

## **RULES**

### **ADOPTED BY NAPERVILLE LIQUOR COMMISSIONER**

Pursuant to Article IV, Sections 1 and 2 of Chapter 43 of The Illinois Revised Statutes and Sections 3-3-4:1, 3-3-4:2 and 3-3-4:3 of the Naperville Municipal Code, the Naperville Liquor Commissioner, hereby adopts the following Rules to be effective on April 4, 2019.

### **ARTICLE I**

#### **VIOLATIONS OF STATE STATUTES OR CITY ORDINANCES** **(Amended 1/12/94, 7/6/00, 8/21/08, 11/8/18)**

#### **RULE ONE**

To the end that the health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor, and tobacco, shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor and tobacco:

1. Violations of the Naperville Liquor and Tobacco Code may be proved by evidence that the Licensee, or an employee or agent of the Licensee, has been convicted or placed on court supervision for a violation of the law of the State of Illinois in the conduct of the licensed business or upon the licensed premises, or has been found guilty of violating any ordinance of the City of Naperville, or any Rule of the Liquor Commissioner.
2. Evidence that any person other than the Licensee has been convicted or placed on court supervision for violating a statute of the State of Illinois or found guilty of violating an ordinance of the City of Naperville relating to morals, violence, possession or use of alcoholic liquor or tobacco while upon the licensed premises, shall be PRIME FACIE evidence of a violation of the Naperville Liquor and Tobacco Code.
3. Proof before the Liquor Commissioner of facts which establish a violation of any ordinance of the City of Naperville relating to morals, violence or disorder or an ordinance regulating the sale or distribution of alcoholic liquor or tobacco or Rule of the Liquor Commissioner within the licensed premises shall be sufficient cause for revocation

or suspension of any license issued by the Liquor Commissioner, whether or not a conviction has been obtained in any court.

**ARTICLE II**

**PROCEDURE FOR RENEWAL APPLICATION  
OF EXISTING LICENSE**

**(Amended 1/12/94, 11/16/98, 7/6/00, 8/21/08, 11/8/18)**

**RULE TWO**

To the end that health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquors and tobacco shall be fostered and promoted by sound and careful control and regulation of the manufacture, sale, and distribution of alcoholic liquor and tobacco:

1. Any Licensee desirous of renewing its license issued under and pursuant to Chapter 3 of the Naperville Municipal Code shall no later than 60 days prior to the expiration of the license, file its renewal application (with all new supporting documents).
2. Failure of the Licensee to comply with the provisions herein as to notice and filing of application may result in delay of issuance of the renewal license, and shall result in the assessment of a penalty as follows:

3/1 through 3/14	-	\$250
3/15 through 3/31	-	\$500
4/1 through 4/14	-	\$750
after 4/14	-	\$1,000

**ARTICLE III**

**CLARIFICATION AND IMPLEMENTATION OF CERTAIN SECTIONS OF  
CHAPTER 3 OF THE NAPERVILLE MUNICIPAL CODE - ALCOHOLIC  
LIQUOR AND TOBACCO DEALERS**

**(Amended 7/13/94, 8/21/08, 11/8/18)**

**RULE THREE**

To the end that the health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor

and tobacco shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor and tobacco:

1. Section 3-3-5:2 of the Naperville Municipal Code is construed to mean and shall be given the interpretation that full coverage shall be continuous for the full period of the license and Licensees who have policies of insurance expiring on dates other than the expiration of a license granted under this chapter shall provide the City Clerk with a certificate of insurance as otherwise required under Section 3-3-5:2 of the Naperville Municipal Code extending identical coverage, no later than 14 days prior to the expiration of said policy. A lapse in Dram Shop coverage as provided for in the Naperville Liquor and Tobacco Code or Local Rules of the Liquor Commissioner, shall be deemed grounds for immediate suspension of Licensee's license during such lapse in coverage and said license shall be deemed to be suspended during such period of lapse.

The minimum liability coverage provided under the Dram Shop insurance shall be \$1,000,000.00.

2. To ensure that Licensees maintain the high standards of personal and professional integrity necessary and appropriate for a Tobacco and Liquor Licensee in the City of Naperville:

(a) The Liquor Commissioner may issue or renew a license for the sale and dispensing of alcohol and tobacco upon a condition, precedent or for a probationary period upon terms and conditions that are reasonable and proper, to insure compliance with the provisions of the Ordinances of the City of Naperville, the State of Illinois, and the Rules of the Naperville Liquor Commissioner relative to the sale and dispensing of alcohol and tobacco within the City of Naperville.

(b) Any license issued under Paragraph 2(a) of this Rule shall specify whether such license is conditional or probationary.

(c) Failure to comply with the conditions of such conditional license or failure to comply with the terms and conditions of any such probationary license shall result in immediate termination of such license upon notice in writing to such Licensee of the Liquor Commissioner's intