a fish kill?	Y N N/A	0 1 2 3	
3.	Does the water level appear to be abnormally high or low? (Submerged trees or very shallow water)	Y N N/A	0 1 2 3	
4.	Is there excessive sediment accumulation anywhere?	Y N N/A	0 1 2 3	
F) Dry-Bottom (Detention) Basins				
1.	Does the underdrain appear to be functioning? (No suspicious ponding areas, no apparent clogs/blockages)	Y N N/A	0 1 2 3	
2.	Is vegetation being properly maintained?	Y N N/A	0 1 2 3	
3.	Is there undesirable or woody growth?	Y N N/A	0 1 2 3	
4.	Are low-flow channels functional and in good condition?	Y N N/A	0 1 2 3	

ITEM No.	NOTES (condition, maintenance needs, reinspection, expertise needs ...)

Not familiar with some of these terms? Here's some basics:

Shoreline Areas:

A review of the general condition of the pond/basin including the surrounding area and side slopes. Generally, these should be inspected for any signs of erosion, deposition/accumulation of materials that may block water flows, and any trash.

A specific item to review is the emergency overflow weir or spillway. This is an area where, if the outfall pipes clog or become overwhelmed, stormwater will spill over out of the full pond at a controlled spot.

Vegetation: Some basins are designed as native areas with specific ecologically valuable plantings and habitats. Even if the basin is just turf grass (lawn mix) it needs to be properly maintained to ensure it performs as functioned.

Pipes and Structures:

Any pipes coming into the basin or out of the basin (daylighted). These are typically "flared" pipe ends. Look for signs of damage, deterioration, stains, or undermining of the slope around these ends. Any blocked pipes need to be cleaned out.

The Control Structure is typically a manhole or other storm structure that regulates the flow of water out of the basin. This is typically where the "restrictor" is housed. A restrictor is, as it sounds, some hardware restricting the flow of water to be released at a controlled rate. Typical restrictors include steel plates placed in a manhole, smaller pipes mortared into larger ones, or for large basins, even a 12" storm pipe can be the restrictor.

The Overflow Weir is referenced again since there is often one inside structures or near the control structure stabilized with large rocks or concrete. This should be clear of large debris as it's meant to convey water during high flow events.

Illicit Discharges:

Anything that is not naturally occurring snowmelt, rainfall, or water runoff can be an illicit discharge. Paints, oils, soaps and solvents, dumpster discharge, any pollutant is considered an illicit discharge and should be reported immediately to the Public Works Department.

Wet-Bottom (Retention) Basins/Ponds and Dry-Bottom (Detention) Basins:

Some basins are designed to retain water for only a day or two after a storm where others have permanent wet pools. Both should be inspected for their specific maintenance needs to ensure stormwater flows through them unimpeded.



Information Item : Code Review Title 5

Recommendation of Action

Staff recommends discussion.

Staff will provide an overview of the proposed changes to Title 5 of the Buffalo Grove Municipal Code.

ATTACHMENTS:

- CR Title 5 Memo 2022(DOCX)
- Title 5 - BUSINESS TAXES, LICENSES AND REGULATIONS - CLEAN (DOCX)
- Title 5 Redline(DOCX)

Trustee Liaison

Weidenfeld

Staff Contact

Brett Robinson, Finance

Monday, May 2, 2022	
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VILLAGE OF
BUFFALO GROVE



DATE: April 26, 2022

TO: Dane Bragg, Village Manager

FROM: Brett Robinson, Administrative Services Director
Jessie Brown, Administrative Services Manager

RE: Code Review Title 5

Background Information

Staff have completed the first pass through of the review process of Title 5. "Business Licenses, Permits, and Regulations"

Overview of Changes to Title 5:

Global Changes

- Changed gender specific terms to gender neutral terms.
- Consistent with Title 1, where practical, fee information was moved from this Title and moved to a new Appendix A. This move will allow for ease in locating and updating this information.

Chapter 5.04 – Business License

Clarification around the following items

- When state licensed businesses need a local business license
- Prorated license fees and late fees
- Better defined what the Village considers a separate location

Chapter 5.08 - Amusement Activity and Special Event Permits

Added language to include special event permits along with amusement activity permits. Included a definition of a "special event" to assist with issuing permits.

Chapter 5.10 – Arts and Crafts Vendor License - *Eliminated*

This chapter was removed as these vendors would be part of a fair or festival that would be licensed under a Special Event Permits, therefore there is no need to license each individual vendor. The license fees were \$20 for six days or fewer, \$50 per week, \$75 per month, or \$150 per year.

Chapter 5.12 – Coin Operated Amusement Devices – *Eliminated*

This chapter was removed as there are only five locations that have machines licensed. The annual fee is \$50 per device. During the five-year period from 2015 through 2019, the average revenue for the Village was on average \$3300 per year. Administrative overhead of these licenses exceeds revenue. Staff time, including time spent sending renewal notices, payments processing, and delivery and installation of license stickers on equipment.

Staff will continue to license and inspect food vending machines,(Chapter 5.52) as there is a health aspect to those.

Chapter 5.20 - Liquor Controls

Staff made multiple clarifications to this chapter, rearranged sections for better flow of process, simplified, and consolidated liquor license classes.

There are existing code contains 18 classes of licenses. The revised language will simplify and consolidate licenses based on type of business with subclasses of type of alcohol. Classes A through G are annual licenses (with the exception of E-1) while the four Class S licenses are for various special events and are limited to specific day(s).

Class A is for a full-service restaurant to sell all alcohol and Class A-1 is for a full-service restaurant to sell only beer and wine. The existing code licenses A, B, E, & F have been combined into A and A-1.

Class B is for taverns without full food service to sell all alcohol and Class B-1 is for taverns without full food service to sell only beer and wine. There are currently no establishments that would fall under this category, but this would allow for more “trendy” bars without restaurant food service at future developments.

Class C is packaged goods of all alcohol for off premise consumption. Classes C-1 and C-2 authorize packaged goods of beer and wine only for off premise consumption. Class C-2 must have a state license for a filling station. They are differentiated because there are separate restrictions on number of and percentage of floor space used for alcohol displays. Existing code licenses C, D, & D1 would be consolidated into C, C1, & C2.

Class D is a brew pub license. There is no change from the existing K license.

Class E and E1 are for caterers and authorize the service of alcoholic liquor in conjunction with the catering of food for parties and special events at premises not otherwise licensed. Class E is for local businesses for off premise catering and is an annual license issued in conjunction with their Class A license. This is the existing Class I license. There are no active Class I licenses. Class E1 would be per event with a limit on number of events per year. This is applicable to both Buffalo Grove businesses as well as outside businesses, provided they hold a valid state caterer’s liquor license and meet all other criteria.

Class F is an annual license valid for a government owned location authorizing the retail sales of alcohol during prearranged events. This is the current G2 license. Currently only the Buffalo Grove Park District’s Community Arts Center holds this class of license, although Vernon Township has previously held this license.

Class G authorizes the complimentary service of beer and wine as part of the patron’s purchase of goods and services offered by the businesses. This is the current G7 license, which is held only by WJ Golf’s Barclay Blvd location.

Class S licenses are for special events and are valid for a specified period, typically not longer than 5 days. S1 and S2 are for non-profit and for-profit businesses respectively to sell alcohol for on premise consumption during a special event. Class S-3 is the current G6 license, which was created with the intention of farmer's market vendors to use. As far as I know, we have never issued one. Class S-4 is the current G-4 license, which authorizes the giving away of alcohol at a private event by the event host in a non-residential setting. This is often used for company picnics, open house, or a private party such as a baby or wedding shower.

Other The revised chapter eliminates two current licenses – Class H, which authorizes the sale of alcoholic liquors as part of a gift delivery service. This was previously only held by The Wine Cellar who no longer offers this service in their Buffalo Grove location. Class J was also eliminated. It authorizes the retail sale of packaged goods for off premise consumption, as well as on premise consumption served by both a bar service and service area. It was written for Mariano's, and while they do currently hold this license, it is not being utilized to its full extent as they currently offer only packaged goods for off premise consumption. Since these proposed changes now differentiate license classes by type of business rather than where the alcohol is prepared/served (bar vs service area), it would make more sense to issue Mariano's the proposed Class C license, which they currently meet, and if they would like to also offer on premise consumption, modify Class A to include service within a full-service grocery store.

5.20.110 - Alcohol beverage tasting permits Alcohol tastings was modified to align with the amounts permitted by state statute. They would be allowed only by Class C or C-1 license holders.

5.20.165 – Minors Employment – Eliminate

The existing code has a Special Server Permit under 5.20.165 which authorizes an individual under 21 but over 18 to serve alcohol to a table at a restaurant. In an effort to modernize and streamline the code this provision has been removed. No current Special Service Permits are in place.

5.20.300 Video Gaming – specified only Class A or A1, or are a licensed truck stop establishment in anticipation of a planned future development.

Chapter 5.28 – Public Passenger Vehicles – Eliminate.

The Village licenses only taxis and no other public passenger transportation such as Uber or Lyft. This section is no longer relevant with the popularity of ride shares, which are not regulated locally. The revenue generated between 2015 and 2019 averaged just over \$1,000 per year. Administrative overhead of these licenses exceeds revenue. Staff time includes fingerprinting and background checks by Police, processing applications and payments, and creating badges with photo IDs as well as the cost of stickers. The Police department noted that they have no records of enforcing the provisions of this chapter and interactions with taxi drivers are typically due to nonpayment by passengers.

Chapter 5.32 – Tobacco Clarifications, prohibit mechanical devices/vending machines for tobacco sales, prohibit possession under 21

Chapter 5.40 – Hours of Operation Adjacent to Residential Areas Moved this language into business license, 5.04.155

Chapter 5.44 – Massage Establishments Rearranged, clarified, updated inspections to align with actual practices

Chapter 5.45 – Bodywork Establishments Updated inspections to align with chapter 5.44

Chapter 5.52 – Food and Beverage Vending Machines clarifications regarding proration of fees

Chapter 5.70 – Adult use Licensing No change, other than eliminate duplicated sections

Chapter 5.74 – Cable/Video Service Provider Fee and PEG Access Support Fee Updated definition of “gross revenues”

Next Steps

Staff requests the Board contact Brett Robinson with any concerns regarding the proposed changes to these two titles.

Staff has already begun the review of Title 6 “Animals” and Title 8 “Health and Safety”. The review of Title 6 and 8 is expected to take about four weeks, at which time a redline version of the title and chapter of the code showing proposed changes will be brought back to the Village Board for review and comment. Once the entire code has been reviewed and presented to the board, staff will come before the Board with a final draft of the code for review and approval.

Title 5 - BUSINESS LICENSES, PERMITS, AND REGULATIONS

Chapter 5.04 - BUSINESS LICENSE

5.04.010 - Definitions.

The words and terms set forth in this section, wherever they occur in this Chapter, shall be construed as defined in this section:

- A. "Accessory use" means a use which is customarily and exclusively incidental to the principal building or use which it serves and which (with the single exception of such off-street parking spaces as are permitted to be located elsewhere) is located on the same zoning lot as the principal building or use..
- B. "Business activity" means and includes the following:
 - 1. "Adult Use Cannabis Dispensary:" An adult-use cannabis dispensary shall be defined as a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business organizations for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.
 - 2. "Food establishment" means a building or premises or a portion thereof, the principal use of which is for the sale or dispensing or distribution or serving or storage of food, foodstuff or drink for consumption on or off the premises, or serving or storage of food, foodstuff or drink for consumption on or off the premises or in or out of the building; facilities commonly known as "mini-marts" will fall under this definition.
 - 3. "Retail and wholesale sales establishment" means a building or premises or portion thereof, the principal use of which is for the sale or distribution of any commodity or material goods for a price or fee by a seller to a consumer or by one business to another business. The sale or distribution of a commodity or material good is not included or related to the services of food establishments or service establishments.
 - 4. "Service establishment" means a building or premises or a portion thereof, the principal use of which is for the rendering of personal or material services for a price or fee whether or not a commodity or material good is worked upon or exchanged.
 - 5. "Industrial establishment" means a building or premises or a portion thereof, the principal use of which is for manufacturing, including assembly, processing, fabrication, storage or warehousing, including scientific or manufacturing research, engineering and development.
 - 6. "Hotel/motel establishment" means any building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests.
 - 7. "Food processing with accessory food retail establishment" means an establishment, building, or premises or a portion thereof, the principal use of which is to manufacture, process, store and distribute food or food products on a wholesale basis. The accessory food retail use would be a subordinate use and would be commonly known as an "outlet" type store.
- C. "Floor area" means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings measured in square feet from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces or loading spaces for motor vehicles.
- D. "Licensee" means any individual, firm, association, partnership, corporation, trust or any other legal entity licensed or subject to license.

- E. "Tenant use space" means all areas identified for use by a business activity, but not including interior parking spaces or loading spaces for motor vehicles.

5.04.020 - Requirements.

- A. A Village of Buffalo Grove Business License is required to conduct, engage in, maintain, operate, or manage any business activity in the Village of Buffalo Grove. Said license shall be obtained prior to the commencement of operations.
- B. Businesses exempt from this Chapter are those preempted by State statutes and are licensed by the Illinois Department of Financial & Professional Regulation (IDFPR). However, if additional business activities are offered in the establishment / facility, which are not covered by the State of Illinois license, then a Village of Buffalo Grove license may be required.
- C. All businesses must comply with zoning regulations and hold a valid Certificate of Occupancy for the business premises in its entirety prior to commencing business operations.
- D. All applicants and licensees shall conform to the requirements of all applicable Village ordinances and all applicable requirements of the State of Illinois.

5.04.030 - Application.

Applications for all licenses shall be made in writing to the Village on the form provided.

5.04.040 – Investigations.

- A. When an ordinance authorizes or necessitates any investigation or inspection by a Village official before the issuance of a license, the required investigation or inspection shall be made.
- B. The Village official shall make the necessary investigations and inspections, and if warranted, the results shall be reported in writing to the Village Clerk. The Village official shall indicate on the application a recommendation for the approval or disapproval thereof.
- C. No license shall be issued or renewed to any applicant or licensee who is in violation of any Village ordinance or owes the Village any fine, penalty or other charge.
- D. The application and investigative reports shall be forwarded to the Village Manager or designee for determination of compliance with all Village ordinances and applicable statutes.

If approved, the Village Clerk shall issue the license. If not, the applicant shall be advised that the license has been denied.

5.04.050 - Duration.

All licenses issued under this Chapter shall terminate on December 31st of each year or upon written notice to the Village Clerk of discontinuation of business operations or as otherwise terminated by law.

5.04.060 - Nontransferable.

No license may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered.

5.04.070 - Posting.

Licenses shall be posted in a prominent place on the premises used for such business.

5.04.080 - Suspension, revocation and appeal.

The procedures set forth in Chapter 1.12 shall govern: (1) suspension and/or revocation of a license and (2) appeal of a denial of an application.

5.04.110 - Fees.

- A. The annual fee charged for licenses is set forth in Appendix A of this Code and is determined by business classification and square feet.
- B. Every person engaged in any classification of business specified in this section shall pay the highest fee for any such occupation or business in which so engaged, which shall entitle the licensee to engage

in any other occupation or business licensed hereunder without procuring additional licenses as provided for herein as long as such sundry uses are in conformance with the provisions of this Code.

- C. Said fees are prorated at one-half the original amount if the initial license is issued on or after July 1st.
- D. All payments to renew an existing license are due on or before January 15th. Starting on January 16th, a fifty percent penalty will be added.
- E. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

5.04.120 - Separate locations require separate licenses.

No license for the operation of a business or establishment in the village shall be construed to permit the operation of a licensed business or establishment in more than one (1) location in the village; a separate license shall be required for each location of a licensed establishment. For the purposes of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

5.04.130 - Change in location.

The location of any licensed business activity may be changed, provided ten days' notice thereof is given to the Village Clerk.

5.04.140 - Nuisance prohibited.

No business activity, whether or not licensed, shall be so conducted or operated as to constitute a nuisance; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

5.04.150 - Nudity prohibited.

No person licensed under this Chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

1. Exposes their genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
2. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
3. Exposes any portion of the female breast at or below the areola thereof.

5.04.155 – Hours of Operation Adjacent to Residential Areas

A. Business Operations.

1. Except as otherwise provided in this Chapter, where the tenant use space of a business activity is located within sixty feet of a residential dwelling unit, the operation of the tenant use space between the hours of midnight and seven a.m. is prohibited. In determining the distance provided for in this section, the measurement shall be from the closest point of a tenant use space to the nearest residential dwelling unit. This section shall not apply to a business activity that occupies the ground floor below a residential dwelling unit.
2. A business activity may petition the Village Manager to extend permitted hours of operation, but in no event shall any approval be given for an opening time earlier than five a.m. or a closing time later than two a.m. pursuant to the following conditions:
 - a) The Village Manager determines that there is no detriment to public health, safety and welfare;

- b) The Village Manager may require restrictions upon the business activity and adjacent parking to ensure no detriment to public health, safety and welfare.

B. Retail food stores.

Retail food stores in excess of thirty thousand square feet may operate twenty-four hours a day.

C. Prohibited activities—Hours of operation.

1. Except as otherwise provided in this Chapter, the following activities, in a business district which is adjacent to a residential district used for residential purposes, are prohibited between the hours of ten p.m. and seven a.m. when they generate loud and raucous noises of a disagreeable and annoying nature and have the effect of unreasonably disturbing the peace and comfort of the occupants of adjacent premises:
 - i. Sweeping or scraping any dust, rubbish or refuse;
 - ii. Garbage or refuse pickup or delivery;
 - iii. Truck deliveries or pickups;
 - iv. Use of any leaf blowing type of machine;
 - v. Grass cutting;
 - vi. All other similar operations and activities that generate loud and raucous noises of a disagreeable and annoying nature and that have the effect of unreasonably disturbing the peace and comfort of the occupants of adjacent premises.
2. This section shall not apply to truck deliveries between the hours of six a.m. and seven a.m. if such truck deliveries are allowed pursuant to a Village Planned Unit Development Ordinance.
3. This section shall not apply to snow removal operations.

5.04.160 - Premises—Inspections.

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purpose of making the inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is required.
- B. Whenever an analysis of any commodity or material is reasonably necessary to secure performance with any ordinance or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to give to any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

5.04.170 – Home day care providers.

A day care provider that has been granted a special use to operate a day care home as defined in Section 17.12.141 of the Village zoning ordinance shall be required to obtain a Village day care business license. The conditions and procedures for the approval of a special use are set forth in Section 17.28.060 of the Village's zoning ordinance. An application for a license shall be made in writing to the Village on forms provided by the Village Clerk or designee.

The fee for a day care business license granted under this section is set forth in Appendix A of this Code, and shall be prorated at one-half the original amount if the initial license is issued on or after July 1st. All licenses issued under this section shall terminate on December 31st of each year. All other applicable sections of this Chapter shall apply in the granting and regulating of licenses under this class of special use in addition to any rules and regulations contained within the Village zoning ordinance.

5.08.180 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 5.08 - AMUSEMENT ACTIVITY AND SPECIAL EVENT PERMITS**5.08.010 - Definition.**

A "special event" is defined as a temporary activity that may include any one or more of the following:

1. A crowd of a size that is significantly larger than what is expected for the typical day to day use of the property or under normal business conditions;
2. Use of additional City Services
3. The appearance of a celebrity personality;
4. Use of an outdoor parking lot for an activity other than parking;
5. Use of a structure such as a tent or stage;
6. Use of off-site parking;
7. Any outdoor event that includes a request for a temporary liquor license;
8. Live entertainment
9. Filming/Media Production
10. Use of Public Right-of-way; including processions, parades, footraces, marathons, walkathons, bike-a-thons, bike races, open air public meetings, or any other group sponsored activity occupying or using any street or public place in the city (not including funerals and block parties).

An "amusement activity" within the terms of this section includes art festivals, concerts, carnivals, circuses, fairs, trade shows, trade amusements, boxing and wrestling exhibitions, traveling shows and any other similar or related type of activity conducted for the furtherance of a business enterprise. 5.08.020 - Permit—Required.

No person shall conduct a special event or amusement activity within the Village without first having obtained a permit to do so from the Village. No permit shall be granted to any person under the age of twenty-one. Additional permits, including but not limited to tent permit, special event liquor license, and temporary food permit, may be required.

5.08.030 - Permit—Application—Contents.

Any person desiring a permit for an amusement activity shall apply through the Village Clerk's office at least thirty days prior to the first day of operation at the proposed activity. The application shall be on a form furnished by the clerk and shall set forth:

- A. The name and address of the applicant;
- B. The name, address and status of the proposed permittee;
- C. The nature of the activity for which the permit is sought;
- D. If the proposed permittee is a corporation, the name and address of the registered agent and office of the corporation, and the state of incorporation;
- E. The names and addresses of the person or persons to be in immediate charge of the place of amusement at all times during its operation;
- F. The names of any sponsoring organization and the names and addresses of the principal officers of such organization;
- G. The date or dates of proposed event, the location at which it is proposed, and a list of all vendors and other participants;

- H. The names of the last three cities or other places in which the amusement activity has been shown, operated or conducted immediately prior to the filing of the application, if applicable;
- I. A statement that the proposed permittee will directly control and supervise each activity proposed to be authorized under the permit sought, and will be responsible for the conduct, operation and management thereof;
- J. Name and address of a person who can be readily contacted in regard to the operation of the amusement activity, and who is able to contact the proposed permittee at all times;
- K. If requested, a statement that the permittee has standard public liability insurance policies with an insurance company or companies satisfactory to the Village in the amount of not less than one hundred thousand dollars/one million dollars bodily injury and twenty-five thousand dollars property damage. The Village shall be named as one of the insured, and evidence of same shall be furnished the Village prior to issuance of permit;
- L. A statement certifying on penalty of perjury the correctness of the information given on the application and agreeing on behalf of the proposed permittee that there shall be full compliance of the permittee with all of the State and Village laws in the conduct of the activities for which a permit may be granted;
- M. A statement that the applicant, as a condition of receiving a permit, agrees to indemnify and save harmless the Village from any liabilities arising out of its issuance;
- N. All other information as identified on the special event permit application.

5.08.040 - Permit—Application—Processing.

An application for a permit under this Chapter shall be processed as follows:

- A. The Village Clerk or designee shall send copies of the application to the following Village Departments: police, fire, health and building and zoning.
- B. The departments shall investigate the business reputation of the permittee and of compliance by such person with State laws and local ordinances at other places listed on the application where the applicant or permittee has carried on amusement activities.
- C. Each department shall report to the Village Clerk after the filing of the application any discrepancies which appear in the application or any failure of a proposed operation to comply with applicable State or Village laws and shall mention any problems which the proposed activity may reasonably be expected to pose for the people or government of the Village. Said report shall further make recommendation for protecting the public peace, health, safety, and welfare in the event a permit is issued.
- D. The Village Clerk shall submit the application to the Village Manager, who shall consider the same as soon as practicable. The Village Clerk, by and with the consent of the Village Manager, shall issue a permit; provided no permit shall be issued unless the conduct or maintenance of such activity at the proposed location will not, in the judgment of the Village Manager, endanger public peace, health, safety or welfare. In granting any permits, the Village Manager may impose such additional conditions or requirements as deemed necessary to protect public peace, health, safety and welfare.
- E. If the application is approved, the applicant shall file bonds and insurance policies or certificates thereof as required by this Chapter and shall pay the appropriate license fee of the Village prior to the issuance of any permit.
- F. If the application for a permit is denied, the applicant may appeal pursuant to Chapter 1.12.

5.08.050 - Permit—Fees.

The application shall be accompanied by a nonreturnable application fee in an amount as set forth in Appendix A of this Code. All other applicable fees shall be paid prior to the issuance of the approved permit. Bona fide not-for-profit organizations are exempt from fee payment.

5.08.055 – Permit–Duration

Notwithstanding anything to the contrary contained in this Chapter, no permit shall be valid for a period of more than five days.

5.08.060 - Bond requirement.

The permittee shall, when conducting an off-premise amusement, in addition to payment of the permit fees established by the Village, deposit with the Village not later than ten days prior to the first day of conducting any amusement activity and shall maintain for a period of two days after the termination of activities under such permit as may be issued by the Village, a cash bond in the sum of one thousand dollars or, in lieu thereof, shall post and maintain in full force and effect during said period a surety bond in the amount of one thousand dollars. Such bond shall be issued by a surety company, approved by the Village Attorney, and shall be in a form approved by the Village Attorney. Such bond shall, by its terms:

- A. Insure payment to the Village for any damage to Village property occasioned by the operation of such amusement activity or parade, including damages occasioned by the entrance into or exit from the Village of the permittee or of the equipment, facilities or personnel of such amusement activity as shall be permitted by the permit;
- B. Insure the cleaning of the premises used for such amusement activity and of the immediate surrounding properties and streets of such litter and debris as may result from the operation thereof;
- C. Insure payment of any fines levied against the permittee for violation of this or any other section or State law while conducting amusement activities in the Village;
- D. Such bonds may be waived or reduced in amount or sooner cancelled or returned when the conditions of or reason for requiring such bonds have been satisfactorily met. The permittee shall be promptly notified of any claims made or contemplated against such bond or surety and shall have the right to appeal from any such claim or the amount thereof as set forth in Chapter 1.12. The decision of the Corporate Authorities shall be final;
- E. Nothing contained in this section shall be construed to mean that the applicant is absolved from liability for sums in excess of one thousand dollars.

5.08.070 - Distance requirements.

No amusement activity covered by this Chapter shall be located in a zone within one hundred fifty feet of any occupied residential dwelling unit. Carnivals, fairs and other activities sponsored by schools, churches, and other nonprofit, educational, eleemosynary, charitable or political organizations or the like, and activities of six units or less may be exempted from this requirement.

5.08.075 - Distinctly and loudly audible noise.

No amusement activity shall use or operate a sound amplification device so that the device produces distinctly and loudly audible sounds beyond the boundary of the property, parcel, street or place from which the sound originates.

5.08.080 - Hours of operation.

No amusement activity shall operate except during the following hours:

- A. On weekdays between the hours as follows:
 1. School days, four p.m. and eleven p.m.;
 2. Non-school days, one p.m. and eleven-thirty p.m.;
- B. On Saturday between nine a.m. and eleven-thirty p.m.;

C. On Sunday and holidays, between noon and eleven p.m.

5.08.090 - Games of skill.

- A. No permittee shall operate, maintain or permit to be maintained on any premises being occupied for any amusement activity for which a permit has been granted under this Chapter any gambling or any game of chance prohibited by State law or local ordinance. No game of skill or science shall be controlled, fixed, or operated so as to substantially deceive the public as to the possibility of succeeding at such game or of winning any prize offered in connection therewith. The use of, or employing of, or permitting of capper, skills or of persons posing as players in connection with any amusement activity is prohibited.
- B. The rules of any game of skill or science, the prizes offered, the requirements for winning each prize or group of prizes, and the cost of participating in such games shall be clearly indicated and prominently displayed at the location where such games are played.
- C. This section shall not restrict video gaming that is licensed under the provisions of the Video Gaming Act and as authorized by the Buffalo Grove Municipal Code.

5.08.100 - Lighting of amusement area.

The area around and between tents, facilities and equipment of any amusement activity shall be well lighted at all times during the operation of such amusement activity or any part thereof. The permittee may be required to provide an emergency lighting system to provide adequate lighting for orderly evacuation in event of disaster or emergency. The operation of any amusement activity at any time when such requirements are not being fully met is prohibited.

5.08.110 - Health, sanitation.

The amusement activity and each portion thereof shall conform to health and sanitation requirements of the State statutes and the Village ordinances. No living quarters shall be constructed or maintained on any part of the premises. A watchman shall be permitted to remain on the premises during the permit period.

5.08.120 - Building, fire codes.

The permittee shall comply with the building and fire codes and ordinances of the Village and State statutes, and shall be responsible for compliance with said statutes, codes, and ordinances by every activity carried on pursuant to the permit. Upon request, the permittee shall furnish proof to the Village that all equipment, rides, tents and structures utilized in connection with the amusement activity have been inspected and are in compliance with applicable State and Village laws and regulations and shall cooperate with the inspection thereof by local police, fire, building, health, or other public officials and personnel.

5.08.130 - Alcoholic beverages prohibited.

No permittee or other person shall sell or maintain for sale or give away on the premises occupied for any amusement activity any form of alcoholic beverage, nor shall any permittee give away, permit sale, maintenance for sale or consumption of alcoholic beverages on any premises while any amusement activity regulated by this Chapter is being operated or conducted thereon unless specifically authorized to do so by the terms of a Village permit.

5.08.140 - Permit—Suspension, revocation.

Any permit granted under this Chapter may be suspended in whole or in part at any time that the amusement activity is conducted contrary to the permit or to any State or Village law, or when any such amusement activity or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, or to be injurious to the public peace, health, safety or welfare. Suspension shall become effective immediately. The Village Manager shall be notified of any suspension. The Village Manager may, for good cause, cancel any suspension, shall promptly notify the Corporate Authorities of the action taken, and of the reason or reasons thereof. Issued permits may be suspended or revoked pursuant to Chapter 1.12.

5.08.150 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 5.09 - RAFFLES**5.09.010 - Definitions.**

For the purposes of this Chapter, the words set out in this section shall have the following meanings:

- A. "Business" means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of the Village.
- B. "Charitable" means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.
- C. "Educational" means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools. In addition, recognized and duly constituted clubs and service organizations that operate within a school or institution as intended by this definition shall also be considered as part of the educational organization.
- D. "Fraternal" means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of the members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.
- E. "Labor" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- F. "Nonprofit" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
- G. "Raffle" means a form of lottery conducted by an organization licensed by the Village in which:
 - 1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
 - 2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or sets of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- H. "Religious" means any church, congregation, society or organization founded for the purpose of religious worship.
- I. "Veterans" means an organization or association comprised of members of which substantially all are individuals are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

5.09.020 - License—Required.

No person, firm or corporation shall conduct a raffle within the Village without first having obtained a license from the Village. Such license is valid for up to four raffles during a calendar year except for the following: A charitable raffle, complying with the requirements of Section 5.09.050 (B), shall be valid for fifty-two raffles during a calendar year. An educational organization as defined in Section 5.09.010(C) may hold up to ten raffles during a calendar year. No one particular club or service organization as defined shall be issued more than two raffle licenses during a calendar year.

5.09.030 - Eligibility.

- A. Licenses for raffles shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations which are located within the Village and which have been in existence continuously for a period of five years immediately before applying for such license and have had during said period a bona fide membership engaged in carrying out their objectives; or to a nonprofit fundraising organization that the Village determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The forementioned five year period may be waived at the discretion of the Village if the organization applying for a raffle license is formally associated with another organization as defined in Section 5.09.010, which has been in existence for a period of five years immediately before such application.
- B. The following are ineligible for any license under this Chapter:
 - 1. Any person who has been convicted of a felony;
 - 2. Any person who is or has been a professional gambler or gambling promoter;
 - 3. Any person who is not of good moral character;
 - 4. Any firm or corporation in which a person defined in subdivision (1), (2), or (3) of this subsection has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 - 5. Any organization in which a person defined in subdivision (1), (2), or (3) of this subsection is an officer, director, or employee, whether compensated or not;
 - 6. Any organization in which a person defined in subdivision (1), (2) or (3) of this subsection is to participate in the management or operation of a raffle as defined in this chapter.

5.09.040 - License—Application—Contents.

Application shall be made in writing through the Village Clerk's office at least thirty days prior to the first day intended for sale of raffle chances. The application shall be on a form furnished by the Village Clerk.

5.09.050 - Licensing conditions and limitations.

- A. Except as set forth in subsection B of this section, all raffles are subject to the following conditions and limitations:
 - 1. The maximum cash prize awarded in any raffle shall be twenty-five thousand dollars.
 - 2. The maximum retail value of a non-cash prize awarded in any raffle shall be seventy-five thousand dollars.
 - 3. The aggregate value of all prizes awarded in any raffle shall not exceed one hundred thousand dollars.
 - 4. The maximum which may be charged for each raffle chance issued or sold is one hundred dollars.
 - 5. The maximum number of days during which chances may be issued is ninety.
- B. A fifty-two-week charitable raffle license is subject to the following conditions and limitations:
 - 1. The maximum retail value of a non-cash prize awarded in any raffle shall be one thousand dollars.
 - 2. The aggregate retail value of all prizes awarded in any raffle shall not exceed five thousand dollars.

5.09.060 - License—Fee.

The license fee shall be as set in Appendix A of this code.

5.09.070 - Conduct of raffles.

The conduct of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.
- B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter.
- E. Raffle chances may be sold or issued only within the area(s) specified on the license and winning chances may be determined only at those locations specified on the license.
- F. No person under the age of eighteen years may participate in the conducting of raffles or chances. A person under the age of eighteen years may be within the area where winning chances are being determined only when accompanied by their parent or guardian.
- G. The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, governmental or similar institution.

5.09.080 - Raffles manager—Bond.

All operations of and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall obtain a fidelity bond in the sum of twenty-five percent of the total value of the prizes to be awarded. The terms of the bond shall provide that notice be given in writing to the Village thirty days prior to its cancellation. The Village may waive this bond requirement by including a waiver provision in the license issued to an organization pursuant to this Chapter; provided, that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

5.09.090 - Records.

- A. Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or the reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- B. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to a license therefor issued by the Department of Revenue of the state, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.
- C. Each organization licensed to conduct raffles shall report within sixty days after the conclusion of each raffle to its membership, and to the Village, its gross receipts, expenses, and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Chapter.
- D. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

5.09.100 - License—Suspension, revocation.

Any license granted under this Chapter may be revoked by the Village at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to

endanger public peace, health, safety, or welfare. Any license granted under this Chapter may be suspended in whole or in part at any time that the raffle is conducted contrary to the license or to any state or Village law, or when any such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety, or welfare. Suspension shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any such raffle as may be ordered suspended.

5.09.110 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08 of this Code.

Chapter 5.20 - LIQUOR CONTROLS

5.20.010 - Definitions.

Except as otherwise defined herein, all words and phrases used in this Chapter shall have the meaning ascribed to them in the Illinois Liquor Control Act:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Beer" means any beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malts and hops in water, including, among other things, beer, ale, stout, lager beer, porter and the like.

"Conveyance" means any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

"Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

"Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

"Illicit drugs" means any drug, substance or compound prohibited by law, including but not by way of limitation, drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

"Licensed Video Gaming Location" means a licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act (230 ILCS 40/5).

"Liquor Control Act" means the provisions of an act relating to alcoholic liquors, as amended and as set forth in Illinois Compiled Statutes.

"Parent" means any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of court.

"Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

"Reasonable steps" means controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, calling for police assistance in the event people under twenty-one are in possession of alcohol at the event or gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no underage person is authorized to be present and consume alcohol at the owner's residence.

"Religious ceremony" means the possession, consumption and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

"Residence or premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis whether occupied as a dwelling or specifically for a party or other social function and whether owned, leased, rented, or used with or without permission or compensation.

"Underage person" means any individual under twenty-one years of age.

"Video Gaming Café" means an establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a Video Gaming Café:

- The layout and design of the establishment,
- The preparation and variety of food and beverages offered,
- The creation and operation of a commercial kitchen,
- The number of video gaming machines relative to the customer seating capacity of the establishment,
- The square footage of space devoted to video gaming relative to the amount of space devoted to other activities,
- The source of proposed or actual revenue derived from the establishment,
- The number of employees at the establishment and their proposed function,
- Any other factors as determined as relevant by the Local Liquor Control Commissioner.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol.

5.20.020 - Local Liquor Control Commissioner—Designation.

The President of the Board of Trustees of the Village shall be the Local Liquor Control Commissioner for the Village.

5.20.030 - License—Requirement.

Only such persons, firms, or corporations as are granted a liquor license in accordance with the provisions of this Chapter shall be permitted to sell or offer for sale, at retail, or to give away alcoholic liquors in the Village.

5.20.035 - Consumption on property.

It is unlawful for any owner or occupant of property within the Village, other than dwellings, as defined in Title 17 of this Code, house trailers and mobile homes to permit alcoholic liquor to be consumed on such property without a license issued under this chapter.

5.20.040 - License—Applications.

Applications for such license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a corporation, verified by oath or affidavit. Together with the provided application, at minimum the following shall be provided:

- A. Copy of lease and/or purchase agreement or proof of ownership of the property.
- B. Copy of Dram Shop Insurance Policy showing Liquor Liability listing "Village of Buffalo Grove" as certificate holder. The policy must also include the Additional Insured endorsement listing the Village of Buffalo Grove as an Additional Insured and include the site address. The Cancellation Endorsement must specifically state that notice will be given a minimum of ten (10) days prior to cancellation.
- C. Copy of Articles of Incorporation or Articles of Organization.
- D. Copy of assumed name certificate, if applicable.
- E. Copies of BASSET certificates for owners and/or managers. Upon renewal, a list of all employees that serve/sell alcohol and copies of their BASSET certificates must be submitted.
- F. Proposed floor plan depicting tenant/building layout, including alcohol sales areas.
- G. Copy of the written liquor control policy.

5.20.045 - License—Application fee.

A onetime fee as set forth in Appendix A of this Code shall accompany all initial liquor license applications and no application shall be processed unless such fee is paid. Application fee is nonrefundable and is in addition to the license fee payable for the class of license being applied for. This section shall only apply to Class A, A-1, B, B-1, C, C-1, C-2, D, and E liquor licenses. This section shall not apply to current licensees applying to change their current license to another classification or a change in location. This section shall not apply to a previous liquor license holder who voluntarily surrendered the license and wishes to reinstate the license, provided there are no changes to the ownership or location of the business. This section shall apply to an existing license holder applying for a license at an additional location.

5.20.050 - License—Cause for denial.

No such license shall be issued to:

- A. A person who is not at least twenty-one years of age.
- B. 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;
- C. A person who is not of good character and reputation in the community in which that person resides;
- D. A person who has been convicted of a felony under any federal or state law, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- 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 Chapter or under the applicable laws of the state has been revoked for cause;
- H. A person who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application;
- I. 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;

- J. 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/her bond to appear in court to answer charges for any such violation;
- K. 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;
- L. A person who is not a beneficial owner of the business to be operated by the licensee;
- M. A person who has been convicted of a gambling offense as prescribed by the Liquor Control Act;
- N. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- O. A partnership, unless all of the members of such partnership shall be qualified to obtain a license;
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
- Q. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this Chapter for any reason other than citizenship and residence with the political subdivision;
- R. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- S. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period;
- T. Any law-enforcing public official, including the Local Liquor Control Commissioners, any mayor, alderman, or member of the city council or commissioner, the President of the Village Board of Trustees, any member of a village board of trustees, or any president or member of a county board. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which 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;
- U. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period;

5.20.060 - License—Issuance.

- A. Liquor licenses shall only be issued to applicants who have complied with all the requirements of this Chapter, all other applicable Village ordinances, and has submitted all necessary documentation required by the Village.
- B. Notwithstanding subsection A of this section, in order to permit the operation during the processing and investigation of a new or proposed reserved licensee's application, the Liquor Control Commissioner may, upon the filing of a complete application and payment of all fees, issue a conditional license. In the event such conditional license is issued, the Liquor Control Commissioner shall report the same to the Corporate Authorities. Such conditional license shall be valid until such time that all background investigation matters are completed. Upon satisfaction of all investigation matters, a permanent license will be issued. In any case, a conditional liquor license shall be valid for no longer than ninety days from date of issuance unless an extension is authorized by the Liquor Control Commissioner. Any extension shall be reported to the Corporate Authorities and shall be for no longer than an additional ninety days. Only one extension shall be authorized. Should all conditions not be resolved during the term of such conditional license, the conditional license shall be rescinded.

5.20.070 – License—Term.

- A. Each Class A, A-1, B, B-1, C, C-1, C-2, D, E, F, and G license shall terminate on the 30th day of April next following its issuance.
- C. Each Class E-1 and all Class S licenses shall be valid only for the date(s) specified on the license.

5.20.080 – License—Fee.

- A. The license fee for each license classification shall be as set forth in Appendix A of this Code.
- B. If an application is received by the Village between November 1st and April 30th for a liquor license that has a term of one year and expires on April 30th, the license fee shall be one-half of the annual fee.

5.20.090 - License—Renewal.

- A. Any licensee may renew the annual license at the expiration thereof; provided the licensee is then qualified to receive a license, and the premises for which such renewal license is sought is suitable for such purpose. The Village reserves the right not to renew any license as provided by law.
- B. No license shall be renewed unless the owner or manager of the license attends an annual liquor law/alcohol awareness training seminar conducted by the Village. The fee for the Village providing a make-up is set forth in Appendix A of this Code.
- C. Renewal fee shall be due on or before May 1st. In the event the application is denied, the whole fee shall be refunded.
- D. This Section shall not apply to Class E-1 and all Class S Liquor Licenses.

5.20.095 - License—Display.

The license shall be displayed in plain view in a conspicuous place on the licensed premises at all times.

5.20.100 - License—Classifications.

Such licenses are divided into the following classes:

- A. Class A & A-1 (**restaurants & hotels**) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption only on the premises where sold, which premises shall be a restaurant, or an entertainment facility with a restaurant, or a hotel with a restaurant, where the food service component of the business is operational during the hours of sale and service of alcoholic liquor and a printed menu is on display and in effect. Class A authorizes the sale of all alcoholic beverages. Class A-1 authorizes the sale of beer & wine only.
 - 1. If the licensed restaurant is within a hotel, the following conditions and limitations apply:
 - a. Alcoholic liquor shall only be consumed:
 - 1. In rooms which contain sleeping accommodations but only if delivered to the room by an individual of at least twenty-one years of age,
 - 2. In meeting rooms, restaurants, lounge/lobby areas, buffet rooms and a courtyard surrounded by the hotel building, or
 - 3. At a service area;
 - b. The application for a hotel restaurant's class A or A-1 license shall include the applicant's operational plans delineating acceptable administrative controls to ensure that underage drinking does not occur in the rooms which contain sleeping accommodations;

- c. No person shall rent a hotel room from the proprietor or agent thereof where such a room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one years;
- B. Class B & B-1 (**taverns**) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption on the premises where sold, which premises is not operated as a restaurant; provided, however, nothing herein shall be deemed to prohibit the licensee from offering light food service, so long as such food service is incidental to and not a major part of the primary business of the licensee. Class B authorizes the sale of all alcoholic beverages. Class B-1 authorizes the sale of beer & wine only. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No wine shall be sold by any class B or B-1 license holder for consumption off the premises. Patrons entering an establishment that holds a class B or B-1 license must be 21 or older, unless accompanied by a parent or legal guardian. **No** video gaming authorized.
- C. Class C, C-1, & C-2 (**package**) licenses, authorizing the retail sale of alcoholic liquors on the specified premises, to be sold in the original packages and then for consumption off the premises only. Class C authorizes the sale of all alcoholic beverages. Classes C-1 & C-2 authorize the sale of beer & wine only.
 - 1. If more than one category of merchandise is offered for sale on the same premises, commonly known as a grocery store, convenience store, pharmacy, etc., the following conditions and limitations shall apply:
 - a. Except as set forth in subsection b. of this section, all liquor must be physically separate from the other types of merchandise on the premises (hereinafter sometimes referred to as the "designated liquor department").
 - b. Beer and wine displays:
 - i. Beer and wine displays are allowed outside of the designated liquor department but are limited to a total of no more than five throughout the premises. A site plan must be provided to the Village identifying the requested locations of proposed beer and/or wine displays. The site plan must be approved by the Village Manager or designee prior to any displays being erected;
 - ii. Beer and wine displays are prohibited adjacent to cash registers or the front doors of the premises;
 - iii. Beer and wine displays shall be prohibited in any pharmacy section, and toy and/or children's aisle of the premises.
 - c. Prior to the sale of any alcoholic liquor, cashiers are required to enter into the cash register the date of birth of the prospective purchaser.
 - d. Only employees who are BASSET trained (or other similar Village approved liquor training program) and twenty-one years of age or older are permitted to scan and sell alcoholic liquor.
 - e. In addition to any other penalty that may be imposed, any violation of this or Section 5.20.190 will require for a period of six months: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.

- f. In addition to any other penalty that may be imposed, a second violation of this Section or Section 5.20.190 within any six month period will require for a period of one year: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.
- 2. Class C-2 licenses shall be subject to the following conditions and limitations:
 - a. Premises must have a state license for a filling station where gasoline or other fuel is provided for motor vehicles.
 - b. Total display area for beer and wine, including floor sale area and cooler or display case, shall not exceed ten percent of the total square footage of the building.
 - c. No sale of beer or wine shall be allowed to any patron who is occupying a motor vehicle at the time of sale.
 - d. No sale of beer or wine shall be allowed from a drive-in window or other similar opening in the licensed premises to any patron who is occupying a motor vehicle at the time of sale.
- D. Class D (**brew pub**) licenses, authorizing the retail sale of beer manufactured on premises or off premises by the same licensee, for consumption on and off the licensed premises; provided, however, that such licensee shall not sell for off-premises consumption more than fifty thousand gallons of beer per year. The licensee shall maintain in good standing a State of Illinois brew pub license or craft brew license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1, et seq.), as amended.
- E. Class E and E-1 (**catering**) license, authorizing the service of alcoholic liquor in conjunction with, and as an incidental part of, the catering of food for parties and special events at premises not otherwise licensed as a "Class A" premises and for consumption only on the premises where the food is served. The licensee must hold a caterer retail license issued by the Illinois Liquor Control Commission.

A Class E liquor license shall only be issued to a business located in the Village of Buffalo Grove holding a business license as authorized by Chapter 5.04 of this Code and a valid Class A liquor license as authorized by this Chapter. Class E licenses shall be subject to the following conditions and limitations:

- 1. A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
- 2. All servers or pourers of alcoholic beverages must have completed a certified alcohol awareness training course.
- 3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.

Class E-1 licenses shall be subject to the following conditions and limitations:

- 1. A Class E-1 liquor license shall be limited in duration to no more than five consecutive days per event, and no more than six such licenses shall be issued to the same licensee in any calendar year.

2. A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
 3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.
 4. Application for Class E-1 license must occur no later than 14 days prior to the intended date of the event.
 5. The caterer must provide the following at time of application:
 - i. Proof of a valid license for the preparation of food for service of the licensed premises, issued by the appropriate licensing authority of the jurisdiction where the applicant's catering business is located;
 - ii. Proof of a valid license for the sale of alcoholic liquor issued by the appropriate licensing authority;
 - iii. Dram shop insurance;
 - iv. Proof of completion of a certified alcohol awareness training course for all servers or pourers of alcoholic beverages at the catered event;
 - v. Any additional information as required by the Liquor Control Commissioner or Village Manager.
- F. Class F (**government events**) licenses, authorizing retail sales of alcoholic liquors for consumption on the premises owned or leased by governmental organizations and occupied by the licensees. Class G licenses shall be subject to the following conditions and limitations:
1. Prearranged events sponsored by governmental organizations must include the service of food.
 2. A representative of the governmental organization must be present throughout every such event.
- G. Class G (**complementary**) license, authorizing complementary service of beer and wine for consumption on the premises owned or leased and occupied by the licensee and is served by the licensee, its agents and employees, as a complement to the patron's purchase of goods or services offered by the business. Class G licenses shall be subject to the following conditions and limitations:
- d. Complimentary service may only be to customers of the shop or facility and only for consumption of the drink while the customer is waiting for or receiving customary barber, cosmetic, beauty shop, nail salon, or art gallery services from the facility, or participating at an indoor golf recreational facility in the Industrial Zoning District. Massage and Bodywork Establishments are expressly prohibited from obtaining a class G license.
 - e. The complimentary service or consumption of beer or wine at the licensed premises is limited to not more than three twelve-ounce servings of beer or three five-ounce servings of wine by a patron during any single calendar day. No alcoholic beverages other than beer, wine, sparkling wine or champagne are permitted.
 - f. Beer and wine must be served by an employee of the licensee who is BASSET certified and must be served in an open container not intended or allowed to be removed from the premises.

- g. Advertising the availability of alcohol may not be visible from the exterior of the licensed premises.
- h. Dram Shop liability insurance shall be provided and the Village of Buffalo shall be named as an additional insured.
- i. Holder of a Class G license shall be required to obtain the necessary State of Illinois Liquor License.
- j. BYOB is not permitted.

SPECIAL EVENTS:

- H. Class S licenses shall be for special events, limited in duration and number, and are divided into the following classes:
 - 1. Class S-1 (**non-profit**) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to an educational, fraternal, political, civic, religious, or not-for-profit organization. Class S-1 licenses shall be subject to the following conditions and limitations:
 - a. A representative from the licensed organization must be present throughout the event.
 - b. Dram shop liability insurance will be provided.
 - c. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 5 days. The days do not need to be consecutive but must be the same event.
 - iii. No more than 6 such licenses shall be issued per day.
 - d. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than **24 hours**.
 - iii. No more than 6 such licenses shall be issued per day
 - e. If licensed premise is owned or leased by a "for-profit" organization, the sale and consumption of alcohol shall not be related to any commercial purpose or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products. The "for-profit" premise owner or lessee shall not conduct its regular business, make any sales of non-alcoholic products for profit, or provide any paid services for profit during the special event.
 - f. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
 - g. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.
 - 2. Class S-2 (**for profit & govt**) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to a corporation, partnership, limited liability company, or government entity that is an Illinois licensed liquor retailer. Class S-2 licenses shall be subject to the following conditions and limitations:
 - a. Dram shop liability insurance will be provided.

- b. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 5 days. The days do not need to be consecutive but must be the same event.
 - iii. No more than 6 such licenses shall be issued per day
 - c. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
 - d. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
 - e. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.
- 3. Class S-3 (**package**) license authorizing the retail sale of alcoholic liquors on the specified premises used by a governmental organization, to be sold only in the original packages and then for consumption off the premises. Class S-3 licenses shall be subject to the following conditions and limitations:
 - a. Dram shop liability insurance shall be provided.
 - b. If the event is held on a property other than that owned or leased by the licensee, express written permission must be provided with the application.
 - c. No event shall be longer than one continuous twenty-four-hour period and shall be in conjunction with a Village approved special event.
 - d. The license shall be valid only for the date(s) shown on the face of the license. Holders of a Class S-3 license may apply for multiple dates as part of one license application.
 - e. Holders of a Class S-3 license shall be required to obtain the necessary State of Illinois Liquor License.
 - f. Holders of a Class S-3 license may be permitted to offer tastings as part of said license, subject to the following conditions and limitations:
 - i. The tasting shall be attended by and supervised by a person who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner;
 - ii. The actual amount of alcohol beverage tasted may not exceed an ounce per each sample;
 - iii. Each sample shall be served in a container which shall be disposed of following the sampling;
 - iv. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;

- v. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the designated premises;
 - vi. The consumption of alcoholic liquor offered for tastings shall occur within a signed designated area immediately adjacent to where the tasting is being offered;
 - vii. There shall be no charge or monetary consideration for the alcoholic liquor offered for tastings, other than what may be sold in the original packages and for consumption off the premises.
2. Class S-4 licenses, authorizing the giving away of alcoholic liquors for consumption on premises of any property within the Village, other than Dwellings, as defined in Chapter 17 of this Code, house trailers, and mobile homes for a private function, where attendance is by invitation only and not open to the public and alcohol is provided by the event host and not as part of a catered meal. Class S-4 licenses shall be subject to the following conditions and limitations:
- a. Dram shop liability insurance will be provided;
 - b. No event shall be longer than one continuous twenty-four-hour period;
 - c. The license shall be valid only for the date shown on the face of the license;
 - d. No more than six such licensees shall be issued per day,
 - e. No more than two such licensees shall be issued to any one licensee within a calendar year,
 - f. No alcohol may be taken off premise by anyone other than the licensee;
 - g. If the event is held on a property other than that owned by the licensee, express written permission to serve alcohol must be provided with the application.
 - h. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.

5.20.105 - Bring your own bottle (BYOB).

- A. Any person or entity with a Village Class A, A-1, or D liquor license under Section 5.20.070 may apply for a bring your own bottle ("BYOB") License pursuant to this Section 5.20.105.
- B. A BYOB license allows within the area specifically designated in the license as the premises, the immediate consumption of alcoholic beverages that were not purchased on the premises but were brought to the premises by patrons, subject to the following conditions:
 - 1. Patrons may only consume commercially manufactured beer (as defined by 235 ILCS 5/1-3.04) or wine (as defined by 235 ILCS 5/1-3.03);
 - 2. Any patron who brings alcohol under this license to the premises for consumption must give the alcohol to a BASSET qualified employee of the licensee who shall inspect the alcohol to ensure that it is commercially manufactured beer or wine (as outlined above) and in its original, sealed container. The BASSET qualified employee shall open the alcohol for the patrons at their table and patrons may not open their own alcoholic beverages until they are inspected as provided herein;
 - 3. Patrons will not be allowed to leave the premises with open alcohol containers; however, if a patron wishes to cork their wine bottle, the corking must comply with 235 ILCS 5/6-33 and the

licensee must place the bottle of wine in a securely sealed, transparent one-time use tamper-proof bag;

4. Any alcohol not consumed by the patron and not corked in accordance with Subsection B.3 above shall be destroyed by the licensee;
 5. The annual fee for each license is set forth in Appendix A of this Code;
 6. Alcohol under this license shall only be consumed with a meal;
 7. The licensee may charge a corking fee or comparable fee for uncorking or opening bottles under this license.
- C. A BYOB license shall be automatically revoked if the licensee liquor license under Section 5.20.100 is revoked.
- D. The BYOB liquor licensee shall comply with all the provisions of Chapter 5.20 of the Buffalo Grove Municipal Code.
- E. A BYOB license shall only be effective for the hours of operation of the underlying Village liquor license.

5.20.110 - Alcohol beverage tasting permits.

- A. Alcohol beverage tastings may be permitted under a Class C or C-1 license. Tastings shall only be permitted as a promotional activity.
- B. Monthly Tasting permits.
1. Monthly tasting permit holders are limited to twenty-four tasting periods during any license year and no more than four tasting periods during any calendar month. No tasting period shall exceed three consecutive days.
 2. The holder of a Class C or C-1 license may obtain a permit for each separate calendar month for a fee as set forth in Appendix A of this Code upon application with the Village Clerk.
- C. Yearly Tasting permits.
1. Yearly tasting permit holders are limited to fifty-two tasting periods during any license year. No tasting period shall exceed three consecutive days.
 2. The holder of a Class C or C-1 license may obtain a yearly tasting permit for a fee as set forth in Appendix A of this Code upon application with the Village Clerk. The tasting permit shall run concurrently with the license year.
- D. Tastings shall be subject to the following conditions and limitations:
1. The tasting shall be attended by and supervised by a full-time employee, who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner and designated in the permit;
 2. Up to 3 samples, consisting of no more than (i) 1/4 ounce of distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of beer may be served to a consumer in one day;
 3. Each sample shall be served in a container which shall be disposed of following the sampling;
 4. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;
 5. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the licensed premises.

5.20.120 - Hours of operation.

- A. It is unlawful for a liquor licensee to authorize or permit the dispensing, giving, selling, possession or consumption of any alcoholic liquor except during the following hours of operation:

Hours of Operation

Class of License	Monday—Thursday	Friday	Saturday	Sunday
A, A-1	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	6:00 a.m.—1:00 a.m. Monday
B, B-1	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	6:00 a.m.—1:00 a.m. Monday
C, C-1, C-2	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
D	6:00 a.m. — 1:00 a.m. the following day	6:00 a.m. — 1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day
E, E-1	7:00 a.m.—1:00 a.m. the following day	7:00 a.m.—2:00 a.m. Saturday	7:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
F	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
G	9:00 a.m – 10:00 p.m.	9:00 a.m – 10:00 p.m	9:00 a.m – 10:00 p.m	9:00 a.m – 10:00 p.m
S-1, S-2, S-3, S-4	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday

- B. On the mornings of January 1st, the sale of alcoholic liquors is permitted, under Classes A, A-1, B, B-1, and D, from the a.m. closing hour designated through the opening a.m. hour designated.

5.20.130 - Licenses authorized.

NOTE: THIS SECTION WILL BE UPDATED WITH THE CURRENT LIST OF LIQUOR LICENSES AT THE TIME OF EFFECTIVE DATE.

Licensee and d/b/a	Address

[illegible]

5.20.140 - License—Legal status—Transfer.

A license shall be purely personal or corporate privilege, good for not to exceed the period for which same is issued, unless revoked sooner, as in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, voluntarily or involuntarily, nor 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 solvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may continue 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.

5.20.150 - Change in personnel.

- A. Any changes in partnership, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license to be a manager. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner.
- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, the license shall terminate pursuant to the procedures set forth in the Liquor Control Act.
- C. When a license has been issued to a corporation and a change takes place in officers, directors, managers or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, the license shall terminate pursuant to the procedures set forth in the Liquor Control Act.
- D. When a license has been issued to an individual who is no longer eligible for a license, the license shall terminate pursuant to the procedures set forth in the Liquor Control Act.

5.20.160 - Employment.

It is unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person under the age of twenty-one years to tend bar or to draw, pour, mix, sell any alcoholic beverages.

5.20.163 - Responsible alcohol service server training.

The sale, serving or giving away of any alcohol, spirits, wine, beer or other alcoholic beverages permitted or authorized by any license granted hereunder, and the checking of identification for the purchase or consumption of alcoholic beverages or for entry into the premises of an establishment selling or serving alcoholic beverages, shall only be performed by individuals who have been issued a valid alcohol education and training certificate through a state certified BASSET program within the past three years. A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. A copy of all completion certificates for the BASSET program shall be made available upon initial application for a liquor license and thereafter upon request by the village.

5.20.170 - Premises and location.

- A. Licenses issued under this Chapter apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license.
- B. In addition to the premises described in the application and in the license, the Local Liquor Control Commissioner may conditionally allow the sale and consumption of alcoholic liquor in adjacent areas to the main premises such as decks or patios, but only if said sale and consumption in the adjacent area do not have an adverse impact upon the health, safety and welfare and peace and quiet of surrounding neighborhoods.
- C. Licenses may only be transferred to another premises upon the written approval of the Local Liquor Control Commissioner. The fee for such transfer is set forth in Appendix A of this Code and is payable to the Village upon application for change of location.

5.20.180 - Premises—Location restrictions.

- A. No license shall be issued for the sale of any alcoholic liquor on any premises within one hundred feet of any church, school, hospital, and home for aged or indigent persons, or for veterans, their wives or children, or a military or naval station.
- B. No license shall be issued for the sale of any alcoholic liquor on any premises which houses or is within one hundred feet of any Adult Entertainment Establishment.
- C. In determining the distance provided for in this section, the measurement shall be taken from the closest point of the opposing building or structure to the subject building.
- D. For purposes of this section, a "school" is a learning institution of grades kindergarten through grade twelve, or any combination thereof, but shall not include pre-school (pre-kindergarten children) or day care facilities.
- E. For purposes of this section, an Adult Entertainment Establishment is a facility classified or licensed as such pursuant to Chapter 5.70 of the Village of Buffalo Grove Municipal Code.
- F. Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors and when student classes are not in session.
- G. The Local Liquor Control Commissioner shall have the discretion to waive the location restriction set forth in Section A, above, for good cause shown by the applicant. Factors to be evaluated in determining good cause may include, but not be limited to, license history of premises, date of establishment of church, school, hospital or home for aged or indigent persons, or for veterans, their wives of children or a military or naval station and configuration of the premises.

5.20.190 - Mandatory schedule of prices.

All licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

5.20.191 - Misrepresenting age.

It shall be unlawful for any person under the age of twenty-one years to misrepresent his or her age for the purpose of purchasing, obtaining or consuming alcoholic liquor in any place in the Village where alcoholic liquor is sold, delivered or given away. Any person found guilty of violating this section shall be fined in the mandatory amount of not less than five hundred dollars for the first violation and the mandatory amount of not less than one thousand dollars for each subsequent violation.

5.20.192 - Unlawful possession and consumption.

- A. Except as provided in Section 5.20.193, it is unlawful for any person under the age of twenty-one years to consume, purchase, obtain or accept delivery of alcoholic liquor or to have alcoholic liquor in his or her possession within the Village. Any person found guilty of violating this subsection A shall be fined in the mandatory amount of not less than five hundred dollars for the first and the mandatory amount of not less than one thousand dollars for each subsequent violation.
- B. Except as provided in Section 5.20.193, it shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to any person under the age of twenty-one years. Any person found guilty of violating this subsection B shall be fined in the mandatory amount of not less than one thousand dollars for the first violation and the mandatory amount of not less than two thousand dollars for each subsequent violation.
- C. Except as provided in Section 5.20.193, it shall be unlawful for any person to sell, give or deliver alcoholic liquor to any person under the age of twenty-one years. Any person found guilty of violating this subsection C shall be subject to the penalty provisions in Chapter 1.08.

5.20.193 - Permitted possession and consumption.

The following activities are excluded from Section 5.20.192 and may be lawfully engaged in by a person under the age of twenty-one:

- A. The possession and dispensing or consumption of wine in the performance of a religious service or ceremony; and
- B. The consumption of alcoholic liquor under the direct supervision and approval of the underage person's parent(s) or guardian(s) in the parent's or guardian's home.

5.20.194 - Social host responsibility.

- A. It shall be unlawful for any person to permit, allow, host, or fail to take reasonable steps to prevent an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance where illicit drugs, adult use cannabis, or alcoholic beverages have been consumed by an underage person, if such person either knows or reasonably should know that an underage person has consumed any illicit drugs, adult use cannabis, or alcoholic beverages.
- B. A person who permits, allows, or hosts an event or gathering shall be deemed to have known or should have known that an underage person has consumed illicit drugs, adult use cannabis or alcoholic beverages if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, adult use cannabis or alcoholic beverages by underage persons.
- C. A person who permits, allows, or hosts an event or gathering shall be rebuttably presumed to have known or should have known that underage persons have consumed illicit drugs, adult use cannabis or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage person consumes illicit drugs, adult use cannabis or an alcoholic beverage.
- D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or exclusively between an underage person and his parent or legal guardian as permitted by Illinois State Law.
- E. It is the duty of any person who permits, allows, or hosts an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance, where underage persons will be present to take all reasonable steps to prevent the consumption of illicit drugs, adult use cannabis, or alcoholic beverages by any underage person at the event or gathering.
- F. A person who hosts any event or gathering does not have to be present at the event or gathering to be liable under this section.

5.20.195 - Responsibility of the owner or occupant of premises.

It is unlawful for any owner or occupant of any premises located within the Village to permit any person under the age of twenty-one other than the owner's or occupant's own child or ward to remain on such premises while the underage person is in possession of alcoholic liquor or adult use cannabis or while the underage person is consuming alcoholic liquors or adult use cannabis in violation of Section 5.20.192.

5.20.196 - Imposing civil liability.

Every person who is injured, in person or property, by any intoxicated person under the age of twenty-one as a result of alcohol or adult use cannabis has a right of action in his or her own name, severally or jointly for damages (including reasonable attorney's fees and expenses) against any person:

- A. Who by selling, giving or delivering alcoholic liquor or adult use cannabis in violation of Section 5.20.192, 5.20.194, 5.20.195, or 5.20.200 causes, or contributes to, the intoxication of such underage person;

- B. Who by permitting consumption of alcoholic liquor or adult use cannabis in violation of Section 5.20.192, 5.20.194, 5.20.195, or 5.20.200 causes, or contributes to, the intoxication of such underage person as result of alcohol or adult use cannabis; or
- C. Who causes such injury and had become intoxicated by consuming alcoholic liquor or adult use cannabis in violation of Section 5.20.192, 5.20.194, 5.20.195, or 5.20.200.

Any action for damages under this section may be brought in the circuit court. An action for damages under this section shall be barred unless commenced within two years after the right of action arises.

5.20.200 - Selling to unfit persons.

No licensee shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by the licensee to be a habitual drunkard, spendthrift or insane, feeble-minded or a distracted person. No adult use cannabis dispensary shall sell, give, or deliver adult use cannabis to any person known by the dispensary to be under the age of twenty-one.

5.20.203 - False identification not a defense.

It shall not be a defense to any action brought criminally, civilly or administratively against any liquor licensee or any other person charged with the delivery of any alcoholic beverage to an underage person that such a person produced false identification or proof of age. It also shall not be a defense to any action brought criminally, civilly, or administratively against any adult use dispensary or any other person charged with the delivery of adult use cannabis to any underage person that such a person produced a false identification of proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed or the apportionment of damages.

5.20.204 - Illegal purchase—Posting warning.

- A. Every place in the Village where alcoholic liquor is sold for beverage purposes shall display at all times in a prominent place a printed card which shall be issued by the Village and which shall read substantially as follows:

WARNING TO MINORS

You are subject to a mandatory fine of not less than \$500.00 under the Ordinance of the Village of Buffalo Grove if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

- B. Any person found guilty of violating subsection (A) of this section shall be fined shall be fined in the mandatory amount of not less than five hundred dollars for the first violation and the mandatory amount of not less than one thousand dollars for each subsequent violation.

5.20.205. - Prohibited happy hours.

No licensee or employee or agent of such licensee shall:

- A. sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;
- B. sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in Section 5.20.206 of this Code;
- C. increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- D. encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
- E. advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections A through D.

5.20.206. - Permitted happy hours and meal packages, and party packages.

- A. As used in this Section:

"Dedicated event space" means a room or rooms or other clearly delineated space within a licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

"Meal package" means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

"Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

B. A retail licensee may:

1. Offer free food or entertainment at any time;
2. Include drinks of alcoholic liquor as part of a meal package;
3. Sell or offer for sale a party package only if the retail licensee:
 - a. Offers food in the dedicated event space;
 - b. Limits the party package to no more than three hours;
 - c. Distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - d. Excludes individuals not participating in the party package from the dedicated event space;
4. Include drinks of alcoholic liquor as part of a hotel package;
5. Negotiate drinks of alcoholic liquor as part of a hotel package;
6. Provide room service to persons renting rooms at a hotel;
7. Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
8. Advertise events permitted under this Section; and
9. Discount any drink of alcoholic liquor during a specified time period only if:
 - a. The price of the drink of alcoholic liquor is not changed during the time that it is discounted;
 - b. The period of time during which any drink of alcoholic liquor is discounted does not exceed four hours per day and fifteen hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
 - c. The drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and
 - d. Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least seven days prior to the specified time.

5.20.210 - Application of other ordinances and laws.

Nothing in this Chapter shall excuse or relieve the owner, proprietor, or person in charge of any tavern or other place in the Village where alcoholic liquor or adult use cannabis is sold from the restrictions and requirements of any other ordinance or ordinances in the Village or of the statutes of the State.

5.20.220 - Licensing on premises for which license is revoked.

When any license hereunder shall have been revoked for any cause, at the discretion of the local liquor control commissioner, no license shall be granted to any person, firm, or corporation for the period of one (1) year thereafter for the conduct of the sale of alcoholic liquor in the premises described in such revoked license. 5.20.230 - Cessation of business.

Any licensee who ceases to do business or closes his/her place of business for a period of more than sixty successive days shall be subject to having his/her license declared forfeited and lapsed by order of the Local Liquor Control Commissioner.

5.20.235 - Nudity prohibited.

No person licensed under this Chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- A. Exposes their genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
- B. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- C. Exposes any portion of the female breast at or below the areola thereof.

5.20.240 - Health, sanitary requirements.

It shall be the duty of every person, firm or corporation licensed to carry on a business under the provisions of this Chapter to at all times keep the premises where such business is carried on clean and in proper sanitary condition. All persons employed or working in any such premises shall be kept clean and cleanly clothed. All utensils, appliances, vessels, receptacles, refrigerators, closets, rooms or other places or things whatsoever which are used for the purpose of selling or offering for sale such liquors or for the storing or dispensing of the same must at all times be kept in a clean, wholesome and sanitary condition.

5.20.260 - Violation—Penalties.

- A. Penalty. Unless another penalty is set forth in this Chapter, any person violating any provision of this Chapter shall be subject to the penalty provisions set forth in Chapter 1.08. Any fines set forth in this Chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every ten dollars of the mandatory fine. If the offense is related to alcohol or substance abuse and the offender is under twenty-one years of age, the court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four hours of counseling. Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding.
- B. Licensee Penalties.
 - 1. For any violation of any Village ordinance or any state law, the Local Liquor Control Commissioner may impose any one or any combination of the following penalties:
 - a. Revocation or suspension of the license;
 - b. Require that the licensee and any or all of its employees obtain certification from a state-certified Beverage Alcohol Sellers and Servers Educational and Training (BASSET) program;
 - c. The payment of a fine of up to five thousand dollars for each offense.
 - 2. In the imposition of any penalty, the Local Liquor Control Commissioner may take into account any voluntary action taken by the licensee.

5.20.300 - Video Gaming.

- A. Video Gaming Permitted—License Required. Liquor establishments that hold a valid Class A or Class A1 as issued under this Chapter or are a Licensed Truck Stop Establishment that are also licensed as Licensed Video Gaming Locations by the Illinois Gaming Board shall be authorized to permit video gaming at the licensed premises pursuant to the Video Gaming Act (230 ILCS 40/1 et. seq.) and this Chapter. No premises may offer or allow any form of video gaming as allowed by the Video Gaming Act without an Illinois Gaming Board license, approval by the Local Liquor Control Commissioner or in violation of the Buffalo Grove Municipal Code.
- B. Video Gaming Cafés prohibited. A Video Gaming Café shall not be qualified to obtain any existing classification of Buffalo Grove Liquor Licenses and is prohibited from becoming a Licensed Video Gaming Location within the Village. Further, no such license allowing Video Gaming Cafés shall be created, maintained, or authorized by this Chapter.
- C. Definitions. Except as otherwise defined in this Chapter, all words and phrases used in this Section, shall have the meaning ascribed to them in Section 5 of the Video Gaming Act (230 ILCS 40/5).
- D. Application and Application Fee. Any Licensed Video Gaming Locations shall submit an application for the authorization of video gaming provided by the Local Liquor Control Commissioner to the Local Liquor Control Commissioner in writing, signed and verified by oath or affidavit. Such application shall provide the number of Video Gaming Terminals to be located upon the premises and any other information as deemed necessary by the Local Liquor Control Commissioner. Only licensed liquor establishments that have received a Video Gaming license from the Illinois Video Gaming Board authorizing video gaming at a Licensed Video Gaming Location shall be allowed to apply for authorization with the Local Liquor Control Commissioner for video gaming. The application fee shall be as set forth in Appendix A of this Code.
- E. Video Gaming Terminal Fee. All Video Gaming Locations shall pay a fee as set forth in Appendix A of this Code. The first payment of the annual fee shall be paid prior to operation of any Video Gaming Terminal. If the first payment of the annual fee is paid after May 1st, that payment shall be applied to the remaining fiscal year ending on April 30th, but said fee shall not be diminished or pro-rated. All subsequent annual fee payments shall be paid in full prior to May 1st of each calendar year.
- F. Advertising. It shall be unlawful to advertise for video gaming in any street, alley or public right-of-way within the Village. Nothing in this Section shall alleviate the other Village's sign regulations of the Buffalo Grove Municipal Code.
- G. Violations and Penalties. Licensed Video Gaming Locations must comply with all federal, state and local laws, including but not limited to the Illinois Liquor Control Act (235 ILCS 5/1 et. seq.), the Video Gaming Act, and the Buffalo Grove Municipal Code. Licensed Video Gaming Locations that have been found to be in violation of this Chapter, the Video Gaming Act, or any other federal, state or local law, shall be subject to the penalties provided for in this Chapter, the Video Gaming Act and the Illinois Liquor Control Act (235 ILCS 5/1 et. seq.), which may include but are not limited to:
 - a. Revocation or suspension of the Liquor License and the authorized use of video gaming as allowed by this Chapter;
 - b. Payment of a fine of up to five thousand dollars for each offense.

Chapter 5.24 - SOLICITORS**5.24.010 - Definitions.**

The following words as used in this Chapter shall be construed to have the meaning ascribed to them in this section:

- A. "Residence" means every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.
- B. "Soliciting" means and includes any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;
4. Seeking to obtain funds or pledge of support by out-right gift or through the sale or exchange of goods, merchandise or device or insignia for any established religious, charitable, benevolent, philanthropic, patriotic or eleemosynary organization.

5.24.020 - Permit required.

No person shall go on or upon any residence for the purpose of engaging in soliciting without first obtaining a permit as provided in this Chapter.

5.24.030 - Application for permit.

The application for a permit shall contain the following information:

- A. The full name, mailing address, and telephone number of the person or organization sponsoring, promoting, or conducting the proposed activities;
- B. The full name, mailing address, and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activities;
- C. The full name, mailing address, and telephone number of the individual person or persons who will be engaged in the proposed solicitation activities;
- D. The subject matter of the proposed distribution or communication, and the purpose thereof;
- E. A description of the proposed activities, indicating the type of communication to be involved;
- F. The purpose of the solicitation;
- G. Whether the applicant has been convicted of the commission of a felony under the laws of any state or federal law of the United States within five years of the date of the application.

5.24.040 - Issuance of permit.

Upon receipt of a completed permit application, the Village shall issue a permit unless one or more of the following facts exist:

- A. That one or more of the statements in the application is incorrect; provided, that the applicant has been given the opportunity to correct or amend the application;
- B. The applicant has been convicted of the commission of a felony under the laws of any state or federal law of the United States within five years of the date of the application.

5.24.050 - Fee and duration.

- A. No fee shall be required in connection with any not-for-profit solicitation permit application.
- B. A permit fee as set forth in Appendix A of this Code shall be required in connection with any for-profit solicitation permit application.
- C. The permit shall be valid only for the calendar year in which issued regardless of the date of issue.

5.24.060 - Resident's rights.

It is the Village's policy that the occupant(s) of the residence shall make the determination of whether soliciting shall be, or shall not be, allowed on their premises.

5.24.070 - Notice to refuse soliciting.

Every person desiring to secure the protection intended to be provided by this Chapter shall comply with the directions set forth in this section. Notice of the determination by the occupant of the refusal of invitation to any residence shall be given in the manner following:

- A. By exhibiting upon or near the main entrance door to the residence a notice upon which is printed the legend:

"NO SOLICITORS OR PEDDLERS"

- B. Such notice so exhibited constitutes sufficient notice to any person of the determination by the occupant of the residence of the information contained thereon.

5.24.080 - Refusal to permit solicitation—Compliance required.

It shall be the duty of every person, upon going onto any premises in the municipality upon which a residence is located to first examine the notice provided for in Section 5.24.070, if any is attached, and forthwith comply with the notice by immediately and peacefully departing from the premises, if the card states no invitation is given.

Any person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

5.24.090 - Uninvited solicitation—Unlawful, nuisance.

It is unlawful and constitutes a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.24.070.

5.24.100 - Hours.

It is unlawful and constitutes a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting, prior to nine a.m. or after nine p.m. of any weekday or any Saturday, or at any time on a Sunday or on a state or national holiday.

5.24.110 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 5.32 - TOBACCO**5.32.010 - Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Tobacco products" means any substance containing tobacco leaf, including, but not limited to cigarettes, pipe tobacco, snuff, chewing tobacco or dipping tobacco and shall also include "electronic cigarettes" as defined under 720 Illinois Compiled Statutes 675/1 and any "alternative nicotine product" as defined under 720 Illinois Compiled Statutes 675/1, as amended from time to time.
- B. "Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

5.32.020 - License required.

- A. It is unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the Village without having first obtained a

tobacco dealer's license pursuant to this Chapter. A tobacco dealer's license shall be required of a person who solely sells or offers for sale e-cigarettes/alternative nicotine products.

B. Such license shall be in addition to any other license required by this Code.

5.32.030 - License application.

Application for a license under this Chapter shall be made in writing to the Village Clerk on the form provided.

5.32.040 - License fee.

The license fee for a tobacco dealer's license is set forth in Appendix A of this Code.

5.32.050 - License term.

Every tobacco dealer's license shall be issued for an annual period, or portion thereof, with effective dates of May 1st to April 30th of the following calendar year.

5.32.060 - License transfer.

The transfer of any license issued under this Chapter is expressly prohibited.

5.32.080 – Prohibited Sales.

It shall be unlawful for any person, including any licenses, to sell, offer for sale, give away, or deliver tobacco products, alternative nicotine products, or electronic cigarettes to any person under twenty-one (21) years of age.

5.32.090 – Signage.

Signs informing the public of the age restrictions provided for in this Chapter shall be posted by every licensee at or near every display of tobacco products which offers tobacco products for sale. Each sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS
PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background, said letters to be at least one inch high.

5.32.100 – Purchase by persons under twenty-one years of age prohibited.

It is unlawful for any person under twenty-one years of age to purchase tobacco products, alternative nicotine products, or electronic cigarettes, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, alternative nicotine products, or electronic cigarettes.

(Ord. 90-75 § 1 (part), 1990).

(Ord. No. 2017-039, § 2, 8-21-2017)

5.32.105 - Possession.

It shall be unlawful for any person under the age of twenty-one (21) to possess any tobacco products, alternative nicotine products or electronic smoking devices.

(Ord. 95-111 § 1, 1995)

5.32.110 - Vending machines.

It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine.

5.32.120 - Responsibility for agents and employees.

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

5.32.130 - Suspension—Revocation—Procedures.

Any suspension or revocation of licenses shall be pursuant to the suspension, revocation and appeal procedures set forth in Chapter 1.12.

5.32.140 - Use of premises after revocation.

When any license shall have been revoked for any cause, no license shall be granted to said licensee for a period of six months thereafter for the conduct of the business of selling tobacco products in the premises described in such revoked license.

5.32.150 - Violation—Penalty.

- A. Unless otherwise set forth in this Chapter, any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.
- B. Any person violating Section 5.32.105 may be issued a citation as set forth in Appendix A of this Code.

The following options, as determined by the Village, may be appropriate dispositions for any person violating Section 5.32.105:

1. Satisfy the citation as set forth in Appendix A of this Code; or
 2. In lieu of a fine, be released upon supervision under the direction and control of the Juvenile Officer of the Village's Police Department. Release on supervision shall be on the condition that the person perform community service. Five hours of community service shall be performed within fourteen days of the violation; or
 3. In lieu of a fine, be released upon supervision under the direction and control of the Juvenile Offices of the Village's Police Department. Release on supervision shall be on the condition that the person complete participation in the Village's Tobacco Awareness Education Program within thirty-five days of the violation;
 4. For any person not fulfilling the foregoing options within the time specified, the Village has the option to file a complaint and prosecute in the Circuit Court.
- C. The foregoing options, under subsection B of this section shall not be available to any person with multiple violations of Section 5.32.105.

Chapter 5.44 - MESSAGE ESTABLISHMENTS***5.44.010 - Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Act" means the Illinois Massage Licensing Act (225 Illinois Compiled Statutes 57/1 et seq.).
- B. "Employee" means any and all persons other than the massage therapist, who render any service to the licensee, who receive compensation directly from the licensee, and who have no physical contact with customers and clients.
- C. "Health Officer" means an inspecting officer of the Buffalo Grove Health Department.
- D. "Massage" or "massage therapy" shall have the meaning described to it in the Act.

- E. "Massage establishment" means any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of the practice of massage.
- F. "Massage therapist" means any person who is licensed by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation and administers massage for compensation.
- G. "Massage therapist license" means a license issued by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation.
- H. "Licensee" means the operator or owner of a massage establishment.
- I. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of individuals of whatever form or character.
- J. "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or the breasts of a female.

5.44.020 - License—Required.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village, the operation of a massage establishment without first having obtained a license.

5.44.030 - License—Application—Filing.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application with the Village Clerk.

5.44.040 - License—Application—Information required.

The applicant for a license to operate a massage establishment shall furnish the following information:

- A. Name (including any alias) and address;
- B. Written proof that the individual is at least eighteen years of age;
- C. All residential addresses for the past three years;
- D. The business, occupation or employment of the applicant for the four years immediately preceding the date of the application;
- E. The massage or similar business license or permit history of the applicant, i.e., whether such person, in previously operating in this or another village, or city or state under a license or permit, has had such license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- F. All criminal or Village ordinance violation convictions, including forfeiture of bond and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;
- G. A recent photograph of the applicant;
- H. If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- I. Each applicant shall have his or her fingerprints submitted to the Village for the purpose of a criminal history records check.
- J. A drawing or written description which adequately describes the space in the building where the massage business of the applicant is to be conducted;
- K. The information required in subsections A through I for the following individuals:
 - 1. The operator, manager or owner,
 - 2. Any partner or limited partner of a partnership application,

3. Any stockholder of a corporate applicant or a member of a limited liability company applicant owning in the aggregate five percent or more of such corporation or such limited liability company.

5.44.050 - License—Fee.

Every such applicant shall pay a nonrefundable annual fee set forth in Appendix A of this Code to the Village Clerk.

5.44.060 - License—Transferability.

No license for the operation of a massage establishment issued pursuant to the provisions of this Chapter shall be transferable.

5.44.070 - License—Term.

All massage establishment licenses shall terminate on December 31st of each year.

5.44.080 - Massage therapist license—Required.

It is unlawful for any person to massage any person or engage in the practice of massage therapy without having first obtained an Illinois massage therapist license.

5.44.090 - Massage therapist license—Display.

Every massage establishment licensee shall display a valid massage therapist license for any individual conducting a massage within the licensed premises; said license shall be displayed in a conspicuous place within the massage establishment so that the same may be readily seen by any person entering the premises.

5.44.100 - License—Denial, Revocation, or suspension.

A. Grounds for denial, suspension, or revocation. A massage establishment license application or renewal may be denied upon the occurrence of any of the following causes:

1. The applicant has failed to comply with any applicable provision of this Code, including without limitation this Chapter, or any applicable state law or regulation.
 2. Issuance of a false statement in connection with an application filed pursuant to this chapter.
 3. Investigative findings show that, within four years of the date of the application, the applicant or any other person who is directly or indirectly engaged in the management or operations of a massage establishment has been convicted of: (i) a felony, (ii) an offense involving sexual misconduct with children, (iii) prostitution, soliciting for a prostitute pandering, keeping or residing in a place of prostitution, pimping or any other offense involving moral turpitude in relation to sexual conduct.
- B. Any suspension or revocation of massage establishment license shall be pursuant to the suspension, revocation and appeal procedures set forth in Chapter 1.12 of this Code.
- C. When any massage establishment license is revoked under Subsections 1.12.030.A.1., A. 3., A.6., or A.7. no license shall be granted to any person for twenty-four months following the revocation for the conduct of a massage establishment in the premises described in the revoked license.

5.44.110 - Facility requirements.

- A. No massage establishment shall be issued a license, nor be operated, established or maintained in the Village unless an inspection by the Health Officer reveals that the establishment complies with each of the following minimum requirements:
1. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the Village;
 2. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;

3. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage rooms facilities shall be provided;
 4. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron;
 5. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;
 6. Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty or fewer employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein;
 7. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
 8. The premises shall be equipped with a service sink for custodial services.
- B. The Health Officer shall certify or report that the proposed massage establishment complies or does not comply with all the requirements of this section and shall send such certification or report to the Village Clerk.

5.44.120 - Operating requirements.

- A. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- C. All employees, and massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas. A separate dressing room for each gender must be available on the premises with individual lockers for each employee.
- D. All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- E. The sexual or genital areas of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee or massage therapist.
- F. It is unlawful for any person, in a massage establishment, knowingly, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area of any other person.
- G. No massage therapist, employee, agent, operator, or any person in a massage establishment shall perform, offer or agree to perform any act which would require the touching of a patron's genital area.
- H. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- I. Oils, creams, lotions or other preparations used in administering massages shall be kept clean and in closed containers or cabinets.

- J. Eating in the massage work areas shall not be permitted. Animals, except for guide dogs, shall not be permitted in the massage work areas.
- K. No massage therapist shall administer a massage on a patron's skin inflammation, or skin eruption, unless a physician duly licensed by the State certifies in writing that such person may be safely massaged on that area.
- L. Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.
- M. No portion of the license premises shall be designed, modified, equipped or use as a residence or for residential purposes. No person shall reside, board, or otherwise use a licensed massage establishment as a residence.

5.44.130 - Inspections—Reports.

The village health officer or his designee, shall prior to granting a license and at least once during the license year, make an inspection of each massage establishment that has been granted a license under the provisions of this chapter for the purposes of determining that the provisions of this chapter and other applicable ordinances and state and federal laws are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

5.44.140 - Advertising restrictions.

No massage establishment granted a license under the provisions of this Chapter shall place, publish, distribute, depict or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Chapter, or which would suggest that massage establishment employees are dressed in a manner other than that permitted by this Chapter.

5.44.150 - Employment—Massage therapists.

It shall be the responsibility of the licensee for the massage establishment or the employer of any persons purporting to act as massage therapists to insure that each person employed as a massage therapist shall have obtained a valid massage therapist license.

5.44.155 - Public nuisance.

Any location used as a massage establishment in violation of this Chapter is hereby declared to be a nuisance.

5.44.160 - Applicability of provisions.

This Chapter shall not apply to hospitals, nursing homes, sanatoria or persons holding an unrevoked certificate to practice the healing arts under the laws of the State, or persons working under the direction of any such persons or in any such establishments, nor shall the Chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State.

5.44.170 - Violation—Penalty.

- A. Any person violating any provision of this Chapter shall be punished as provided for in Chapter 1.08 of this Code. In addition, any person violating any provision of this Chapter shall be subject to the provisions of Chapter 1.12 of this Code.
- B. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by any licensee, officer, director, manager or other agent, employee, helper, participant or worker in any way of any licensee shall be deemed and held to be the act of such employer or licensee and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally.

Chapter 5.45 - BODYWORK ESTABLISHMENTS

5.45.010 - Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Act" means the Illinois Massage Licensing Act (225 Illinois Compiled Statutes 57/1 et seq.).
- B. "Bodywork" or "bodywork therapy" means the manipulation of the human body, by pressure, touching or otherwise, that does not constitute a massage or massage therapy as defined by the Act.
- C. "Bodywork establishment" means any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of the practice of bodywork.
- D. "Bodywork therapist" means those engaged in the practice of bodywork
- E. "Employee" means any and all persons other than the bodywork therapist, who renders any service to the licensee, who receives compensation directly from the licensee, and who have no physical contact with customers and clients.
- F. "Health Officer" means an inspecting officer of the Buffalo Grove Health Department.
- G. "Massage" or "massage therapy" shall have the meaning described to it in the Act.
- H. "Licensee" means the operator or owner of a bodywork establishment.
- I. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of individuals of whatever form or character.
- J. "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or the breasts of a female.

5.45.020 - License—Required.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village, the operation of a bodywork establishment without first having obtained a license.

5.45.030 - License—Application for Bodywork Establishment—Filing.

Every applicant for a license to maintain, operate or conduct a bodywork establishment shall file an application with the Village Clerk.

5.45.040 - License—Application—Information required.

The applicant for a license to operate a bodywork establishment shall furnish the following information:

- A. Name (including any alias) and address;
- B. Written proof that the individual is at least eighteen years of age;
- C. All residential addresses for the past three years;
- D. The business, occupation or employment of the applicant for the four years immediately preceding the date of the application;
- E. The massage, bodywork or similar business license or permit history of the applicant, i.e., whether such person, in previously operating in this or another village, or city or state under a license or permit, has had such license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- F. All criminal or Village ordinance violation convictions, including forfeiture of bond and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;
- G. A recent photograph of the applicant;

- H. If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- I. Each applicant shall have his or her fingerprints submitted to the Village for the purpose of a criminal history records check.
- J. A drawing or written description which adequately describes the space in the building where the bodywork business of the applicant is to be conducted;
- K. The information required above in subsections A through I for the following individuals:
 - 1. The operator, manager or owner,
 - 2. Any partner or limited partner of a partnership application,
 - 3. Any stockholder of a corporate applicant or a member of a limited liability company applicant owning in the aggregate five percent or more of such corporation or such limited liability company.
- L. Proof that each bodywork therapist at the proposed bodywork establishment has a valid bodywork practitioner's license from the Village of Buffalo Grove.

5.45.050 - License—Fee.

Every such applicant shall pay a nonrefundable annual fee set forth in Appendix A of this Code to the Village Clerk.

5.45.060 - License—Transferability.

No license for the operation of a bodywork establishment issued pursuant to the provisions of this Chapter shall be transferable.

5.45.070 - License—Term.

All bodywork establishment licenses shall terminate on December 31st of each year.

5.45.080 - Bodywork therapist license—Required.

It is unlawful for any person to practice bodywork on any person or engage in bodywork therapy without being either:

- 1. A certified practitioner and member of the American Organization of Bodywork Therapies of Asia; or
- 2. Approved by a bodywork organization based on a minimum level of training, demonstration of competency and adherence to ethical standard set by their governing body.

5.45.090 - Bodywork therapist license—Display.

Every bodywork establishment licensee shall display a valid bodywork therapist license for any individual conducting bodywork therapy within the licensed premises; said license shall be displayed in a conspicuous place within the bodywork establishment so that the same may be readily seen by any person entering the premises.

5.45.100 - License—Denial, Revocation, or suspension.

A. Grounds for denial, suspension, or revocation. A bodywork establishment license application or renewal may be denied upon the occurrence of any of the following causes:

- 1. The applicant has failed to comply with any applicable provision of this Code, including without limitation this Chapter, or any applicable state law or regulation.
- 2. Issuance of a false statement in connection with an application filed pursuant to this chapter.
- 3. Investigative findings show that, within four years of the date of the application, the applicant or any other person who is directly or indirectly engaged in the management or operations of a massage establishment

has been convicted of: (i) a felony, (ii) an offense involving sexual misconduct with children, (iii) prostitution, soliciting for a prostitute pandering, keeping or residing in a place of prostitution, pimping or any other offense involving moral turpitude in relation to sexual conduct.

- B. Any suspension or revocation of a bodywork establishment license shall be pursuant to the suspension, revocation and appeal procedures set forth in Chapter 1.12 of this Code.
- C. When any bodywork establishment license is revoked under Subsections 1.12.030.A.1., A.3., A.6., or A.7. no license shall be granted to any person for twenty-four months following the revocation for the conduct of a bodywork establishment in the premises described in the revoked license.

5.45.110 - Facility requirements.

- A. No bodywork establishment shall be issued a license, nor be operated, established or maintained in the Village unless an inspection by the Health Officer reveals that the establishment complies with each of the following minimum requirements:
 1. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the Village;
 2. All bodywork tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;
 3. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and bodywork rooms facilities shall be provided;
 4. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering bodywork. Such nondisposable instruments and materials shall be disinfected after use on each patron;
 5. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering bodywork. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;
 6. Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty or fewer employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein;
 7. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
 8. The premises shall be equipped with a service sink for custodial services.
 9. If the premises serves as a both a massage establishment and as a bodywork establishment then the premises must be partitioned in a manner that separates the areas being used as a massage establishment from the areas being used as a bodywork establishment.
- B. The Health Officer shall certify or report that the proposed bodywork establishment complies or does not comply with all the requirements of this Section and shall send such certification or report to the Village Clerk.

5.45.120 - Operating requirements.

- A. Every portion of the bodywork establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

- B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- C. All employees and bodywork therapists shall be clean and wear clean, nontransparent outer garments covering their sexual and genital areas. A separate dressing room for each gender must be available on the premises with individual lockers for each employee.
- D. All bodywork establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- E. The sexual or genital areas of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or bodywork therapist.
- F. It is unlawful for any person, in a bodywork establishment, knowingly, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area of any other person.
- G. No bodywork therapist, employee, agent, operator, or any person in a bodywork establishment shall perform, offer or agree to perform any act which would require the touching of a patron's genital area.
- H. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- I. Oils, creams, lotions or other preparations used in administering bodywork shall be kept clean and in closed containers or cabinets.
- J. Eating in the bodywork therapy areas shall not be permitted. Animals, except for seeing eye dogs, shall not be permitted in the bodywork therapy areas.
- K. No bodywork therapist shall administer bodywork therapy on a patron's skin inflammation, or skin eruption, unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely treated on that area.
- L. Each bodywork therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering bodywork therapy to each patron.
- M. No portion of the license premises shall be designed, modified, equipped or used as a residence or for residential purposes. No person shall reside, board, or otherwise use a licensed bodywork establishment as a residence.

5.45.130 - Inspections—Reports.

The village health officer or his designee, shall prior to granting a license and at least once during the license year, make an inspection of each massage establishment that has been granted a license under the provisions of this chapter for the purposes of determining that the provisions of this chapter and other applicable ordinances and state and federal laws are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

5.45.140 - Advertising restrictions.

No bodywork establishment granted a license under the provisions of this Chapter shall place, publish, distribute, depict or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Chapter, or which would suggest that the bodywork establishment employees are dressed in a manner other than that permitted by this Chapter.

5.45.150 - Employment—Bodywork therapists.

It shall be the responsibility of the licensee for the bodywork establishment to insure that each person employed as a bodywork therapist shall have obtained a valid bodywork practitioner's license from the Village.

5.45.155 - Public nuisance.

Any location used as a bodywork establishment in violation of this Chapter is hereby declared to be a nuisance.

5.45.160 - Applicability of provisions.

This Chapter shall not apply to hospitals, nursing homes or sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Illinois.

5.45.170 - Violation—Penalty.

- A. Any person violating any provision of this Chapter shall be punished as provided for in Chapter 1.08 of this Code. In addition, any person violating any provision of this Chapter shall be subject to the provisions of Chapter 1.12 of this Code.
- B. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by any licensee, officer, director, manager or other agent, employee, helper, participant or worker in any way of any licensee shall be deemed and held to be the act of such employer or licensee and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally.

5.45.180 - License—Application for Bodywork Practitioner's License—Filing.

Every person seeking a bodywork practitioner's license from the Village of Buffalo Grove shall make an application with the Village Clerk.

5.45.190 - License—Application for Bodywork Practitioner's License—Information required.

- A. Any person seeking a bodywork practitioner's license shall provide the following information to the Village Clerk:
 - 1. The name (including nicknames or aliases) and address, telephone number, social security number, driver's license number and age of the applicant.
 - 2. The location where the bodywork therapy will be performed.
 - 3. The bodywork practitioner's license fee set forth in Appendix A.
 - 4. Business, occupation or employment of the applicant for five years immediately preceding the date of the application.
 - 5. Fingerprints for running a background check by the Buffalo Grove Police Department, and an investigation authorization authorizing the Buffalo Grove Police Department to conduct a criminal background check and receive reports from the Illinois State Police, the FBI and other law enforcement agencies.
 - 6. Two passport size photographs (one inch x one and one-half inches) of the applicant's head and shoulder area, face forward to be used in the investigation of the applicant, the preparation of a photo identification license card, and the identification of the license holder following issuance. Provided, in the case of a renewal application, the Village Clerk may waive the requirement for photographs if the applicant's photographs are on file and new photo identification permit cards are not to be issued.
 - 7. Certification from the American Organization for Bodywork Therapies of Asia that the applicant is a professional member and certifying or approving the applicant as a practitioner of bodywork, or if the applicant is approved by another bodywork organization based on a minimum level of training, demonstration of competency and adherence to ethical standards set by their governing body meeting the following requirements:

- a. The applicant has a current certification with the National Certification Board of Therapeutic Massage and Bodywork;
 - b. The applicant has been certified or approved by another bodywork organization that has curriculum in bodywork based on actual classroom or formal education or based on apprentice hours; or
 - c. The applicant shall have graduated from a bodywork school or oriental school of medicine with a minimum of three hundred hours curriculum that includes Asian bodywork, Chinese medical theory, anatomy and physiology, and clinical practice, provided such school is accredited by the American Organization for Bodywork Therapies of Asia, the National Certification Board of Therapeutic Massage and Bodywork or the National Certification Commission for Acupuncture and Oriental Medicine.
8. The application shall include:
- a. The name, address, telephone number and website address of the bodywork school;
 - b. The name of all faculty members of the bodywork school who provided education or training to the applicant including those teachers' certifications, experience and educational background;
 - c. A copy of the applicant's transcripts which shall include identification of all courses taken, the number of hours for those courses, a passing grade for all those courses, a copy of their tuition bill, and proof of payment of tuition.
 - d. A copy of the ethical standards of the school.
 - e. Such other information as may be reasonably required by the Village to establish the accuracy and legitimacy of the other information provided pursuant to this Section.
 - f. The burdens of establishing the minimum qualifications shall be on the applicant.
9. No certification or approval from a bodywork school shall be accepted by the Village Clerk if all or a portion of the credits used for the certification of the applicant were earned in a country other than the United States of America.
10. No bodywork practitioner's license will be issued until the Village Clerk has received written verification from the applicant's school that the applicant has successfully completed the requirements of school's program.
11. If upon investigation, the Village determines that an applicant's licensure or certification may not be bona fide, or that the organization providing the licensure or certification may not be bona fide, or that the Asian bodywork organization or school has not verified the accuracy of the documents required by this Section to be true and correct, then the Village Clerk may deny the applicant's license.
- B. The Village Clerk shall have the right to confirm any of the information asked for or provided in the applications.

Chapter 5.46 - PAWNBROKERS AND RESALE DEALERS

5.46.010 - Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "License" means a Village of Buffalo Grove Pawnbroker or Resale Dealer's License.
- B. "Licensee" means an individual or business who has received a valid License.
- C. "Pawnbroker" means every individual or business entity which lends money on the deposit or pledge of physically delivered Second Hand Articles or who deals in the purchase of such Second Hand Articles on the condition of selling the property back again at a stipulated price. The business of a pawnbroker does not include the lending of money on deposit or pledge of title to property or property

in which the ownership of such is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property.

- D. "Pawn Shop" means the location where a Pawnbroker conducts business.
- E. "Resale Dealers" means every individual or business entity engaged in the business of purchase, sale, consignment or barter of Second Hand Articles, not otherwise exempted from this Chapter.
- F. "Resale Shop" means the location where a Resale Dealer conducts business.
- G. "Second Hand Articles" mean any and all goods previously owned by a consumer that is not a dealer possessing a federal employee identification number, that are not expressly exempted in this Chapter, which shall include but not be limited to:
 - 1. Antiques,
 - 2. Artwork,
 - 3. Bicycles, scooters, and skateboards,
 - 4. Clothing,
 - 5. Collectibles and memorabilia,
 - 6. Electronics,
 - 7. Furniture,
 - 8. Household goods and appliances,
 - 9. Jewelry,
 - 10. Musical instruments,
 - 11. Recyclable materials,
 - 12. Scrap metals,
 - 13. Sports equipment,
 - 14. Tools,
 - 15. Valuable and/or precious metals and stones.

5.46.020 - Exemptions.

This Chapter shall not apply to:

- 1. Residential garage sales.
- 2. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious, or benevolent organizations that have been active and in continuous existence for at least one year prior to the holding of the sale or that are exempt from taxation under Section 501(c) of the federal Internal Revenue Code.
- 3. Sales or purchases by State of Illinois licensed automobile dealers, used parts dealers, or automotive parts recyclers.
- 4. Consumer shows or exhibitions of collectibles.
- 5. Providers of commercial mobile services as defined in 47 U.S.C. 332(d) or their authorized dealers.
- 6. Sales or purchase of Second Hand Articles by an individual conducted through a website, not owned or operated by the seller or purchaser.
- 7. Sales or purchase of tickets for sporting events, recreational events, or concerts, which is otherwise allowed by law.

8. Individuals or business entities at a physical location within the Village that are exclusively engaged in the sale of jewelry but are not exclusively engaged in the sale of Second Hand Articles.

5.46.030 - License required.

- A. No individual or business entity shall engage in the business of a Pawnbroker or Resale Dealer within the Village without obtaining a License in addition to any other federal, state, and local requirements.
- B. No License issued under the provisions of this Chapter shall be transferable.
- C. No License shall be issued for a Pawnbroker until the applicant obtains and provides a valid State of Illinois Pawnbroker's License as required by the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.).

5.46.040 - Application; application fee.

- A. Application for a License shall be made in writing to the Village Clerk on a form provided by the Village for that purpose and must state thereon the following information:
 1. The name of applicant.
 2. Type of business entity the applicant is.
 3. The permanent business address of the applicant.
 4. The permanent business telephone number of the applicant.
 5. In the case of a firm, limited liability company, or corporation, the names, permanent residence addresses, and permanent residence telephone numbers of the partners or officers and all shareholders owning more than five percent of the outstanding shares of stock. If a listed shareholder is a firm, limited liability company, or corporation, the above information shall be provided for that entity and other such entities in the line of ownership.
 6. The name of the Pawn Shop or Resale Shop under which the applicant will operate.
 7. The location of the property for which the License is requested.
 - (A) All applicable deeds, leases or other documentation showing the Applicants lawful ability to use the location property as a Pawn Shop or Resale Shop.
 8. Whether the applicant, partners, officers, or listed shareholders have been convicted of any criminal offense (excluding non-jailable traffic violations) in any jurisdiction and, if so, a list of such convictions with the date and prosecuting jurisdiction. All applicants, including those shareholders owning more than five percent of the outstanding shares of stock of an application corporation or limited liability company individuals shall be required to submit to and pass a background check performed by the Village or its designee(s).
 9. The social security number/federal employer identification number ("FEIN") of the applicant.
 10. The principal contact person of the applicant.
 11. The list, including name and location, of any other Pawn Shops or Resale Shops owned or operated by the applicant.
- B. Each application for a License from an applicant who at the time of application does not hold a valid License shall be accompanied by the applicant fee as set forth in Appendix A. This application fee shall be in addition to all other fees set forth in this Chapter and shall not be refunded in the event that the application for a License is withdrawn or denied.
- C. A separate application and License for each separate location is required.

5.46.050 - Duration of license.

All Licenses granted under this Chapter shall be effective from January 1 or from the date of issuance, whichever is later, and shall terminate on December 31.

5.46.060 - License fee.

The License fee for a Resale Shop is set forth in Appendix A of this Code and must be paid in full prior to any valid License being issued.

The License fee for a Pawn Shop is set forth in Appendix A of this Code and must be paid in full prior to any valid License being issued.

5.46.070 - Signage.

- A. Every Pawnbroker shall at all times have and keep Section 2 of the Illinois Pawnbrokers Act (205 ILCS 510/0.01 et seq.) printed in the English language and framed and posted in a prominent and conspicuous position at the business location.
- B. Every Licensee shall at all times have and keep the License framed and posted in a prominent and conspicuous position at the business location.

5.46.080 - Advancements and loans.

- A. All advancements and loans made by any Pawnbroker shall be done in the manner prescribed by the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.).
- B. Resale Dealers shall not make any advancements and loans, except those dealers that are licensed as Pawnbrokers with State of Illinois.

5.46.090 - Maintenance of records.

- A. Pawnbrokers Records. Every Pawnbroker shall keep a book in which there shall be typed or printed in ink, which may include a computer printout, in the English language, containing the following information for each and every loan or taking of a pledge made by the licensee:
 - 1. An accurate account and description of the goods, articles or things pawned or pledged including, the serial number and/or identification number of the items received which bear such number(s);
 - 2. The amount of money, value or thing loaned thereon;
 - 3. The date and time of pledging the same;
 - 4. The rate of interest to be paid on the loan;
 - 5. Name and residence of the person pawning or pledging the said goods, article or thing;
- B. Licensee Records.
 - 1. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the Licensee, every Licensee shall also record in its book(s), an accurate account and description in the same manner described for Pawnbroker's Records above, of all Second Hand Articles purchased or received for the purpose of resale by the Licensee, not in the course of a pledge or loan. No entry in such book shall be erased, mutilated or changed.
 - 2. Every Licensee shall require one form of photographic identification by each person offering for sale, pledging or pawning any Second Hand Articles to the Licensee. The form of identification must be photographic identification issued by a federal or state governmental entity. Forms of identification must contain a photograph of the individual and must be: a state driver's license, a state identification card, a passport, or a military identification card. Required forms of identification shall be copied and maintained for all transactions completed by Licensees for a period of three years following each transaction.
 - 3. If the person offering for sale, pledging or pawning any Second Hand Articles to the Licensee does not have a photographic identification card issued by a federal or state governmental entity, the Licensee shall photograph the person and require two forms of other identification, one of which shall contain both the person's name and residential address. The photograph shall be in color. On the reverse side of the photograph the Licensee shall record the person's name,

residence address, date of birth, social security number, gender, height, and weight. If the person has no social security number, the Licensee shall record this fact.

4. Whenever any Pawnbroker shall buy any article of pawned or pledged Second Hand Articles, the same shall be recorded in the same manner as a pledge and the record shall show all information required for a pawn or pledge.

5.46.100 - Report to police.

- A. It shall be the duty of every Licensee to make out and deliver to a designated email account or facsimile designated by the Chief of Police, before the hour of 12:00 p.m. noon, a legible and exact copy from the books required by state law and this Chapter of all Second Hand Articles received on deposit or purchased during the preceding day.
- B. It shall be the duty of every Licensee to immediately report to the Chief of Police, or his designee, any Second Hand Article sought to be sold, deposited, pawned or pledged with the Licensee, if it is reasonably believed that the said Second Hand Article was stolen or lost and found by the person attempting to sell, deposit, pawn or pledge the said Second Hand Article.

5.46.110 - Inspection of records.

The book, the photographs required under this Chapter and every Second Hand Article sold, pawned or pledged shall at all times during the Licensee's business hours be open to the inspection of any member of the Village's Police Department or any other authorized law enforcement agency.

5.46.120 - Memorandum to pledger (pawnbroker).

Every Pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by Pawnbroker containing an accurate account and description, in the English language, of all Second Hand Articles pawned or pledge, the amount of money, value of things loaned thereon, the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees.

5.46.130 - Removal of identifying marks prohibited.

No Licensee shall remove, alter or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon a Second Hand Article that was purchased or received in pledge until such time that the Licensee becomes the legal owner of the property. In addition, an item shall not be accepted for pledge or purchase where the manufacturer's make, model, or serial number, personal identification number or identifying marks engraved or etched upon a Second Hand Article has been removed, altered or obliterated.

5.46.140 - Sales and redemptions regulated.

No Second Hand Article received for sale or on deposit or pledge by any Licensee shall be sold or permitted to be redeemed or removed from the place of business of the Licensee for a period of forty-eight hours after the delivery of the copy and statement required by the State of Illinois Pawnbroker's License and this Chapter.

If the person fails to repay the loan during the period specified on the pawn ticket to a Pawnbroker, the Pawnbroker shall automatically extend a grace period of thirty days from the default date on the loan during which the Pawnbroker shall not dispose of or sell the Second Hand Article. The parties may agree to extend or renew a loan upon terms agreed upon by the parties.

5.46.150 - Prohibited pledges or purchases.

- A. No Licensee shall purchase or take, nor shall any Pawnbroker take or receive in pawn or pledge for any advancement or loan, any Second Hand Article from a minor, or the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor.
- B. No Licensee shall purchase or take, nor shall any Pawnbroker take or receive any Second Hand Article in pawn or buy from any person appearing to be intoxicated or under the influence of any narcotic, nor from any person known to be a thief or to have been convicted of theft or burglary, and when any person is found to be in possession of stolen Second Hand Article which has been presented for

pledge, pawn, or sale. The stolen Second Hand Article that has been obtained by a Licensee shall return it to the owner without the payment of the amount advanced by the Licensee thereon or any costs or charges of any kind which the Licensee may have placed upon the same.

5.46.160 - Hold order.

- A. For the purposes of this Section, "hold order" means a written legal instrument issued to a Licensee by any member of the Village of Buffalo Grove Police ("Department"), ordering the Licensee to retain physical possession of a Second Hand Article in the possession of the Licensee or a Second Hand Article purchased by and in the possession of the Licensee and not to return, sell, or otherwise dispose of such Second Hand Article when such Second Hand Article is believed to be lost, stolen or is otherwise necessary to enforce any law.
- B. Upon written notice from the Department indicating that Second Hand Article in the possession of a Licensee and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the Licensee shall release the Second Hand Article subject to the hold order to the custody of the Department for such purpose and the Department shall provide a written acknowledgment that the Second Hand Article has been released to the Department. The release of the Second Hand Article to the custody of the Department shall not be considered a waiver or release of the Licensee's property rights or interest in the Second Hand Article. Upon completion of the criminal investigation, the property shall be returned to the Licensee who consented to its release; except that, if the Department has not completed the criminal investigation within one hundred twenty days after its release, the Department shall immediately return the property to the Licensee or obtain and furnish to the Licensee a warrant for the continued custody of the property, unless the Licensee otherwise agrees to the extended possession of the Second Hand Article.
- C. The Licensee shall not release or dispose of the Second Hand Article except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.
- D. In cases where criminal charges have been filed and the Second Hand Article may be needed as evidence, the Department or prosecuting attorney shall notify the Licensee in writing. The notice shall contain the case number, the style of the case, and a description of the Second Hand Article. The Licensee shall hold such Second Hand Article until receiving notice of the disposition of the case from the Department or prosecuting attorney. The Department or prosecuting attorney shall notify the Licensee and claimant in writing within fifteen days after the disposition of the criminal case.

5.46.170 – Violation-penalty.

- A. In addition to the provisions of this Chapter, every Pawnbroker shall operate in a manner prescribed by this Chapter and by the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.).
- B. Every act or omission constituting a violation of any provision of this Chapter by any officer, director, manager, agent or employee of any Licensee shall be deemed and held to be the act of such employer or Licensee and the employer or Licensee shall be punishable in the same manner as if such act or omission had been committed or omitted by him or her personally.
- C. Any Licensee violating any of the provisions of this Chapter shall be deemed guilty of a business offense and upon conviction thereof shall be subject to penalties set forth in Chapter 1.08.. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- D. In addition to the imposition of a fine as established in Subsection C above, any Licensee deemed to be found guilty of business offense for a violation of this Chapter or found guilty of a misdemeanor for violation of the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.) may also result in the suspension, cancellation or revocation of a License.

Chapter 5.52 - FOOD AND BEVERAGE VENDING MACHINES

5.52.010 - License required.

- A. It is unlawful for any person, firm or corporation to maintain or operate food/beverage vending machines either by himself or through an agent, employee or partner without first having obtained a license as is provided in this Chapter.
- B. However, the licensing requirements of this section shall not apply to those food/beverage vending machines that dispense soft drinks or other beverages in original containers such as cans or bottles.

5.52.020 - Application of ordinances.

The provisions of this Chapter and of other Village ordinances and state laws and regulations relative to health and sanitation shall apply to food and beverage vending machines located in the Village.

5.52.030 - License—Application.

An application for a license under this Chapter shall be made by any person, agent, firm or corporation to the Village. A separate application shall be made for each machine.

5.52.040 - License—Term.

The annual period shall run from May 1st through April 30th of the following calendar year.

5.52.050 - License—Amount of fee.

The applicant shall pay an annual fee for each license as set forth in Appendix A of this Code. This fee shall be prorated at one half the annual fee if the initial license is issued less than six months prior to expiration.

5.52.060 - License—Issuance.

Upon approval of the application and upon payment of the license fee, the Village Clerk's office shall deliver a license to the Village Health Officer. The license issued shall not be affixed until final approval is obtained from the Village's Health Officer who shall make an inspection of the food/beverage vending machines for compliance with the applicable provisions of Chapter 8.28 of this Code. The license shall be displayed on each food/beverage vending machine in a prominent place at the location of each machine(s). The license shall not be transferable or substituted to another food/beverage vending machine.

5.52.070 - Violations—Reinspection.

If for any reason the Village Health Officer shall have to reinspect a food/beverage vending machine due to a violation or complaint under the provisions of Chapter 8.28 of this Code, the applicant shall be charged a fee as set forth in Appendix A of this Code.

5.52.080 - Violation—Penalty.

Unless otherwise set forth in this Chapter, any person violating the provisions of this Chapter shall be punished as provided in Section 1.08 and/or Chapter 8.28 of this Code.

Chapter 5.60 - GOING OUT OF BUSINESS SALES**5.60.010 - Adoption of state code.**

There is adopted for the purpose of regulating "going out of business sales," the Illinois Act entitled "The Fraudulent Sales Act" as set forth in the Illinois Compiled Statutes (815 ILCS 350).

5.60.020 - Termination of lease.

In addition to the requirements of said State Act, if the applicant having a going out of business license is a lessee on the premises where the business is conducted, no such license shall be issued hereunder and no such sale shall be conducted unless the applicant has advised the lessor of the premises, in writing, that the applicant requires that the existing lease be terminated and that such request to terminate shall be irrevocable during the period covered by the license.

5.60.030 - Business to terminate.

It is unlawful for any licensee hereunder to continue in business or to have an interest in any continuing business on the premises where the going out of business sale took place for a period of two years after said sale. Each day that the licensee continues in business in violation of this section shall be a separate offense.

5.60.040 - Violation—Penalty.

In addition to the penalty set forth in the State Act, any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08 of this Code.

Chapter 5.64 - GARAGE SALES**5.64.010 - Definitions.**

The term "garage sale" includes all general sales open to the public, conducted from a residential premises for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," "rummage," "estate," or "moving" sale. Bulk sales, the sale of multiple new items of the same description and the sale of consigned merchandise, merchandise brought to the premises for resale or for reconditioning for resale are prohibited.

5.64.020 - No permit required.

No Village permit shall be required for a garage sale.

5.64.030 - Limit on length and frequency of sales.

Garage sales shall be permitted for three consecutive days between the hours of 9:00 a.m. and sunset of each day. Not more than three garage sales shall be conducted on the same premises within any calendar year or by the same person(s) within any calendar year.

5.64.040 - Location of sale.

It is unlawful for any person to use the public sidewalk or public right-of-way for the purpose of a garage sale or to display personal property for such sale.

5.64.050 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be subject to penalties prescribed in Chapter 1.08.

Chapter 5.70 - ADULT USE LICENSING**5.70.010 - Short title.**

This Chapter shall be known as, and may be referred to as, the "Village of Buffalo Grove Adult Use Licenses Chapter."

5.70.020 - Definitions.

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given herein.

"Adult Booth" means any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

"Adult Entertainment Establishment" or "Adult Establishment" means any of the following Commercial Establishments, as defined herein:

1. "Adult Cabaret" means any Commercial Establishment including, but not limited to a lounge, theater, concert hall, men's or women's club, auditorium, or similar Commercial Establishment, regardless of its seating capacity that as a substantial or significant portion of its business features or provides any of the following:

- (a) Persons who appear nude or semi-nude;
 - (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
2. "Adult Store" means any Commercial Establishment that:
 - (a) Contains one or more Adult Booths; and
 - (b) As a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials.
 3. "Adult Theater" means any Commercial Establishment that as a substantial or significant portion of its business regularly features for presentation films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

"Adult Establishment Personnel" means any individual, including employees, entertainers and independent contractors, who work in or at, or render any services directly related to the operation of, an Adult Entertainment Establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.

"Adult Establishment License" means a license issued for an Adult Entertainment Establishment pursuant to the provisions of this Chapter.

"Adult Entertainment Patron" means any individual, other than Adult Establishment Personnel, present in or at any Adult Entertainment Establishment at any time when such Adult Entertainment Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.

"Adult material" means any of the following, whether new or used:

1. The following materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities:
 - (a) Books, magazines, periodicals, or other printed matter, or digitally-stored materials;
 - (b) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind; or
 - (c) Live performances.
2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

"Adult On-Site Entertainment" means any business which provides the following at any location not holding an Adult Use License:

1. Persons who appear Nude or Semi-Nude;
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

This includes but is not limited to compensated, topless female servers at private parties.

"Adult Use Commissioner" means the Village Manager of the Village of Buffalo Grove, or the Village Manager's designee.

"Commercial Establishment" means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

"Days" means calendar days, unless otherwise specifically set forth in this Chapter.

"Licensed Premises" means the place or location described in an Adult Establishment License where an Adult Entertainment Establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the Licensed Premises.

"Licensee" means any person or entity that has been issued an Adult Establishment License pursuant to the provisions of this Chapter.

"Nude" or "State of Nudity" means a state of dress or undress that exposes to view:

1. Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

"Reviewing departments" means the office of Village Manager, the Fire Department, the Police Department and the Department of Building and Zoning.

"Semi-Nude" means a state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus, and areola of the female breast, as well as portions of the body covered by supporting straps or devices by other minor accessory apparel such as hats, gloves and socks.

"Specified Anatomical Areas" means any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

"Specified Criminal Act" means any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes:

1. Article 11 of the Illinois Criminal Code, 720 ILCS 5/11-1 et seq. (sex offenses);
2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping);
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile);
4. The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.;
5. The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.;
6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.;
7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.

"Specified Sexual Activities" means any of the following:

1. Actual physical touching of human genitals, pubic region, buttocks, anus, or female breasts;

2. Actual physical sexual acts, normal or perverted, including intercourse, oral copulation, or sodomy;
3. Actual masturbation;
4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subsections 1, 2, 3, or 4 of this definition.

"Straddle Dance" means the use by any person, including specifically, but without limitation, Adult Establishment Personnel, of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any Adult Establishment Patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any Adult Establishment Patron. Conduct shall be a "Straddle Dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any Specified Anatomical Area. Conduct shall also be a "Straddle Dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance," "table dance," and "face dance" shall be included within this definition of Straddle Dance.

"Substantial or significant portion of its business" applies to any Commercial Establishment that satisfies one or more of the following criteria:

1. Gross Sales. Thirty percent or more of the retail dollar value of the Commercial Establishment's annual gross sales derives from the sale, rental, or viewing of Adult Materials.
2. Floor Area. Thirty percent or more of the floor area of the Commercial Establishment is devoted to the display, viewing, or presentation of Adult Materials, not including storerooms, stock areas, bathrooms, basements, or any other portion of the Commercial Establishment not open to the public.
3. Merchandise Displayed. Thirty percent or more of the retail dollar value of all merchandise displayed at any one time is attributable to Adult Materials.
4. Inventory. Thirty percent or more of all inventory of the Commercial Establishment (whether measured by retail dollar value or number of items) consists at any one time of Adult Materials.
5. Stock In Trade. Thirty percent or more of the stock in trade at the Commercial Establishment consists at any one time of Adult Materials.
6. Live Performances. Live performances by persons appearing Semi-Nude, or live performances that are otherwise distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities, and that are taking place thirty percent or more of the time during which the Commercial Establishment is open for business.

"Village Zoning Ordinance" means that part of the Village of Buffalo Grove Municipal Code known and referred to as the Village of Buffalo Grove Zoning Ordinance, as it may be amended from time to time, currently codified as Title 17 of the Village of Buffalo Grove Municipal Code.

5.70.030 - Adult Use Commissioner.

A. The Adult Use Commissioner shall have the following powers and duties:

1. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of Adult Establishment Licenses as set forth in this Chapter;
2. To conduct or provide for such inspections of Adult Entertainment Establishments as shall be necessary to determine and ensure compliance with the provisions of this Chapter and other applicable provisions of law;
3. To periodically review the provisions of this Chapter and the conduct and operation of Adult Entertainment Establishments and Adult Establishment Licensees, and to make such related

reports and recommendations to the Village Corporate Authorities as the Adult Use Commissioner shall deem necessary;

4. To conduct such hearings, studies, and report on Adult Entertainment Establishments, and the regulations relating thereto, as the Adult Use Commissioner shall deem necessary, and to conduct such hearings on the revocation or suspension of an Adult Establishment License as required pursuant to this Chapter;
 5. To establish written rules and regulations implementing the provisions of this Chapter, including but not limited to, rules related to the content and processing of any petition, and the conduct of any hearing; and
 6. To take such further actions as the Adult Use Commissioner shall deem necessary to carry out the purposes and intent of this Chapter and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Chapter.
- B. The Adult Use Commissioner may delegate any power or duty set forth above, including appointing a hearing officer regarding revocation or suspension. Provided, such hearing officer shall only have the power to recommend suspension or revocation.

5.70.040 - Adult Establishment Licenses—Generally.

- A. Adult Establishment License Required. An Adult Establishment License shall be required to establish, operate, or maintain an Adult Entertainment Establishment within the Village.
- B. Operation Without License Prohibited. It shall be unlawful for any person not having a current and valid Adult Establishment License to establish, operate, or maintain an Adult Entertainment Establishment within the Village at any time after the effective date of this Chapter.
- C. Operation in Violation of License Prohibited. It shall be unlawful for any Licensee to establish, operate, or maintain an Adult Entertainment Establishment within the Village except in the manner authorized by, and in compliance with, the provisions of this Chapter and by the Licensee's Adult Establishment License.
- D. Content and Display of License. Every Adult Establishment License shall be provided by the Village and shall, at minimum, prominently state on its face the name of the Licensee, the expiration date, and the address of the Adult Entertainment Establishment. Every Licensee shall cause the Licensee's Adult Entertainment License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Licensed Premises so that it can be easily seen and read at any time by any person entering the Licensed Premises.
- E. License Term. Except as hereinafter provided, Adult Establishment Licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on January 1st of the year following the year of issuance and terminating on December 31st of that same year. Adult Establishment Licenses issued after January 1st of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31st of that same year.
- F. Renewal. An Adult Establishment License may be renewed only by making application as required for an initial License as provided in this Chapter. Application for renewal shall be made at least forty-five days before the expiration of the then-current License term. The expiration of the License shall not be affected or extended by a renewal application that is made less than forty-five days before expiration.

5.70.050 - Form and submittal of license application.

- A. Required Form. An application for an Adult Establishment License, or the renewal thereof, shall be made in writing to the Adult Use Commissioner on a form prescribed by the Adult Use Commissioner and shall be signed:
 1. By the applicant, if the applicant is an individual; 2. By at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general

- or limited), limited liability corporations or partnerships, joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization;
3. By a duly authorized agent, if the applicant is a corporation; and
 4. By the trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the Licensed Premises for which an Adult Establishment License is sought. Each initial or renewal application shall be accompanied by seven identical copies.
- B. Administrative Processing Fee. Every applicant for an Adult Establishment License or for the renewal of an existing Adult Establishment License shall pay an Administrative Processing Fee as set forth in Appendix A of this Code. The Administrative Processing Fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the Village.
- C. Required Information and Documents. Nothing herein shall relieve the applicant from submitting all required information or forms, including but not limited to detailed engineering or architectural plans, as may be otherwise by law. Each application shall include the following information and documents:
1. Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.
 2. Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and every person owning or controlling more than fifty percent of the voting shares of the corporation; the corporation's date and place of incorporation and the object for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.
 3. Partnerships (general or limited), limited liability corporations, joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization: The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
 4. Land trusts. The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses, and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the Licensed Premises.
 5. If a corporation or partnership is an interest holder that must be disclosed pursuant to this section, then such interest holders shall disclose the information required in said sections with respect to their interest holders.
 6. The general character and nature of the business of the applicant as well as the length of time that the applicant has been in such business.
 7. The location, including street address and legal description, and telephone number, of the premises for which the Adult Establishment License is sought.
 8. The specific name of the business that is to be operated under the Adult Establishment License.
 9. The identity of each fee simple owner of the Licensed Premises. If the Applicant is not the fee simple owner, a copy of the lease shall be provided.
 10. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed

Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance with the provisions of this Chapter. The requirements of this paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certified that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

11. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate in the Licensed Premises.
 12. A copy of each Adult Establishment License or any license substantially the same as an Adult Establishment License currently held by the applicant, or any of the individuals identified in the application.
 13. Whether the applicant, or any of the individuals identified in the application has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.
 14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Adult Entertainment Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to this section for the applicant.
 15. For the individual or individuals executing the application pursuant to this section, and if different the on-site manager, a fully executed waiver on a form prescribed by the Village to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.
- C. Incomplete Applications Returned. Any application for an Adult Establishment License that does not include all of the information and documents required pursuant to subsection B of this section as well as the Administrative Processing Fee, shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Adult Use Commissioner shall, within ten days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

5.70.060 - Processing of license application.

- A. Reviewing Departments. Within three days after receipt of a complete application for an Adult Establishment License that includes all the information, documents, the Administrative Processing Fee as required pursuant to this Chapter, the Adult Use Commissioner shall transmit a copy of the application to the Reviewing Departments.
- B. Reviewing Department Reports. Each of the Reviewing Departments shall, within twenty-five days after transmittal of the application thereto, or within such other period of time as the Village and the applicant may otherwise agree:
 1. Review the application;
 2. Conduct such inspections of the proposed Licensed Premises and background investigations of the applicant, the on-site manager and any of the individuals identified in the application pursuant to this Chapter, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the

requirements of this Chapter and other applicable laws, codes, ordinances, rules, and regulations; and

3. prepare and submit to the Adult Use Commissioner a written report regarding the results and findings of such reviews, inspections, and investigations.
- C. **Adult Use Commissioner Review.** The Adult Use Commissioner shall also conduct such inspections and investigations as the Adult Use Commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Chapter and other applicable laws, code, ordinances, rules, and regulations.
- D. **Reliance on Diagram.** In the event that the Licensed Premises had not yet been constructed or reconstructed to accommodate the proposed Adult Entertainment Establishment, the Adult Use Commissioner and the Reviewing Departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to this Chapter. Any Adult Establishment License issued prior to the construction or reconstruction necessary to accommodate the proposed Adult Entertainment Establishment shall be subject to the condition that the Adult Entertainment Establishment shall not open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.
- E. **Applicant Cooperation Required.** An applicant for Adult Establishment License shall cooperate fully in the inspections and investigations conducted by the Adult Use Commissioner and the Reviewing Departments. The applicant's failure or refusal to:
- (i) Give any information reasonably relevant to the investigation of the application;
 - (ii) Allow the Licensed Premises to be inspected;
 - (iii) Appear at any reasonable time and place for examination under oath regarding the application; or
 - (iv) Otherwise cooperate with the investigation and inspection required by this Chapter, shall constitute an admission by the applicant that the applicant is ineligible for an Adult Establishment License and shall be grounds for denial of the License by the Adult Use Commissioner.
- F. **Time for Issuance or Denial.** The Adult Use Commissioner shall, within thirty days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue an Adult Establishment License pursuant to the provisions of Section 5.70.080A of this Chapter or deny issuance of the Adult Use Establishment License pursuant to the provisions of Section 5.70.080B of this Chapter. The Adult Use Commissioner shall issue or deny the License within the thirty-day period, or such other period of time as shall have been agreed to by the Village and the applicant, regardless of whether or not the Adult Use Commissioner has received all of the Reviewing Department reports.
- G. **Decision Final.** The action taken by the Adult Use Commissioner to issue or deny an Adult Establishment License pursuant to Section 5.70.080 of this Chapter shall be final and shall be subject to judicial review.

5.70.070 - Premise restrictions.

- A. No Adult Establishment License shall be issued to any person for premises for which a liquor license has been issued as provided in the Buffalo Grove Municipal Code.
- B. When an Adult Establishment License shall have been revoked or surrendered following notice of hearing as provided herein, no license shall be granted to any person for the period of one year thereafter for the conduct of an Adult Entertainment Establishment in the premises described in the revoked license.
- C. The Applicant shall either own or have a valid lease for the License Premise for the term of the Adult Establishment License.

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5.70.080 - Standards for issuance or denial of license.

- A. Issuance. The Adult Use Commissioner shall issue an Adult Establishment License to an applicant if, but only if, the Adult Use Commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Adult Use Commissioner and the Reviewing Departments and on any other credible information on which it is reasonable for the Adult Use Commissioner to rely:
1. All information and documents required by Section 5.70.050 of this Chapter for issuance of an Adult Establishment License have been properly provided and the material statements made in the application are true and correct.
 2. For Adult Stores and Adult Theaters, all persons identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter are at least eighteen years of age and not under any legal disability. For Adult Cabarets, all persons identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter are at least twenty-one years of age and not under any legal disability.
 3. No person identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter has been convicted of, pleaded nolo contendere to, or been placed on supervision or conditional discharge for, any Specified Criminal Act within five years immediately preceding the date of the application.
 4. No person identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 has been, or is married to or residing with, a person:
 - a. Who has been denied an Adult Establishment License on the Licensed Premises within twelve months immediately preceding the date of the application;
 - b. Whose Adult Establishment License has been revoked within twelve months immediately preceding the date of the application; or
 - c. Whose Adult Establishment License is under suspension at the time of application.
 5. No person identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Adult Entertainment Establishment.
 6. The Adult Entertainment Establishment and the Licensed Premises, and the proposed operation of the Adult Entertainment Establishment, comply with this Chapter and all then-applicable building, health, and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Village's Zoning Ordinance, including specifically, but without limitation, the zoning approval, if any, required for the Adult Entertainment Establishment.
 7. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Chapter and all provisions of the Village's Zoning Ordinance applicable to Adult Entertainment Establishments, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Adult Entertainment Establishment and its proposed operation are and shall be in compliance therewith.
- B. Denial. If the Adult Use Commissioner determines that the applicant has not met any one or more of the conditions set forth in subsection A of this section, then the Adult Use Commissioner shall deny issuance of the Adult Establishment License and shall give the applicant a written notification and explanation of such denial. The Adult Use Commissioner's notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. With regard to a license application for a new Adult Entertainment Establishment, the Adult Establishment License shall be deemed denied on the day that the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided in this subsection. With regard to a license application for renewal of an existing Adult Establishment

License, in order to allow an aggrieved Licensee an opportunity to obtain judicial review, any such denial shall take effect:

1. On the fourteenth day after the notice of denial is delivered in person; or
 2. On the seventeenth day after it is placed in the U.S. mail as provided in this subsection.
- C. License Deemed To Be Issued. If the Adult Use Commissioner does not issue or deny the Adult Establishment License within thirty days after the properly completed application is submitted, then the Adult Establishment License applied for shall be deemed to have been issued.

5.70.090 - Inspections by Village.

- A. Authority. The Adult Use Commissioner and other Village representatives and departments with jurisdiction shall periodically inspect all Adult Entertainment Establishments as shall be necessary to determine compliance with the provisions of this Chapter and all other applicable law.
- B. Licensee Cooperation. A Licensee shall permit representatives of the Village to inspect the Licensed Premises and the Adult Entertainment Establishment for the purpose of determining compliance with the provisions of this Chapter and all other applicable laws at any time during which the Licensed Premises is occupied or the Adult Entertainment Establishment is open for business.
- C. Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Adult Establishment Personnel, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the Village pursuant to this Chapter or any other authority.
- D. Suspension or Revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Adult Establishment License pursuant to Section 5.70.170 of this Chapter.

5.70.100 - Change in information.

During the pendency of any application for, or during the term of, any Adult Establishment License, the applicant or Licensee shall promptly notify the Adult Use Commissioner in writing of any change in any material information given by the applicant or Licensee in the application for such License, including specifically, but without limitation, any change in managers of the Adult Entertainment Establishment or in the individuals identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter; or if any of the events constituting grounds for suspension or revocation pursuant to Section 5.70.170 of this Chapter occur.

5.70.110 - Regulations applicable to all Adult Entertainment Establishments.

- A. General Compliance. All Licensed Premises and Adult Entertainment Establishments shall comply with the provisions of this Chapter; all other applicable Village ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.
- B. Hours of Operation. No Adult Entertainment Establishment shall be open for business between the hours of twelve a.m. and twelve noon on any day. No Adult Entertainment Establishment shall be open for business at any time on any Sunday or any legal State of Illinois or federal holiday.
- C. Animals. No animals, except only for animals trained and used to assist a person with a disability, shall be permitted at any time at or in any Adult Entertainment Establishment. Any such animal must at all times remain with the disabled Adult Entertainment Patron.
- D. Restrooms. All restrooms in Adult Entertainment Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restroom of an Adult Entertainment Establishment. Separate male and female restrooms shall be provided for and used by Adult Establishment Personnel and Adult Establishment Patrons.
- E. Restricted Areas. No Adult Entertainment Patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Adult Establishment Personnel. This subsection shall not apply to persons delivering goods and materials, food and

beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

F. Specific Prohibited Acts.

1. No person at any Adult Entertainment Establishment shall appear, be present, or perform while nude;
2. No Adult Establishment Personnel or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Patron or any other Adult Establishment Personnel or any other person;
3. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Personnel or any other Adult Establishment Patron or any other person; and
4. Straddle Dances are prohibited at all Adult Entertainment Establishments.

G. Exterior Display. No Adult Entertainment Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located. No portion of the exterior of an Adult Entertainment Establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to subsection H of this section with regards to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

H. Signage Limitations. All signs for Adult Entertainment Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding thirty-two square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this Chapter shall contain only:

1. The name of the Adult Entertainment Establishment; and/or
2. The specific type of Adult Entertainment Establishment conducted on the Licensed Premises. Temporary signage shall not be permitted in connection with any Adult Entertainment Establishment.

I. Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.

J. Gambling and Related Devices Prohibited. No Adult Entertainment Establishment shall contain any gambling, video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.

K. Manager's Station. Each Adult Entertainment Establishment shall have one or more manager's stations. The interior of each Adult Entertainment Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Adult Entertainment Patron is permitted access for any purpose.

L. Alcohol Prohibition. No alcoholic liquor shall be delivered, received, sold, purchased, provided or consumed at any time on any Licensed Premises or at any Adult Entertainment Establishment.

M. No massage services shall be provided at an Adult Entertainment Establishment.

N. No Adult Establishment Licensee shall permit any person to remain in or upon the Licensed Premises who commits any Specified Criminal Act.

5.70.120 - Special regulations for Adult Booths.

- A. Prohibited Except in Adult Stores. Adult Booths shall be prohibited in all Adult Entertainment Establishments except Adult Stores.
- B. Occupancy and Prohibited Acts. Only one individual shall occupy an Adult Booth at any one time. No individual occupying an Adult Booth shall engage in any Specified Sexual Activities. No individual shall damage or deface any portion of an Adult Booth.
- C. Open Booth Requirement. In addition to satisfying the manager station requirements of Section 5.70.110 of this Chapter, all Adult Stores containing Adult Booths shall be physically arranged in such a manner that the entire interior portion of each Adult Booth shall be visible from the common area of the Adult Store. To satisfy this requirement, there shall be a permanently open and unobstructed entrance way for each Adult Booth and for the entranceway from the area of the Adult Store that provides other Adult Materials to the area of the Adult Store containing Adult Books. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the Adult Store containing Adult Booths or any person situated in an Adult Booth. It shall be unlawful to install Adult Booths within an Adult Entertainment Establishment for the purpose of providing secluded viewing of Adult Materials or live performances.
- D. Aisle Required. There shall be one continuous lighted main aisle along side the Adult Booths provided in any Adult Store. Each person situated in a Booth shall be visible at all times from the aisle.
- E. Holes Prohibited. Except holes or openings needed for installation for facilities and the open Booth entranceway, the walls and partitions of each Adult Booth shall be constructed and maintained solid walls or partitions without any holes or openings whatsoever.
- F. Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each Adult Booth that states that:
 - 1. Only one person is allowed in an Adult Booth at any one time;
 - 2. It is unlawful to engage in any Specified Sexual Activities while in an Adult Booth; and
 - 3. It is unlawful to damage or deface any portion of an Adult Booth.
- G. Age Limitations.
 - 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Booth or a Licensed Premises that includes an Adult Booth shall be under the age of eighteen;
 - 2. No person under the age of eighteen shall be admitted to any Adult Booth or any Licensed Premises that includes an Adult Booth;
 - 3. No person under the age of eighteen shall be allowed or permitted to remain at any Adult Booth or at any Licensed Premises that includes an Adult Booth;
 - 4. No person under the age of eighteen shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Booth or any Licensed Premises that includes an Adult Booth.

5.70.130 - Special regulations for Adult Cabarets.

- A. Performance Area. The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be at least eighteen inches in elevation above the level of the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least eight feet from all areas of the premises to which Adult Entertainment Patrons have access. A continuous barrier at least three feet in height and located at least eight feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all seating areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached. No Adult Entertainment Patron shall be allowed at any time on any Cabaret Stage.

- B. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting of not less than thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers shall be maintained at all times for all areas of the Adult Cabaret where Adult Establishment Patrons are admitted.
- C. Tipping. No tip or gratuity may be offered or accepted for any performance by Adult Establishment Personnel on any Adult Cabaret Stage at any time prior to the completion of any such performance. No Adult Establishment Patron shall offer, and no Adult Establishment Personnel having performed on any Cabaret Stage shall accept, in any form of tip or gratuity offered directly or personally to the Adult Establishment Personnel by the Adult Establishment Patron. Rather, following completion of a performance, all tips and gratuities to Adult Establishment Personnel performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Entertainment Establishment.
- D. Notice of Select Rules. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:
THIS ADULT CABARET IS REGULATED BY THE VILLAGE OF BUFFALO GROVE.
ENTERTAINERS ARE:
 1. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY OR ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
 2. NOT PERMITTED TO ACCEPT ANY TIPS OR GRATUITIES FOR ANY PERFORMANCE UNTIL COMPLETION OF THE PERFORMANCE.
 3. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY FROM PATRONS. EVEN AFTER COMPLETION OF THE PERFORMANCE. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.
 4. NO ALCOHOLIC LIQUOR IS PERMITTED AT ANY TIME.
- E. Age Limitations.
 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Cabaret or a Licensed Premises used for Adult Cabaret shall be under the age of twenty-one;
 2. No person under the age of twenty-one shall be admitted to any Adult Cabaret or to any Licensed Premises used for an Adult Cabaret;
 3. No person under the age of twenty-one shall be allowed or permitted to remain at any Adult Cabaret or any Licensed Premises used for an Adult Cabaret;
 4. No person under the age of twenty-one shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

5.70.140 - Special regulations for Adult Stores.

- A. Windows and Signs. Window areas for Adult Stores shall not be covered or obstructed in any way. No signs or obstructions shall be placed in the windows.
- B. Age Limitations.
 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Store or a Licensed Premises used for Adult Store shall be under the age of eighteen;
 2. No person under the age of eighteen shall be admitted to any Adult Store or to any Licensed Premises used for an Adult Store;
 3. No person under the age of eighteen shall be allowed or permitted to remain at any Adult Store or any Licensed Premises used for an Adult Store;

4. No person under the age of eighteen shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Store or any Licensed Premises used for an Adult Store.

5.70.150 - Special regulations for Adult Theaters.

- A. Seating. Each Adult Theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.
- B. Aisle. Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible at all times.
- C. Sign. Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
- D. Age Limitations.
 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Theater a Licensed Premises used for Adult Theater shall be under the age of eighteen;
 2. No person under the age of eighteen shall be admitted to any Adult Theater or to any Licensed Premises used for an Adult Theater;
 3. No person under the age of eighteen shall be allowed or permitted to remain at any Adult Theater or any Licensed Premises used for an Adult Theater;
 4. No person under the age of eighteen shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Theater or any Licensed Premises used for an Adult Theater.

5.70.160 - Licensees responsibility for Adult Establishment Personnel.

Every act or omission by Adult Establishment Personnel constituting a violation of the provisions of this Chapter shall be deemed and held to be the act or omission of the Licensee if such act or omission occurs either with the authorization, knowledge, or approval of the Licensee or as a result of the Licensee's negligent failure to supervise the Adult Establishment Personnel. The Licensee shall be punishable for any such act or omission in the same manner as if the Licensee committed the act or caused the omission. Accordingly, any such act or omission of any such Adult Establishment Personnel constituting a violation of the provisions of this Chapter shall be deemed, for purposes of determining whether the Licensee's Adult Establishment License shall be issued, revoked, suspended, or renewed, to be the act or omission of the Licensee.

5.70.170 - On-site Adult Entertainment prohibited.

On-site Adult Entertainment is prohibited. No business shall offer or provide On-site Adult Entertainment. No person shall employ any business or person to provide On-site Adult Entertainment.

5.70.180 - License revocation or suspension.

- A. Grounds. Pursuant to the procedures set forth in subsection B of this section, the Adult Use Commissioner may suspend for not more than thirty days, or revoke, any Adult Establishment License if the Adult Use Commissioner, based upon credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:
 1. The Licensee has violated any of the provisions or requirements of this Chapter or the Adult Establishment License issued pursuant hereto, or the provisions of the Village Zoning Ordinance applicable to the Licensed Premises or the Adult Entertainment Establishment.
 2. The Licensee (i) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Village for issuance or renewal of any Adult Entertainment License, (ii) knowingly or negligently caused or suffered any other

person to furnish or withhold any such information on the Licensee's behalf, or (iii) knowingly or negligently failed to correct or update information as required by this Chapter.

3. The Licensee has committed a felony or Specified Criminal Act on the Licensed Premises.
 4. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Adult Entertainment Establishment, allows Adult Establishment Personnel, an Adult Establishment Patron, or any other person to (i) violate any of the provisions or requirements of this Chapter or the provisions or requirements of the Adult Establishment License issued pursuant hereto, or (ii) commit any felony or Specified Criminal Act on the Licensed Premises.
 5. The Licensee, or any person identified pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter becomes disqualified for the issuance of an Adult Establishment License at any time during the term of the License at issue.
- B. Procedure. An Adult Entertainment Establishment License may be suspended for not more than thirty days, or revoked, pursuant to the terms and conditions set forth herein.
1. Notice. Upon determining that one or more of the grounds for suspension or revocation under subsection A of this section may exist, the Adult Use Commissioner shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. The written notice shall, at a minimum:
 - a. State that Adult Use Commissioner has determined that the Adult Establishment License may be subject to suspension or revocation pursuant to this Chapter;
 - b. Identify the specific grounds for the Adult Use Commissioner's determination; and
 - c. Set a date for a hearing regarding the Adult Use Commissioner's determination as to the possibility of suspension or revocation of the Adult Establishment License. The date of the hearing shall be no less than five days after service of the Adult Use Commissioner's notice, unless an earlier date is agreed to by the Licensee and the Adult Use Commissioner. When notice is mailed, service shall be deemed given two days after mailing.
 2. Hearing. The hearing shall be conducted by the Adult Use Commissioner. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Adult Use Commissioner for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Adult Entertainment Establishment pursuant to Section 5.70.180 of this Chapter shall be made part of the hearing record. The Adult Use Commissioner may designate a hearing officer to schedule, convene and conduct the public hearing. In such case, the hearing officer shall have the same powers as the Adult Use Commissioner to conduct the hearing. Where such designation has been made, the hearing officer shall submit proposed findings and recommendations to the Adult Use Commissioner within seven days of the close of the hearing. Within fourteen days after the close of the hearing, the Adult Use Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Adult Use Commissioner shall be final and shall be subject to judicial review.
 3. Notice and Effective Date of Suspension or Revocation. The Adult Use Commissioner's written decision shall be posted at the office of the Adult Use Commissioner and shall be served on the Licensee in person or by recognized overnight courier, addressed to the Licensee's address as set forth in the Licensee's application. In order to allow an aggrieved Licensee an opportunity to obtain judicial review, any such suspension or revocation, as the case may be, shall take effect:
 - a. On the fourteenth day after the notice of denial is delivered in person; or
 - b. On the seventeenth day after it is sent via recognized overnight courier as provided in this subsection.

4. Surrender of License. Upon the suspension or revocation of an Adult Establishment License pursuant to this Chapter, the Adult Use Commissioner shall take custody of the suspended or revoked License.

5.70.190 - Administrative record.

The Adult Use Commissioner shall cause to be kept in the Village Clerk's office an accurate record of every Adult Establishment License application received and acted on, together with all relevant information and material pertaining to such application, any Adult Establishment License issued pursuant thereto, and any Adult Entertainment Establishment operated pursuant to such Adult Establishment License.

5.70.200 - Adult Establishment Personnel registration and recordkeeping by Licensee.

- A. Registration. The Licensee of every Adult Entertainment Establishment shall maintain a register of all of its Adult Establishment Personnel with the Adult Use Commissioner by providing the following information to the Adult Use Commissioner no later than the business day immediately preceding the day of commencement of the Adult Establishment Personnel service at the Adult Use Entertainment Establishment:
 1. Legal name;
 2. Date of birth;
 3. Gender, height, weight, hair and eye color;
 4. Date of commencement of employment;
 5. Specific job or employment duties;
 6. The names of each governmental body, including the County, from which, within three years immediately preceding the date of registration, the Adult Use Personnel has received an Adult Establishment License, or any other official authorization to operate or to be employed at, an Adult Entertainment Establishment or a business substantially the same as an Adult Entertainment Establishment; and
 7. Whether the Adult Establishment Personnel has had any such license or authorization revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.
- B. Adult Use Personnel Register. The Licensee of every Adult Entertainment Establishment shall maintain a register of all of its Adult Establishment Personnel. For each such person, the register shall include the following:
 1. Legal name;
 2. Date of birth;
 3. Gender;
 4. Date of commencement of employment;
 5. Date of employment termination, if applicable; and
 6. Specific job or employment duties.

The register shall be maintained for all current Adult Establishment Personnel and all Adult Establishment Personnel employed or working at any time during the preceding thirty-six months. The Licensee shall make the register of its Adult Establishment Personnel available for inspection by the Village immediately upon demand at all reasonable times.

5.70.210 – Violation-Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Chapter or of any of the provisions or

requirements of any Adult Establishment License, shall be subject to penalties prescribed in Chapter 1.08.

5.70.220 - Nuisance declared.

Any Adult Entertainment Establishment established, operated, or maintained in violation of any of the provisions or requirements of this Chapter or of any Adult Establishment License shall be, and the same is, declared to be unlawful and a public nuisance. The Village may, in addition to or in lieu of any other remedies set forth in this Chapter, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an Adult Entertainment Establishment contrary to the provisions of this Chapter.

Chapter 5.74 - CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS SUPPORT FEE

5.74.000- Cable Franchise

Village's home rule powers, and the Illinois Municipal Code, as amended from time to time, and shall be governed by the Cable Act and the Illinois Municipal Code, as amended from time to time; provided that any provisions of the Illinois Municipal Code that are inconsistent with the Cable Act shall be deemed to be preempted and superseded.

5.74.010 - Definitions.

As used in this Chapter, the following terms shall have the following meanings:

"Cable service" means that term as defined in 47 U.S.C. Section 522(6).

"Commission" means the Illinois Commerce Commission.

"Gross revenues" shall include amounts collected from Subscribers for Franchise Fees pursuant to City of Dallas, Texas v. F.C.C., 118 F.3d 393 (5 Cir. 1997), and the amounts collected from non-Subscriber revenues in accordance with the Court of Appeals decision resolving the case commonly known as the "Pasadena Decision," City of Pasadena, California et. al., Petitions for Declaratory Ruling on Franchise Fee Pass Through Issues, CSR 5282-R, Memorandum Opinion and Order, 16 FCC Rcd. 18192 (2001), and In re: Texas Coalition of Cities for Utility Issues v. F.C.C., 324 F.3d 802 (5th Cir. 2003). "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

"PEG" means public, education and governmental.

"PEG access support fee" means the amount paid under this Chapter and 220 ILCS 5/21-801(d) by the holder to the Village for the service areas within its territorial jurisdiction.

"Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

"Service provider fee" means the amount paid under this Chapter and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

"Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

5.74.020 - Cable/video service provider fee imposed.

A. Fee Imposed. A fee is imposed on any holder providing cable service or video service in the Village.

- B. Amount of Fee. The amount of the fee imposed hereby shall be as set forth in Appendix A of this Code.
- C. Notice to the Village. The holder shall notify the Village at least ten days prior to the date on which the holder begins to offer cable service or video service in the Village.
- D. Holder's Liability. The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following thirty days after receipt of the ordinance adopting this Chapter by the holder. The ordinance adopting this Chapter shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.
- E. Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- F. Exemption. The fee imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village in which a fee is paid.
- G. Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under subsection B of this section.

5.74.030 - PEG access support fee imposed.

- A. PEG Fee Imposed. A PEG access support fee is imposed on any holder providing cable service or video service in the Village in addition to the fee imposed pursuant to Section 5.74.020.
- B. Amount of Fee. The amount of the PEG access support fee imposed hereby shall be as set forth in Appendix A of this Code.
- C. Payment. The holder shall pay the PEG access support fee to the Village or to the entity designated by the Village to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in Section 5.74.020D.
- D. Payment Due. The payment of the PEG access support fee shall be due on a quarterly basis, forty-five days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- E. Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that that operator owes under subsection B of this section.

5.74.040 - Applicable principles.

All determinations and calculations under this Chapter shall be made pursuant to generally accepted accounting principles.

5.74.050 - No impact on other taxes due from holder.

Nothing contained in this Chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

5.74.060 - Audits of cable/video service provider.

- A. Audit Requirement. The Village will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the Village. If all local franchises between the Village and cable operator terminate, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.
- B. Additional Payments. Any additional amount due after an audit shall be paid within thirty days after the Village's submission of an invoice for the sum.

5.74.070 - Late fees/payments.

All fees due and payments which are past due shall be governed by ordinances adopted by this Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq.

Chapter 5.78 - CABLE AND VIDEO CUSTOMER PROTECTION LAW**5.78.010 - Customer service and privacy protection law.**

- A. Adoption. The regulations of 220 ILCS 5/22-501 are adopted by reference and made applicable to the cable or video providers offering services within the Village's boundaries.
- B. Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the Corporate Authorities of the Village.

5.78.020 - Enforcement.

The Village does pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village.

5.78.030 - Penalties.

The Village, pursuant to 220 ILCS 5/70-501(r)(1), does provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed seven hundred fifty dollars for each day of the material breach, and shall not exceed twenty-five thousand dollars for each occurrence of a material breach per customer.

- A. Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.
- B. The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least thirty days from the receipt of the notice to remedy the specified material breach.
- C. A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in subsection B of this section.

5.78.040 - Customer credits.

The Village adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

Chapter 5.82 - ELECTRICITY AGGREGATION PROGRAM

5.82.010 - Definitions.

For the purposes of this Chapter, the following terms shall have the following definitions:

"Act" shall mean the Illinois Power Agency Act, 20 ILCS 3855/1-1 et seq., as may be amended from time to time.

"Customer" shall mean recipients of residential and small commercial retail electric loads as provided in the Act.

"Electricity aggregation program" shall mean a program pursuant to the act for the aggregation of residential and small commercial retail electric loads located within the corporate limits of the Village that provides customers with the opportunity to opt out of participating in that program as provided in the Act.

5.82.020 - Aggregation of electrical load.

- A. The Corporate Authorities of the Village are authorized to operate an Electricity Aggregation Program pursuant to the act and for that purpose may solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and related services and equipment for those loads aggregated pursuant to the electricity aggregation program as provided in the Act.
- B. The Corporate Authorities of the Village may exercise the authority to operate the Electricity Aggregation Program jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process to jointly authorize the Electricity Aggregation Program by a majority vote of each particular municipality or county as required by the Act.

5.82.030 - Opt-out program.

- A. The Electricity Aggregation Program shall operate as an opt-out program whereby Customers who do not wish to participate in the Electricity Aggregation Program may opt out pursuant to the Act.
- B. The Village Manager or designee, on behalf of the Village, shall fully inform customers in advance, as provided in the Act, that Customers have the right to opt-out of the Electricity Aggregation Program. The disclosure provided to the Customers shall comply with the requirements of the Act and shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 16-103 of the Public Utilities Act, 220 ILCS 5/1-101 et seq., how to access service, and the fact that service under said Section 16-103 is available to Customers without penalty if they are currently receiving service under Section 16-103.
- C. Upon notification from any Customer that the Customer wishes to opt out of the Electricity Aggregation Program, that Customer shall be excluded from the Electricity Aggregation Program.
- D. Except for those Customers who opt out of the Electricity Aggregation Program pursuant to this Section 5.82.030 and the Act, the Electricity Aggregation Program shall automatically apply for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Village.

5.82.040 - Adoption of plan of operation and governance for the electricity aggregation program.

- A. The Corporate Authorities of the Village, with the assistance from the Illinois Power Agency as required pursuant to the Act, shall develop and approve a Plan of Operation and Governance for the Electricity Aggregation Program.
- B. Before adopting the plan of operation required under Section 5.82.040.A and the Act, the Corporate Authorities shall hold at least two public hearings on the proposed plan. Before the first public hearing, the Corporate Authorities shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the Village. The notice shall summarize the plan of operation and state the date, time, and location of each hearing.
- C. The plan of operation and governance for the Electricity Aggregation Program shall:
 - 1. Provide for universal access to all applicable residential Customers and equitable treatment of applicable residential Customers,

2. Describe demand management and energy efficiency services to be provided to each class of Customers, and
3. Meet any requirements established by law concerning aggregated service offered pursuant to the Act.

5.82.050 - Solicitation of bids.

The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services for the electricity aggregation program shall be conducted pursuant to the Act.

Title 5 - BUSINESS TAXES, LICENSES, PERMITS, AND REGULATIONS

Chapter 5.04 - BUSINESS LICENSES* LICENSE

5.04.010 - Definitions.

The words and terms set forth in this section, wherever they occur in this Chapter, shall be construed as defined in this section:

- A. "Accessory use" means a use which is customarily and exclusively incidental to the principal building or use which it serves and which (with the single exception of such off-street parking spaces as are permitted to be located elsewhere) is located on the same zoning lot as the principal building or use...
- B. "Business activity" means and includes the following:
 1. "Adult Use Cannabis Dispensary:" An adult-use cannabis dispensary shall be defined as a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business organizations for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.
 2. "Food establishment" means a building or premises or a portion thereof, the principal use of which is for the sale or dispensing or distribution or serving or storage of food, foodstuff or drink for consumption on or off the premises, or serving or storage of food, foodstuff or drink for consumption on or off the premises or in or out of the building; facilities commonly known as "mini-marts" will fall under this definition.
 3. "Retail and wholesale sales establishment" means a building or premises or portion thereof, the principal use of which is for the sale or distribution of any commodity or material goods for a price or fee by a seller to a consumer or by one business to another business. The sale or distribution of a commodity or material good is not included or related to the services of food establishments or service establishments.
 4. "Service establishment" means a building or premises or a portion thereof, the principal use of which is for the rendering of personal or material services for a price or fee whether or not a commodity or material good is worked upon or exchanged.
 5. "Industrial establishment" means a building or premises or a portion thereof, the principal use of which is for manufacturing, including assembly, processing, fabrication, storage or warehousing, including scientific or manufacturing research, engineering and development.
 6. "Hotel/motel establishment" means any building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests.
 7. "Food processing with accessory food retail establishment" means an establishment, building, or premises or a portion thereof, the principal use of which is to manufacture, process, store and distribute food or food products on a wholesale basis. The accessory food retail use would be a subordinate use and would be commonly known as an "outlet" type store.
- C. "Floor area" means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings measured in square feet from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces or loading spaces for motor vehicles.
- D. "LicenseesLicensee" means any individual, firm, association, partnership, corporation, trust or any other legal entity licensed or subject to license.

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E. "Tenant use space" means all areas identified for use by a business activity, but not including interior parking spaces or loading spaces for motor vehicles.

5.04.020 - Requirements.

- A. A Village of Buffalo Grove Business License is required to conduct, engage in, maintain, operate, or manage any business activity in the Village of Buffalo Grove. Said license shall be obtained prior to the commencement of operations.
- B. Businesses exempt from this Chapter are those preempted by State statutes and are licensed by the Illinois Department of Financial & Professional Regulation (IDFPR). However, if additional business activities are offered in the establishment / facility, which are not covered by the State of Illinois license, then a Village of Buffalo Grove license may be required.
- C. All businesses must comply with zoning regulations and hold a valid Certificate of Occupancy for the business premises in its entirety prior to commencing business operations.
- D. All applicants and licensees shall conform to the requirements of all applicable Village ordinances and all applicable requirements of the State of Illinois.

5.04.030 - Application.

Applications for all licenses shall be made in writing to the Village on the form provided.

5.04.040 - Investigations.

- A. When an ordinance authorizes or necessitates any investigation or inspection by a Village official before the issuance of a license, the required investigation or inspection shall be made.
- B. The Village official shall make the necessary investigations and inspections, and if warranted, the results shall be reported in writing to the Village Clerk. The Village official shall indicate on the application a recommendation for the approval or disapproval thereof.
- C. No license shall be issued or renewed to any applicant or licensee who is in violation of any Village ordinance or owes the Village any fine, penalty or other charge.
- D. The application and investigative reports shall be forwarded to the Village Manager or designee for determination of compliance with all Village ordinances and applicable statutes.

If approved, the Village Clerk shall issue the license. If not, the applicant shall be advised that the license has been denied.

5.04.050 - Duration.

All licenses issued under this Chapter shall terminate on December 31st of each year or upon written notice to the Village Clerk of discontinuation of business operations or as otherwise year or upon written notice to the Village Clerk of discontinuation of business operations or as otherwise terminated by law.

5.04.060 - Nontransferable.

No license may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered.

5.04.070 - Posting.

Licenses shall be posted in a prominent place on the premises used for such business.

5.04.080 - Suspension, revocation and appeal.

The procedures set forth in Chapter 1.12 shall govern: (1) suspension and/or revocation of a license and (2) appeal of a denial of an application.

5.04.110 - Fees.

- A. The annual fee charged for licenses is set forth in Appendix A of this Code and is determined by business classification and square feet.

B. Every person engaged in any classification of business specified in this section shall pay the highest fee for any such occupation or business in which so engaged, which shall entitle the licensee to engage in any other occupation or business licensed hereunder without procuring additional licenses as provided for herein as long as such sundry uses are in conformance with the provisions of this Code.

C. Said fees are prorated at one-half the original amount if the initial license is issued on or after July 1st.

D. All payments to renew an existing license are due on or before January 15th. Starting on January 16th a fifty percent penalty will be added.

E. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

5.04.120 - Separate locations require separate licenses.

No license for the operation of a business or establishment in the village shall be construed to permit the operation of a licensed business or establishment in more than one (1) location in the village: a separate license shall be required for each location of a licensed establishment. For the purposes of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification

5.04.130 - Change in location.

The location of any licensed business activity may be changed, provided ten days' notice thereof is given to the Village Clerk.

5.04.140 - Nuisance prohibited.

No business activity, whether or not licensed, shall be so conducted or operated as to constitute a nuisance; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

5.04.150 - Nudity prohibited.

No person licensed under this Chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

1. Exposes their genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
2. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
3. Exposes any portion of the female breast at or below the areola thereof.

5.04.155 – Hours of Operation Adjacent to Residential Areas

A. Business Operations.

1. Except as otherwise provided in this Chapter, where the tenant use space of a business activity is located within sixty feet of a residential dwelling unit, the operation of the tenant use space between the hours of midnight and seven a.m. is prohibited. In determining the distance provided for in this section, the measurement shall be from the closest point of a tenant use space to the nearest residential dwelling unit. This section shall not apply to a business activity that occupies the ground floor below a residential dwelling unit.

2. A business activity may petition the Village Manager to extend permitted hours of operation, but in no event shall any approval be given for an opening time earlier than five a.m. or a closing time later than two a.m. pursuant to the following conditions:

- a) The Village Manager determines that there is no detriment to public health, safety and welfare;
- b) The Village Manager may require restrictions upon the business activity and adjacent parking to ensure no detriment to public health, safety and welfare.

B. Retail food stores.

Retail food stores in excess of thirty thousand square feet may operate twenty-four hours a day.

C. Prohibited activities—Hours of operation.

1. Except as otherwise provided in this Chapter, the following activities, in a business district which is adjacent to a residential district used for residential purposes, are prohibited between the hours of ten p.m. and seven a.m. when they generate loud and raucous noises of a disagreeable and annoying nature and have the effect of unreasonably disturbing the peace and comfort of the occupants of adjacent premises:

- i. Sweeping or scraping any dust, rubbish or refuse;
- ii. Garbage or refuse pickup or delivery;
- iii. Truck deliveries or pickups;
- iv. Use of any leaf blowing type of machine;
- v. Grass cutting;
- vi. All other similar operations and activities that generate loud and raucous noises of a disagreeable and annoying nature and that have the effect of unreasonably disturbing the peace and comfort of the occupants of adjacent premises.

2. This section shall not apply to truck deliveries between the hours of six a.m. and seven a.m. if such truck deliveries are allowed pursuant to a Village Planned Unit Development Ordinance.

3. This section shall not apply to snow removal operations.

5.04.160 - Premises—Inspections.

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purpose of making the inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is required.
- B. Whenever an analysis of any commodity or material is reasonably necessary to secure performance with any ordinance or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to give to any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

5.04.170 – Home day care providers.

A day care provider that has been granted a special use to operate a day care home as defined in Section 17.12.141 of the Village zoning ordinance shall be required to obtain a Village day care business license. The conditions and procedures for the approval of a special use are set forth in Section 17.28.060 of the Village's zoning ordinance. An application for a license shall be made in writing to the Village on forms provided by the Village Clerk or designee.

The fee for a day care business license granted under this section is set forth in Appendix A of this Code, and shall be prorated at one-half the original amount if the initial license is issued on or after July 1st. All licenses issued under this section shall terminate on December 31st of each year. All other applicable sections of this Chapter shall apply in the granting and regulating of licenses under this class of special use in addition to any rules and regulations contained within the Village zoning ordinance.

5.08.180 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 5.08 - AMUSEMENT ACTIVITY AND SPECIAL EVENT PERMITS

5.08.010 - Definition.

A "special event" is defined as a temporary activity that may include any one or more of the following:

1. A crowd of a size that is significantly larger than what is expected for the typical day to day use of the property or under normal business conditions;

2. Use of additional City Services

3. The appearance of a celebrity personality;

4. Use of an outdoor parking lot for an activity other than parking;

5. Use of a structure such as a tent or stage;

6. Use of off-site parking;

7. Any outdoor event that includes a request for a temporary liquor license;

8. Live entertainment

9. Filming/Media Production

10. Use of Public Right-of-way; including processions, parades, footraces, marathons, walkathons, bike-a-thons, bike races, open air public meetings, or any other group sponsored activity occupying or using any street or public place in the city (not including funerals and block parties).

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An "amusement activity" within the terms of this section includes art festivals, concerts, carnivals, circuses, fairs, trade shows, trade amusements, boxing and wrestling exhibitions, traveling shows and any other similar or related type of activity conducted for the furtherance of a business enterprise. 5.08.020 - Permit—Required.

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~~(Ord. 2000-16 § 1 (part), 2000: Ord. 79-51 § 1 (part), 1979: Ord. 72-35 § 1, 1972).~~

~~**5.08.020 - Permit—Required.**~~

No person shall conduct ~~any special event or~~ amusement activity within the Village without first having obtained a permit to do so from the Village. No permit shall be granted to any person under the age of twenty-one. ~~Additional permits, including but not limited to tent permit, special event liquor license, and temporary food permit, may be required.~~

~~(Ord. 72-35 § 2, 1972).~~

5.08.030 - Permit—Application—Contents.

Any person desiring a permit for an amusement activity shall apply through the Village Clerk's office at least thirty days prior to the first day of operation at the proposed activity. The application shall be on a form furnished by the clerk and shall set forth:

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- A. The name and address of the applicant;
- B. The name, address and status of the proposed permittee;
- C. The nature of the activity for which the permit is sought;
- D. If the proposed permittee is a corporation, the name and address of the registered agent and office of the corporation, and the state of incorporation;
- E. The names and addresses of the person or persons to be in immediate charge of the place of amusement at all times during its operation;
- F. The names of any sponsoring organization and the names and addresses of the principal officers of such organization;
- G. The date or dates of proposed event, the location at which it is proposed, and a list of all vendors and other participants;
- H. The names of the last three cities or other places in which the amusement activity has been shown, operated or conducted immediately prior to the filing of the application, if applicable;
- I. A statement that the proposed permittee will directly control and supervise each activity proposed to be authorized under the permit sought, and will be responsible for the conduct, operation and management thereof;
- J. Name and address of a person who can be readily contacted in regard to the operation of the amusement activity, and who is able to contact the proposed permittee at all times;
- K. If requested, a statement that the permittee has standard public liability insurance policies with an insurance company or companies satisfactory to the Village in the amount of not less than one hundred thousand dollars/one million dollars bodily injury and twenty-five thousand dollars property damage. The Village shall be named as one of the insured, and evidence of same shall be furnished the Village prior to issuance of permit;
- L. A statement certifying on penalty of perjury the correctness of the information given on the application and agreeing on behalf of the proposed permittee that there shall be full compliance of the permittee with all of the State and Village laws in the conduct of the activities for which a permit may be granted;
- M. A statement that the applicant, as a condition of receiving a permit, agrees to indemnify and save harmless the Village from any liabilities arising out of its issuance;
- N. All other information as identified on the special event permit application.

5.08.040 - Permit—Application—Processing.

An application for a permit under this Chapter shall be processed as follows:

- A. The Village Clerk or designee shall send copies of the application to the following Village Departments: police, fire, health and building and zoning.
- B. The departments shall investigate the business reputation of the permittee and of compliance by such person with State laws and local ordinances at other places listed on the application where the applicant or permittee has carried on amusement activities.
- C. Each department shall report to the Village Clerk after the filing of the application any discrepancies which appear in the application or any failure of a proposed operation to comply with applicable State or Village laws and shall mention any problems which the proposed activity may reasonably be expected to pose for the people or government of the Village. Said report shall further make recommendation for protecting the public peace, health, safety, and welfare in the event a permit is issued.
- D. The Village Clerk shall submit the application to the Village Manager, who shall consider the same as soon as practicable. The Village Clerk, by and with the consent of the Village Manager, shall issue a permit; provided no permit shall be issued unless the conduct or maintenance of

such activity at the proposed location will not, in the judgment of the Village Manager, endanger public peace, health, safety or welfare. In granting any permits, the Village Manager may impose such additional conditions or requirements as deemed necessary to protect public peace, health, safety and welfare.

- E. If the application is approved, the applicant shall file bonds and insurance policies or certificates thereof as required by this Chapter and shall pay the appropriate license fee of the Village prior to the issuance of any permit.
- F. If the application for a permit is denied, the applicant may appeal pursuant to Chapter 1.12.

5.08.050 - Permit—Fees.

The application shall be accompanied by a nonreturnable application fee in an amount as set forth in Appendix A of this Code. All other applicable fees shall be paid prior to the issuance of the approved permit. Bona fide not-for-profit organizations are exempt from fee payment.

5.08.055 – Permit—Duration

Notwithstanding anything to the contrary contained in this Chapter, no permit shall be valid for a period of more than five days.

(Ord. 79-51 § 4, 1979; Ord. 77-15 § 1, 1977; Ord. 76-31 § 1, 1976; Ord. 72-35 § 4.1, 1972).

(Ord. No. 2016-057, § 2, 11-7-2016)

5.08.060 - Bond requirement.

The permittee shall, when conducting an off-premise amusement, in addition to payment of the permit fees established by the Village, deposit with the Village not later than ten days prior to the first day of conducting any amusement activity and shall maintain for a period of two days after the termination of activities under such permit as may be issued by the Village, a cash bond in the sum of one thousand dollars or, in lieu thereof, shall post and maintain in full force and effect during said period a surety bond in the amount of one thousand dollars. Such bond shall be issued by a surety company, approved by the Village Attorney, and shall be in a form approved by the Village Attorney. Such bond shall, by its terms:

- A. Insure payment to the Village for any damage to Village property occasioned by the operation of such amusement activity or parade, including damages occasioned by the entrance into or exit from the Village of the permittee or of the equipment, facilities or personnel of such amusement activity as shall be permitted by the permit;
- B. Insure the cleaning of the premises used for such amusement activity and of the immediate surrounding properties and streets of such litter and debris as may result from the operation thereof;
- C. Insure payment of any fines levied against the permittee for violation of this or any other section or State law while conducting amusement activities in the Village;
- D. Such bonds may be waived or reduced in amount or sooner cancelled or returned by the Corporate Authorities when, in its reasonable judgment, when the conditions of or reason for requiring such bonds have been satisfactorily met. The permittee shall be promptly notified of any claims made or contemplated against such bond or surety, and shall have the right to appeal from any such claim, or the amount thereof, to the Corporate Authorities as set forth in Chapter 1.12. The decision of the Corporate Authorities shall be final;

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- E. Nothing contained in this section shall be construed to mean that the applicant is absolved from liability for sums in excess of one thousand dollars.

5.08.070 - Distance requirements.

No amusement activity covered by this Chapter shall be located in a zone within one hundred fifty feet of any occupied residential dwelling unit. Carnivals, fairs and other activities sponsored by schools, churches, and other nonprofit, educational, eleemosynary, charitable or political organizations or the like, and activities of six units or less may be exempted from this requirement.

5.08.075 - Distinctly and loudly audible noise.

No amusement activity shall use or operate a sound amplification device so that the device produces distinctly and loudly audible sounds beyond the boundary of the property, parcel, street or place from which the sound originates.

5.08.080 - Hours of operation.

No amusement activity shall operate except during the following hours:

- A. On weekdays between the hours as follows:
 - 1. School days, four p.m. and eleven p.m.;
 - 2. Non-school days, one p.m. and eleven-thirty p.m.;
- B. On Saturday between nine a.m. and eleven-thirty p.m.;
- C. On Sunday and holidays, between noon and eleven p.m.

5.08.090 - Games of skill.

- A. No permittee shall operate, maintain or permit to be maintained on any premises being occupied for any amusement activity for which a permit has been granted under this Chapter any gambling or any game of chance prohibited by State law or local ordinance. No game of skill or science shall be controlled, fixed, or operated so as to substantially deceive the public as to the possibility of succeeding at such game or of winning any prize offered in connection therewith. The use of, or employing of, or permitting of capper, shills or of persons posing as players in connection with any amusement activity is prohibited.
- B. The rules of any game of skill or science, the prizes offered, the requirements for winning each prize or group of prizes, and the cost of participating in such games shall be clearly indicated and prominently displayed at the location where such games are played.
- C. This section shall not restrict video gaming that is licensed under the provisions of the Video Gaming Act and as authorized by the Buffalo Grove Municipal Code.

5.08.100 - Lighting of amusement area.

The area around and between tents, facilities and equipment of any amusement activity shall be well lighted at all times during the operation of such amusement activity or any part thereof. The permittee may be required to provide an emergency lighting system to provide adequate lighting for orderly evacuation in event of disaster or emergency. The operation of any amusement activity at any time when such requirements are not being fully met is prohibited.

5.08.110 - Health, sanitation.

The amusement activity and each portion thereof shall conform to health and sanitation requirements of the State statutes and the Village ordinances. No living quarters shall be constructed or maintained on any part of the premises. A watchman shall be permitted to remain on the premises during the permit period.

5.08.120 - Building, fire codes.

The permittee shall comply with the building and fire codes and ordinances of the Village and State statutes, and shall be responsible for compliance with said statutes, codes, and ordinances by every

activity carried on pursuant to the permit. Upon request, the permittee shall furnish proof to the Village that all equipment, rides, tents and structures utilized in connection with the amusement activity have been inspected and are in compliance with applicable State and Village laws and regulations and shall cooperate with the inspection thereof by local police, fire, building, health, or other public officials and personnel.

5.08.130 - Alcoholic beverages prohibited.

No permittee or other person shall sell or maintain for sale or give away on the premises occupied for any amusement activity any form of alcoholic beverage, nor shall any permittee give away, permit sale, maintenance for sale or consumption of alcoholic beverages on any premises while any amusement activity regulated by this Chapter is being operated or conducted thereon unless specifically authorized to do so by the terms of a Village permit.

5.08.140 - Permit—Suspension, revocation.

Any permit granted under this Chapter may be suspended in whole or in part at any time that the amusement activity is conducted contrary to the permit or to any State or Village law, or when any such amusement activity or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, or to be injurious to the public peace, health, safety or welfare. Suspension shall become effective immediately. The Village Manager shall be notified of any suspension. The Village Manager may, for good cause, cancel any suspension, shall promptly notify the Corporate Authorities of the action taken, and of the reason or reasons thereof. Issued permits may be suspended or revoked pursuant to Chapter 1.12.

5.08.150 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 5.09 - RAFFLES

5.09.010 - Definitions.

For the purposes of this Chapter, the words set out in this section shall have the following meanings:

- A. "Business" means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of the Village.
- B. "Charitable" means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.
- C. "Educational" means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools. In addition, recognized and duly constituted clubs and service organizations that operate within a school or institution as intended by this definition shall also be considered as part of the educational organization.
- D. "Fraternal" means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of the members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.
- E. "Labor" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- F. "Nonprofit" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
- G. "Raffle" means a form of lottery conducted by an organization licensed by the Village in which:

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1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
 2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or sets of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- H. "Religious" means any church, congregation, society or organization founded for the purpose of religious worship.
- I. "Veterans" means an organization or association comprised of members of which substantially all are individuals are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

5.09.020 - License—Required.

No person, firm or corporation shall conduct a raffle within the Village without first having obtained a license from the Village. Such license is valid for up to four raffles during a calendar year except for the following: A charitable raffle, complying with the requirements of Section 5.09.050 (B), shall be valid for fifty-two raffles during a calendar year. An educational organization as defined in Section 5.09.010(C) may hold up to ten raffles during a calendar year. No one particular club or service organization as defined shall be issued more than two raffle licenses during a calendar year.

5.09.030 - Eligibility.

- A. Licenses for raffles shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations which are located within the Village and which have been in existence continuously for a period of five years immediately before applying for such license and have had during said period a bona fide membership engaged in carrying out their objectives; or to a nonprofit fundraising organization that the Village determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The forementioned five year period may be waived at the discretion of the Village if the organization applying for a raffle license is formally associated with another organization as defined in Section 5.09.010, which has been in existence for a period of five years immediately before such application.
- B. The following are ineligible for any license under this Chapter:
1. Any person who has been convicted of a felony;
 2. Any person who is or has been a professional gambler or gambling promoter;
 3. Any person who is not of good moral character;
 4. Any firm or corporation in which a person defined in subdivision (1), (2), or (3) of this subsection has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 5. Any organization in which a person defined in subdivision (1), (2), or (3) of this subsection is an officer, director, or employee, whether compensated or not;
 6. Any organization in which a person defined in subdivision (1), (2) or (3) of this subsection is to participate in the management or operation of a raffle as defined in this chapter.

5.09.040 - License—Application—Contents.

Application shall be made in writing through the Village Clerk's office at least thirty days prior to the first day intended for sale of raffle chances. The application shall be on a form furnished by the Village Clerk.

5.09.050 - Licensing conditions and limitations.

- A. Except as set forth in subsection B of this section, all raffles are subject to the following conditions and limitations:
1. The maximum cash prize awarded in any raffle shall be twenty-five thousand dollars.
 2. The maximum retail value of a non-cash prize awarded in any raffle shall be seventy-five thousand dollars.
 3. The aggregate value of all prizes awarded in any raffle shall not exceed one hundred thousand dollars.
 4. The maximum which may be charged for each raffle chance issued or sold is one hundred dollars.
 5. The maximum number of days during which chances may be issued is ninety.
- B. A fifty-two-week charitable raffle license is subject to the following conditions and limitations:
1. The maximum retail value of a non-cash prize awarded in any raffle shall be one thousand dollars.
 2. The aggregate retail value of all prizes awarded in any raffle shall not exceed five thousand dollars.

5.09.060 - License—Fee.

The license fee shall be as set in Appendix A of this code.

5.09.070 - Conduct of raffles.

The conduct of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.
- B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter.
- E. Raffle chances may be sold or issued only within the area(s) specified on the license and winning chances may be determined only at those locations specified on the license.
- F. No person under the age of eighteen years may participate in the conducting of raffles or chances. A person under the age of eighteen years may be within the area where winning chances are being determined only when accompanied by their parent or guardian.
- G. The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, governmental or similar institution.

5.09.080 - Raffles manager—Bond.

All operations of and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall obtain a fidelity bond in the sum of twenty-five percent of the total value of the prizes to be awarded. The terms of the bond shall provide that notice be given in writing to the Village thirty days prior to its cancellation. The Village may waive this bond requirement by including a waiver provision in the license issued to an organization pursuant to this Chapter; provided, that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

5.09.090 - Records.

- A. Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or the reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- B. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to a license therefor issued by the Department of Revenue of the state, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.
- C. Each organization licensed to conduct raffles shall report within sixty days after the conclusion of each raffle to its membership, and to the Village, its gross receipts, expenses, and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Chapter.
- D. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

5.09.100 - License—Suspension, revocation.

Any license granted under this Chapter may be revoked by the Village at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger public peace, health, safety, or welfare. Any license granted under this Chapter may be suspended in whole or in part at any time that the raffle is conducted contrary to the license or to any state or Village law, or when any such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety, or welfare. Suspension shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any such raffle as may be ordered suspended.

5.09.110 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08 of this Code.

Chapter 5.20 - LIQUOR CONTROLS**5.20.010 - Definitions.**

Except as otherwise defined herein, all words and phrases used in this Chapter shall have the meaning ascribed to them in the Illinois Liquor Control Act:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

~~"Bar service" means a permanent or temporary fixture that may be utilized by seated or standing patrons for the consumption of alcoholic liquor as well as for the preparation and service of such beverages for consumption by patrons on the premises.~~

"Beer" means any beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malts and hops in water, including, among other things, beer, ale, stout, lager beer, porter and the like.

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"Conveyance" means any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

"Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

"Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

"Illicit drugs" means any drug, substance or compound prohibited by law, including but not by way of limitation, drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

"Licensed Video Gaming Location" means a licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act (230 ILCS 40/5).

"Liquor Control Act" means the provisions of an act relating to alcoholic liquors, as amended and as set forth in Illinois Compiled Statutes.

"Parent" means any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of court.

"Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

"Reasonable steps" means controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, calling for police assistance in the event people under twenty-one are in possession of alcohol at the event or gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no underage person is authorized to be present and consume alcohol at the owner's residence.

"Religious ceremony" means the possession, consumption and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

"Residence or premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis whether occupied as a dwelling or specifically for a party or other social function and whether owned, leased, rented, or used with or without permission or compensation.

"Underage person" means any individual under twenty-one years of age.

"Video Gaming Café" means an establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a Video Gaming Café:

- The layout and design of the establishment,
- The preparation and variety of food and beverages offered,
- The creation and operation of a commercial kitchen,
- The number of video gaming machines relative to the customer seating capacity of the establishment,

- The square footage of space devoted to video gaming relative to the amount of space devoted to other activities,
- The source of proposed or actual revenue derived from the establishment,
- The number of employees at the establishment and their proposed function,
- Any other factors as determined as relevant by the Local Liquor Control Commissioner.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol.

5.20.020 - Local Liquor Control Commissioner—Designation.

The President of the Board of Trustees of the Village shall be the Local Liquor Control Commissioner for the Village.

5.20.030 - License—Requirement.

Only such persons, firms, or corporations as are granted a liquor license in accordance with the provisions of this Chapter shall be permitted to sell or offer for sale, at retail, or to give away alcoholic liquors in the Village.

5.20.035 - Consumption on property.

It is unlawful for any owner or occupant of property within the Village, other than dwellings, as defined in Title 17 of this Code, house trailers and mobile homes to permit alcoholic liquor to be consumed on such property without a license issued under this chapter.

5.20.040 - License—Applications.

Applications for such license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a corporation, verified by oath or affidavit. Together with the provided application, at minimum the following shall be provided:

- Copy of lease and/or purchase agreement or proof of ownership of the property.
- Copy of Dram Shop Insurance Policy showing Liquor Liability listing "Village of Buffalo Grove" as certificate holder. The policy must also include the Additional Insured endorsement listing the Village of Buffalo Grove as an Additional Insured and include the site address. The Cancellation Endorsement must specifically state that notice will be given a minimum of ten (10) days prior to cancellation.
- Copy of Articles of Incorporation or Articles of Organization.
- Copy of assumed name certificate, if applicable.
- Copies of BASSET certificates for owners and/or managers. Upon renewal, a list of all employees that serve/sell alcohol and copies of their BASSET certificates must be submitted.
- Proposed floor plan depicting tenant/building layout, including alcohol sales areas.
- Copy of the written liquor control policy.

5.20.045 - License—Application fee.

A onetime fee as set forth in Appendix A of this Code shall accompany all initial liquor license applications and no application shall be processed unless such fee is paid. Application fee is nonrefundable and is in addition to the license fee payable for the class of license being applied for. This section shall only apply to Class A, A-1, B, B-1, C, C-1, C-2, D, and E liquor licenses. This section shall not apply to current licensees applying to change their current license to another classification or a change in location. This section shall not apply to a previous liquor license holder who voluntarily surrendered the license and wishes to reinstate the license, provided there are no changes to the ownership or location of the business. This section shall apply to an existing license holder applying for a license at an additional location.

5.20.050 - License—Cause for denial.

No such license shall be issued to: _____

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- A. A person who is not at least twenty-one years of age.
- B. 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;
- C. A person who is not of good character and reputation in the community in which that person resides;
- D. A person who has been convicted of a felony under any federal or state law, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- 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 Chapter or under the applicable laws of the state has been revoked for cause;
- H. A person who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application;
- I. 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;
- J. 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/her bond to appear in court to answer charges for any such violation;
- K. 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;
- L. A person who is not a beneficial owner of the business to be operated by the licensee;
- M. A person who has been convicted of a gambling offense as prescribed by the Liquor Control Act;
- N. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- O. A partnership, unless all of the members of such partnership shall be qualified to obtain a license;
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
- Q. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this Chapter for any reason other than citizenship and residence with the political subdivision;
- R. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- S. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period;
- T. Any law-enforcing public official, including the Local Liquor Control Commissioners, any mayor, alderman, or member of the city council or commissioner, the President of the Village Board of Trustees, any member of a village board of trustees, or any president or member of a county board. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to

premises which 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;

U. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period;

5.20.060 - License—Issuance.

- A. Liquor licenses shall only be issued to applicants who have complied with all the requirements of this Chapter, all other applicable Village ordinances, and has submitted all necessary documentation required by the Village.
- B. Notwithstanding subsection A of this section, in order to permit the operation during the processing and investigation of a new or proposed reserved licensee's application, the Liquor Control Commissioner may, upon the filing of a complete application and payment of all fees, issue a conditional license. In the event such conditional license is issued, the Liquor Control Commissioner shall report the same to the Corporate Authorities. Such conditional license shall be valid until such time that all background investigation matters are completed. Upon satisfaction of all investigation matters, a permanent license will be issued. In any case, a conditional liquor license shall be valid for no longer than ninety days from date of issuance unless an extension is authorized by the Liquor Control Commissioner. Any extension shall be reported to the Corporate Authorities and shall be for no longer than an additional ninety days. Only one extension shall be authorized. Should all conditions not be resolved during the term of such conditional license, the conditional license shall be rescinded.

5.20.070 - License—Term.

- A. Each Class A, A-1, B, B-1, C, C-1, C-2, D, E, F, and G license shall terminate on the 30th day of April next following its issuance.
- C. Each Class E-1 and all Class S licenses shall be valid only for the date(s) specified on the license.

5.20.080 - License—Fee.

- A. The license fee for each license classification shall be as set forth in Appendix A of this Code.
- B. If an application is received by the Village between November 1st and April 30th for a liquor license that has a term of one year and expires on April 30th, the license fee shall be one-half of the annual fee.

5.20.090 - License—Renewal.

- A. Any licensee may renew the annual license at the expiration thereof; provided the licensee is then qualified to receive a license, and the premises for which such renewal license is sought is suitable for such purpose. The Village reserves the right not to renew any license as provided by law.
- B. No license shall be renewed unless the owner or manager of the license attends an annual liquor law/alcohol awareness training seminar conducted by the Village. The fee for the Village providing a make-up is set forth in Appendix A of this Code.
- C. Renewal fee shall be due on or before May 1st. In the event the application is denied, the whole fee shall be refunded.
- D. This Section shall not apply to Class E-1 and all Class S Liquor Licenses.

5.20.095 - License—Display.

The license shall be displayed in plain view in a conspicuous place on the licensed premises at all times.

5.20.100 - License—Classifications.

Such licenses are divided into the following classes:

- A. Class A & A-1 (restaurants & hotels) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption only on the premises where

Commented [JB3]: Current A, B, E & F (hotel) wc consolidated into A & A1

sold, which premises shall be a restaurant, or an entertainment facility with a restaurant, or a hotel with a restaurant, where the food service component of the business is operational during the hours of sale and service of alcoholic liquor and a printed menu is on display and in effect. Class A authorizes the sale of all alcoholic beverages. Class A-1 authorizes the sale of beer & wine only.

1. If the licensed restaurant is within a hotel, the following conditions and limitations apply:

a. Alcoholic liquor shall only be consumed:

1. In rooms which contain sleeping accommodations but only if delivered to the room by an individual of at least twenty-one years of age.
2. In meeting rooms, restaurants, lounge/lobby areas, buffet rooms and a courtyard surrounded by the hotel building, or
3. At a service area;

b. The application for a hotel restaurant's class A or A-1 license shall include the applicant's operational plans delineating acceptable administrative controls to ensure that underage drinking does not occur in the rooms which contain sleeping accommodations;

c. No person shall rent a hotel room from the proprietor or agent thereof where such a room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one years;

B. Class B & B-1 (taverns) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption on the premises where sold, which premises is not operated as a restaurant; provided, however, nothing herein shall be deemed to prohibit the licensee from offering light food service, so long as such food service is incidental to and not a major part of the primary business of the licensee. Class B authorizes the sale of all alcoholic beverages. Class B-1 authorizes the sale of beer & wine only. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No wine shall be sold by any class B or B-1 license holder for consumption off the premises. Patrons entering an establishment that holds a class B or B-1 license must be 21 or older, unless accompanied by a parent or legal guardian. No video gaming authorized.

C. Class C, C-1, & C-2 (package) licenses, authorizing the retail sale of alcoholic liquors on the specified premises, to be sold in the original packages and then for consumption off the premises only. Class C authorizes the sale of all alcoholic beverages. Classes C-1 & C-2 authorize the sale of beer & wine only.

1. If more than one category of merchandise is offered for sale on the same premises, commonly known as a grocery store, convenience store, pharmacy, etc., the following conditions and limitations shall apply:

a. Except as set forth in subsection b. of this section, all liquor must be physically separate from the other types of merchandise on the premises (hereinafter sometimes referred to as the "designated liquor department").

b. Beer and wine displays:

- i. Beer and wine displays are allowed outside of the designated liquor department but are limited to a total of no more than five throughout the premises. A site plan must be provided to the Village identifying the

Commented [JB4]: Current C, D, & D1 would be consolidated into C, C1, & C2

requested locations of proposed beer and/or wine displays. The site plan must be approved by the Village Manager or designee prior to any displays being erected;

- ii. Beer and wine displays are prohibited adjacent to cash registers or the front doors of the premises;
- iii. Beer and wine displays shall be prohibited in any pharmacy section, and toy and/or children's aisle of the premises.
- c. Prior to the sale of any alcoholic liquor, cashiers are required to enter into the cash register the date of birth of the prospective purchaser.
- d. Only employees who are BASSET trained (or other similar Village approved liquor training program) and twenty-one years of age or older are permitted to scan and sell alcoholic liquor.
- e. In addition to any other penalty that may be imposed, any violation of this or Section 5.20.190 will require for a period of six months: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.
- f. In addition to any other penalty that may be imposed, a second violation of this Section or Section 5.20.190 within any six month period will require for a period of one year: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.

2. Class C-2 licenses shall be subject to the following conditions and limitations:

- a. Premises must have a state license for a filling station where gasoline or other fuel is provided for motor vehicles.
- b. Total display area for beer and wine, including floor sale area and cooler or display case, shall not exceed ten percent of the total square footage of the building.
- c. No sale of beer or wine shall be allowed to any patron who is occupying a motor vehicle at the time of sale.
- d. No sale of beer or wine shall be allowed from a drive-in window or other similar opening in the licensed premises to any patron who is occupying a motor vehicle at the time of sale.

Class D (brew pub) licenses, authorizing the retail sale of beer manufactured on premises or off premises by the same licensee, for consumption on and off the licensed premises; provided, however, that such licensee shall not sell for off-premises consumption more than fifty thousand gallons of beer per year. The licensee shall maintain in good standing a State of Illinois brew pub license or craft brew license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1, et seq.), as amended.

E. Class E and E-1 (catering) license, authorizing the service of alcoholic liquor in conjunction with, and as an incidental part of, the catering of food for parties and special events at premises not otherwise licensed as a "Class A" premises and for consumption only on the premises where the food is served. The licensee must hold a caterer retail license issued by the Illinois Liquor Control Commission.

A Class E liquor license shall only be issued to a business located in the Village of Buffalo Grove holding a business license as authorized by Chapter 5.04 of this Code and a valid Class A liquor license as authorized by this Chapter. Class E licenses shall be subject to the following conditions and limitations:

1. A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
2. All servers or pourers of alcoholic beverages must have completed a certified alcohol awareness training course.
3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.

Class E-1 licenses shall be subject to the following conditions and limitations:

A Class E-1 liquor license shall be limited in duration to no more than five consecutive days per event, and no more than six such licenses shall be issued to the same licensee in any calendar year.

2. A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.
4. Application for Class E-1 license must occur no later than 14 days prior to the intended date of the event.
5. The caterer must provide the following at time of application:
 - i. Proof of a valid license for the preparation of food for service of the licensed premises, issued by the appropriate licensing authority of the jurisdiction where the applicant's catering business is located;
 - ii. Proof of a valid license for the sale of alcoholic liquor issued by the appropriate licensing authority;
 - iii. Dram shop insurance;
 - iv. Proof of completion of a certified alcohol awareness training course for all servers or pourers of alcoholic beverages at the catered event;
 - v. Any additional information as required by the Liquor Control Commissioner or Village Manager.

F. Class F (government events) licenses, authorizing retail sales of alcoholic liquors for consumption on the premises owned or leased by governmental organizations and occupied by the licensees. Class G licenses shall be subject to the following conditions and limitations:

Commented [JB5]: Currently G2 – only Commun Center currently holds this class; previously Vernon Township held one as well.

1. Prearranged events sponsored by governmental organizations must include the service of food.
2. A representative of the governmental organization must be present throughout every such event.

Class G (complementary) license
 , authorizing complementary service of beer and wine for consumption on the
d. Complimentary service may only be to customers of the shop or facility and only for
consumption of the drink while the customer is waiting for or receiving customary barber,
cosmetic, beauty shop, nail salon, or art gallery services from the facility, or participating
at an indoor golf recreational facility in the Industrial Zoning District. Massage and
Bodywork Establishments are expressly prohibited from obtaining a class G license.
e. The complimentary service or consumption of beer or wine at the licensed premises is
limited to not more than three twelve-ounce servings of beer or three five-ounce servings
of wine by a patron during any single calendar day. No alcoholic beverages other than
beer, wine, sparkling wine or champagne are permitted.
f. Beer and wine must be served by an employee of the licensee who is BASSET certified and
must be served in an open container not intended or allowed to be removed from the
premises.
g. Advertising the availability of alcohol may not be visible from the exterior of the licensed
premises.
h. Dram Shop liability insurance shall be provided and the Village of Buffalo shall be named
as an additional insured.
i. Holder of a Class G license shall be required to obtain the necessary State of Illinois Liquor
License.
j. BYOB is not permitted.

Commented [JB6]: Currently G7, only held by W
original location

SPECIAL EVENTS:

- H. Class S licenses shall be for special events, limited in duration and number, and are divided
into the following classes:
1. Class S-1 (non-profit) license authorizes the retail sale or service of alcoholic
beverages for consumption on the licensed premises and shall be issued only to an
educational, fraternal, political, civic, religious, or not-for-profit organization. Class S-1
licenses shall be subject to the following conditions and limitations:
 - a. A representative from the licensed organization must be present throughout
the event.
 - b. Dram shop liability insurance will be provided.
 - c. If the special event is open to the public, the following restrictions
shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 5 days. The days do not need to be
consecutive but must be the same event.
 - iii. No more than 6 such licenses shall be issued per day.

- d. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
 - e. If licensed premise is owned or leased by a "for-profit" organization, the sale and consumption of alcohol shall not be related to any commercial purpose or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products. The "for-profit" premise owner or lessee shall not conduct its regular business, make any sales of non-alcoholic products for profit, or provide any paid services for profit during the special event.
 - f. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
 - g. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.
- 2. Class S-2 (for profit & govt) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to a corporation, partnership, limited liability company, or government entity that is an Illinois licensed liquor retailer. Class S-2 licenses shall be subject to the following conditions and limitations:
 - a. Dram shop liability insurance will be provided.
 - b. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than
 - iii. No more than 6 such licenses shall be issued per day
 - c. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
 - d. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
 - e. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.
- 3. Class S-3 (package) license authorizing the retail sale of alcoholic liquors on the specified premises used by a governmental organization, to be sold only in the original packages and then for consumption off the premises. Class S-3 licenses shall be subject to the following conditions and limitations:
 - a. Dram shop liability insurance shall be provided.
 - b. If the event is held on a property other than that owned or leased by the licensee, express written permission must be provided with the application.

- c. No event shall be longer than one continuous twenty-four-hour period and shall be in conjunction with a Village approved special event.
 - d. The license shall be valid only for the date(s) shown on the face of the license. Holders of a Class S-3 license may apply for multiple dates as part of one license application.
 - e. Holders of a Class S-3 license shall be required to obtain the necessary State of Illinois Liquor License.
 - f. Holders of a Class S-3 license may be permitted to offer tastings as part of said license, subject to the following conditions and limitations:
 - i. The tasting shall be attended by and supervised by a person who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner;
 - ii. The actual amount of alcohol beverage tasted may not exceed an ounce per each sample;
 - iii. Each sample shall be served in a container which shall be disposed of following the sampling;
 - iv. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;
 - v. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the designated premises;
 - vi. The consumption of alcoholic liquor offered for tastings shall occur within a signed designated area immediately adjacent to where the tasting is being offered;
 - vii. There shall be no charge or monetary consideration for the alcoholic liquor offered for tastings, other than what may be sold in the original packages and for consumption off the premises.
2. Class S-4 licenses, authorizing the giving away of alcoholic liquors for consumption on premises of any property within the Village, other than Dwellings, as defined in Chapter 17 of this Code, house trailers, and mobile homes for a private function, where attendance is by invitation only and not open to the public and alcohol is provided by the event host and not as part of a catered meal. Class S-4 licenses shall be subject to the following conditions and limitations:
- a. Dram shop liability insurance will be provided;
 - b. No event shall be longer than one continuous twenty-four-hour period;
 - c. The license shall be valid only for the date shown on the face of the license
 - i.
 - d. No more than six such licensees shall be issued per day,
 - e. No more than two such licensees shall be issued to any one licensee within a calendar year,

- f. No alcohol may be taken off premise by anyone other than the licensee;
- g. If the event is held on a property other than that owned by the licensee, express written permission to serve alcohol must be provided with the application.
- h. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.

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5.20.105 - Bring your own bottle (BYOB).

- A. Any person or entity with a Village Class A, A-1, or D liquor license under Section 5.20.070 may apply for a bring your own bottle ("BYOB") License pursuant to this Section 5.20.105.
- B. A BYOB license allows within the area specifically designated in the license as the premises, the immediate consumption of alcoholic beverages that were not purchased on the premises but were brought to the premises by patrons, subject to the following conditions:
 - 1. Patrons may only consume commercially manufactured beer (as defined by 235 ILCS 5/1-3.04) or wine (as defined by 235 ILCS 5/1-3.03);
 - 2. Any patron who brings alcohol under this license to the premises for consumption must give the alcohol to a BASSET qualified employee of the licensee who shall inspect the alcohol to ensure that it is commercially manufactured beer or wine (as outlined above) and in its original, sealed container. The BASSET qualified employee shall open the alcohol for the patrons at their table and patrons may not open their own alcoholic beverages until they are inspected as provided herein;
 - 3. Patrons will not be allowed to leave the premises with open alcohol containers; however, if a patron wishes to cork their wine bottle, the corking must comply with 235 ILCS 5/6-33 and the licensee must place the bottle of wine in a securely sealed, transparent one-time use tamper-proof bag;
 - 4. Any alcohol not consumed by the patron and not corked in accordance with Subsection B.3 above shall be destroyed by the licensee;
 - 5. The annual fee for each license is set forth in Appendix A of this Code;
The annual fee for each license is set forth in Appendix A of this Code;
 - 6. Alcohol under this
 - 7. The licensee may charge a corking fee or comparable fee for uncorking or opening bottles under this license.
- C. A BYOB license shall be automatically revoked if the licensee liquor license under Section 5.20.100 is revoked.
- D. The BYOB liquor licensee shall comply with all the provisions of Chapter 5.20 of the Buffalo Grove Municipal Code.
- E. A BYOB license shall only be effective for the hours of operation of the underlying Village liquor license.

5.20.

<u>110 licensee and d/b/a</u>	<u>Address</u>
<u>A. Class A:</u>	
<u>1. Luma, LLC d/b/a Lou Malnati's</u>	<u>85 South Buffalo Grove Road</u>

2. Select Restaurants, Inc. d/b/a Countyline Tavern	800 Lake Cook Road
3. Rack 'Em Up Chicago, Inc.	312 McHenry Road
4. The Schwaben Center	301 Weiland Road
5. Midas Banquets, Inc. d/b/a Astoria Banquets	1375 W. Dundee Road
6. Progressive Management Services, LLC	401 Half Day Road
7. Chef Adam, Inc. d/b/a The Grove Banquets and Catering	301 Weiland Road
8. La Minita, Inc. d/b/a Mi Mexico Mexican Restaurant	220 N. Milwaukee Avenue
9. K1 Speed, Inc.	301 Hastings Lane
10. SHK, USA, Inc. d/b/a Kum Kang San	1329 W. Dundee Road
11. Leiserv, LLC d/b/a Bowlero—Buffalo Grove	350 McHenry Road
12. Le Presa Restaurant, Inc.	86 W. Dundee Road
13. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
14. Spyder Entertainment, Inc. d/b/a Traktir the 12 Chairs	1224 W. Dundee Road
15. Telugu Ruchulu of BG, LLC d/b/a Newabi Hyderabad House Biryani Place	228 McHenry Road
16. Themis Pizzeria, LLC d/b/a Giordano's of Buffalo Grove	270 McHenry Road
17. Black Pepper, Inc. d/b/a Rivaj Indian Cuisine	1034 Weiland Road
18. FREP PH Management, LLC	2710 Main Street
19. Yang Group, Inc. d/b/a Sushi Grove	154 McHenry Road
8. Class B.	
1. Spirit Café, Inc. d/b/a Versailles Restaurant	100 McHenry Road
2. Taste of Tokyo, Inc.	159 McHenry Road
3. Nino's Pizzeria, Inc.	960 Buffalo Grove Road
4. Continental Restaurant, Inc.	782 S. Buffalo Grove Road
5. Booming, Inc. d/b/a Yan Yan Chinese Cuisine	360 Half Day Road
6. Donato Restaurant Group, Inc. d/b/a Buffalo Restaurant & Ice Cream Parlor	1180 Lake Cook Road

7. Golden Durebak Restaurant, Inc.	718 Buffalo Grove Road
8. Tomatillo Tack Ville 2 LLC	1267 Dundee Road
9. Grande Jakes Fresh Mexican Grill in BG, Inc.	799 Buffalo Grove Road
10. Sky Fitness Café, Inc. d/b/a Sky Spa & Lounge	1501 Busch Parkway
11. Eva's Mexican Restaurant, Inc.	205 Dundee Road
C. Class C:	
1. American Drug Stores, Inc. d/b/a Osco	79 McHenry Road
2. Al & Al Cellar, Inc. d/b/a Al & Al Liquor	1407 W. Dundee Road
3. Seoul Supermarket, Inc.	1204 Dundee Road
4. Highland Park CVS, LLC	20 E. Dundee Road
5. Walgreen Co. d/b/a Walgreens	1225 W. Dundee Road
6. Bond Drug Company of Illinois, LLC d/b/a Walgreens	15 N. Buffalo Grove Road
7. Bond Drug Company of Illinois, LLC d/b/a Walgreens	1701 N. Buffalo Grove Road
8. 77018 Company d/b/a Garden Fresh Market	770 S. Buffalo Grove Road
9. BG Pantry, Inc. d/b/a BG Liquors	223 W. Dundee Road
10. Hariom, Inc. d/b/a Dev Liquor & Wine	1170 McHenry Road
11. Malhotra Enterprises, Inc. d/b/a 7 Eleven	1165 Weiland Road
12. Woodman's Food Market, Inc.	1550 Deerfield Parkway
D. Class D:	
1. Aldi, Inc.	1202 Dundee Road
2. Nino's Pizzeria, Inc.	960 S. Buffalo Grove Road
3. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
D1. Class D1:	
1. Buchanan Energy (N), LLC	1251 McHenry Road
2. RDK Ventures LLC d/b/a Circle K	50 Lake Cook Road

3. RDK Ventures LLC d/b/a Circle K	1200 Arlington Heights Road
4. Buchanan Energy (N), LLC	10 W. Dundee Road
5. Speedway LLC	201 N. Milwaukee Avenue
6. True North Energy, LLC	185 Milwaukee Avenue
7. Graham Enterprise, Inc.	540 McHenry Road
E. Class E.	
1. Hanabi, Inc. d/b/a Hanabi Japanese Restaurant	734 S. Buffalo Grove Road
2. Grande Jakes Fresh Mexican Grill in BG, Inc.	205 Dundee Road
3. MOD Super Fast Pizza, LLC d/b/a MOD Pizza	1555 Deerfield Parkway
4. Abba, Inc. d/b/a Original Bagel & Bialy	105 McHenry Road
F. Class F.	
1. Lake County Hospitality, LLC — Franchisee of Wyndham Garden Inn	900 Lake Cook Road
G. Class G.	
1. Vernon Township	3050 Main Street
H. Class H.	
I. Class I.	
Licensee and d/b/a Progressive Management Services, LLC	401 Half Day Road
J. Class J.	
1. Roundy's Illinois, LLC d/b/a Mariano's	450 Half Day Road
K. Class K.	
1. Prairie Krafts, Inc. d/b/a Liquid Love Brewing Company	1310 Busch Parkway

5.20.020 - Local Liquor Control Commissioner—Designation.

The President of the Board of Trustees of the Village shall be the Local Liquor Control Commissioner for the Village.

(Ord. 94-7 § 1 (part), 1994; Ord. 77-35 § 1, 1977)

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5.20.030 - License—Requirement.

Only such persons, firms, or corporations as are granted a liquor license in accordance with the provisions of this Chapter shall be permitted to sell or offer for sale, at retail, or to give away alcoholic liquors in the Village.

(Ord. 94-7 § 1 (part), 1994; Ord. 77-35 § 2, 1977)

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5.20.035 - Consumption on property.

It is unlawful for any owner or occupant of property within the Village, other than dwellings, as defined in Chapter Title 17 of this Code, house trailers and mobile homes to permit alcoholic liquor to be consumed on such property without a license issued under this chapter.

(Ord. No. 2013-17, § 1, 3-18-2013)

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5.20.040 - License—Applications.

Applications for such license shall be made to the Local Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a corporation, verified by oath or affidavit. Together with the provided application, at minimum the following shall be provided:

(Ord. 94-7 § 1 (part), 1994; Ord. 77-35 § 3, 1977)

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- A. Copy of lease and/or purchase agreement or proof of ownership of the property.
- B. Copy of Dram Shop Insurance Policy showing Liquor Liability listing "Village of Buffalo Grove" as certificate holder. The policy must also include the Additional Insured endorsement listing the Village of Buffalo Grove as an Additional Insured and include the site address. The Cancellation Endorsement must specifically state that notice will be given a minimum of ten (10) days prior to cancellation.
- C. Copy of Articles of Incorporation or Articles of Organization.
- D. Copy of assumed name certificate, if applicable.
- E. Copies of BASSET certificates for owners and/or managers. Upon renewal, a list of all employees that serve/sell alcohol and copies of their BASSET certificates must be submitted.
- F. Proposed floor plan depicting tenant/building layout, including alcohol sales areas.
- G. Copy of the written liquor control policy.

5.20.045 - License—Application fee.

A onetime fee as set forth in Appendix A of this Code shall accompany all initial liquor license applications and no application shall be processed unless such fee is paid. Application fee is nonrefundable and is in addition to the license fee payable for the class of license being applied for. This section shall only apply to Class A, A-1, B, B-1, C, C-1, C-2, D, and E liquor licenses. This section shall not apply to current licensees applying to change their current license to another classification or a change in location. This section shall not apply to a previous liquor license holder who voluntarily surrendered the license and wishes to reinstate the license, provided there are no changes to the ownership or location of the business. This section shall apply to an existing license holder applying for a license at an additional location.

5.20.050 - License—Cause for denial.

No such license shall be issued to:

- A. A person who is not at least twenty-one years of age.
- B. 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;

Commented [JB2]: Rearranged to put person, partnership, and corporation together

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- C. A person who is not of good character and reputation in the community in which that person resides;
- D. A person who has been convicted of a felony under any federal or state law, if the commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- 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 Chapter or under the applicable laws of the state has been revoked for cause;
- H. A person who at the time of application for renewal of any license issued under this Chapter would not be eligible for such license upon a first application;
- I. 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;
- J. 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/her bond to appear in court to answer charges for any such violation;
- K. 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;
- L. A person who is not a beneficial owner of the business to be operated by the licensee;
- M. A person who has been convicted of a gambling offense as prescribed by the Liquor Control Act;
- N. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
- O. A partnership, unless all of the members of such partnership shall be qualified to obtain a license;
- P. A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
- Q. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license under this Chapter for any reason other than citizenship and residence with the political subdivision;
- R. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- S. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent of the stock of such corporation has been issued a federal wagering stamp for the current tax period;
- T. Any law-enforcing public official, including the Local Liquor Control Commissioners, any mayor, alderman, or member of the city council or commissioner, the President of the Village Board of Trustees, any member of a village board of trustees, or any president or member of a county board. No such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which 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;
- U. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period;

5.20.060 - License—Issuance.

- A. Liquor licenses shall only be issued to applicants who have complied with all the requirements of this Chapter, all other applicable Village ordinances, and has submitted all necessary documentation required by the Village.
- B. Notwithstanding subsection A of this section, in order to permit the operation during the processing and investigation of a new or proposed reserved licensee's application, the Liquor Control Commissioner may, upon the filing of a complete application and payment of all fees, issue a conditional license. In the event such conditional license is issued, the Liquor Control Commissioner shall report the same to the Corporate Authorities. Such conditional license shall be valid until such time that all background investigation matters are completed. Upon satisfaction of all investigation matters, a permanent license will be issued. In any case, a conditional liquor license shall be valid for no longer than ninety days from date of issuance unless an extension is authorized by the Liquor Control Commissioner. Any extension shall be reported to the Corporate Authorities and shall be for no longer than an additional ninety days. Only one extension shall be authorized. Should all conditions not be resolved during the term of such conditional license, the conditional license shall be rescinded.

5.20.070 - License—Term.

- A. Each Class A, A-1, B, B-1, C, C-1, C-2, D, E, F, and G license shall terminate on the 30th day of April next following its issuance.
- C. Each Class E-1 and all Class S licenses shall be valid only for the date(s) specified on the license.

5.20.080 - License—Fee.

- A. The license fee for each license classification shall be as set forth in Appendix A of this Code.
- B. If an application is received by the Village between November 1st and April 30th for a liquor license that has a term of one year and expires on April 30th, the license fee shall be one-half of the annual fee.

5.20.090 - License—Renewal.

- A. Any licensee may renew the annual license at the expiration thereof, provided the licensee is then qualified to receive a license, and the premises for which such renewal license is sought is suitable for such purpose. The Village reserves the right not to renew any license as provided by law.
- B. No license shall be renewed unless the owner or manager of the license attends an annual liquor law/alcohol awareness training seminar conducted by the Village. The fee for the Village providing a make-up is set forth in Appendix A of this Code.
- C. Renewal fee shall be due on or before May 1st. In the event the application is denied, the whole fee shall be refunded.
- D. This Section shall not apply to Class E-1 and all Class S Liquor Licenses.

5.20.095 - License—Display.

The license shall be displayed in plain view in a conspicuous place on the licensed premises at all times.

5.20.100 - License—Classifications.

Such licenses are divided into the following classes:

- A. Class A & A-1 (restaurants & hotels) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption only on the premises where sold, which premises shall be a restaurant, or an entertainment facility with a restaurant, or a hotel with a restaurant, where the food service component of the business is operational during the hours of sale and service of alcoholic liquor and a printed menu is on display and in effect. Class A authorizes the sale of all alcoholic beverages. Class A-1 authorizes the sale of beer & wine only.

Commented [JB3]: Current A, B, E & F (hotel) wc consolidated into A & A1

1. If the licensed restaurant is within a hotel, the following conditions and limitations apply:
 - a. Alcoholic liquor shall only be consumed:
 1. In rooms which contain sleeping accommodations but only if delivered to the room by an individual of at least twenty-one years of age.
 2. In meeting rooms, restaurants, lounge/lobby areas, buffet rooms and a courtyard surrounded by the hotel building, or
 3. At a service area;
 - b. The application for a hotel restaurant's class A or A-1 license shall include the applicant's operational plans delineating acceptable administrative controls to ensure that underage drinking does not occur in the rooms which contain sleeping accommodations;
 - c. No person shall rent a hotel room from the proprietor or agent thereof where such a room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one years;
- B. Class B & B-1 (taverns) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption on the premises where sold, which premises is not operated as a restaurant; provided, however, nothing herein shall be deemed to prohibit the licensee from offering light food service, so long as such food service is incidental to and not a major part of the primary business of the licensee. Class B authorizes the sale of all alcoholic beverages. Class B-1 authorizes the sale of beer & wine only. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No wine shall be sold by any class B or B-1 license holder for consumption off the premises. Patrons entering an establishment that holds a class B or B-1 license must be 21 or older, unless accompanied by a parent or legal guardian. No video gaming authorized.
- C. Class C, C-1, & C-2 (package) licenses, authorizing the retail sale of alcoholic liquors on the specified premises, to be sold in the original packages and then for consumption off the premises only. Class C authorizes the sale of all alcoholic beverages. Classes C-1 & C-2 authorize the sale of beer & wine only.
 1. If more than one category of merchandise is offered for sale on the same premises, commonly known as a grocery store, convenience store, pharmacy, etc., the following conditions and limitations shall apply:
 - a. Except as set forth in subsection b. of this section, all liquor must be physically separate from the other types of merchandise on the premises (hereinafter sometimes referred to as the "designated liquor department").
 - b. Beer and wine displays:
 - i. Beer and wine displays are allowed outside of the designated liquor department but are limited to a total of no more than five throughout the premises. A site plan must be provided to the Village identifying the requested locations of proposed beer and/or wine displays. The site plan must be approved by the Village Manager or designee prior to any displays being erected;
 - ii. Beer and wine displays are prohibited adjacent to cash registers or the front doors of the premises;

Commented [JB4]: Current C, D, & D1 would be consolidated into C, C1, & C2

- iii. Beer and wine displays shall be prohibited in any pharmacy section, and toy and/or children's aisle of the premises.
- c. Prior to the sale of any alcoholic liquor, cashiers are required to enter into the cash register the date of birth of the prospective purchaser.
- d. Only employees who are BASSET trained (or other similar Village approved liquor training program) and twenty-one years of age or older are permitted to scan and sell alcoholic liquor.
- e. In addition to any other penalty that may be imposed, any violation of this or Section 5.20.190 will require for a period of six months: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.
- f. In addition to any other penalty that may be imposed, a second violation of this Section or Section 5.20.190 within any six month period will require for a period of one year: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.

2. Class C-2 licenses shall be subject to the following conditions and limitations:

- a. Premises must have a state license for a filling station where gasoline or other fuel is provided for motor vehicles.
- b. Total display area for beer and wine, including floor sale area and cooler or display case, shall not exceed ten percent of the total square footage of the building.
- c. No sale of beer or wine shall be allowed to any patron who is occupying a motor vehicle at the time of sale.
- d. No sale of beer or wine shall be allowed from a drive-in window or other similar opening in the licensed premises to any patron who is occupying a motor vehicle at the time of sale.

Class D (brew pub) licenses, authorizing the retail sale of beer manufactured on premises or off premises by the same licensee, for consumption on and off the licensed premises; provided, however, that such licensee shall not sell for off-premises consumption more than fifty thousand gallons of beer per year. The licensee shall maintain in good standing a State of Illinois brew pub license or craft brew license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1, et seq.), as amended.

E. Class E and E-1 (catering) license, authorizing the service of alcoholic liquor in conjunction with, and as an incidental part of, the catering of food for parties and special events at premises not otherwise licensed as a "Class A" premises and for consumption only on the premises where the food is served. The licensee must hold a caterer retail license issued by the Illinois Liquor Control Commission.

A Class E liquor license shall only be issued to a business located in the Village of Buffalo Grove holding a business license as authorized by Chapter 5.04 of this Code and a valid Class A liquor license as authorized by this Chapter. Class E licenses shall be subject to the following conditions and limitations:

- A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
- 2. All servers or pourers of alcoholic beverages must have completed a certified alcohol awareness training course.
- 3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.

Class E-1 licenses shall be subject to the following conditions and limitations:

- A Class E-1 liquor license shall be limited in duration to no more than five consecutive days per event, and no more than six such licenses shall be issued to the same licensee in any calendar year.
- 2. A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
- 3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.
- 4. Application for Class E-1 license must occur no later than 14 days prior to the intended date of the event.
- 5. The caterer must provide the following at time of application:
 - i. Proof of a valid license for the preparation of food for service of the licensed premises, issued by the appropriate licensing authority of the jurisdiction where the applicant's catering business is located;
 - ii. Proof of a valid license for the sale of alcoholic liquor issued by the appropriate licensing authority;
 - iii. Dram shop insurance;
 - iv. Proof of completion of a certified alcohol awareness training course for all servers or pourers of alcoholic beverages at the catered event;
 - v. Any additional information as required by the Liquor Control Commissioner or Village Manager.

F. Class F (government events) licenses, authorizing retail sales of alcoholic liquors for consumption on the premises owned or leased by governmental organizations and occupied by the licensees. Class G licenses shall be subject to the following conditions and limitations:

- 1. Prearranged events sponsored by governmental organizations must include the service of food.
- 2. A representative of the governmental organization must be present throughout every such event.

Class G (complementary) license, authorizing complementary service of beer and wine for consumption on the

Commented [JB5]: Currently G2 – only Commun Center currently holds this class; previously Vernon Township held one as well.

Commented [JB6]: Currently G7, only held by W original location

- d. Complimentary service may only be to customers of the shop or facility and only for consumption of the drink while the customer is waiting for or receiving customary barber, cosmetic, beauty shop, nail salon, or art gallery services from the facility, or participating at an indoor golf recreational facility in the Industrial Zoning District. Massage and Bodywork Establishments are expressly prohibited from obtaining a class G license.
- e. The complimentary service or consumption of beer or wine at the licensed premises is limited to not more than three twelve-ounce servings of beer or three five-ounce servings of wine by a patron during any single calendar day. No alcoholic beverages other than beer, wine, sparkling wine or champagne are permitted.
- f. Beer and wine must be served by an employee of the licensee who is BASSET certified and must be served in an open container not intended or allowed to be removed from the premises.
- g. Advertising the availability of alcohol may not be visible from the exterior of the licensed premises.
- h. Dram Shop liability insurance shall be provided and the Village of Buffalo shall be named as an additional insured.
- i. Holder of a Class G license shall be required to obtain the necessary State of Illinois Liquor License.
- j. BYOB is not permitted.

SPECIAL EVENTS:

- H. Class S licenses shall be for special events, limited in duration and number, and are divided into the following classes:
 - 1. Class S-1 (**non-profit**) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to an educational, fraternal, political, civic, religious, or not-for-profit organization. Class S-1 licenses shall be subject to the following conditions and limitations:
 - a. A representative from the licensed organization must be present throughout the event.
 - b. Dram shop liability insurance will be provided.
 - c. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 5 days. The days do not need to be consecutive but must be the same event.
 - iii. No more than 6 such licenses shall be issued per day.
 - d. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
 - e. If licensed premise is owned or leased by a "for-profit" organization, the sale and consumption of alcohol shall not be related to any commercial purpose or in connection with the sale of non-alcoholic products or to promote the sale

of non-alcoholic products. The “for-profit” premise owner or lessee shall not conduct its regular business, make any sales of non-alcoholic products for profit, or provide any paid services for profit during the special event.

- f. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
- g. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.

2. Class S-2 (for profit & govt) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to a corporation, partnership, limited liability company, or government entity that is an Illinois licensed liquor retailer. Class S-2 licenses shall be subject to the following conditions and limitations:

- a. Dram shop liability insurance will be provided.
- b. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
No event shall be longer than
 - iii. No more than 6 such licenses shall be issued per day
- c. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
- d. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
- e. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.

3. Class S-3 (package) license authorizing the retail sale of alcoholic liquors on the specified premises used by a governmental organization, to be sold only in the original packages and then for consumption off the premises. Class S-3 licenses shall be subject to the following conditions and limitations:

- a. Dram shop liability insurance shall be provided.
- b. If the event is held on a property other than that owned or leased by the licensee, express written permission must be provided with the application.
- c. No event shall be longer than one continuous twenty-four-hour period and shall be in conjunction with a Village approved special event.
- d. The license shall be valid only for the date(s) shown on the face of the license. Holders of a Class S-3 license may apply for multiple dates as part of one license application.
- e. Holders of a Class S-3 license shall be required to obtain the necessary State of Illinois Liquor License.

f. Holders of a Class S-3 license may be permitted to offer tastings as part of said license, subject to the following conditions and limitations:

- i. The tasting shall be attended by and supervised by a person who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner;
- ii. The actual amount of alcohol beverage tasted may not exceed an ounce per each sample;
- iii. Each sample shall be served in a container which shall be disposed of following the sampling;
- iv. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;
- v. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the designated premises;
- vi. The consumption of alcoholic liquor offered for tastings shall occur within a signed designated area immediately adjacent to where the tasting is being offered;
- vii. There shall be no charge or monetary consideration for the alcoholic liquor offered for tastings, other than what may be sold in the original packages and for consumption off the premises.

2. Class S-4 licenses, authorizing the giving away of alcoholic liquors for consumption on premises of any property within the Village, other than Dwellings, as defined in Chapter 17 of this Code, house trailers, and mobile homes for a private function, where attendance is by invitation only and not open to the public and alcohol is provided by the event host and not as part of a catered meal. Class S-4 licenses shall be subject to the following conditions and limitations:

- a. Dram shop liability insurance will be provided;
- b. No event shall be longer than one continuous twenty-four-hour period;
- c. The license shall be valid only for the date shown on the face of the license
i
- d. No more than six such licensees shall be issued per day,
- e. No more than two such licensees shall be issued to any one licensee within a calendar year,
- f. No alcohol may be taken off premise by anyone other than the licensee;
- g. If the event is held on a property other than that owned by the licensee, express written permission to serve alcohol must be provided with the application.
- h. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.

5.20.105 - Bring your own bottle (BYOB).

A. Any person or entity with a Village Class A, A-1, or D liquor license under Section 5.20.070 may apply for a bring your own bottle ("BYOB") License pursuant to this Section 5.20.105.

B. A BYOB license allows within the area specifically designated in the license as the premises, the immediate consumption of alcoholic beverages that were not purchased on the premises but were brought to the premises by patrons, subject to the following conditions:

1. Patrons may only consume commercially manufactured beer (as defined by 235 ILCS 5/1-3.04) or wine (as defined by 235 ILCS 5/1-3.03);
2. Any patron who brings alcohol under this license to the premises for consumption must give the alcohol to a BASSET qualified employee of the licensee who shall inspect the alcohol to ensure that it is commercially manufactured beer or wine (as outlined above) and in its original, sealed container. The BASSET qualified employee shall open the alcohol for the patrons at their table and patrons may not open their own alcoholic beverages until they are inspected as provided herein;
3. Patrons will not be allowed to leave the premises with open alcohol containers; however, if a patron wishes to cork their wine bottle, the corking must comply with 235 ILCS 5/6-33 and the licensee must place the bottle of wine in a securely sealed, transparent one-time use tamper-proof bag;
4. Any alcohol not consumed by the patron and not corked in accordance with Subsection B.3 above shall be destroyed by the licensee;

5. The annual fee for each license is set forth in Appendix A of this Code;

The annual fee for each license is set forth in Appendix A of this Code;

6. Alcohol under this

7. The licensee may charge a corking fee or comparable fee for uncorking or opening bottles under this license.

C. A BYOB license shall be automatically revoked if the licensee liquor license under Section 5.20.100 is revoked.

D. The BYOB liquor licensee shall comply with all the provisions of Chapter 5.20 of the Buffalo Grove Municipal Code.

E. A BYOB license shall only be effective for the hours of operation of the underlying Village liquor license.

5.20.

<u>110 licensee and d/b/a</u>	<u>Address</u>
A. Class A:	
1. Luma, LLC d/b/a Lou Malnati's	85 South Buffalo Grove Road
2. Select Restaurants, Inc. d/b/a Countyline Tavern	800 Lake Cook Road
3. Rack 'Em Up Chicago, Inc.	312 McHenry Road
4. The Schwaben Center	301 Weiland Road
5. Midas Banquets, Inc. d/b/a Astoria Banquets	1375 W. Dundee Road
6. Progressive Management Services, LLC	401 Half Day Road

7. Chef Adam, Inc. d/b/a The Grove Banquets and Catering	301 Weiland Road
8. La Minita, Inc. d/b/a Mi Mexico Mexican Restaurant	220 N. Milwaukee Avenue
9. K1 Speed, Inc.	301 Hastings Lane
10. SHK, USA, Inc. d/b/a Kum Kang San	1329 W. Dundee Road
11. Leiserv, LLC d/b/a Bowlero—Buffalo Grove	350 McHenry Road
12. Le Presa Restaurant, Inc.	86 W. Dundee Road
13. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
14. Spyder Entertainment, Inc. d/b/a Traktir the 12 Chairs	1224 W. Dundee Road
15. Telugu Ruchulu of BG, LLC d/b/a Newabi Hyderabad House Biryani Place	228 McHenry Road
16. Themi's Pizza, LLC d/b/a Giordano's of Buffalo Grove	270 McHenry Road
17. Black Pepper, Inc. d/b/a Rivaj Indian Cuisine	1034 Weiland Road
18. FREP PH Management, LLC	2710 Main Street
19. Yang Group, Inc. d/b/a Sushi Grove	154 McHenry Road
B. Class B:	
1. Spirit Café, Inc. d/b/a Versailles Restaurant	100 McHenry Road
2. Taste of Tokyo, Inc.	159 McHenry Road
3. Nino's Pizzeria, Inc.	960 Buffalo Grove Road
4. Continental Restaurant, Inc.	782 S. Buffalo Grove Road
5. Booming, Inc. d/b/a Yan Yan Chinese Cuisine	360 Half Day Road
6. Donato Restaurant Group, Inc. d/b/a Buffalo Restaurant & Ice Cream Parlor	1180 Lake Cook Road
7. Golden Durebak Restaurant, Inc.	718 Buffalo Grove Road
8. Tomatillo Tack Ville 2 LLC	1267 Dundee Road
9. Grande Jakes Fresh Mexican Grill in BG, Inc.	799 Buffalo Grove Road
10. Sky Fitness Café, Inc. d/b/a Sky Spa & Lounge	1501 Busch Parkway
11. Eva's Mexican Restaurant, Inc.	205 Dundee Road

C. Class C:	
1. American Drug Stores, Inc. d/b/a Osco	79 McHenry Road
2. Al & Al Cellar, Inc. d/b/a Al & Al Liquor	1407 W. Dundee Road
3. Seoul Supermarket, Inc.	1204 Dundee Road
4. Highland Park CVS, LLC	20 E. Dundee Road
5. Walgreen Co. d/b/a Walgreens	1225 W. Dundee Road
6. Bond Drug Company of Illinois, LLC d/b/a Walgreens	15 N. Buffalo Grove Road
7. Bond Drug Company of Illinois, LLC d/b/a Walgreens	1701 N. Buffalo Grove Road
8. 77018 Company d/b/a Garden Fresh Market	770 S. Buffalo Grove Road
9. BG Pantry, Inc. d/b/a BG Liquors	223 W. Dundee Road
10. Hariom, Inc. d/b/a Dev Liquor & Wine	1170 McHenry Road
11. Malhotra Enterprises, Inc. d/b/a 7 Eleven	1165 Weiland Road
12. Woodman's Food Market, Inc.	1550 Deerfield Parkway
D. Class D:	
1. Aldi, Inc.	1202 Dundee Road
2. Nino's Pizzeria, Inc.	960 S. Buffalo Grove Road
3. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
D1. Class D1:	
1. Buchanan Energy (N), LLC	1251 McHenry Road
2. RDK Ventures LLC d/b/a Circle K	50 Lake Cook Road
3. RDK Ventures LLC d/b/a Circle K	1200 Arlington Heights Road
4. Buchanan Energy (N), LLC	10 W. Dundee Road
5. Speedway LLC	201 N. Milwaukee Avenue
6. True North Energy, LLC	185 Milwaukee Avenue
7. Graham Enterprise, Inc.	540 McHenry Road

E. Class E:	
1. Hanabi, Inc. d/b/a Hanabi Japanese Restaurant	734 S. Buffalo Grove Road
2. Grande Jakes Fresh Mexican Grill in BG, Inc.	205 Dundee Road
3. MOD Super Fast Pizza, LLC d/b/a MOD Pizza	1555 Deerfield Parkway
4. Abba, Inc. d/b/a Original Bagel & Bialy	105 McHenry Road
F. Class F:	
1. Lake County Hospitality, LLC — Franchisee of Wyndham Garden Inn	900 Lake Cook Road
G. Class G:	
1. Vernon Township	3050 Main Street
H. Class H:	
I. Class I:	
Licensee and d/b/a Progressive Management Services, LLC	401 Half Day Road
J. Class J:	
1. Roundy's Illinois, LLC d/b/a Mariano's	450 Half Day Road
K. Class K:	
1. Prairie Krafts, Inc. d/b/a Liquid Love Brewing Company	1310 Busch Parkway

5.20.060 - License—Issuance.

- A. Liquor licenses shall only be issued to applicants who have complied with all the requirements of this Chapter and, all other applicable Village ordinances, and has submitted all necessary documentation required by the Village.
- B. Notwithstanding subsection A of this section, in order to permit the operation during the processing and investigation of a new or proposed reserved licensee's application, the Liquor Control Commissioner may, upon the filing of a complete application and payment of all fees, issue a conditional license. In the event such conditional license is issued, the Liquor Control Commissioner shall report the same to the Corporate Authorities. Such conditional license shall be valid until such time that all background investigation matters are completed. Upon satisfaction of all investigation matters, a permanent license will be issued. In any case, a conditional liquor license shall be valid for no longer than ninety days from date of issuance unless an extension is authorized by the Liquor Control Commissioner. Any extension shall be reported to the Corporate Authorities and shall be for no longer than an additional ninety days. Only one extension shall be authorized. Should all conditions not be resolved during the term of such conditional license, the conditional license shall be rescinded.

(Ord. 2003-65 § 1, 2003: Ord. 94-7 § 1 (part), 1994: Ord. 77-35 § 5, 1977)

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5.20.070 – License—Term.

- A. Each Class A, A-1, B, B-1, C, C-1, C-2, D, E, F, and G license shall terminate on the 30th day of April next following its issuance.
- C. Each Class E-1 and all Class S licenses shall be valid only for the date(s) specified on the license.

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5.20.080 – License—Fee.

- A. The license fee for each license classification shall be as set forth in Appendix A of this Code.
- B. If an application is received by the Village between November 1st and April 30th for a liquor license that has a term of one year and expires on April 30th, the license fee shall be one-half of the annual fee.

5.20.090 - License—Renewal.

- A. Any licensee may renew the annual license at the expiration thereof; provided the licensee is then qualified to receive a license, and the premises for which such renewal license is sought is suitable for such purpose. The Village reserves the right not to renew any license as provided by law.
- B. No license shall be renewed unless the owner or manager of the license attends an annual liquor law/alcohol awareness training seminar conducted by the Village. The fee for the Village providing a make-up is set forth in Appendix A of this Code.
- C. Renewal fee shall be due on or before May 1st. In the event the application is denied, the whole fee shall be refunded.
- D. -This Section shall not apply to Class E-1 and all Class S Liquor Licenses.

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5.20.095 - License—Display.

The license shall be displayed in plain view in a conspicuous place on the licensed premises at all times.

5.20.100 - License—Classifications—Fees.

Such licenses are divided into the following classes:

- A. A. Class A & A-1 (restaurants & hotels) licenses, authorizing the retail sale of alcoholic liquors on the specified premises by means of bar service, for consumption only on the premises where sold, which premises shall be a restaurant, or an entertainment facility with a restaurant, or a hotel with a restaurant, where the food service component of the business is operational during the hours of sale and service of alcoholic liquor and a printed menu is on display and in effect. Class A authorizes the sale of all alcoholic beverages. Class A-1 authorizes the sale of beer & wine only.

Commented [JB3]: Current A, B, E & F (hotel) were consolidated into A & A1

1. If the licensed restaurant is within a hotel, the following conditions and limitations apply:

a. Alcoholic liquor shall only be consumed:

1. In rooms which contain sleeping accommodations but only if delivered to the room by an individual of at least twenty-one years of age.
2. In meeting rooms, restaurants, lounge/lobby areas, buffet rooms and a courtyard surrounded by the hotel building, or
3. At a service area;

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- b. ~~only. The multi-application for a hotel restaurant's A or A-1 license shall include the applicant's operational plans delineating acceptable administrative controls to ensure that underage drinking does not occur in the rooms which contain sleeping accommodations;~~

c. No person shall rent a hotel room from the proprietor or agent thereof where such a room shall be used for the consumption of alcoholic liquor by persons under the age of twenty-one years;

B. Class B & B-1 (taverns) licenses, authorizing the retail sale of alcoholic liquors on the specified premises for consumption on the premises where sold, which premises is not operated as a restaurant; provided, however, nothing herein shall be deemed to prohibit the licensee from offering light food service, so long as such food service is incidental to and not a major part of the primary business of the licensee. Class B authorizes the sale of all alcoholic beverages. Class B-1 authorizes the sale of beer & wine only. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No wine shall be sold by any class B or B-1 license holder for consumption off the premises. Patrons entering an establishment that holds a class B or B-1 license must be 21 or older, unless accompanied by a parent or legal guardian. No video gaming authorized.

C. Class C, C-1, & C-2 (package) licenses, authorizing the retail sale of alcoholic liquors on the specified premises, to be sold in the original packages and then for consumption off the premises only. Class C authorizes the sale of all alcoholic beverages. Classes C-1 & C-2 authorize the sale of beer & wine only.

Commented [JB4]: Current C, D, & D1 would be consolidated into C, C1, & C2

1. If more than one category of merchandise is offered for sale on the same premises, commonly known as a grocery store, convenience store, pharmacy, etc., the following conditions and limitations shall apply:
 - a. Except as set forth in subsection b. of this section, all liquor must be physically separate from the other types of merchandise on the premises (hereinafter sometimes referred to as the "designated liquor department").
 - b. Beer and wine displays:
 - i. Beer and wine displays are allowed outside of the designated liquor department but are limited to a total of no more than five throughout the premises. A site plan must be provided to the Village identifying the requested locations of proposed beer and/or wine displays. The site plan must be approved by the Village Manager or designee prior to any displays being erected;
 - ii. Beer and wine displays are prohibited adjacent to cash registers or the front doors of the premises;
 - iii. Beer and wine displays shall be prohibited in any pharmacy section, and toy and/or children's aisle of the premises.
 - c. Prior to the sale of any alcoholic liquor, cashiers are required to enter into the cash register the date of birth of the prospective purchaser.
 - d. Only employees who are BASSET trained (or other similar Village approved liquor training program) and twenty-one years of age or older are permitted to scan and sell alcoholic liquor.
 - e. In addition to any other penalty that may be imposed, any violation of this or Section 5.20.190 will require for a period of six months: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.

f. In addition to any other penalty that may be imposed, a second violation of this Section or Section 5.20.190 within any six month period will require for a period of one year: (i) the withdrawal of the ability to have beer and wine displays, (ii) that the package liquor business must be physically separate from the other types of merchandise on the premises, and (iii) that the designated liquor department must maintain its own cash register for all alcoholic liquor sales.

2. Class C-2 licenses shall be subject to the following conditions and limitations:

- a. Premises must have a state license for a filling station where gasoline or other fuel is provided for motor vehicles.
- b. Total display area for beer and wine, including floor sale area and cooler or display case, shall not exceed ten percent of the total square footage of the building.
- c. No sale of beer or wine shall be allowed to any patron who is occupying a motor vehicle at the time of sale.
- d. No sale of beer or wine shall be allowed from a drive-in window or other similar opening in the licensed premises to any patron who is occupying a motor vehicle at the time of sale.

Class D (brew pub) licenses, authorizing the retail sale of beer manufactured on premises or off premises by the same licensee, for consumption on and off the licensed premises; provided, however, that such licensee shall not sell for off-premises consumption more than fifty thousand gallons of beer per year. The licensee shall maintain in good standing a State of Illinois brew pub license or craft brew license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1, et seq.), as amended.

E. Class E and E-1 (catering) license, authorizing the service of alcoholic liquor in conjunction with, and as an incidental part of, the catering of food for parties and special events at premises not otherwise licensed as a "Class A" premises and for consumption only on the premises where the food is served. The licensee must hold a caterer retail license issued by the Illinois Liquor Control Commission.

A Class E liquor license shall only be issued to a business located in the Village of Buffalo Grove holding a business license as authorized by Chapter 5.04 of this Code and a valid Class A liquor license as authorized by this Chapter. Class E licenses shall be subject to the following conditions and limitations:

- A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.
2. All servers or pourers of alcoholic beverages must have completed a certified alcohol awareness training course.
3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.

Class E-1 licenses shall be subject to the following conditions and limitations:

A Class E-1 liquor license shall be limited in duration to no more than five consecutive days per event, and no more than six such licenses shall be issued to the same licensee in any calendar year.

2. A full menu of food must be available for consumption by patrons the entire time that alcoholic beverages are available.

3. The caterer may serve alcoholic beverages only at events where attendance is by invitation only and is not open to the public.

4. Application for Class E-1 license must occur no later than 14 days prior to the intended date of the event.

5. The caterer must provide the following at time of application:

i. Proof of a valid license for the preparation of food for service of the licensed premises, issued by the appropriate licensing authority of the jurisdiction where the applicant's catering business is located;

ii. Proof of a valid license for the sale of alcoholic liquor issued by the appropriate licensing authority;

iii. Dram shop insurance;

iv. Proof of completion of a certified alcohol awareness training course for all servers or pourers of alcoholic beverages at the catered event;

v. Any additional information as required by the Liquor Control Commissioner or Village Manager.

F. Class F (government events) licenses, authorizing retail sales of alcoholic liquors for consumption on the premises owned or leased by governmental organizations and occupied by the licensees. Class G licenses shall be subject to the following conditions and limitations:

1. Prearranged events sponsored by governmental organizations must include the service of food.

2. A representative of the governmental organization must be present throughout every such event.

Class G (complementary) license

, authorizing complementary service of beer and wine for consumption on the

d. Complimentary service may only be to customers of the shop or facility and only for consumption of the drink while the customer is waiting for or receiving customary barber, cosmetic, beauty shop, nail salon, or art gallery services from the facility, or participating at an indoor golf recreational facility in the Industrial Zoning District. Massage and Bodywork Establishments are expressly prohibited from obtaining a class G license.

e. The complimentary service or consumption of beer or wine at the licensed premises is limited to not more than three twelve-ounce servings of beer or three five-ounce servings of wine by a patron during any single calendar day. No alcoholic beverages other than beer, wine, sparkling wine or champagne are permitted.

f. Beer and wine must be served by an employee of the licensee who is BASSET certified and must be served in an open container not intended or allowed to be removed from the premises.

Commented [JB5]: Currently G2 – only Commun Center currently holds this class; previously Vernon Township held one as well.

Commented [JB6]: Currently G7, only held by W. original location

- g. Advertising the availability of alcohol may not be visible from the exterior of the licensed premises.
- h. Dram Shop liability insurance shall be provided and the Village of Buffalo shall be named as an additional insured.
- i. Holder of a Class G license shall be required to obtain the necessary State of Illinois Liquor License.
- j. BYOB is not permitted.

SPECIAL EVENTS:

H. Class S licenses shall be for special events, limited in duration and number, and are divided into the following classes:

1. Class S-1 (non-profit) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to an educational, fraternal, political, civic, religious, or not-for-profit organization. Class S-1 licenses shall be subject to the following conditions and limitations:
 - a. A representative from the licensed organization must be present throughout the event.
 - b. Dram shop liability insurance will be provided.
 - c. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 5 days. The days do not need to be consecutive but must be the same event.
 - iii. No more than 6 such licenses shall be issued per day.
 - d. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
 - e. If licensed premise is owned or leased by a "for-profit" organization, the sale and consumption of alcohol shall not be related to any commercial purpose or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products. The "for-profit" premise owner or lessee shall not conduct its regular business, make any sales of non-alcoholic products for profit, or provide any paid services for profit during the special event.
 - f. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
 - g. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.
2. Class S-2 (for profit & govt) license authorizes the retail sale or service of alcoholic beverages for consumption on the licensed premises and shall be issued only to a corporation, partnership, limited liability company, or government entity that is an Illinois licensed liquor retailer. Class S-2 licenses shall be subject to the following conditions and limitations:

- a. Dram shop liability insurance will be provided.
 - b. If the special event is open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
No event shall be longer than
 - iii. No more than 6 such licenses shall be issued per day
 - c. If the attendance of the special event is by invitation only and is not open to the public, the following restrictions shall apply:
 - i. The licensed premise is limited to 6 events per calendar year
 - ii. No event shall be longer than 24 hours.
 - iii. No more than 6 such licenses shall be issued per day
 - d. If the event is held on a property other than that owned by the licensee, express written permission must be provided with the application.
 - e. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.
3. Class S-3 (package) license authorizing the retail sale of alcoholic liquors on the specified premises used by a governmental organization, to be sold only in the original packages and then for consumption off the premises. Class S-3 licenses shall be subject to the following conditions and limitations:
- a. Dram shop liability insurance shall be provided.
 - b. If the event is held on a property other than that owned or leased by the licensee, express written permission must be provided with the application.
 - c. No event shall be longer than one continuous twenty-four-hour period and shall be in conjunction with a Village approved special event.
 - d. The license shall be valid only for the date(s) shown on the face of the license. Holders of a Class S-3 license may apply for multiple dates as part of one license application.
 - e. Holders of a Class S-3 license shall be required to obtain the necessary State of Illinois Liquor License.
 - f. Holders of a Class S-3 license may be permitted to offer tastings as part of said license, subject to the following conditions and limitations:
 - i. The tasting shall be attended by and supervised by a person who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner;
 - ii. The actual amount of alcohol beverage tasted may not exceed an ounce per each sample;
 - iii. Each sample shall be served in a container which shall be disposed of following the sampling;
 - iv. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;

- v. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the designated premises;
- vi. The consumption of alcoholic liquor offered for tastings shall occur within a signed designated area immediately adjacent to where the tasting is being offered;
- vii. There shall be no charge or monetary consideration for the alcoholic liquor offered for tastings, other than what may be sold in the original packages and for consumption off the premises.

2. Class S-4 licenses, authorizing the giving away of alcoholic liquors for consumption on premises of any property within the Village, other than Dwellings, as defined in Chapter 17 of this Code, house trailers, and mobile homes for a private function, where attendance is by invitation only and not open to the public and alcohol is provided by the event host and not as part of a catered meal. Class S-4 licenses shall be subject to the following conditions and limitations:

- a. Dram shop liability insurance will be provided;
- b. No event shall be longer than one continuous twenty-four-hour period;
- c. The license shall be valid only for the date shown on the face of the license
;
- d. No more than six such licensees shall be issued per day,
- e. No more than two such licensees shall be issued to any one licensee within a calendar year,
- f. No alcohol may be taken off premise by anyone other than the licensee;
- g. If the event is held on a property other than that owned by the licensee, express written permission to serve alcohol must be provided with the application.
- h. If the event is held outdoors, alcohol liquor consumption shall only be allowed in a designated area as approved by the Local Liquor Control Commissioner and property owner.

5.20.105 - Bring your own bottle (BYOB)

A. Any person or entity with a Village Class A, A-1, or D liquor license under Section 5.20.070 may apply for a bring your own bottle ("BYOB") License pursuant to this Section 5.20.105.

B. A BYOB license allows within the area specifically designated in the license as the premises, the immediate consumption of alcoholic beverages that were not purchased on the premises but were brought to the premises by patrons, subject to the following conditions:

- 1. Patrons may only consume commercially manufactured beer (as defined by 235 ILCS 5/1-3.04) or wine (as defined by 235 ILCS 5/1-3.03);
- 2. Any patron who brings alcohol under this license to the premises for consumption must give the alcohol to a BASSET qualified employee of the licensee who shall inspect the alcohol to ensure that it is commercially manufactured beer or wine (as outlined above) and in its original, sealed container. The BASSET qualified employee shall open the alcohol for the patrons at their table and patrons may not open their own alcoholic beverages until they are inspected as provided herein;

3. Patrons will not be allowed to leave the premises with open alcohol containers; however, if a patron wishes to cork their wine bottle, the corking must comply with 235 ILCS 5/6-33 and the licensee must place the bottle of wine in a securely sealed, transparent one-time use tamper-proof bag.

4. Any alcohol not consumed by the patron and not corked in accordance with Subsection B.3 above shall be destroyed by the licensee.

5.

The annual fee for each license is set forth in Appendix A of this Code:

The annual fee for each license is set forth in Appendix A of this Code:

6. Alcohol under this

7. The licensee may charge a corking fee or comparable fee for uncorking or opening bottles under this license.

C. A BYOB license shall be automatically revoked if the licensee liquor license under Section 5.20.100 is revoked.

D. The BYOB liquor licensee shall comply with all the provisions of Chapter 5.20 of the Buffalo Grove Municipal Code.

E. A BYOB license shall only be effective for the hours of operation of the underlying Village liquor license.

5.20.

<u>110. Licensee and d/b/a</u>	<u>Address</u>
A. Class A:	
1. Luma, LLC d/b/a Lou Malnati's	85 South Buffalo Grove Road
2. Select Restaurants, Inc. d/b/a Countylane Tavern	800 Lake Cook Road
3. Rack 'Em Up Chicago, Inc.	312 McHenry Road
4. The Schwaben Center	301 Weiland Road
5. Midas Banquets, Inc. d/b/a Astoria Banquets	1375 W. Dundee Road
6. Progressive Management Services, LLC	401 Half Day Road
7. Chef Adam, Inc. d/b/a The Grove Banquets and Catering	301 Weiland Road
8. La Minita, Inc. d/b/a Mi Mexico Mexican Restaurant	220 N. Milwaukee Avenue
9. K1 Speed, Inc.	301 Hastings Lane
10. SHK, USA, Inc. d/b/a Kum Kang San	1329 W. Dundee Road
11. Leiserv, LLC d/b/a Bowlero—Buffalo Grove	350 McHenry Road
12. Le Presa Restaurant, Inc.	86 W. Dundee Road
13. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard

14. Spyder Entertainment, Inc. d/b/a Traktir the 12 Chairs	1224 W. Dundee Road
15. Telugu Ruchulu of BG, LLC d/b/a Newabi Hyderabad House Biryani Place	228 McHenry Road
16. Themis's Pizza, LLC d/b/a Giordano's of Buffalo Grove	270 McHenry Road
17. Black Pepper, Inc. d/b/a Rivaj Indian Cuisine	1034 Weiland Road
18. FREPH Management, LLC	2710 Main Street
19. Yang Group, Inc. d/b/a Sushi Grove	154 McHenry Road
B. Class B:	
1. Spirit Café, Inc. d/b/a Versailles Restaurant	100 McHenry Road
2. Taste of Tokyo, Inc.	159 McHenry Road
3. Nino's Pizzeria, Inc.	960 Buffalo Grove Road
4. Continental Restaurant, Inc.	782 S. Buffalo Grove Road
5. Booming, Inc. d/b/a Yan Yan Chinese Cuisine	360 Half Day Road
6. Donato Restaurant Group, Inc. d/b/a Buffalo Restaurant & Ice Cream Parlor	1180 Lake Cook Road
7. Golden Durebak Restaurant, Inc.	718 Buffalo Grove Road
8. Tomatillo Taek Ville 2 LLC	1267 Dundee Road
9. Grande Jakes Fresh Mexican Grill in BG, Inc.	799 Buffalo Grove Road
10. Sky Fitness Café, Inc. d/b/a Sky Spa & Lounge	1501 Busch Parkway
11. Eva's Mexican Restaurant, Inc.	205 Dundee Road
C. Class C:	
1. American Drug Stores, Inc. d/b/a Osee	79 McHenry Road
2. Al & Al Cellar, Inc. d/b/a Al & Al Liquor	1407 W. Dundee Road
3. Seoul Supermarket, Inc.	1204 Dundee Road
4. Highland Park CVS, LLC	20 E. Dundee Road
5. Walgreen Co. d/b/a Walgreens	1225 W. Dundee Road
6. Bond Drug Company of Illinois, LLC d/b/a Walgreens	15 N. Buffalo Grove Road

7. Bond Drug Company of Illinois, LLC d/b/a Walgreens	1701 N. Buffalo Grove Road
8. 77018 Company d/b/a Garden Fresh Market	770 S. Buffalo Grove Road
9. BG Pantry, Inc. d/b/a BG Liquors	223 W. Dundee Road
10. Hariom, Inc. d/b/a Dev Liquor & Wine	1170 McHenry Road
11. Malhotra Enterprises, Inc. d/b/a 7 Eleven	1165 Weiland Road
12. Woodman's Food Market, Inc.	1550 Deerfield Parkway
D. Class D:	
1. Aldi, Inc.	1202 Dundee Road
2. Nino's Pizzeria, Inc.	960 S. Buffalo Grove Road
3. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
D1. Class D1:	
1. Buchanan Energy (N), LLC	1251 McHenry Road
2. RDK Ventures LLC d/b/a Circle K	50 Lake Cook Road
3. RDK Ventures LLC d/b/a Circle K	1200 Arlington Heights Road
4. Buchanan Energy (N), LLC	10 W. Dundee Road
5. Speedway LLC	201 N. Milwaukee Avenue
6. True North Energy, LLC	185 Milwaukee Avenue
7. Graham Enterprise, Inc.	540 McHenry Road
E. Class E:	
1. Hanabi, Inc. d/b/a Hanabi Japanese Restaurant	734 S. Buffalo Grove Road
2. Grande Jakes Fresh Mexican Grill in BG, Inc.	205 Dundee Road
3. MOD Super Fast Pizza, LLC d/b/a MOD Pizza	1555 Deerfield Parkway
4. Abba, Inc. d/b/a Original Bagel & Bialy	105 McHenry Road
F. Class F:	

1. Lake County Hospitality, LLC — Franchisee of Wyndham Garden Inn	900 Lake Cook Road
G. Class G:	
1. Vernon Township	3050 Main Street
H. Class H:	
I. Class I:	
Licensee and d/b/a Progressive Management Services, LLC	401 Half Day Road
J. Class J:	
1. Roundy's Illinois, LLC d/b/a Mariano's	450 Half Day Road
K. Class K:	
1. Prairie Krafts, Inc. d/b/a Liquid Love Brewing Company	1310 Busch Parkway

~~5.20.071—Licenses—Application fee:~~

~~A onetime fee as set forth in Chapter 1.16 of this Code shall accompany all first time liquor license applications and no application shall be processed unless such fee is paid. Fee is nonrefundable and is in addition to the license fee payable for the class of license being applied for. This section shall not apply to Class G liquor licenses. This section shall not apply to current licensees applying to change their current license to another classification.~~

~~(Ord. 2008-13 § 1, 2008; Ord. No. 2016-057, § 2, 11-7-2016)~~

~~5.20.072—Licenses authorized:~~

~~Only the following Class A, B, C, D, D1, E, F, G, H, I and J licenses are authorized.~~

110 Licensee and d/b/a	Address
A. Class A:	
1. Luma, LLC d/b/a Lou Malnati's	85 South Buffalo Grove Road
2. Select Restaurants, Inc. d/b/a Countyline Tavern	800 Lake Cook Road
3. Rack 'Em Up Chicago, Inc.	312 McHenry Road
4. The Schwaben Center	301 Weiland Road
5. Midas Banquets, Inc. d/b/a Astoria Banquets	1375 W. Dundee Road
6. Progressive Management Services, LLC	401 Half Day Road

7. Chef Adam, Inc. d/b/a The Grove Banquets and Catering	301 Weiland Road
8. La Minita, Inc. d/b/a Mi Mexico Mexican Restaurant	220 N. Milwaukee Avenue
9. K1 Speed, Inc.	301 Hastings Lane
10. SHK, USA, Inc. d/b/a Kum Kang San	1329 W. Dundee Road
11. Leiserv, LLC d/b/a Bowlero—Buffalo Grove	350 McHenry Road
12. Le Presa Restaurant, Inc.	86 W. Dundee Road
13. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
14. Spyder Entertainment, Inc. d/b/a Traktir the 12 Chairs	1224 W. Dundee Road
15. Telugu Ruchulu of BG, LLC d/b/a Newabi Hyderabad House Biryani Place	228 McHenry Road
16. Themi's Pizza, LLC d/b/a Giordano's of Buffalo Grove	270 McHenry Road
17. Black Pepper, Inc. d/b/a Rivaj Indian Cuisine	1034 Weiland Road
18. FREP PH Management, LLC	2710 Main Street
19. Yang Group, Inc. d/b/a Sushi Grove	154 McHenry Road
B. Class B:	
1. Spirit Café, Inc. d/b/a Versailles Restaurant	100 McHenry Road
2. Taste of Tokyo, Inc.	159 McHenry Road
3. Nino's Pizzeria, Inc.	960 Buffalo Grove Road
4. Continental Restaurant, Inc.	782 S. Buffalo Grove Road
5. Booming, Inc. d/b/a Yan Yan Chinese Cuisine	360 Half Day Road
6. Donato Restaurant Group, Inc. d/b/a Buffalo Restaurant & Ice Cream Parlor	1180 Lake Cook Road
7. Golden Durebak Restaurant, Inc.	718 Buffalo Grove Road
8. Tomatillo Tack Ville 2 LLC	1267 Dundee Road
9. Grande Jakes Fresh Mexican Grill in BG, Inc.	799 Buffalo Grove Road
10. Sky Fitness Café, Inc. d/b/a Sky Spa & Lounge	1501 Busch Parkway
11. Eva's Mexican Restaurant, Inc.	205 Dundee Road

C. Class C:	
1. American Drug Stores, Inc. d/b/a Osco	79 McHenry Road
2. Al & Al Cellar, Inc. d/b/a Al & Al Liquor	1407 W. Dundee Road
3. Seoul Supermarket, Inc.	1204 Dundee Road
4. Highland Park CVS, LLC	20 E. Dundee Road
5. Walgreen Co. d/b/a Walgreens	1225 W. Dundee Road
6. Bond Drug Company of Illinois, LLC d/b/a Walgreens	15 N. Buffalo Grove Road
7. Bond Drug Company of Illinois, LLC d/b/a Walgreens	1701 N. Buffalo Grove Road
8. 77018 Company d/b/a Garden Fresh Market	770 S. Buffalo Grove Road
9. BG Pantry, Inc. d/b/a BG Liquors	223 W. Dundee Road
10. Hariom, Inc. d/b/a Dev Liquor & Wine	1170 McHenry Road
11. Malhotra Enterprises, Inc. d/b/a 7 Eleven	1165 Weiland Road
12. Woodman's Food Market, Inc.	1550 Deerfield Parkway
D. Class D:	
1. Aldi, Inc.	1202 Dundee Road
2. Nino's Pizzeria, Inc.	960 S. Buffalo Grove Road
3. BRI Incorporated d/b/a The Wild Buffalo	48 Raupp Boulevard
D1. Class D1:	
1. Buchanan Energy (N), LLC	1251 McHenry Road
2. RDK Ventures LLC d/b/a Circle K	50 Lake Cook Road
3. RDK Ventures LLC d/b/a Circle K	1200 Arlington Heights Road
4. Buchanan Energy (N), LLC	10 W. Dundee Road
5. Speedway LLC	201 N. Milwaukee Avenue
6. True North Energy, LLC	185 Milwaukee Avenue
7. Graham Enterprise, Inc.	540 McHenry Road

E. Class E:	
1. Hanabi, Inc. d/b/a Hanabi Japanese Restaurant	734 S. Buffalo Grove Road
2. Grande Jakes Fresh Mexican Grill in BG, Inc.	205 Dundee Road
3. MOD Super Fast Pizza, LLC d/b/a MOD Pizza	1555 Deerfield Parkway
4. Abba, Inc. d/b/a Original Bagel & Bialy	105 McHenry Road
F. Class F:	
1. Lake County Hospitality, LLC — Franchisee of Wyndham Garden Inn	900 Lake Cook Road
G. Class G:	
1. Vernon Township	3050 Main Street
H. Class H:	
I. Class I:	
Licensee and d/b/a Progressive Management Services, LLC	401 Half Day Road
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K. Class K:	
1. Prairie Krafts, Inc. d/b/a Liquid Love Brewing Company	1310 Busch Parkway

(Ord. 2008-28 § 1, 2008; Ord. 2008-27 § 1, 2008; Ord. 2008-26 § 1, 2008; Ord. 2008-19 § 1, 2008; Ord. 2008-17 § 1, 2008; Ord. 2008-12 § 1, 2008; Ord. 2008-11 § 1, 2008; Ord. 2008-8 § 1, 2008; Ord. 2007-47 § 1, 2007; Ord. 2007-46 § 1, 2007; Ord. 2007-44 § 1, 2007; Ord. 2007-37 § 1, 2007; Ord. 2007-36 § 1, 2007; Ord. 2007-25 § 1, 2007; Ord. 2007-24 § 1, 2007; Ord. 2007-23 § 1, 2007; Ord. 2007-20 § 1, 2007; Ord. 2007-3 § 1, 2007; Ord. 2006-51 § 1, 2006; Ord. 2006-41 § 1, 2006; Ord. 2006-38 § 1, 2006; Ord. 2006-36 § 1, 2006; Ord. 2006-25 § 1, 2006; Ord. 2006-23 § 1, 2006; Ord. 2006-22 § 1, 2006; Ord. 2006-9 § 1, 2006; Ord. 2006-4 § 1, 2006; Ord. 2005-78 § 1, 2005; Ord. 2005-55 § 1, 2005; Ord. 2005-54 § 1, 2005; Ord. 2005-38 § 1, 2005; Ord. 2005-33 § 1, 2005; Ord. 2005-21 § 1, 2005; Ord. 2005-20 § 1, 2005; Ord. 2005-15 § 1, 2005; Ord. 2005-5 § 1, 2005; Ord. 2005-3 § 1, 2005; Ord. 2004-107 § 1, 2004; Ord. 2004-103 § 1, 2004; Ord. 2004-96 § 1, 2004; Ord. 2004-93 § 1, 2004; Ord. 2004-69 § 1, 2004; Ord. 2004-61 § 1, 2004; Ord. 2004-43 § 1, 2004; Ord. 2004-39 § 1, 2004; Ord. 2004-29 § 1, 2004; Ord. 2004-28 § 1, 2004; Ord. 2004-23 § 1, 2004; Ord. 2003-77 § 1, 2003; Ord. 2003-72 § 1, 2003; Ord. 2003-

- Alcohol beverage tasting permits.

- A. Alcohol beverage tastings may be permitted under a Class C or C-1 license. Tastings shall only be permitted as a promotional activity.
- B. Monthly Tasting permits.
1. Monthly tasting permit holders are limited to twenty-four tasting periods during any license year and no more than four tasting periods during any calendar month. No tasting period shall exceed three consecutive days.
 2. The holder of a Class C or C-1 license may obtain a permit for each separate calendar month for a fee as set forth in Appendix A of this Code upon application with the Village Clerk.
- C. Yearly Tasting permits.
1. Yearly tasting permit holders are limited to fifty-two tasting periods during any license year. No tasting period shall exceed three consecutive days.
 2. The holder of a Class C or C-1 license may obtain a yearly tasting permit for a fee as set forth in Appendix A of this Code upon application with the Village Clerk. The tasting permit shall run concurrently with the license year.
- D. Tastings shall be subject to the following conditions and limitations:
1. The tasting shall be attended by and supervised by a full-time employee, who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner and designated in the permit;
 2. Up to 3 samples, consisting of no more than (i) 1/4 ounce of distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of beer may be served to a consumer in one day;
 3. Each sample shall be served in a container which shall be disposed of following the sampling;
 4. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;
 5. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the licensed premises.

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5.20.120 - Hours of operation.

- A. It is unlawful for a liquor licensee to authorize or permit the dispensing, giving, selling, possession or consumption of any alcoholic liquor except during the following hours of operation:

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Hours of Operation

<u>Class of License</u>	<u>Monday—Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
<u>A, A-1</u>	<u>6:00 a.m.—1:00 a.m. the following day</u>	<u>6:00 a.m.—2:00 a.m. Saturday</u>	<u>6:00 a.m.—2:00 a.m. Sunday</u>	<u>6:00 a.m.—1:00 a.m. Monday</u>
<u>B, B-1</u>	<u>6:00 a.m.—1:00 a.m. the following day</u>	<u>6:00 a.m.—2:00 a.m. Saturday</u>	<u>6:00 a.m.—2:00 a.m. Sunday</u>	<u>6:00 a.m.—1:00 a.m. Monday</u>

<u>C, C-1, C-2</u>	<u>7:00 a.m.—12:00 midnight</u>	<u>7:00 a.m.—12:00 midnight</u>	<u>7:00 a.m.—12:00 midnight</u>	<u>9:00 a.m.—12:00 midnight</u>
<u>D</u>	<u>6:00 a.m. — 1:00 a.m. the following day</u>	<u>6:00 a.m. — 1:00 a.m. the following day</u>	<u>6:00 a.m.—1:00 a.m. the following day</u>	<u>6:00 a.m.—1:00 a.m. the following day</u>
<u>E, E-1</u>	<u>7:00 a.m.—1:00 a.m. the following day</u>	<u>7:00 a.m.—2:00 a.m. Saturday</u>	<u>7:00 a.m.—2:00 a.m. Sunday</u>	<u>9:00 a.m.—1:00 a.m. Monday</u>
<u>F</u>	<u>6:00 a.m.—1:00 a.m. the following day</u>	<u>6:00 a.m.—2:00 a.m. Saturday</u>	<u>6:00 a.m.—2:00 a.m. Sunday</u>	<u>9:00 a.m.—1:00 a.m. Monday</u>
<u>G</u>	<u>9:00 a.m — 10:00 p.m.</u>	<u>9:00 a.m — 10:00 p.m</u>	<u>9:00 a.m — 10:00 p.m</u>	<u>9:00 a.m — 10:00 p.m</u>
<u>S-1, S-2, S-3, S-4</u>	<u>6:00 a.m.—1:00 a.m. the following day</u>	<u>6:00 a.m.—2:00 a.m. Saturday</u>	<u>6:00 a.m.—2:00 a.m. Sunday</u>	<u>9:00 a.m.—1:00 a.m. Monday</u>

5-20.075 - Alcohol beverage tasting permits.

- A. Alcohol beverage tastings may be permitted under a Class C or Class JC-1 license. Tastings shall only be permitted as a promotional activity.
- B. ~~Tastings~~ Tasting permits.
1. ~~Monthly tastings~~ tasting permit holders are limited to twenty-four tasting periods during any license year and no more than four tasting periods during any license year calendar month. No tastings shall be for a period exceeding shall exceed three consecutive days. Tastings shall not exceed four per month.
 2. The holder of a Class C or Class JC-1 license may obtain a permit for each separate monthly tasting period calendar month for a fee as set forth in Chapter 1.46 Appendix A of this Code upon application with the Village Clerk.
- C. ~~Yearly Tastings~~ Tasting permits.
1. ~~Yearly tastings~~ tasting permit holders are limited to fifty-two tasting periods during any license year. No tasting shall be for a period exceeding shall exceed three consecutive days.
 2. The holder of a Class C or Class JC-1 license may obtain a yearly tasting permit for a fee as set forth in Chapter 1.46 Appendix A of this Code upon application with the Village Clerk. The tasting permit shall run concurrently with the license year.
- D. Tastings shall be subject to the following conditions and limitations:
1. The tasting shall be attended by and supervised by a full-time employee, who is BASSET certified (or its equivalent) and only in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner and designated in the permit;
 2. ~~Up to 3 samples, consisting of no more than (i) 1/4 ounce of distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of beer may be served to a consumer in one day. The actual amount of alcohol beverage tasted may not exceed an ounce per each sample;~~
 3. Each sample shall be served in a container which shall be disposed of following the sampling;
 4. No licensee or agent thereof shall give or offer to give away alcoholic liquors as a gift, gratuity, or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products;
 5. There shall be no signs or other materials that are advertising the availability of "sampling" visible outside the licensed premises.

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5.20.120 - Hours of operation.

A. It is unlawful for a liquor licensee to authorize or permit the dispensing, giving, selling, possession or consumption of any alcoholic liquor except during the following hours of operation:

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Hours of Operation

<u>Class of License</u>	<u>Monday—Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
<u>A, A-1</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Saturday</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Sunday</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>Monday</u>
<u>B, B-1</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Saturday</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Sunday</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>Monday</u>
<u>C, C-1, C-2</u>	<u>7:00 a.m.—12:00</u> <u>midnight</u>	<u>7:00 a.m.—12:00</u> <u>midnight</u>	<u>7:00 a.m.—12:00</u> <u>midnight</u>	<u>9:00 a.m.—12:00</u> <u>midnight</u>
<u>D</u>	<u>6:00 a.m. — 1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m. — 1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>the following day</u>
<u>E, E-1</u>	<u>7:00 a.m.—1:00 a.m.</u> <u>the following day</u>	<u>7:00 a.m.—2:00 a.m.</u> <u>Saturday</u>	<u>7:00 a.m.—2:00 a.m.</u> <u>Sunday</u>	<u>9:00 a.m.—1:00 a.m.</u> <u>Monday</u>
<u>F</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Saturday</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Sunday</u>	<u>9:00 a.m.—1:00 a.m.</u> <u>Monday</u>
<u>G</u>	<u>9:00 a.m — 10:00 p.m.</u>	<u>9:00 a.m — 10:00 p.m</u>	<u>9:00 a.m — 10:00 p.m</u>	<u>9:00 a.m — 10:00 p.m</u>
<u>S-1, S-2, S-3, S-4</u>	<u>6:00 a.m.—1:00 a.m.</u> <u>the following day</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Saturday</u>	<u>6:00 a.m.—2:00 a.m.</u> <u>Sunday</u>	<u>9:00 a.m.—1:00 a.m.</u> <u>Monday</u>

B. On the mornings of January 1st, the sale of alcoholic liquors is permitted, under Classes A, A-1, B, B-1, and D, from the a.m. closing hour designated through the opening a.m. hour designated.

5.20.130 - Licenses authorized.

NOTE: THIS SECTION WILL BE UPDATED WITH THE CURRENT LIST OF LIQUOR LICENSES AT THE TIME OF EFFECTIVE DATE.

<u>Licensee and d/b/a</u>	<u>Address</u>
---------------------------	----------------

(Ord. 2002-55 § 1, 2002; Ord. 2001-15 § 1, 2001; Ord. 94-7 § 1 (part), 1994; Ord. 80-30 § 1, 1980; Ord. 80-14 § 1, 1980)

(Ord. No. 2013-76, § 3, 12-2-2013; Ord. No. 2014-26, § 2, 3-17-2014; Ord. No. 2016-057, § 2, 11-7-2016)

5.20.080140 - License—Legal status—Transfer.

A license shall be purely personal or corporate privilege, good for not to exceed the period for which same is issued, unless revoked sooner, as in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, voluntarily or involuntarily, nor 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 solvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may continue 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.

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(Ord. 94-7 § 1 (part), 1994; Ord. 77-35 § 7 (part), 1977)

5.20.085150 - Change in personnel.

- A. Any changes in partnership, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license to be a manager. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner.
- B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, the license shall terminate pursuant to the procedures set forth in the Liquor Control Act.
- C. When a license has been issued to a corporation and a change takes place in officers, directors, managers or shareholders of more than five percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, the license shall terminate pursuant to the procedures set forth in the Liquor Control Act.
- D. When a license has been issued to an individual who is no longer eligible for a license, the license shall terminate pursuant to the procedures set forth in the Liquor Control Act.

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5.20.160 - Employment.

(Ord. 94-7 § 1 (part), 1994; Ord. 90-16 § 1, 1990; Ord. 80-14 § 3, 1980)

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5.20.000 - License—Renewal.

A. ~~Anyt is unlawful for any licensee may renew any officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person under the age of twenty-one years to tend bar or to draw, pour, mix, sell any alcoholic beverages.~~

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5.20.163 - Responsible alcohol service server training.

~~The sale, serving or giving away of any alcohol, spirits, wine, beer or other alcoholic beverages permitted or authorized by any license at the expiration thereof, provided the licensee is then qualified to receive a license granted hereunder, and the checking of identification for the purchase or consumption of alcoholic beverages or for entry into the premises for which such renewal license is sought is suitable for such~~

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of an establishment selling or serving alcoholic beverages, shall only be performed by individuals who have been issued a valid alcohol education and training certificate through a state certified BASSET program within the past three years. A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. A copy of all completion certificates for the BASSET program shall be made available upon initial application for a liquor license and thereafter upon request by the village.

5.20.100170 - Premises and location.

- A. Licenses issued under this Chapter apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license.
- B. In addition to the premises described in the application and in the license, the Local Liquor Control Commissioner may conditionally allow the sale and consumption of alcoholic liquor in adjacent areas to the main premises such as decks or patios, but only if said sale and consumption in the adjacent area do not have an adverse impact upon the health, safety and welfare and peace and quiet of surrounding neighborhoods.
- C. Licenses may only be transferred to another premises upon the written approval of the Local Liquor Control Commissioner. The fee for such transfer is set forth in Chapter 1.16 Appendix A of this Code and is payable to the Village upon application for change of location.

(Ord. 94-7 § 1 (part), 1994; Ord. 88-79 § 4, 1988; Ord. 77-35 § 8, 1977)

(Ord. No. 2016-057, § 2, 11-7-2016)

5.20.1805.20.105 - Bring your own bottle (BYOB).

- A. Any person or entity with a Village Class A, B, E, F, G1, G2, G3, G4, G5, G7, or K liquor license under Section 5.20.070 may apply for a bring your own bottle ("BYOB") license pursuant to this Section 5.20.105.
- B. A BYOB license allows within the area specifically designated in the license as the premises, the immediate consumption of alcoholic beverages that were not purchased on the premises but were brought to the premises by patrons, subject to the following conditions:
 1. Patrons may only consume commercially manufactured beer (as defined by 235 ILCS 5/1-3.04) or wine (as defined by 235 ILCS 5/1-3.03);
 2. Any patron who brings alcohol under this license to the premises for consumption must give the alcohol to a BASSET-qualified employee of the licensee who shall inspect the alcohol to ensure that it is commercially manufactured beer or wine (as outlined above) and in its original, sealed container. The BASSET-qualified employee shall open the alcohol for the patrons at their table and patrons may not open their own alcoholic beverages until they are inspected as provided herein;
 3. Patrons will not be allowed to leave the premises with open alcohol containers; however, if a patron wishes to cork their wine bottle, the corking must comply with 235 ILCS 5/6-33 and the licensee must place the bottle of wine in a securely sealed, transparent one time use tamper-proof bag;
 4. Any alcohol not consumed by the patron and not corked in accordance with Subsection B.3 above shall be destroyed by the licensee;
 5. The annual fee for each license shall be one hundred and fifty dollars;
 6. Alcohol under this license shall only be consumed with food;

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Class of License	Monday—Thursday	Friday	Saturday	Sunday
A	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	6:00 a.m.—1:00 a.m. Monday
B	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
C	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
D	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
D1	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
E	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
F	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
G	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
H	8:00 a.m.—5:00 p.m.	8:00 a.m.—5:00 p.m.	8:00 a.m.—5:00 p.m.	
I	7:00 a.m.—1:00 a.m.	7:00 a.m.—2:00 a.m.	7:00 a.m.—2:00 a.m.	9:00 a.m.—1:00 a.m.
J	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
K	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day

~~5.20.110 License Term—Annual fee proration.~~

- ~~A. Each license shall terminate on the 30th day of April next following its issuance. Renewal fee shall be due on or before May 1st. In the event the application is denied, the whole fee shall be refunded.~~
- ~~B. At the time application is made, the applicant shall pay the Village the sum set forth in Section 5.20.070. Notwithstanding the annual fees set forth in Section 5.20.070, if an application for a liquor license is received by the Village between November 1st and April 30th of a fiscal year, the license fee shall be one-half of the annual fee.~~
- ~~C. This Section shall not apply to Class G1, G3, and G4 Liquor Licenses.~~

~~(Ord. 94-7 § 1 (part), 1994; Ord. 92-26 § 4, 1992; Ord. 77-35 § 9, 1977)~~

Class of license	Monday-Thursday	Friday	Saturday	Sunday
A	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 2:00 a.m. Saturday	6:00 a.m. - 2:00 a.m. Sunday	6:00 a.m. - 1:00 a.m. Monday
B	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 2:00 a.m. Saturday	6:00 a.m. - 2:00 a.m. Sunday	9:00 a.m. - 1:00 a.m. Monday
C	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	9:00 a.m. - 12:00 midnight
D	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	9:00 a.m. - 12:00 midnight
D1	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	9:00 a.m. - 12:00 midnight
E	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 2:00 a.m. Saturday	6:00 a.m. - 2:00 a.m. Sunday	9:00 a.m. - 1:00 a.m. Monday
F	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 2:00 a.m. Saturday	6:00 a.m. - 2:00 a.m. Sunday	9:00 a.m. - 1:00 a.m. Monday
G	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 2:00 a.m. Saturday	6:00 a.m. - 2:00 a.m. Sunday	9:00 a.m. - 1:00 a.m. Monday
H	8:00 a.m. - 5:00 p.m.	8:00 a.m. - 5:00 p.m.	8:00 a.m. - 5:00 p.m.	
I	7:00 a.m. - 1:00 a.m.	7:00 a.m. - 2:00 a.m.	7:00 a.m. - 2:00 a.m.	9:00 a.m. - 1:00 a.m.
J	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	7:00 a.m. - 12:00 midnight	9:00 a.m. - 12:00 midnight
K	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 1:00 a.m. the following day

~~5.20.120 Hours of operation.~~

~~A. It is unlawful for a liquor licensee to authorize or permit the dispensing, giving, selling, delivery, possession or consumption of any alcoholic liquor except during the following hours of operation:~~

Hours of Operation

Class of license	Monday-Thursday	Friday	Saturday	Sunday
A	6:00 a.m. - 1:00 a.m. the following day	6:00 a.m. - 2:00 a.m. Saturday	6:00 a.m. - 2:00 a.m. Sunday	6:00 a.m. - 1:00 a.m. Monday

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B	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
C	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
D	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
D1	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
E	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
F	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
G	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—2:00 a.m. Saturday	6:00 a.m.—2:00 a.m. Sunday	9:00 a.m.—1:00 a.m. Monday
H	8:00 a.m.—5:00 p.m.	8:00 a.m.—5:00 p.m.	8:00 a.m.—5:00 p.m.	
I	7:00 a.m.—1:00 a.m.	7:00 a.m.—2:00 a.m.	7:00 a.m.—2:00 a.m.	9:00 a.m.—1:00 a.m.
J	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	7:00 a.m.—12:00 midnight	9:00 a.m.—12:00 midnight
K	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day	6:00 a.m.—1:00 a.m. the following day

~~B. On the mornings of January 1st, the sale of alcoholic liquors is permitted, under Classes A, B, E and F from the a.m. closing hour designated through the opening a.m. hour designated.~~

~~(Ord. 2003-47 §§ 2, 3, 2003; Ord. 97-99 § 1, 1997; Ord. 95-77 § 3, 1995; Ord. 94-7 § 1 (part), 1994; Ord. 93-37 § 3, 1993; Ord. 89-84 § 2, 1989; Ord. 86-10 § 1, 1986; Ord. 83-39 § 2, 1983; Ord. 77-35 § 10, 1977)~~

~~(Ord. No. 2013-76, § 4, 12-2-2013; Ord. No. 2014-26, § 3, 3-17-2014; Ord. No. 2014-74, § 2, 11-3-2014; Ord. No. 2017-007, § 1, 3-20-2017)~~

~~**5-20.130 - Premises—Location restrictions.**~~

- ~~A. No license shall be issued for the sale of any alcoholic liquor on any premises within one hundred feet of any church, school, hospital, and home for aged or indigent persons, or for veterans, their wives or children, or a military or naval station.~~

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- B. No license shall be issued for the sale of any alcoholic liquor on any premises which houses or is within one hundred feet of any Adult Entertainment Establishment.
- C. In determining the distance provided for in this section, the measurement shall be taken from the closest point of the opposing building or structure to the subject building.
- D. For purposes of this section, a "school" is a learning institution of grades kindergarten through grade twelve, or any combination thereof, but shall not include pre-school (pre-kindergarten children) or day care facilities.
- E. For purposes of this section, an Adult Entertainment Establishment is a facility classified or licensed as such pursuant to Chapter 5.70 of the Village of Buffalo Grove Municipal Code.
- F. Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors and when student classes are not in session.
- G. The Local Liquor Control Commissioner shall have the discretion to waive the location restriction set forth in Section A, above, for good cause shown by the applicant. Factors to be evaluated in determining good cause may include, but not be limited to, license history of premises, date of establishment of church, school, hospital or home for aged or indigent persons, or for veterans, their wives of children or a military or naval station and configuration of the premises.]

5.20.190 - Mandatory schedule of prices.

All licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

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5.20.191 - Misrepresenting age.

It shall be unlawful for any person under the age of twenty-one years to misrepresent his or her age for the purpose of purchasing, obtaining or consuming alcoholic liquor in any place in the Village where alcoholic liquor is sold, delivered or given away. Any person found guilty of violating this section shall be fined in the mandatory amount of not less than five hundred dollars for the first violation and the mandatory amount of not less than one thousand dollars for each subsequent violation.

5.20.192 - Unlawful possession and consumption.

A.

Except as provided in Section 5.20.193, it is unlawful for any person under the age of twenty-one years to consume, purchase, obtain or accept delivery of alcoholic liquor or to have alcoholic liquor in his or her possession within the Village. Any person found guilty of violating this subsection A shall be fined in the mandatory amount of not less than five hundred dollars for the first and the mandatory amount of not less than one thousand dollars for each subsequent violation.

B. Except as provided in Section 5.20.193, it shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to any person under the age of twenty-one years. Any person found guilty of violating this subsection B shall be fined in the mandatory amount of not less than one thousand dollars for the first violation and the mandatory amount of not less than two thousand dollars for each subsequent violation.

C. Except as provided in Section 5.20.193, it shall be unlawful for any person to sell, give or deliver alcoholic liquor to any person under the age of twenty-one years. Any person found guilty of violating this subsection C shall be subject to the penalty provisions in Chapter 1.08.

5.20.193 - Permitted possession and consumption.

The following activities are excluded from Section 5.20.192 and may be lawfully engaged in by a person under the age of twenty-one:

A. The possession and dispensing or consumption of wine in the performance of a religious service or ceremony; and

B. The consumption of alcoholic liquor under the direct supervision and approval of the underage person's parent(s) or guardian(s) in the parent's or guardian's home.

5.20.194 - Social host responsibility.

A. It shall be unlawful for any person to permit, allow, host, or fail to take reasonable steps to prevent an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance where illicit drugs, adult use cannabis, or alcoholic beverages have been consumed by an underage person, if such person either knows or reasonably should know that an underage person has consumed any illicit drugs, adult use cannabis, or alcoholic beverages.

B. A person who permits, allows, or hosts an event or gathering shall be deemed to have known or should have known that an underage person has consumed illicit drugs, adult use cannabis or alcoholic beverages if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, adult use cannabis or alcoholic beverages by underage persons.

C. A person who permits, allows, or hosts an event or gathering shall be rebuttably presumed to have known or should have known that underage persons have consumed illicit drugs, adult use cannabis or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage person consumes illicit drugs, adult use cannabis or an alcoholic beverage.

D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or exclusively between an underage person and his parent or legal guardian as permitted by Illinois State Law.

E. It is the duty of any person who permits, allows, or hosts an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance, where underage persons will be present to take all reasonable steps to prevent the consumption of illicit drugs, adult use cannabis, or alcoholic beverages by any underage person at the event or gathering.

F. A person who hosts any event or gathering does not have to be present at the event or gathering to be liable under this section.

5.20.195 - Responsibility of the owner or occupant of premises.

It is unlawful for any owner or occupant of any premises located within the Village to permit any person under the age of twenty-one other than the owner's or occupant's own child or ward to remain on such premises while the underage person is in possession of alcoholic liquor or adult use cannabis or while the underage person is consuming alcoholic liquors or adult use cannabis in violation of Section 5.20.192.

5.20.196 - Imposing civil liability.

Every person who is injured, in person or property, by any intoxicated person under the age of twenty-one as a result of alcohol or adult use cannabis has a right of action in his or her own name, severally or jointly for damages (including reasonable attorney's fees and expenses) against any person:

A. Who by selling, giving or delivering alcoholic liquor or adult use cannabis in violation of Section 5.20.192, 5.20.194, 5.20.195, or 5.20.200 causes, or contributes to, the intoxication of such underage person;

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B. Who by permitting consumption of alcoholic liquor or adult use cannabis in violation of Section 5.20.192, 5.20.194, 5.20.195, or 5.20.200 causes, or contributes to, the intoxication of such underage person as result of alcohol or adult use cannabis; or

C. Who causes such injury and had become intoxicated by consuming alcoholic liquor or adult use cannabis in violation of Section 5.20.192, 5.20.194, 5.20.195, or 5.20.200.

Any action for damages under this section may be brought in the circuit court. An action for damages under this section shall be barred unless commenced within two years after the right of action arises.

5.20.200 - Selling to unfit persons.

No licensee shall sell, give or deliver alcoholic liquor to any intoxicated person or to any person known by the licensee to be a habitual drunkard, spendthrift or insane, feeble-minded or a distracted person. No adult use cannabis dispensary shall sell, give, or deliver adult use cannabis to any person known by the dispensary to be under the age of twenty-one.

5.20.203 - False identification not a defense.

It shall not be a defense to any action brought criminally, civilly or administratively against any liquor licensee or any other person charged with the delivery of any alcoholic beverage to an underage person that such a person produced false identification or proof of age. It also shall not be a defense to any action brought criminally, civilly, or administratively against any adult use dispensary or any other person charged with the delivery of adult use cannabis to any underage person that such a person produced a false identification of proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed or the apportionment of damages.

5.20.204 - Illegal purchase—Posting warning.

A. Every place in the Village where alcoholic liquor is sold for beverage purposes shall display at all times in a prominent place a printed card which shall be issued by the Village and which shall read substantially as follows:

WARNING TO MINORS

You are subject to a mandatory fine of not less than \$500.00 under the Ordinance of the Village of Buffalo Grove if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

B. Any person found guilty of violating subsection (A) of this section shall be fined shall be fined in the mandatory amount of not less than five hundred dollars for the first violation and the mandatory amount of not less than one thousand dollars for each subsequent violation.

5.20.205. - Prohibited happy hours.

No licensee or employee or agent of such licensee shall:

A. sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;

B. sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in Section 5.20.206 of this Code;

C. increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

D. encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

E. advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections A through D.

5.20.206. - Permitted happy hours and meal packages, and party packages.

A. As used in this Section:

"Dedicated event space" means a room or rooms or other clearly delineated space within a licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

"Meal package" means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

"Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

B. A retail licensee may:

1. Offer free food or entertainment at any time;
2. Include drinks of alcoholic liquor as part of a meal package;
3. Sell or offer for sale a party package only if the retail licensee:
 - a. Offers food in the dedicated event space;
 - b. Limits the party package to no more than three hours;
 - c. Distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - d. Excludes individuals not participating in the party package from the dedicated event space;
4. Include drinks of alcoholic liquor as part of a hotel package;
5. Negotiate drinks of alcoholic liquor as part of a hotel package;
6. Provide room service to persons renting rooms at a hotel;
7. Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
8. Advertise events permitted under this Section; and
9. Discount any drink of alcoholic liquor during a specified time period only if:
 - a. The price of the drink of alcoholic liquor is not changed during the time that it is discounted;
 - b. The period of time during which any drink of alcoholic liquor is discounted does not exceed four hours per day and fifteen hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
 - c. The drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and
 - d. Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least seven days prior to the specified time.

5.20.210 - Application of other ordinances and laws.

Nothing in this Chapter shall excuse or relieve the owner, proprietor, or person in charge of any tavern or other place in the Village where alcoholic liquor or adult use cannabis is sold from the restrictions and requirements of any other ordinance or ordinances in the Village or of the statutes of the State.

5.20.220 - Licensing on premises for which license is revoked.

When any license hereunder shall have been revoked for any cause, at the discretion of the local liquor control commissioner, no license shall be granted to any person, firm, or corporation for the period of one (1) year thereafter for the conduct of the sale of alcoholic liquor in the premises described in such revoked license. 5.20.230 - Cessation of business.

Any licensee who ceases to do business or closes his/her place of business for a period of more than sixty successive days shall be subject to having his/her license declared forfeited and lapsed by order of the Local Liquor Control Commissioner.

5.20.235 - Nudity prohibited.

No person licensed under this Chapter shall permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- A. Exposes their genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
- B. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- C. Exposes any portion of the female breast at or below the areola thereof.

5.20.240 - Health, sanitary requirements.

It shall be the duty of every person, firm or corporation licensed to carry on a business under the provisions of this Chapter to at all times keep the premises where such business is carried on clean and in proper sanitary condition. All persons employed or working in any such premises shall be kept clean and cleanly clothed. All utensils, appliances, vessels, receptacles, refrigerators, closets, rooms or other places or things whatsoever which are used for the purpose of selling or offering for sale such liquors or for the storing or dispensing of the same must at all times be kept in a clean, wholesome and sanitary condition.

5.20.260 - Violation—Penalties.

A. Penalty. Unless another penalty is set forth in this Chapter, any person violating any provision of this Chapter shall be subject to the penalty provisions set forth in Chapter 1.08. Any fines set forth in this Chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every ten dollars of the mandatory fine. If the offense is related to alcohol or substance abuse and the offender is under twenty-one years of age, the court may, in lieu of any mandatory fines, assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse which includes a certified evaluation program and not less than four hours of counseling. Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding.

B. Licensee Penalties.

1. For any violation of any Village ordinance or any state law, the Local Liquor Control Commissioner may impose any one or any combination of the following penalties:
 - a. Revocation or suspension of the license;
 - b. Require that the licensee and any or all of its employees obtain certification from a state-certified Beverage Alcohol Sellers and Servers Educational and Training (BASSET) program;
 - c. The payment of a fine of up to five thousand dollars for each offense.
2. In the imposition of any penalty, the Local Liquor Control Commissioner may take into account any voluntary action taken by the licensee.

5.20.300 - Video Gaming.

- A. Video Gaming Permitted—License Required. Liquor establishments that hold a valid Class A or Class A1 as issued under this Chapter or are a Licensed Truck Stop Establishment that are also licensed as Licensed Video Gaming Locations by the Illinois Gaming Board shall be authorized to permit video gaming at the licensed premises pursuant to the Video Gaming Act (230 ILCS 40/1 et. seq.) and this Chapter. No premises may offer or allow any form of video gaming as allowed by the Video Gaming Act without an Illinois Gaming Board license, approval by the Local Liquor Control Commissioner or in violation of the Buffalo Grove Municipal Code.
- B. Video Gaming Cafés prohibited. A Video Gaming Café shall not be qualified to obtain any existing classification of Buffalo Grove Liquor Licenses and is prohibited from becoming a Licensed Video Gaming Location within the Village. Further, no such license allowing Video Gaming Cafés shall be created, maintained, or authorized by this Chapter.
- C. Definitions. Except as otherwise defined in this Chapter, all words and phrases used in this Section, shall have the meaning ascribed to them in Section 5 of the Video Gaming Act (230 ILCS 40/5).
- D. Application and Application Fee. Any Licensed Video Gaming Locations shall submit an application for the authorization of video gaming provided by the Local Liquor Control Commissioner to the Local Liquor Control Commissioner in writing, signed and verified by oath or affidavit. Such application shall provide the number of Video Gaming Terminals to be located upon the premises and any other information as deemed necessary by the Local Liquor Control Commissioner. Only licensed liquor establishments that have received a Video Gaming license from the Illinois Video Gaming Board authorizing video gaming at a Licensed Video Gaming Location shall be allowed to apply for authorization with the Local Liquor Control Commissioner for video gaming. The application fee shall be as set forth in Appendix A of this Code.
- E. Video Gaming Terminal Fee. All Video Gaming Locations shall pay a fee as set forth in Appendix A of this Code. The first payment of the annual fee shall be paid prior to operation of any Video Gaming Terminal. If the first payment of the annual fee is paid after May 1st, that payment shall be applied to the remaining fiscal year ending on April 30th, but said fee shall not be diminished or pro-rated. All subsequent annual fee payments shall be paid in full prior to May 1st of each calendar year.
- F. Advertising. It shall be unlawful to advertise for video gaming in any street, alley or public right-of-way within the Village. Nothing in this Section shall alleviate the other Village's sign regulations of the Buffalo Grove Municipal Code.
- G. Violations and Penalties. Licensed Video Gaming Locations must comply with all federal, state and local laws, including but not limited to the Illinois Liquor Control Act (235 ILCS 5/1 et. seq.), the Video Gaming Act, and the Buffalo Grove Municipal Code. Licensed Video Gaming Locations that have been found to be in violation of this Chapter, the Video Gaming Act, or any other federal, state or local law, shall be subject to the penalties provided for in this Chapter, the Video Gaming Act and the Illinois Liquor Control Act (235 ILCS 5/1 et. seq.), which may include but are not limited to:
- Revocation or suspension of the Liquor License and the authorized use of video gaming as allowed by this Chapter;
 - Payment of a fine of up to five thousand dollars for each offense.

Chapter 5.24 - SOLICITORS**5.24.010 - Definitions.**

The following words as used in this Chapter shall be construed to have the meaning ascribed to them in this section:

- A. "Residence" means every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

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B. "Soliciting" means and includes any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;
4. Seeking to obtain funds or pledge of support by out-right gift or through the sale or exchange of goods, merchandise or device or insignia for any established religious, charitable, benevolent, philanthropic, patriotic or eleemosynary organization.

5.24.020 - Permit required.

No person shall go on or upon any residence for the purpose of engaging in soliciting without first obtaining a permit as provided in this Chapter.

5.24.030 - Application for permit.

The application for a permit shall contain the following information:

- A. The full name, mailing address, and telephone number of the person or organization sponsoring, promoting, or conducting the proposed activities;
- B. The full name, mailing address, and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activities;
- C. The full name, mailing address, and telephone number of the individual person or persons who will be engaged in the proposed solicitation activities;
- D. The subject matter of the proposed distribution or communication, and the purpose thereof;
- E. A description of the proposed activities, indicating the type of communication to be involved;
- F. The purpose of the solicitation;
- G. Whether the applicant has been convicted of the commission of a felony under the laws of any state or federal law of the United States within five years of the date of the application.

5.24.040 - Issuance of permit.

Upon receipt of a completed permit application, the Village shall issue a permit unless one or more of the following facts exist:

- A. That one or more of the statements in the application is incorrect; provided, that the applicant has been given the opportunity to correct or amend the application;
- B. The applicant has been convicted of the commission of a felony under the laws of any state or federal law of the United States within five years of the date of the application.

5.24.050 - Fee and duration.

- A. No fee shall be required in connection with any not-for-profit solicitation permit application.
- B. A permit fee as set forth in Appendix A of this Code shall be required in connection with any for-profit solicitation permit application.
- C. The permit shall be valid only for the calendar year in which issued regardless of the date of issue.

5.24.060 - Resident's rights.

It is the Village's policy that the occupant(s) of the residence shall make the determination of whether soliciting shall be, or shall not be, allowed on their premises.

5.24.070 - Notice to refuse soliciting.

Every person desiring to secure the protection intended to be provided by this Chapter shall comply with the directions set forth in this section. Notice of the determination by the occupant of the refusal of invitation to any residence shall be given in the manner following:

- A. By exhibiting upon or near the main entrance door to the residence a notice upon which is printed the legend:

"NO SOLICITORS OR PEDDLERS"

- B. Such notice so exhibited constitutes sufficient notice to any person of the determination by the occupant of the residence of the information contained thereon.

5.24.080 - Refusal to permit solicitation—Compliance required.

It shall be the duty of every person, upon going onto any premises in the municipality upon which a residence is located to first examine the notice provided for in Section 5.24.070, if any is attached, and forthwith comply with the notice by immediately and peacefully departing from the premises, if the card states no invitation is given.

Any person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

5.24.090 - Uninvited solicitation—Unlawful, nuisance.

It is unlawful and constitutes a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.24.070.

5.24.100 - Hours.

It is unlawful and constitutes a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting, prior to nine a.m. or after nine p.m. of any weekday or any Saturday, or at any time on a Sunday or on a state or national holiday.

5.24.110 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 5.32 - TOBACCO.**5.2832.010 - Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Inspection station" means official state of Illinois testing station, or other facility designated by the Chief of Police to conduct inspections required by this Chapter.
- B. "Licensee" means any person who is the owner of one or more licenses issued pursuant to this Chapter.
- C. "Livery vehicle" means any public passenger vehicle transporting passengers for hire, as a result of individual contract, on a trip or hourly basis fixed in advance.
- D. "Public passenger vehicles" means taxicabs and livery vehicles used for transportation of passengers for hire.

Commented [JB9]: Eliminated based on premise really not relevant with the popularity of ride share we do not regulate. In addition, no enforcement of chapter has really ever taken place. Mr. Brankin and Chief Eisenmenger are in agreement that it can be eliminated.

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- A. "Tobacco products" means any substance containing tobacco leaf, including, but not limited to cigarettes, pipe tobacco, snuff, chewing tobacco or dipping tobacco and shall also include "electronic cigarettes" as defined under 720 Illinois Compiled Statutes 675/1 and any "alternative nicotine product" as defined under 720 Illinois Compiled Statutes 675/1, as amended from time to time.
- B. "Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

5.32.020 - License required.

- A. It is unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the Village without having first obtained a tobacco dealer's license pursuant to this Chapter. A tobacco dealer's license shall be required of a person who solely sells or offers for sale e-cigarettes/alternative nicotine products.
- B. Such license shall be in addition to any other license required by this Code.

5.32.030 - License application.

Application for a license under this Chapter shall be made in writing to the Village Clerk on the form provided.

5.32.040 - License fee.

The license fee for a tobacco dealer's license is set forth in Appendix A of this Code.

5.32.050 - License term.

Every tobacco dealer's license shall be issued for an annual period, or portion thereof, with effective dates of May 1st to April 30th of the following calendar year.

5.32.060 - License transfer.

The transfer of any license issued under this Chapter is expressly prohibited.

5.32.080 – Prohibited Sales.

It shall be unlawful for any person, including any licenses, to sell, offer for sale, give away, or deliver tobacco products, alternative nicotine products, or electronic cigarettes to any person under twenty-one (21) years of age.

5.32.090 – Signage.

Signs informing the public of the age restrictions provided for in this Chapter shall be posted by every licensee at or near every display of tobacco products which offers tobacco products for sale. Each sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS
PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background, said letters to be at least one inch high.

5.32.100 – Purchase by persons under twenty-one years of age prohibited.

It is unlawful for any person under twenty-one years of age to purchase tobacco products, alternative nicotine products, or electronic cigarettes, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, alternative nicotine products, or electronic cigarettes.

(Ord. 90-75 § 1 (part), 1990).

(Ord. No. 2017-039, § 2, 8-21-2017)

5.32.105 - Possession by minors prohibited.

It ~~is shall be~~ unlawful for any person under the age of ~~eighteen years~~ twenty-one (21) to possess any tobacco products, alternative nicotine products or electronic smoking devices.

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(Ord. 95-111 § 1, 1995)

5.32.110 - Vending machines—~~Locking devices.~~

A. ~~It is shall be~~ unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine; ~~unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under twenty-one years of age.~~

B. ~~Any premises where access by persons under twenty-one years of age is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of business located at such premises, shall be exempt from the requirements of this section.~~

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~~(Ord. 90-75 § 1 (part), 1990).~~

~~(Ord. No. 2017-039, § 2, 8-21-2017)~~

5.32.120 - Responsibility for agents and employees.

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

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~~(Ord. 90-75 § 1 (part), 1990).~~

5.32.130 - Suspension—Revocation—Procedures.

Any suspension or revocation of licenses shall be pursuant to the suspension, revocation and appeal procedures set forth in Chapter 1.12.

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~~(Ord. 94-85 § 13 (part), 1994; Ord. 90-75 § 1 (part), 1990).~~

5.32.140 - Use of premises after revocation.

When any license shall have been revoked for any cause, no license shall be granted to said licensee for a period of six months thereafter for the conduct of the business of selling tobacco products in the premises described in such revoked license.

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~~(Ord. 90-75 § 1 (part), 1990).~~

5.32.150 - Violation—Penalty.

A. Unless otherwise set forth in this Chapter, any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08.

B. Any person violating Section 5.32.105 may be issued a citation as set forth in ~~Chapter 10.18.~~ Appendix A of this Code.

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The following options, as determined by the Village, may be appropriate dispositions for any person violating Section 5.32.105:

1. Satisfy the citation as set forth in Appendix A of this Code; or
 2. In lieu of a fine, be released upon supervision under the direction and control of the Juvenile Officer of the Village's Police Department. Release on supervision shall be on the condition that the person perform community service. Five hours of community service shall be performed within fourteen days of the violation; or
 3. In lieu of a fine, be released upon supervision under the direction and control of the Juvenile Offices of the Village's Police Department. Release on supervision shall be on the condition that the person complete participation in the Village's Tobacco Awareness Education Program within thirty-five days of the violation;
 4. For any person not fulfilling the foregoing options within the time specified, the Village has the option to file a complaint and prosecute in the Circuit Court.
- C. The foregoing options, under subsection B of this section shall not be available to any person with multiple violations of Section 5.32.105.

Chapter 5.44 - MASSAGE ESTABLISHMENTS*

5.44.010 - Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Act" means the Illinois Massage Licensing Act (225 Illinois Compiled Statutes 57/1 et seq.).
- B. "Employee" means any and all persons other than the massage therapist, who render any service to the licensee, who receive compensation directly from the licensee, and who have no physical contact with customers and clients.
- C. "Health Officer" means an inspecting officer of the Buffalo Grove Health Department.
- D. "Massage" or "massage therapy" shall have the meaning described to it in the Act.
- E. "Massage establishment" means any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of the practice of massage.
- F. "Massage therapist" means any person who is licensed by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation and administers massage for compensation.
- G. "Massage therapist license" means a license issued by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation.
- H. "Licensee" means the operator or owner of a massage establishment.
- I. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of individuals of whatever form or character.
- J. "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or the breasts of a female.

(Ord. 2004-106 § 1 (part), 2004)

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5.44.020 - License—Required.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village, the operation of a massage establishment without first having obtained a license.

~~(Ord. 2004-106 § 1 (part), 2004)~~

5.44.030 - License—Application—Filing.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application with the Village Clerk.

~~(Ord. 2004-106 § 1 (part), 2004)~~

5.44.040 - License—Application—Information required.

The applicant for a license to operate a massage establishment shall furnish the following information:

- A. Name (including any alias) and address;
- B. Written proof that the individual is at least eighteen years of age;
- C. All residential addresses for the past three years;
- D. The business, occupation or employment of the applicant for the four years immediately preceding the date of the application;
- E. The massage or similar business license or permit history of the applicant, i.e., whether such person, in previously operating in this or another village, or city or state under a license or permit, has had such license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- F. All criminal or Village ordinance violation convictions, including forfeiture of bond and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;
- G. A recent photograph of the applicant;
- H. If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- I. Each applicant shall have his or her fingerprints submitted to the Village for the purpose of a criminal history records check.
- J. A drawing or written description which adequately describes the space in the building where the massage business of the applicant is to be conducted;
- K. The information required ~~above~~ in subsections A through I for the following individuals:
 1. The operator, manager or owner,
 2. Any partner or limited partner of a partnership application,
 3. Any stockholder of a corporate applicant or a member of a limited liability company applicant owning in the aggregate ~~ten-five~~ percent or more of such corporation or such limited liability company.

~~(Ord. 2004-106 § 1 (part), 2004)~~

~~(Ord. No. 2015-8, § 1, 2-23-2015)~~

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5.44.050 - License—Fee.

Every such applicant shall pay a nonrefundable application~~annual~~ fee set forth in Chapter 4.16~~Appendix A~~ of this Code to the Village Clerk.

~~(Ord. 2004-106 § 1 (part), 2004)~~

~~(Ord. No. 2016-057, § 2, 11-7-2016)~~

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5.44.060 - License—Transferability.

No license for the operation of a massage establishment issued pursuant to the provisions of this Chapter shall be transferable.

~~(Ord. 2004-106 § 1 (part), 2004)~~

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5.44.070 - License—Term.

All massage establishment licenses shall terminate on December 31st of each year.

~~(Ord. 2004-106 § 1 (part), 2004)~~

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5.44.080 - Massage therapist license—Required.

It is unlawful for any person to massage any person or engage in the practice of massage therapy without having first obtained an Illinois massage therapist license.

~~(Ord. 2004-106 § 1 (part), 2004)~~

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5.44.090 - Massage therapist license—Display.

Every massage establishment licensee shall display a valid massage therapist license for any individual conducting a massage within the licensed premises; said license shall be displayed in a conspicuous place within the massage establishment so that the same may be readily seen by any person entering the premises.

~~(Ord. 2004-106 § 1 (part), 2004)~~

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5.44.100 - License—Denial, Revocation, or suspension.

AA. Grounds for denial, suspension, or revocation. A massage establishment license application or renewal may be denied upon the occurrence of any of the following causes:

1. The applicant has failed to comply with any applicable provision of this Code, including without limitation this Chapter, or any applicable state law or regulation.

2. Issuance of a false statement in connection with an application filed pursuant to this chapter.

3. Investigative findings show that, within four years of the date of the application, the applicant or any other person who is directly or indirectly engaged in the management or operations of a massage establishment has been convicted of: (i) a felony, (ii) an offense involving sexual misconduct with children, (iii) prostitution, soliciting for a prostitute pandering, keeping or residing in a place of prostitution, pimping or any other offense involving moral turpitude in relation to sexual conduct.

B. Any suspension or revocation of massage establishment license shall be pursuant to the suspension, revocation and appeal procedures set forth in Chapter 1.12 of this Code.

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- C. When any massage establishment license is revoked under Subsections 1.12.030.A.1., A. 3., A.6., or A.7, no license shall be granted to any person for twenty-four months following the revocation for the conduct of a massage establishment in the premises described in the revoked license.

5.44.110 - Facility requirements.

- A. No massage establishment shall be issued a license, nor be operated, established or maintained in the Village unless an inspection by the Health Officer reveals that the establishment complies with each of the following minimum requirements:
1. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the Village;
 2. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;
 3. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage rooms facilities shall be provided;
 4. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron;
 5. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;
 6. Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty or fewer employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein;
 7. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
 8. The premises shall be equipped with a service sink for custodial services.
- B. The Health Officer shall certify or report that the proposed massage establishment complies or does not comply with all the requirements of this section and shall send such certification or report to the Village Clerk.

5.44.120 - Operating requirements.

- A. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- C. All employees, and massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas. A separate dressing room for eachgender must be available on the premises with individual lockers for each employee.
- D. All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- E. The sexual or genital areas of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee or massage therapist.

- F. It is unlawful for any person, in a massage establishment, knowingly, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area of any other person.
- G. No massage therapist, employee, agent, operator, or any person in a massage establishment shall perform, offer or agree to perform any act which would require the touching of a patron's genital area.
- H. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- I. Oils, creams, lotions or other preparations used in administering massages shall be kept clean and in closed containers or cabinets.
- J. Eating in the massage work areas shall not be permitted. Animals, except for guide dogs, shall not be permitted in the massage work areas.
- K. No massage therapist shall administer a massage on a patron's skin inflammation, or skin eruption, unless a physician duly licensed by the State certifies in writing that such person may be safely massaged on that area.
- L. Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.
- M. No portion of the license premises shall be designed, modified, equipped or use as a residence or for residential purposes. No person shall reside, board, or otherwise use a licensed massage establishment as a residence.

5.44.130 - Inspections—Reports.

The village health officer or his designee, shall prior to granting a license and at least once during the license year, make an inspection of each massage establishment that has been granted a license under the provisions of this chapter for the purposes of determining that the provisions of this chapter and other applicable ordinances and state and federal laws are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

5.44.140 - Advertising restrictions.

No massage establishment granted a license under the provisions of this Chapter shall place, publish, distribute, depict or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Chapter, or which would suggest that massage establishment employees are dressed in a manner other than that permitted by this Chapter.

5.44.150 - Employment—Massage therapists.

It shall be the responsibility of the licensee for the massage establishment or the employer of any persons purporting to act as massage therapists to insure that each person employed as a massage therapist shall have obtained a valid massage therapist license.

5.44.155 - Public nuisance.

Any location used as a massage establishment in violation of this Chapter is hereby declared to be a nuisance.

5.44.160 - Applicability of provisions.

This Chapter shall not apply to hospitals, nursing homes, sanitarium or persons holding an unrevoked certificate to practice the healing arts under the laws of the State, or persons working under the direction of any such persons or in any such establishments, nor shall the Chapter apply to barbers or

cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State.

5.44.170 - Violation—Penalty.

- A. Any person violating any provision of this Chapter shall be punished as provided for in Chapter 1.08 of this Code. In addition, any person violating any provision of this Chapter shall be subject to the provisions of Chapter 1.12 of this Code.
- B. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by any licensee, officer, director, manager or other agent, employee, helper, participant or worker in any way of any licensee shall be deemed and held to be the act of such employer or licensee and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally.

Chapter 5.45 - BODYWORK ESTABLISHMENTS

5.45.010 - Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Act" means the Illinois Massage Licensing Act (225 Illinois Compiled Statutes 57/1 et seq.).
- B. "Bodywork" or "bodywork therapy" means the manipulation of the human body, by pressure, touching or otherwise, that does not constitute a massage or massage therapy as defined by the Act.
- C. "Bodywork establishment" means any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of the practice of bodywork.
- D. "Bodywork therapist" means those engaged in the practice of bodywork
- E. "Employee" means any and all persons other than the bodywork therapist, who renders any service to the licensee, who receives compensation directly from the licensee, and who have no physical contact with customers and clients.
- F. "Health Officer" means an inspecting officer of the Buffalo Grove Health Department.
- G. "Massage" or "massage therapy" shall have the meaning described to it in the Act.
- H. "Licensee" means the operator or owner of a bodywork establishment.
- I. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of individuals of whatever form or character.
- J. "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or the breasts of a female.

(Ord. No. 2018-035, § 3, 7-16-2018)

5.45.020 - License—Required.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village, the operation of a bodywork establishment without first having obtained a license.

(Ord. No. 2018-035, § 3, 7-16-2018)

5.45.030 - License—Application for Bodywork Establishment—Filing.

Every applicant for a license to maintain, operate or conduct a bodywork establishment shall file an application with the Village Clerk.

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5.45.040 - License—Application—Information required.

The applicant for a license to operate a bodywork establishment shall furnish the following information:

- A. Name (including any alias) and address;
- B. Written proof that the individual is at least eighteen years of age;
- C. All residential addresses for the past three years;
- D. The business, occupation or employment of the applicant for the four years immediately preceding the date of the application;
- E. The massage, bodywork or similar business license or permit history of the applicant, i.e., whether such person, in previously operating in this or another village, or city or state under a license or permit, has had such license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- F. All criminal or Village ordinance violation convictions, including forfeiture of bond and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;
- G. A recent photograph of the applicant;
- H. If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- I. Each applicant shall have his or her fingerprints submitted to the Village for the purpose of a criminal history records check.
- J. A drawing or written description which adequately describes the space in the building where the bodywork business of the applicant is to be conducted;
- K. The information required above in subsections A through I for the following individuals:
 1. The operator, manager or owner,
 2. Any partner or limited partner of a partnership application,
 3. Any stockholder of a corporate applicant or a member of a limited liability company applicant owning in the aggregate five percent or more of such corporation or such limited liability company.

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- L. Proof that each bodywork therapist at the proposed bodywork establishment has a valid bodywork practitioner's license from the Village of Buffalo Grove.

5.45.050 - License—Fee.

Every such applicant shall pay a nonrefundable annual fee set forth in Appendix A of this Code to the Village Clerk.

5.45.060 - License—Transferability.

No license for the operation of a bodywork establishment issued pursuant to the provisions of this Chapter shall be transferable.

5.45.070 - License—Term.

All bodywork establishment licenses shall terminate on December 31st of each year.

5.45.080 - Bodywork therapist license—Required.

It is unlawful for any person to practice bodywork on any person or engage in bodywork therapy without being either:

1. A certified practitioner and member of the American Organization of Bodywork Therapies of Asia;
or

2. Approved by a bodywork organization based on a minimum level of training, demonstration of competency and adherence to ethical standard set by their governing body.

5.45.090 - Bodywork therapist license—Display.

Every bodywork establishment licensee shall display a valid bodywork therapist license for any individual conducting bodywork therapy within the licensed premises; said license shall be displayed in a conspicuous place within the bodywork establishment so that the same may be readily seen by any person entering the premises.

5.45.100 - License—Denial, Revocation, or suspension.

A. Grounds for denial, suspension, or revocation. A bodywork establishment license application or renewal may be denied upon the occurrence of any of the following causes:

1. The applicant has failed to comply with any applicable provision of this Code, including without limitation this Chapter, or any applicable state law or regulation.
2. Issuance of a false statement in connection with an application filed pursuant to this chapter.
3. Investigative findings show that, within four years of the date of the application, the applicant or any other person who is directly or indirectly engaged in the management or operations of a massage establishment has been convicted of: (i) a felony, (ii) an offense involving sexual misconduct with children, (iii) prostitution, soliciting for a prostitute pandering, keeping or residing in a place of prostitution, pimping or any other offense involving moral turpitude in relation to sexual conduct.

B. Any suspension or revocation of a bodywork establishment license shall be pursuant to the suspension, revocation and appeal procedures set forth in Chapter 1.12 of this Code.

C. When any bodywork establishment license is revoked under Subsections 1.12.030.A.1., A.3., A.6., or A.7. no license shall be granted to any person for twenty-four months following the revocation for the conduct of a bodywork establishment in the premises described in the revoked license.

5.45.110 - Facility requirements.

- A. No bodywork establishment shall be issued a license, nor be operated, established or maintained in the Village unless an inspection by the Health Officer reveals that the establishment complies with each of the following minimum requirements:
1. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the Village;
 2. All bodywork tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;
 3. Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and bodywork rooms facilities shall be provided;
 4. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering bodywork. Such nondisposable instruments and materials shall be disinfected after use on each patron;
 5. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering bodywork. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;
 6. Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty or fewer employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after

one water closet has been provided. Toilets shall be designated as to the sex accommodated therein;

7. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
 8. The premises shall be equipped with a service sink for custodial services.
 9. If the premises serves as a both a massage establishment and as a bodywork establishment then the premises must be partitioned in a manner that separates the areas being used as a massage establishment from the areas being used as a bodywork establishment.
- B. The Health Officer shall certify or report that the proposed bodywork establishment complies or does not comply with all the requirements of this Section and shall send such certification or report to the Village Clerk.

5.45.120 - Operating requirements.

- A. Every portion of the bodywork establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- C. All employees and bodywork therapists shall be clean and wear clean, nontransparent outer garments covering their sexual and genital areas. A separate dressing room for each gender must be available on the premises with individual lockers for each employee.
- D. All bodywork establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- E. The sexual or genital areas of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or bodywork therapist.
- F. It is unlawful for any person, in a bodywork establishment, knowingly, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area of any other person.
- G. No bodywork therapist, employee, agent, operator, or any person in a bodywork establishment shall perform, offer or agree to perform any act which would require the touching of a patron's genital area.
- H. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- I. Oils, creams, lotions or other preparations used in administering bodywork shall be kept clean and in closed containers or cabinets.
- J. Eating in the bodywork therapy areas shall not be permitted. Animals, except for seeing eye dogs, shall not be permitted in the bodywork therapy areas.
- K. No bodywork therapist shall administer bodywork therapy on a patron's skin inflammation, or skin eruption, unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely treated on that area.
- L. Each bodywork therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering bodywork therapy to each patron.
- M. No portion of the license premises shall be designed, modified, equipped or used as a residence or for residential purposes. No person shall reside, board, or otherwise use a licensed bodywork establishment as a residence.

5.45.130 - Inspections—Reports.

The village health officer or his designee, shall prior to granting a license and at least once during the license year, make an inspection of each massage establishment that has been granted a license under the provisions of this chapter for the purposes of determining that the provisions of this chapter and other applicable ordinances and state and federal laws are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

5.45.140 - Advertising restrictions.

No bodywork establishment granted a license under the provisions of this Chapter shall place, publish, distribute, depict or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Chapter, or which would suggest that the bodywork establishment employees are dressed in a manner other than that permitted by this Chapter.

5.45.150 - Employment—Bodywork therapists.

It shall be the responsibility of the licensee for the bodywork establishment to insure that each person employed as a bodywork therapist shall have obtained a valid bodywork practitioner's license from the Village.

5.45.155 - Public nuisance.

Any location used as a bodywork establishment in violation of this Chapter is hereby declared to be a nuisance.

5.45.160 - Applicability of provisions.

This Chapter shall not apply to hospitals, nursing homes or sanatoria or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Illinois.

5.45.170 - Violation—Penalty.

- A. Any person violating any provision of this Chapter shall be punished as provided for in Chapter 1.08 of this Code. In addition, any person violating any provision of this Chapter shall be subject to the provisions of Chapter 1.12 of this Code.
- B. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by any licensee, officer, director, manager or other agent, employee, helper, participant or worker in any way of any licensee shall be deemed and held to be the act of such employer or licensee and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally.

5.45.180 - License—Application for Bodywork Practitioner's License—Filing.

Every person seeking a bodywork practitioner's license from the Village of Buffalo Grove shall make an application with the Village Clerk.

5.45.190 - License—Application for Bodywork Practitioner's License—Information required.

- A. Any person seeking a bodywork practitioner's license shall provide the following information to the Village Clerk:
 - 1. The name (including nicknames or aliases) and address, telephone number, social security number, driver's license number and age of the applicant.
 - 2. The location where the bodywork therapy will be performed.
 - 3. The bodywork practitioner's license fee set forth in Appendix A.
 - 4. Business, occupation or employment of the applicant for five years immediately preceding the date of the application.

5. Fingerprints for running a background check by the Buffalo Grove Police Department, and an investigation authorization authorizing the Buffalo Grove Police Department to conduct a criminal background check and receive reports from the Illinois State Police, the FBI and other law enforcement agencies.
6. Two passport size photographs (one inch x one and one-half inches) of the applicant's head and shoulder area, face forward to be used in the investigation of the applicant, the preparation of a photo identification license card, and the identification of the license holder following issuance. Provided, in the case of a renewal application, the Village Clerk may waive the requirement for photographs if the applicant's photographs are on file and new photo identification permit cards are not to be issued.
7. Certification from the American Organization for Bodywork Therapies of Asia that the applicant is a professional member and certifying or approving the applicant as a practitioner of bodywork, or if the applicant is approved by another bodywork organization based on a minimum level of training, demonstration of competency and adherence to ethical standards set by their governing body meeting the following requirements:
 - a. The applicant has a current certification with the National Certification Board of Therapeutic Massage and Bodywork;
 - b. The applicant has been certified or approved by another bodywork organization that has curriculum in bodywork based on actual classroom or formal education or based on apprentice hours; or
 - c. The applicant shall have graduated from a bodywork school or oriental school of medicine with a minimum of three hundred hours curriculum that includes Asian bodywork, Chinese medical theory, anatomy and physiology, and clinical practice, provided such school is accredited by the American Organization for Bodywork Therapies of Asia, the National Certification Board of Therapeutic Massage and Bodywork or the National Certification Commission for Acupuncture and Oriental Medicine.
8. The application shall include:
 - a. The name, address, telephone number and website address of the bodywork school;
 - b. The name of all faculty members of the bodywork school who provided education or training to the applicant including those teachers' certifications, experience and educational background;
 - c. A copy of the applicant's transcripts which shall include identification of all courses taken, the number of hours for those courses, a passing grade for all those courses, a copy of their tuition bill, and proof of payment of tuition.
 - d. A copy of the ethical standards of the school.
 - e. Such other information as may be reasonably required by the Village to establish the accuracy and legitimacy of the other information provided pursuant to this Section.
 - f. The burdens of establishing the minimum qualifications shall be on the applicant.
9. No certification or approval from a bodywork school shall be accepted by the Village Clerk if all or a portion of the credits used for the certification of the applicant were earned in a country other than the United States of America.
10. No bodywork practitioner's license will be issued until the Village Clerk has received written verification from the applicant's school that the applicant has successfully completed the requirements of school's program.
11. If upon investigation, the Village determines that an applicant's licensure or certification may not be bona fide, or that the organization providing the licensure or certification may not be bona fide, or that the Asian bodywork organization or school has not verified the accuracy of the documents

required by this Section to be true and correct, then the Village Clerk may deny the applicant's license.

- B. The Village Clerk shall have the right to confirm any of the information asked for or provided in the applications.

Chapter 5.46 - PAWNBROKERS AND RESALE DEALERS

5.46.010 - Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "License" means a Village of Buffalo Grove Pawnbroker or Resale Dealer's License.
- B. "Licensee" means an individual or business who has received a valid License.
- C. "Pawnbroker" means every individual or business entity which lends money on the deposit or pledge of physically delivered Second Hand Articles or who deals in the purchase of such Second Hand Articles on the condition of selling the property back again at a stipulated price. The business of a pawnbroker does not include the lending of money on deposit or pledge of title to property or property in which the ownership of such is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property.
- D. "Pawn Shop" means the location where a Pawnbroker conducts business.
- E. "Resale Dealers" means every individual or business entity engaged in the business of purchase, sale, consignment or barter of Second Hand Articles, not otherwise exempted from this Chapter.
- F. "Resale Shop" means the location where a Resale Dealer conducts business.
- G. "Second Hand Articles" mean any and all goods previously owned by a consumer that is not a dealer possessing a federal employee identification number, that are not expressly exempted in this Chapter, which shall include but not be limited to:
 - 1. Antiques,
 - 2. Artwork,
 - 3. Bicycles, scooters, and skateboards,
 - 4. Clothing,
 - 5. Collectibles and memorabilia,
 - 6. Electronics,
 - 7. Furniture,
 - 8. Household goods and appliances,
 - 9. Jewelry,
 - 10. Musical instruments,
 - 11. Recyclable materials,
 - 12. Scrap metals,
 - 13. Sports equipment,
 - 14. Tools,
 - 15. Valuable and/or precious metals and stones.

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(Ord. No. 2014 78, § 2, 12-1-2014)

5.46.020 - Exemptions.

This Chapter shall not apply to:

1. Residential garage sales.
2. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious, or benevolent organizations that have been active and in continuous existence for at least one year prior to the holding of the sale or that are exempt from taxation under Section 501(c) of the federal Internal Revenue Code.
3. Sales or purchases by State of Illinois licensed automobile dealers, used parts dealers, or automotive parts recyclers.
4. Consumer shows or exhibitions of collectibles.
5. Providers of commercial mobile services as defined in 47 U.S.C. 332(d) or their authorized dealers.
6. Sales or purchase of Second Hand Articles by an individual conducted through a website, not owned or operated by the seller or purchaser.
7. Sales or purchase of tickets for sporting events, recreational events, or concerts, which is otherwise allowed by law.
8. Individuals or business entities at a physical location within the Village that are exclusively engaged in the sale of jewelry but are not exclusively engaged in the sale of Second Hand Articles.

~~(Ord. No. 2014-78, § 2, 12-1-2014)~~

5.46.030 - License required.

- A. No individual or business entity shall engage in the business of a Pawnbroker or Resale Dealer within the Village without obtaining a License in addition to any other federal, state, and local requirements.
- B. No License issued under the provisions of this Chapter shall be transferable.
- C. No License shall be issued for a Pawnbroker until the applicant obtains and provides a valid State of Illinois Pawnbroker's License as required by the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.).

~~(Ord. No. 2014-78, § 2, 12-1-2014)~~

5.46.040 - Application; application fee.

- A. Application for a License shall be made in writing to the Village Clerk on a form provided by the Village for that purpose and must state thereon the following information:
 1. The name of applicant.
 2. Type of business entity the applicant is.
 3. The permanent business address of the applicant.
 4. The permanent business telephone number of the applicant.
 5. In the case of a firm, limited liability company, or corporation, the names, permanent residence addresses, and permanent residence telephone numbers of the partners or officers and all shareholders owning more than five percent of the outstanding shares of stock. If a listed shareholder is a firm, limited liability company, or corporation, the above information shall be provided for that entity and other such entities in the line of ownership.
 6. The name of the Pawn Shop or Resale Shop under which the applicant will operate.

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7. The location of the property for which the License is requested.
 - (A) All applicable deeds, leases or other documentation showing the Applicants lawful ability to use the location property as a Pawn Shop or Resale Shop.
 8. Whether the applicant, partners, officers, or listed shareholders have been convicted of any criminal offense (excluding non-jailable traffic violations) in any jurisdiction and, if so, a list of such convictions with the date and prosecuting jurisdiction. All applicants, including those shareholders owning more than five percent of the outstanding shares of stock of an application corporation or limited liability company individuals shall be required to submit to and pass a background check performed by the Village or its designee(s).
 9. The social security number/federal employer identification number ("FEIN") of the applicant.
 10. The principal contact person of the applicant.
 11. The list, including name and location, of any other Pawn Shops or Resale Shops owned or operated by the applicant.
- B. Each application for a License from an applicant who at the time of application does not hold a valid License shall be accompanied by the applicant fee as set forth in Appendix A. This application fee shall be in addition to all other fees set forth in this Chapter and shall not be refunded in the event that the application for a License is withdrawn or denied.
- C. A separate application and License for each separate location is required.

5.46.050 - Duration of license.

All Licenses granted under this Chapter shall be effective from January 1 or from the date of issuance, whichever is later, and shall terminate on December 31.

5.46.060 - License fee.

The License fee for a Resale Shop is set forth in Appendix A of this Code and must be paid in full prior to any valid License being issued.

The License fee for a Pawn Shop is set forth in Appendix A of this Code and must be paid in full prior to any valid License being issued.

5.46.070 - Signage.

- A. Every Pawnbroker shall at all times have and keep Section 2 of the Illinois Pawnbrokers Act (205 ILCS 510/0.01 et seq.) printed in the English language and framed and posted in a prominent and conspicuous position at the business location.
- B. Every Licensee shall at all times have and keep the License framed and posted in a prominent and conspicuous position at the business location.

5.46.080 - Advancements and loans.

- A. All advancements and loans made by any Pawnbroker shall be done in the manner prescribed by the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.).
- B. Resale Dealers shall not make any advancements and loans, except those dealers that are licensed as Pawnbrokers with State of Illinois.

5.46.090 - Maintenance of records.

- A. Pawnbrokers Records. Every Pawnbroker shall keep a book in which there shall be typed or printed in ink, which may include a computer printout, in the English language, containing the following information for each and every loan or taking of a pledge made by the licensee:
 1. An accurate account and description of the goods, articles or things pawned or pledged including, the serial number and/or identification number of the items received which bear such number(s);
 2. The amount of money, value or thing loaned thereon;

3. The date and time of pledging the same;
4. The rate of interest to be paid on the loan;
5. Name and residence of the person pawning or pledging the said goods, article or thing;

B. Licensee Records.

1. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the Licensee, every Licensee shall also record in its book(s), an accurate account and description in the same manner described for Pawnbroker's Records above, of all Second Hand Articles purchased or received for the purpose of resale by the Licensee, not in the course of a pledge or loan. No entry in such book shall be erased, mutilated or changed.
2. Every Licensee shall require one form of photographic identification by each person offering for sale, pledging or pawning any Second Hand Articles to the Licensee. The form of identification must be photographic identification issued by a federal or state governmental entity. Forms of identification must contain a photograph of the individual and must be: a state driver's license, a state identification card, a passport, or a military identification card. Required forms of identification shall be copied and maintained for all transactions completed by Licensees for a period of three years following each transaction.
3. If the person offering for sale, pledging or pawning any Second Hand Articles to the Licensee does not have a photographic identification card issued by a federal or state governmental entity, the Licensee shall photograph the person and require two forms of other identification, one of which shall contain both the person's name and residential address. The photograph shall be in color. On the reverse side of the photograph the Licensee shall record the person's name, residence address, date of birth, social security number, gender, height, and weight. If the person has no social security number, the Licensee shall record this fact.
4. Whenever any Pawnbroker shall buy any article of pawned or pledged Second Hand Articles, the same shall be recorded in the same manner as a pledge and the record shall show all information required for a pawn or pledge.

5.46.100 - Report to police.

- A. It shall be the duty of every Licensee to make out and deliver to a designated email account or facsimile designated by the Chief of Police, before the hour of 12:00 p.m. noon, a legible and exact copy from the books required by state law and this Chapter of all Second Hand Articles received on deposit or purchased during the preceding day.
- B. It shall be the duty of every Licensee to immediately report to the Chief of Police, or his designee, any Second Hand Article sought to be sold, deposited, pawned or pledged with the Licensee, if it is reasonably believed that the said Second Hand Article was stolen or lost and found by the person attempting to sell, deposit, pawn or pledge the said Second Hand Article.

5.46.110 - Inspection of records.

The book, the photographs required under this Chapter and every Second Hand Article sold, pawned or pledged shall at all times during the Licensee's business hours be open to the inspection of any member of the Village's Police Department or any other authorized law enforcement agency.

5.46.120 - Memorandum to pledger (pawnbroker).

Every Pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by Pawnbroker containing an accurate account and description, in the English language, of all Second Hand Articles pawned or pledge, the amount of money, value of things loaned thereon, the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees.

5.46.130 - Removal of identifying marks prohibited.

No Licensee shall remove, alter or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon a Second Hand Article that was purchased or received in pledge until such time that the Licensee becomes the legal owner of the property. In addition, an item shall not be accepted for pledge or purchase where the manufacturer's make, model, or serial number, personal identification number or identifying marks engraved or etched upon a Second Hand Article has been removed, altered or obliterated.

5.46.140 - Sales and redemptions regulated.

No Second Hand Article received for sale or on deposit or pledge by any Licensee shall be sold or permitted to be redeemed or removed from the place of business of the Licensee for a period of forty-eight hours after the delivery of the copy and statement required by the State of Illinois Pawnbroker's License and this Chapter.

If the person fails to repay the loan during the period specified on the pawn ticket to a Pawnbroker, the Pawnbroker shall automatically extend a grace period of thirty days from the default date on the loan during which the Pawnbroker shall not dispose of or sell the Second Hand Article. The parties may agree to extend or renew a loan upon terms agreed upon by the parties.

5.46.150 - Prohibited pledges or purchases.

- A. No Licensee shall purchase or take, nor shall any Pawnbroker take or receive in pawn or pledge for any advancement or loan, any Second Hand Article from a minor, or the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor.
- B. No Licensee shall purchase or take, nor shall any Pawnbroker take or receive any Second Hand Article in pawn or buy from any person appearing to be intoxicated or under the influence of any narcotic, nor from any person known to be a thief or to have been convicted of theft or burglary, and when any person is found to be in possession of stolen Second Hand Article which has been presented for pledge, pawn, or sale. The stolen Second Hand Article that has been obtained by a Licensee shall return it to the owner without the payment of the amount advanced by the Licensee thereon or any costs or charges of any kind which the Licensee may have placed upon the same.

5.46.160 - Hold order.

- A. For the purposes of this Section, "hold order" means a written legal instrument issued to a Licensee by any member of the Village of Buffalo Grove Police ("Department"), ordering the Licensee to retain physical possession of a Second Hand Article in the possession of the Licensee or a Second Hand Article purchased by and in the possession of the Licensee and not to return, sell, or otherwise dispose of such Second Hand Article when such Second Hand Article is believed to be lost, stolen or is otherwise necessary to enforce any law.
- B. Upon written notice from the Department indicating that Second Hand Article in the possession of a Licensee and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the Licensee shall release the Second Hand Article subject to the hold order to the custody of the Department for such purpose and the Department shall provide a written acknowledgment that the Second Hand Article has been released to the Department. The release of the Second Hand Article to the custody of the Department shall not be considered a waiver or release of the Licensee's property rights or interest in the Second Hand Article. Upon completion of the criminal investigation, the property shall be returned to the Licensee who consented to its release; except that, if the Department has not completed the criminal investigation within one hundred twenty days after its release, the Department shall immediately return the property to the Licensee or obtain and furnish to the Licensee a warrant for the continued custody of the property, unless the Licensee otherwise agrees to the extended possession of the Second Hand Article.
- C. The Licensee shall not release or dispose of the Second Hand Article except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.
- D. In cases where criminal charges have been filed and the Second Hand Article may be needed as evidence, the Department or prosecuting attorney shall notify the Licensee in writing. The notice shall

contain the case number, the style of the case, and a description of the Second Hand Article. The Licensee shall hold such Second Hand Article until receiving notice of the disposition of the case from the Department or prosecuting attorney. The Department or prosecuting attorney shall notify the Licensee and claimant in writing within fifteen days after the disposition of the criminal case.

5.46.170 – Violation-penalty.

- A. In addition to the provisions of this Chapter, every Pawnbroker shall operate in a manner prescribed by this Chapter and by the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.).
- B. Every act or omission constituting a violation of any provision of this Chapter by any officer, director, manager, agent or employee of any Licensee shall be deemed and held to be the act of such employer or Licensee and the employer or Licensee shall be punishable in the same manner as if such act or omission had been committed or omitted by him or her personally.
- C. Any Licensee violating any of the provisions of this Chapter shall be deemed guilty of a business offense and upon conviction thereof shall be subject to penalties set forth in Chapter 1.08. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- D. In addition to the imposition of a fine as established in Subsection C above, any Licensee deemed to be found guilty of business offense for a violation of this Chapter or found guilty of a misdemeanor for violation of the Illinois Pawnbroker's Act (205 ILCS 510/0.01 et seq.) and the Pawnbrokers Administrative Rules (38 Ill. Adm. Code 360.10 et seq.) may also result in the suspension, cancellation or revocation of a License.

Chapter 5.52 - FOOD AND BEVERAGE VENDING MACHINES

5.52.010 - License required.

- A. It is unlawful for any person, firm or corporation to maintain or operate food/beverage vending machines either by himself or through an agent, employee or partner without first having obtained a license as is provided in this Chapter.
- B. However, the licensing requirements of this section shall not apply to those food/beverage vending machines that dispense soft drinks or other beverages in original containers such as cans or bottles.

~~(Ord. 99-32 § 1, 1999; Ord. 84-36 § 1 (part), 1984).~~

5.52.020 - Application of ordinances.

The provisions of this Chapter and of other Village ordinances and state laws and regulations relative to health and sanitation shall apply to food and beverage vending machines located in the Village.

~~(Ord. 84-36 § 1 (part), 1984).~~

5.52.030 - License—Application.

An application for a license under this Chapter shall be made by any person, agent, firm or corporation to the Village. A separate application shall be made for each machine.

~~(Ord. 94-85 § 19 (part), 1994; Ord. 84-36 § 1 (part), 1984).~~

5.52.040 - License—Application—Fee—Required—Term.

~~The applicant shall pay an annual fee for each license payable on issuance of a license or licenses as set forth in the fee schedule in Section 5.52.050 and annually thereafter. The annual period shall run from May 1st through April 30th of the following calendar year. On any license issued between November 1st and April 30th, the fee shall be as noted in Section 5.52.050 for each license.~~

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5.52.050 - License—Amount of fee.

The applicant shall pay ~~an annual~~ fee for each license as set forth in ~~Chapter 1.16~~ Appendix A of this Code. This fee shall be prorated at one half the annual fee if the initial license is issued less than six months prior to expiration.

~~(Ord. 95-105 § 1, 1995; Ord. 94-85 § 19 (part), 1994; Ord. 84-36 § 1 (part), 1984).~~

~~(Ord. No. 2016-057, § 2, 11-7-2016)~~

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5.52.060 - License—Issuance.

Upon approval of the application and upon payment of the license fee, the Village Clerk's office shall deliver a license to the Village Health Officer. The license issued shall not be affixed until final approval is obtained from the Village's Health Officer who shall make an inspection of the food/beverage vending machines for compliance with the applicable provisions of Chapter 8.28 of this Code. The license shall be displayed on each food/beverage vending machine in a prominent place at the location of each machine(s). The license shall not be transferable or substituted to another food/beverage vending machine.

~~(Ord. 94-85 § 19 (part), 1994; Ord. 84-36 § 1 (part), 1984).~~

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5.52.070 - Violations—Reinspection.

If for any reason the Village Health Officer shall have to reinspect a food/beverage vending machine due to a violation or complaint under the provisions of Chapter 8.28 of this Code, the applicant shall be charged a fee as set forth in ~~Chapter 1.16~~ Appendix A of this Code.

~~(Ord. 84-36 § 1 (part), 1984).~~

~~(Ord. No. 2016-057, § 2, 11-7-2016)~~

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5.52.080 - Violation—Penalty.

Unless otherwise set forth in this Chapter, any person violating the provisions of this Chapter shall be punished as provided in Section 1.08-~~040~~ and/or Chapter 8.28 of this Code.

~~(Ord. 84-36 § 1 (part), 1984).~~

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Chapter 5.60 - GOING OUT OF BUSINESS SALES.**5.60.010 - Adoption of state code.**

There is adopted for the purpose of regulating "going out of business sales," the Illinois Act entitled "The Fraudulent Sales Act" as set forth in the Illinois Compiled Statutes: (815 ILCS 350).

~~(Ord. 94-85 § 21, 1994; Ord. 89-21 § 1 (part), 1989).~~

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5.60.020 - Termination of lease.

In addition to the requirements of said State Act, if the applicant having a going out of business license is a lessee on the premises where the business is conducted, no such license shall be issued hereunder and no such sale shall be conducted unless the applicant has advised the lessor of the premises, in writing, that the applicant requires that the existing lease be terminated and that such request to terminate shall be irrevocable during the period covered by the license.

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5.60.030 - Business to terminate.

It is unlawful for any licensee hereunder to continue in business or to have an interest in any continuing business on the premises where the going out of business sale took place for a period of two years after said sale. Each day that the licensee continues in business in violation of this section shall be a separate offense.

5.60.040 - Violation—Penalty.

In addition to the penalty set forth in the State Act, any person violating the provisions of this Chapter shall be punished as provided in Chapter 1.08 of this Code.

Chapter 5.64 - GARAGE SALES**5.64.010 - Definitions.**

The term "garage sale" includes all general sales open to the public, conducted from a residential premises for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," "rummage," "estate," or "moving" sale. Bulk sales, the sale of multiple new items of the same description and the sale of consigned merchandise, merchandise brought to the premises for resale or for reconditioning for resale are prohibited.

~~(Ord. 98-28 § 1 (part), 1998).~~

5.64.020 - No permit required.

No Village permit shall be required for a garage sale.

~~(Ord. 2004-86 § 1, 2004; Ord. 98-28 § 1 (part), 1998).~~

5.64.030 - Limit on length and frequency of sales.

Garage sales shall be permitted for three consecutive days between the hours of 9:00 a.m. and sunset of each day. Not more than three garage sales shall be conducted on the same premises within any calendar year or by the same person(s) within any calendar year.

~~(Ord. 98-28 § 1 (part), 1998).~~

5.64.040 - Location of sale.

It is unlawful for any person to use the public sidewalk or public right-of-way for the purpose of a garage sale or to display personal property for such sale.

~~(Ord. 98-28 § 1 (part), 1998).~~

5.64.050 - Violation—Penalty.

Any person violating the provisions of this Chapter shall be subject to penalties prescribed in Chapter 1.08.

~~(Ord. 98-28 § 1 (part), 1998)~~

Chapter 5.70 - ADULT USE LICENSING**5.70.010 - Short title.**

This Chapter shall be known as, and may be referred to as, the "Village of Buffalo Grove Adult Use Licenses Chapter."

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5.70.020 - Definitions.

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given herein.

"Adult Booth" means any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

"Adult Entertainment Establishment" or "Adult Establishment" means any of the following Commercial Establishments, as defined herein:

1. "Adult Cabaret" means any Commercial Establishment including, but not limited to a lounge, theater, concert hall, men's or women's club, auditorium, or similar Commercial Establishment, regardless of its seating capacity that as a substantial or significant portion of its business features or provides any of the following:
 - (a) Persons who appear nude or semi-nude;
 - (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
2. "Adult Store" means any Commercial Establishment that:
 - (a) Contains one or more Adult Booths; and
 - (b) As a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials.
3. "Adult Theater" means any Commercial Establishment that as a substantial or significant portion of its business regularly features for presentation films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

"Adult Establishment Personnel" means any individual, including employees, entertainers and independent contractors, who work in or at, or render any services directly related to the operation of, an Adult Entertainment Establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.

"Adult Establishment License" means a license issued for an Adult Entertainment Establishment pursuant to the provisions of this Chapter.

"Adult Entertainment Patron" means any individual, other than Adult Establishment Personnel, present in or at any Adult Entertainment Establishment at any time when such Adult Entertainment Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.

"Adult material" means any of the following, whether new or used:

1. The following materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities:
 - (a) Books, magazines, periodicals, or other printed matter, or digitally-stored materials;
 - (b) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind; or
 - (c) Live performances.

2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

"Adult On-Site Entertainment" means any business which provides the following at any location not holding an Adult Use License:

1. Persons who appear Nude or Semi-Nude;
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

This includes but is not limited to compensated, topless female servers at private parties.

"Adult Use Commissioner" means the Village Manager of the Village of Buffalo Grove, or the Village Manager's designee.

"Commercial Establishment" means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

"Days" means calendar days, unless otherwise specifically set forth in this Chapter.

"Licensed Premises" means the place or location described in an Adult Establishment License where an Adult Entertainment Establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the Licensed Premises.

"Licensee" means any person or entity that has been issued an Adult Establishment License pursuant to the provisions of this Chapter.

"Nude" or "State of Nudity" means a state of dress or undress that exposes to view:

1. Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

"Reviewing departments" means the office of Village Manager, the Fire Department, the Police Department and the Department of Building and Zoning.

"Semi-Nude" means a state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus, and areola of the female breast, as well as portions of the body covered by supporting straps or devices by other minor accessory apparel such as hats, gloves and socks.

"Specified Anatomical Areas" means any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

"Specified Criminal Act" means any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes:

1. Article 11 of the Illinois Criminal Code, 720 ILCS 5/11-1 et seq. (sex offenses);

2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping);
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile);
4. The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.;
5. The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.;
6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.; or
7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.

"Specified Sexual Activities" means any of the following:

1. Actual physical touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Actual physical sexual acts, normal or perverted, including intercourse, oral copulation, or sodomy;
3. Actual masturbation;
4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subsections 1, 2, 3, or 4 of this definition.

"Straddle Dance" means the use by any person, including specifically, but without limitation, Adult Establishment Personnel, of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any Adult Establishment Patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any Adult Establishment Patron. Conduct shall be a "Straddle Dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any Specified Anatomical Area. Conduct shall also be a "Straddle Dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance," "table dance," and "face dance" shall be included within this definition of Straddle Dance.

"Substantial or significant portion of its business" applies to any Commercial Establishment that satisfies one or more of the following criteria:

1. Gross Sales. Thirty percent or more of the retail dollar value of the Commercial Establishment's annual gross sales derives from the sale, rental, or viewing of Adult Materials.
2. Floor Area. Thirty percent or more of the floor area of the Commercial Establishment is devoted to the display, viewing, or presentation of Adult Materials, not including storerooms, stock areas, bathrooms, basements, or any other portion of the Commercial Establishment not open to the public.
3. Merchandise Displayed. Thirty percent or more of the retail dollar value of all merchandise displayed at any one time is attributable to Adult Materials.
4. Inventory. Thirty percent or more of all inventory of the Commercial Establishment (whether measured by retail dollar value or number of items) consists at any one time of Adult Materials.
5. Stock In Trade. Thirty percent or more of the stock in trade at the Commercial Establishment consists at any one time of Adult Materials.
6. Live Performances. Live performances by persons appearing Semi-Nude, or live performances that are otherwise distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities, and that are taking place thirty percent or more of the time during which the Commercial Establishment is open for business.

"Village Zoning Ordinance" means that part of the Village of Buffalo Grove Municipal Code known and referred to as the Village of Buffalo Grove Zoning Ordinance, as it may be amended from time to time, currently codified as Title 17 of the Village of Buffalo Grove Municipal Code.

5.70.030 - Adult Use Commissioner.

- A. The Adult Use Commissioner shall have the following powers and duties:
 1. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of Adult Establishment Licenses as set forth in this Chapter;
 2. To conduct or provide for such inspections of Adult Entertainment Establishments as shall be necessary to determine and ensure compliance with the provisions of this Chapter and other applicable provisions of law;
 3. To periodically review the provisions of this Chapter and the conduct and operation of Adult Entertainment Establishments and Adult Establishment Licensees, and to make such related reports and recommendations to the Village Corporate Authorities as the Adult Use Commissioner shall deem necessary;
 4. To conduct such hearings, studies, and report on Adult Entertainment Establishments, and the regulations relating thereto, as the Adult Use Commissioner shall deem necessary, and to conduct such hearings on the revocation or suspension of an Adult Establishment License as required pursuant to this Chapter;
 5. To establish written rules and regulations implementing the provisions of this Chapter, including but not limited to, rules related to the content and processing of any petition, and the conduct of any hearing; and
 6. To take such further actions as the Adult Use Commissioner shall deem necessary to carry out the purposes and intent of this Chapter and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Chapter.
- B. The Adult Use Commissioner may delegate any power or duty set forth above, including appointing a hearing officer regarding revocation or suspension. Provided, such hearing officer shall only have the power to recommend suspension or revocation.

5.70.040 - Adult Establishment Licenses—Generally.

- A. **Adult Establishment License Required.** An Adult Establishment License shall be required to establish, operate, or maintain an Adult Entertainment Establishment within the Village.
- B. **Operation Without License Prohibited.** It shall be unlawful for any person not having a current and valid Adult Establishment License to establish, operate, or maintain an Adult Entertainment Establishment within the Village at any time after the effective date of this Chapter.
- C. **Operation in Violation of License Prohibited.** It shall be unlawful for any Licensee to establish, operate, or maintain an Adult Entertainment Establishment within the Village except in the manner authorized by, and in compliance with, the provisions of this Chapter and by the Licensee's Adult Establishment License.
- D. **Content and Display of License.** Every Adult Establishment License shall be provided by the Village and shall, at minimum, prominently state on its face the name of the Licensee, the expiration date, and the address of the Adult Entertainment Establishment. Every Licensee shall cause the Licensee's Adult Entertainment License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Licensed Premises so that it can be easily seen and read at any time by any person entering the Licensed Premises.
- E. **License Term.** Except as hereinafter provided, Adult Establishment Licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on January 1st of the year following the year of issuance and terminating on December 31st of that same year. Adult Establishment Licenses issued after January 1st of any year for operations to commence in that

year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31st of that same year.

- F. Renewal. An Adult Establishment License may be renewed only by making application as required for an initial License as provided in this Chapter. Application for renewal shall be made at least forty-five days before the expiration of the then-current License term. The expiration of the License shall not be affected or extended by a renewal application that is made less than forty-five days before expiration.

5.70.050 - Form and submittal of license application.

- A. Required Form. An application for an Adult Establishment License, or the renewal thereof, shall be made in writing to the Adult Use Commissioner on a form prescribed by the Adult Use Commissioner and shall be signed:
1. By the applicant, if the applicant is an individual; 2. By at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), limited liability corporations or partnerships, joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization;
 3. By a duly authorized agent, if the applicant is a corporation; and
 4. By the trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the Licensed Premises for which an Adult Establishment License is sought. Each initial or renewal application shall be accompanied by seven identical copies.
- B. Administrative Processing Fee. Every applicant for an Adult Establishment License or for the renewal of an existing Adult Establishment License shall pay an Administrative Processing Fee as set forth in Appendix A of this Code. The Administrative Processing Fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the Village.
- C. Required Information and Documents. Nothing herein shall relieve the applicant from submitting all required information or forms, including but not limited to detailed engineering or architectural plans, as may be otherwise by law. Each application shall include the following information and documents:
1. Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.
 2. Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and every person owning or controlling more than fifty percent of the voting shares of the corporation; the corporation's date and place of incorporation and the object for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.
 3. Partnerships (general or limited), limited liability corporations, joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization: The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
 4. Land trusts. The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses, and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the Licensed Premises.

5. If a corporation or partnership is an interest holder that must be disclosed pursuant to this section, then such interest holders shall disclose the information required in said sections with respect to their interest holders.
 6. The general character and nature of the business of the applicant as well as the length of time that the applicant has been in such business.
 7. The location, including street address and legal description, and telephone number, of the premises for which the Adult Establishment License is sought.
 8. The specific name of the business that is to be operated under the Adult Establishment License.
 9. The identity of each fee simple owner of the Licensed Premises. If the Applicant is not the fee simple owner, a copy of the lease shall be provided.
 10. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance with the provisions of this Chapter. The requirements of this paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certified that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.
 11. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate in the Licensed Premises.
 12. A copy of each Adult Establishment License or any license substantially the same as an Adult Establishment License currently held by the applicant, or any of the individuals identified in the application.
 13. Whether the applicant, or any of the individuals identified in the application has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.
 14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Adult Entertainment Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to this section for the applicant.
 15. For the individual or individuals executing the application pursuant to this section, and if different the on-site manager, a fully executed waiver on a form prescribed by the Village to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.
- C. Incomplete Applications Returned. Any application for an Adult Establishment License that does not include all of the information and documents required pursuant to subsection B of this section as well as the Administrative Processing Fee, shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Adult Use Commissioner shall, within ten days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

5.70.060 - Processing of license application.

- A. Reviewing Departments. Within three days after receipt of a complete application for an Adult Establishment License that includes all the information, documents, the Administrative Processing Fee as required pursuant to this Chapter, the Adult Use Commissioner shall transmit a copy of the application to the Reviewing Departments.
- B. Reviewing Department Reports. Each of the Reviewing Departments shall, within twenty-five days after transmittal of the application thereto, or within such other period of time as the Village and the applicant may otherwise agree:
 - 1. Review the application;
 - 2. Conduct such inspections of the proposed Licensed Premises and background investigations of the applicant, the on-site manager and any of the individuals identified in the application pursuant to this Chapter, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Chapter and other applicable laws, codes, ordinances, rules, and regulations; and
 - 3. prepare and submit to the Adult Use Commissioner a written report regarding the results and findings of such reviews, inspections, and investigations.
- C. Adult Use Commissioner Review. The Adult Use Commissioner shall also conduct such inspections and investigations as the Adult Use Commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Chapter and other applicable laws, code, ordinances, rules, and regulations.
- D. Reliance on Diagram. In the event that the Licensed Premises had not yet been constructed or reconstructed to accommodate the proposed Adult Entertainment Establishment, the Adult Use Commissioner and the Reviewing Departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to this Chapter. Any Adult Establishment License issued prior to the construction or reconstruction necessary to accommodate the proposed Adult Entertainment Establishment shall be subject to the condition that the Adult Entertainment Establishment shall not open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.
- E. Applicant Cooperation Required. An applicant for Adult Establishment License shall cooperate fully in the inspections and investigations conducted by the Adult Use Commissioner and the Reviewing Departments. The applicant's failure or refusal to:
 - (i) Give any information reasonably relevant to the investigation of the application;
 - (ii) Allow the Licensed Premises to be inspected;
 - (iii) Appear at any reasonable time and place for examination under oath regarding the application; or
 - (iv) Otherwise cooperate with the investigation and inspection required by this Chapter, shall constitute an admission by the applicant that the applicant is ineligible for an Adult Establishment License and shall be grounds for denial of the License by the Adult Use Commissioner.
- F. Time for Issuance or Denial. The Adult Use Commissioner shall, within thirty days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue an Adult Establishment License pursuant to the provisions of Section 5.70.080A of this Chapter or deny issuance of the Adult Use Establishment License pursuant to the provisions of Section 5.70.080B of this Chapter. The Adult Use Commissioner shall issue or deny the License within the thirty-day period, or such other period of time as shall have been agreed

to by the Village and the applicant, regardless of whether or not the Adult Use Commissioner has received all of the Reviewing Department reports.

- G. Decision Final. The action taken by the Adult Use Commissioner to issue or deny an Adult Establishment License pursuant to Section 5.70.080 of this Chapter shall be final and shall be subject to judicial review.

5.70.070 - Premise restrictions.

- A. No Adult Establishment License shall be issued to any person for premises for which a liquor license has been issued as provided in the Buffalo Grove Municipal Code.
- B. When an Adult Establishment License shall have been revoked or surrendered following notice of hearing as provided herein, no license shall be granted to any person for the period of one year thereafter for the conduct of an Adult Entertainment Establishment in the premises described in the revoked license.
- C. The Applicant shall either own or have a valid lease for the License Premise for the term of the Adult Establishment License.

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5.70.080 - Standards for issuance or denial of license.

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- A. Issuance. The Adult Use Commissioner shall issue an Adult Establishment License to an applicant if, but only if, the Adult Use Commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Adult Use Commissioner and the Reviewing Departments and on any other credible information on which it is reasonable for the Adult Use Commissioner to rely:
1. All information and documents required by Section 5.70.050 of this Chapter for issuance of an Adult Establishment License have been properly provided and the material statements made in the application are true and correct.
 2. For Adult Stores and Adult Theaters, all persons identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter are at least eighteen years of age and not under any legal disability. For Adult Cabarets, all persons identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter are at least twenty-one years of age and not under any legal disability.
 3. No person identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter has been convicted of, pleaded nolo contendere to, or been placed on supervision or conditional discharge for, any Specified Criminal Act within five years immediately preceding the date of the application.
 4. No person identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 has been, or is married to or residing with, a person:
 - a. Who has been denied an Adult Establishment License on the Licensed Premises within twelve months immediately preceding the date of the application;
 - b. Whose Adult Establishment License has been revoked within twelve months immediately preceding the date of the application; or
 - c. Whose Adult Establishment License is under suspension at the time of application.
 5. No person identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Adult Entertainment Establishment.
 6. The Adult Entertainment Establishment and the Licensed Premises, and the proposed operation of the Adult Entertainment Establishment, comply with this Chapter and all then-applicable building, health, and life safety codes and regulations and have received all necessary zoning

approvals required pursuant to the then-applicable provisions of the Village's Zoning Ordinance, including specifically, but without limitation, the zoning approval, if any, required for the Adult Entertainment Establishment.

7. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Chapter and all provisions of the Village's Zoning Ordinance applicable to Adult Entertainment Establishments, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Adult Entertainment Establishment and its proposed operation are and shall be in compliance therewith.
- B. Denial. If the Adult Use Commissioner determines that the applicant has not met any one or more of the conditions set forth in subsection A of this section, then the Adult Use Commissioner shall deny issuance of the Adult Establishment License and shall give the applicant a written notification and explanation of such denial. The Adult Use Commissioner's notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. With regard to a license application for a new Adult Entertainment Establishment, the Adult Establishment License shall be deemed denied on the day that the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided in this subsection. With regard to a license application for renewal of an existing Adult Establishment License, in order to allow an aggrieved Licensee an opportunity to obtain judicial review, any such denial shall take effect:
 1. On the fourteenth day after the notice of denial is delivered in person; or
 2. On the seventeenth day after it is placed in the U.S. mail as provided in this subsection.
- C. License Deemed To Be Issued. If the Adult Use Commissioner does not issue or deny the Adult Establishment License within thirty days after the properly completed application is submitted, then the Adult Establishment License applied for shall be deemed to have been issued.

5.70.090 - Inspections by Village.

- A. Authority. The Adult Use Commissioner and other Village representatives and departments with jurisdiction shall periodically inspect all Adult Entertainment Establishments as shall be necessary to determine compliance with the provisions of this Chapter and all other applicable law.
- B. Licensee Cooperation. A Licensee shall permit representatives of the Village to inspect the Licensed Premises and the Adult Entertainment Establishment for the purpose of determining compliance with the provisions of this Chapter and all other applicable laws at any time during which the Licensed Premises is occupied or the Adult Entertainment Establishment is open for business.
- C. Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Adult Establishment Personnel, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the Village pursuant to this Chapter or any other authority.
- D. Suspension or Revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Adult Establishment License pursuant to Section 5.70.170 of this Chapter.

5.70.100 - Change in information.

During the pendency of any application for, or during the term of, any Adult Establishment License, the applicant or Licensee shall promptly notify the Adult Use Commissioner in writing of any change in any material information given by the applicant or Licensee in the application for such License, including specifically, but without limitation, any change in managers of the Adult Entertainment Establishment or in the individuals identified in the application pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter; or if any of the events constituting grounds for suspension or revocation pursuant to Section 5.70.170 of this Chapter occur.

5.70.110 - Regulations applicable to all Adult Entertainment Establishments.

- A. General Compliance. All Licensed Premises and Adult Entertainment Establishments shall comply with the provisions of this Chapter; all other applicable Village ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.
- B. Hours of Operation. No Adult Entertainment Establishment shall be open for business between the hours of twelve a.m. and twelve noon on any day. No Adult Entertainment Establishment shall be open for business at any time on any Sunday or any legal State of Illinois or federal holiday.
- C. Animals. No animals, except only for animals trained and used to assist a person with a disability, shall be permitted at any time at or in any Adult Entertainment Establishment. Any such animal must at all times remain with the disabled Adult Entertainment Patron.
- D. Restrooms. All restrooms in Adult Entertainment Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restroom of an Adult Entertainment Establishment. Separate male and female restrooms shall be provided for and used by Adult Establishment Personnel and Adult Establishment Patrons.
- E. Restricted Areas. No Adult Entertainment Patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Adult Establishment Personnel. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
- F. Specific Prohibited Acts.
 - 1. No person at any Adult Entertainment Establishment shall appear, be present, or perform while nude;
 - 2. No Adult Establishment Personnel or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Patron or any other Adult Establishment Personnel or any other person;
 - 3. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Personnel or any other Adult Establishment Patron or any other person; and
 - 4. Straddle Dances are prohibited at all Adult Entertainment Establishments.
- G. Exterior Display. No Adult Entertainment Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located. No portion of the exterior of an Adult Entertainment Establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to subsection H of this section with regards to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.
- H. Signage Limitations. All signs for Adult Entertainment Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding thirty-two square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this Chapter shall contain only:
 - 1. The name of the Adult Entertainment Establishment; and/or

2. The specific type of Adult Entertainment Establishment conducted on the Licensed Premises. Temporary signage shall not be permitted in connection with any Adult Entertainment Establishment.
- I. Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.
- J. Gambling and Related Devices Prohibited. No Adult Entertainment Establishment shall contain any gambling, video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.
- K. Manager's Station. Each Adult Entertainment Establishment shall have one or more manager's stations. The interior of each Adult Entertainment Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Adult Entertainment Patron is permitted access for any purpose.
- L. Alcohol Prohibition. No alcoholic liquor shall be delivered, received, sold, purchased, provided or consumed at any time on any Licensed Premises or at any Adult Entertainment Establishment.
- M. No massage services shall be provided at an Adult Entertainment Establishment.
- N. No Adult Establishment Licensee shall permit any person to remain in or upon the Licensed Premises who commits any Specified Criminal Act.

5.70.120 - Special regulations for Adult Booths.

- A. Prohibited Except in Adult Stores. Adult Booths shall be prohibited in all Adult Entertainment Establishments except Adult Stores.
- B. Occupancy and Prohibited Acts. Only one individual shall occupy an Adult Booth at any one time. No individual occupying an Adult Booth shall engage in any Specified Sexual Activities. No individual shall damage or deface any portion of an Adult Booth.
- C. Open Booth Requirement. In addition to satisfying the manager station requirements of Section 5.70.110 of this Chapter, all Adult Stores containing Adult Booths shall be physically arranged in such a manner that the entire interior portion of each Adult Booth shall be visible from the common area of the Adult Store. To satisfy this requirement, there shall be a permanently open and unobstructed entrance way for each Adult Booth and for the entranceway from the area of the Adult Store that provides other Adult Materials to the area of the Adult Store containing Adult Books. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the Adult Store containing Adult Booths or any person situated in an Adult Booth. It shall be unlawful to install Adult Booths within an Adult Entertainment Establishment for the purpose of providing secluded viewing of Adult Materials or live performances.
- D. Aisle Required. There shall be one continuous lighted main aisle along side the Adult Booths provided in any Adult Store. Each person situated in a Booth shall be visible at all times from the aisle.
- E. Holes Prohibited. Except holes or openings needed for installation for facilities and the open Booth entranceway, the walls and partitions of each Adult Booth shall be constructed and maintained solid walls or partitions without any holes or openings whatsoever.
- F. Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each Adult Booth that states that:
 1. Only one person is allowed in an Adult Booth at any one time;
 2. It is unlawful to engage in any Specified Sexual Activities while in an Adult Booth; and
 3. It is unlawful to damage or deface any portion of an Adult Booth.
- G. Age Limitations.

1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Booth or a Licensed Premises that includes an Adult Booth shall be under the age of eighteen;
2. No person under the age of eighteen shall be admitted to any Adult Booth or any Licensed Premises that includes an Adult Booth;
3. No person under the age of eighteen shall be allowed or permitted to remain at any Adult Booth or at any Licensed Premises that includes an Adult Booth;
4. No person under the age of eighteen shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Booth or any Licensed Premises that includes an Adult Booth.

5.70.130 - Special regulations for Adult Cabarets.

- A. Performance Area. The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be at least eighteen inches in elevation above the level of the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least eight feet from all areas of the premises to which Adult Entertainment Patrons have access. A continuous barrier at least three feet in height and located at least eight feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all seating areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached. No Adult Entertainment Patron shall be allowed at any time on any Cabaret Stage.
- B. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting of not less than thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers shall be maintained at all times for all areas of the Adult Cabaret where Adult Establishment Patrons are admitted.
- C. Tipping. No tip or gratuity may be offered or accepted for any performance by Adult Establishment Personnel on any Adult Cabaret Stage at any time prior to the completion of any such performance. No Adult Establishment Patron shall offer, and no Adult Establishment Personnel having performed on any Cabaret Stage shall accept, in any form of tip or gratuity offered directly or personally to the Adult Establishment Personnel by the Adult Establishment Patron. Rather, following completion of a performance, all tips and gratuities to Adult Establishment Personnel performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Entertainment Establishment.
- D. Notice of Select Rules. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE VILLAGE OF BUFFALO GROVE.
ENTERTAINERS ARE:

 1. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY OR ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
 2. NOT PERMITTED TO ACCEPT ANY TIPS OR GRATUITIES FOR ANY PERFORMANCE UNTIL COMPLETION OF THE PERFORMANCE.
 3. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY FROM PATRONS. EVEN AFTER COMPLETION OF THE PERFORMANCE. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.
 4. NO ALCOHOLIC LIQUOR IS PERMITTED AT ANY TIME.
- E. Age Limitations.
 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Cabaret or a Licensed Premises used for Adult Cabaret shall be under the age of twenty-one;
 2. No person under the age of twenty-one shall be admitted to any Adult Cabaret or to any Licensed Premises used for an Adult Cabaret;

3. No person under the age of twenty-one shall be allowed or permitted to remain at any Adult Cabaret or any Licensed Premises used for an Adult Cabaret;
4. No person under the age of twenty-one shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

5.70.140 - Special regulations for Adult Stores.

- A. Windows and Signs. Window areas for Adult Stores shall not be covered or obstructed in any way. No signs or obstructions shall be placed in the windows.
- B. Age Limitations.
 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Store or a Licensed Premises used for Adult Store shall be under the age of eighteen;
 2. No person under the age of eighteen shall be admitted to any Adult Store or to any Licensed Premises used for an Adult Store;
 3. No person under the age of eighteen shall be allowed or permitted to remain at any Adult Store or any Licensed Premises used for an Adult Store;
 4. No person under the age of eighteen shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Store or any Licensed Premises used for an Adult Store.

5.70.150 - Special regulations for Adult Theaters.

- A. Seating. Each Adult Theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.
- B. Aisle. Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible at all times.
- C. Sign. Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
- D. Age Limitations.
 1. No Adult Establishment Personnel or Adult Establishment Patron at an Adult Theater a Licensed Premises used for Adult Theater shall be under the age of eighteen;
 2. No person under the age of eighteen shall be admitted to any Adult Theater or to any Licensed Premises used for an Adult Theater;
 3. No person under the age of eighteen shall be allowed or permitted to remain at any Adult Theater or any Licensed Premises used for an Adult Theater;
 4. No person under the age of eighteen shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Theater or any Licensed Premises used for an Adult Theater.

5.70.160 - Licensees responsibility for Adult Establishment Personnel.

Every act or omission by Adult Establishment Personnel constituting a violation of the provisions of this Chapter shall be deemed and held to be the act or omission of the Licensee if such act or omission occurs either with the authorization, knowledge, or approval of the Licensee or as a result of the Licensee's negligent failure to supervise the Adult Establishment Personnel. The Licensee shall be punishable for any such act or omission in the same manner as if the Licensee committed the act or caused the omission. Accordingly, any such act or omission of any such Adult Establishment Personnel constituting a violation of the provisions of this Chapter shall be deemed, for purposes of determining

whether the Licensee's Adult Establishment License shall be issued, revoked, suspended, or renewed, to be the act or omission of the Licensee.

5.70.170 - On-site Adult Entertainment prohibited.

On-site Adult Entertainment is prohibited. No business shall offer or provide On-site Adult Entertainment. No person shall employ any business or person to provide On-site Adult Entertainment.

5.70.180 - License revocation or suspension.

- A. Grounds. Pursuant to the procedures set forth in subsection B of this section, the Adult Use Commissioner may suspend for not more than thirty days, or revoke, any Adult Establishment License if the Adult Use Commissioner, based upon credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:
 1. The Licensee has violated any of the provisions or requirements of this Chapter or the Adult Establishment License issued pursuant hereto, or the provisions of the Village Zoning Ordinance applicable to the Licensed Premises or the Adult Entertainment Establishment.
 2. The Licensee (i) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Village for issuance or renewal of any Adult Entertainment License, (ii) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf, or (iii) knowingly or negligently failed to correct or update information as required by this Chapter.
 3. The Licensee has committed a felony or Specified Criminal Act on the Licensed Premises.
 4. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Adult Entertainment Establishment, allows Adult Establishment Personnel, an Adult Establishment Patron, or any other person to (i) violate any of the provisions or requirements of this Chapter or the provisions or requirements of the Adult Establishment License issued pursuant hereto, or (ii) commit any felony or Specified Criminal Act on the Licensed Premises.
 5. The Licensee, or any person identified pursuant to Sections 5.70.050C1, 2, 3, 4, 5 and 14 of this Chapter becomes disqualified for the issuance of an Adult Establishment License at any time during the term of the License at issue.
- B. Procedure. An Adult Entertainment Establishment License may be suspended for not more than thirty days, or revoked, pursuant to the terms and conditions set forth herein.
 1. Notice. Upon determining that one or more of the grounds for suspension or revocation under subsection A of this section may exist, the Adult Use Commissioner shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. The written notice shall, at a minimum:
 - a. State that Adult Use Commissioner has determined that the Adult Establishment License may be subject to suspension or revocation pursuant to this Chapter;
 - b. Identify the specific grounds for the Adult Use Commissioner's determination; and
 - c. Set a date for a hearing regarding the Adult Use Commissioner's determination as to the possibility of suspension or revocation of the Adult Establishment License. The date of the hearing shall be no less than five days after service of the Adult Use Commissioner's notice, unless an earlier date is agreed to by the Licensee and the Adult Use Commissioner. When notice is mailed, service shall be deemed given two days after mailing.
 2. Hearing. The hearing shall be conducted by the Adult Use Commissioner. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Adult Use Commissioner for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Adult Entertainment Establishment pursuant to Section 5.70.180 of this Chapter shall be made part of

the hearing record. The Adult Use Commissioner may designate a hearing officer to schedule, convene and conduct the public hearing. In such case, the hearing officer shall have the same powers as the Adult Use Commissioner to conduct the hearing. Where such designation has been made, the hearing officer shall submit proposed findings and recommendations to the Adult Use Commissioner within seven days of the close of the hearing. Within fourteen days after the close of the hearing, the Adult Use Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Adult Use Commissioner shall be final and shall be subject to judicial review.

3. Notice and Effective Date of Suspension or Revocation. The Adult Use Commissioner's written decision shall be posted at the office of the Adult Use Commissioner and shall be served on the Licensee in person or by recognized overnight courier, addressed to the Licensee's address as set forth in the Licensee's application. In order to allow an aggrieved Licensee an opportunity to obtain judicial review, any such suspension or revocation, as the case may be, shall take effect:
 - a. On the fourteenth day after the notice of denial is delivered in person; or
 - b. On the seventeenth day after it is sent via recognized overnight courier as provided in this subsection.
4. Surrender of License. Upon the suspension or revocation of an Adult Establishment License pursuant to this Chapter, the Adult Use Commissioner shall take custody of the suspended or revoked License.

5.70.190 - Administrative record.

The Adult Use Commissioner shall cause to be kept in the Village Clerk's office an accurate record of every Adult Establishment License application received and acted on, together with all relevant information and material pertaining to such application, any Adult Establishment License issued pursuant thereto, and any Adult Entertainment Establishment operated pursuant to such Adult Establishment License.

5.70.200 - Adult Establishment Personnel registration and recordkeeping by Licensee.

- A. Registration. The Licensee of every Adult Entertainment Establishment shall maintain a register of all of its Adult Establishment Personnel with the Adult Use Commissioner by providing the following information to the Adult Use Commissioner no later than the business day immediately preceding the day of commencement of the Adult Establishment Personnel service at the Adult Use Entertainment Establishment:
 1. Legal name;
 2. Date of birth;
 3. Gender, height, weight, hair and eye color;
 4. Date of commencement of employment;
 5. Specific job or employment duties;
 6. The names of each governmental body, including the County, from which, within three years immediately preceding the date of registration, the Adult Use Personnel has received an Adult Establishment License, or any other official authorization to operate or to be employed at, an Adult Entertainment Establishment or a business substantially the same as an Adult Entertainment Establishment; and
 7. Whether the Adult Establishment Personnel has had any such license or authorization revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.
- B. Adult Use Personnel Register. The Licensee of every Adult Entertainment Establishment shall maintain a register of all of its Adult Establishment Personnel. For each such person, the register shall include the following:

1. Legal name;
2. Date of birth;
3. Gender;
4. Date of commencement of employment;
5. Date of employment termination, if applicable; and
6. Specific job or employment duties.

The register shall be maintained for all current Adult Establishment Personnel and all Adult Establishment Personnel employed or working at any time during the preceding thirty-six months. The Licensee shall make the register of its Adult Establishment Personnel available for inspection by the Village immediately upon demand at all reasonable times.

5.70.210 – Violation-Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Chapter or of any of the provisions or requirements of any Adult Establishment License, shall be subject to penalties prescribed in Chapter 1.08.

5.70.220 - Nuisance declared.

Any Adult Entertainment Establishment established, operated, or maintained in violation of any of the provisions or requirements of this Chapter or of any Adult Establishment License shall be, and the same is, declared to be unlawful and a public nuisance. The Village may, in addition to or in lieu of any other remedies set forth in this Chapter, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an Adult Entertainment Establishment contrary to the provisions of this Chapter.

Chapter 5.74 - CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS SUPPORT FEE

5.74.000- Cable Franchise

Village's home rule powers, and the Illinois Municipal Code, as amended from time to time, and shall be governed by the Cable Act and the Illinois Municipal Code, as amended from time to time; provided that any provisions of the Illinois Municipal Code that are inconsistent with the Cable Act shall be deemed to be preempted and superseded.

5.74.010 - Definitions.

As used in this Chapter, the following terms shall have the following meanings:

"Cable service" means that term as defined in 47 U.S.C. Section 522(6).

"Commission" means the Illinois Commerce Commission.

~~"Gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village.~~

~~1. Gross revenues shall include the following:~~

- ~~a. Recurring charges for cable or video service;~~
- ~~b. Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges;~~
- ~~c. Rental of set-top boxes and other cable service or video service equipment;~~

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"Gross revenues" shall include amounts collected from Subscribers for Franchise Fees pursuant to City of Dallas, Texas v. F.C.C., 118 F.3d 393 (5 Cir. 1997), and the amounts collected from non-Subscriber revenues in accordance with the Court of Appeals decision resolving the case commonly known as the "Pasadena Decision," City of Pasadena, California et. al., Petitions for Declaratory Ruling on Franchise Fee Pass Through Issues, CSR 5282-R, Memorandum Opinion and Order, 16 FCC Rcd. 18192 (2001), and In re: Texas Coalition of Cities for Utility Issues v. F.C.C., 324 F.3d 802 (5th Cir. 2003). "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

"PEG" means public, education and governmental.

"PEG access support fee" means the amount paid under this Chapter and 220 ILCS 5/21-801(d) by the holder to the Village for the service areas within its territorial jurisdiction.

"Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

"Service provider fee" means the amount paid under this Chapter and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

"Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

5.74.020 - Cable/video service provider fee imposed.

- A. Fee Imposed. A fee is imposed on any holder providing cable service or video service in the Village.
- B. Amount of Fee. The amount of the fee imposed hereby shall be as set forth in Appendix A of this Code.
- C. Notice to the Village. The holder shall notify the Village at least ten days prior to the date on which the holder begins to offer cable service or video service in the Village.
- D. Holder's Liability. The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following thirty days after receipt of the ordinance adopting this Chapter by the holder. The ordinance adopting this Chapter shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.
- E. Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- F. Exemption. The fee imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village in which a fee is paid.
- G. Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under subsection B of this section.

5.74.030 - PEG access support fee imposed.

- A. PEG Fee Imposed. A PEG access support fee is imposed on any holder providing cable service or video service in the Village in addition to the fee imposed pursuant to Section 5.74.020.
- B. Amount of Fee. The amount of the PEG access support fee imposed hereby shall be as set forth in Appendix A of this Code.

as set forth in Appendix A of this Code.

- C. **Payment.** The holder shall pay the PEG access support fee to the Village or to the entity designated by the Village to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in Section 5.74.020D.
- D. **Payment Due.** The payment of the PEG access support fee shall be due on a quarterly basis, forty-five days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- E. **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that that operator owes under subsection B of this section.

5.74.040 - Applicable principles.

All determinations and calculations under this Chapter shall be made pursuant to generally accepted accounting principles.

5.74.050 - No impact on other taxes due from holder.

Nothing contained in this Chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

5.74.060 - Audits of cable/video service provider.

- A. **Audit Requirement.** The Village will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the Village. If all local franchises between the Village and cable operator terminate, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.
- B. **Additional Payments.** Any additional amount due after an audit shall be paid within thirty days after the Village's submission of an invoice for the sum.

5.74.070 - Late fees/payments.

All fees due and payments which are past due shall be governed by ordinances adopted by this Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq.

Chapter 5.78 - CABLE AND VIDEO CUSTOMER PROTECTION LAW

5.78.010 - Customer service and privacy protection law.

- A. **Adoption.** The regulations of 220 ILCS 5/7922-501 are adopted by reference and made applicable to the cable or video providers offering services within the Village's boundaries.
- B. **Amendments.** Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities

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shall not be incorporated into this Chapter by reference without formal action by the Corporate Authorities of the Village.

5.78.020 - Enforcement.

The Village does pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village.

5.78.030 - Penalties.

The Village, pursuant to 220 ILCS 5/70-501(r)(1), does provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed seven hundred fifty dollars for each day of the material breach, and shall not exceed twenty-five thousand dollars for each occurrence of a material breach per customer.

- A. Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.
- B. The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least thirty days from the receipt of the notice to remedy the specified material breach.
- C. A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in subsection B of this section.

5.78.040 - Customer credits.

The Village adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

Chapter 5.82 - ELECTRICITY AGGREGATION PROGRAM

5.82.010 - Definitions.

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For the purposes of this Chapter, the following terms shall have the following definitions:

"Act" shall mean the Illinois Power Agency Act, 20 ILCS 3855/1-1 et seq., as may be amended from time to time.

"Customer" shall mean recipients of residential and small commercial retail electric loads as provided in the Act.

"Electricity aggregation program" shall mean a program pursuant to the act for the aggregation of residential and small commercial retail electric loads located within the corporate limits of the Village that provides customers with the opportunity to opt out of participating in that program as provided in the Act.

~~(Ord. No. 2012-17, § 3, 5-7-2012)~~

5.82.020 - Aggregation of electrical load.

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- A. The Corporate Authorities of the Village are authorized to operate an Electricity Aggregation Program pursuant to the act and for that purpose may solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and related services and equipment for those loads aggregated pursuant to the electricity aggregation program as provided in the Act.
- B. The Corporate Authorities of the Village may exercise the authority to operate the Electricity Aggregation Program jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process to jointly authorize the Electricity Aggregation Program by a majority vote of each particular municipality or county as required by the Act.

~~(Ord. No. 2012-17, § 3, 5-7-2012)~~

5.82.030 - Opt-out program.

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- A. The Electricity Aggregation Program shall operate as an opt-out program whereby Customers who do not wish to participate in the Electricity Aggregation Program may opt out pursuant to the Act.
- B. The Village Manager or designee, on behalf of the Village, shall fully inform customers in advance, as provided in the Act, that Customers have the right to opt-out of the Electricity Aggregation Program. The disclosure provided to the Customers shall comply with the requirements of the Act and shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 16-103 of the Public Utilities Act, 220 ILCS 5/1-101 et seq., how to access service, and the fact that service under said Section 16-103 is available to Customers without penalty if they are currently receiving service under Section 16-103.
- C. Upon notification from any Customer that the Customer wishes to opt out of the Electricity Aggregation Program, that Customer shall be excluded from the Electricity Aggregation Program.
- D. Except for those Customers who opt out of the Electricity Aggregation Program pursuant to this Section 5.82.030 and the Act, the Electricity Aggregation Program shall automatically apply for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Village.

~~(Ord. No. 2012-17, § 3, 5-7-2012)~~

5.82.040 - Adoption of plan of operation and governance for the electricity aggregation program.

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- A. The Corporate Authorities of the Village, with the assistance from the Illinois Power Agency as required pursuant to the Act, shall develop and approve a Plan of Operation and Governance for the Electricity Aggregation Program.
- B. Before adopting the plan of operation required under Section 5.82.040.A and the Act, the Corporate Authorities shall hold at least two public hearings on the proposed plan. Before the first public hearing,

the Corporate Authorities shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the Village. The notice shall summarize the plan of operation and state the date, time, and location of each hearing.

- C. The plan of operation and governance for the Electricity Aggregation Program shall:
1. Provide for universal access to all applicable residential Customers and equitable treatment of applicable residential Customers,
 2. Describe demand management and energy efficiency services to be provided to each class of Customers, and
 3. Meet any requirements established by law concerning aggregated service offered pursuant to the Act.

5.82.050 - Solicitation of bids.

The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services for the electricity aggregation program shall be conducted pursuant to the Act.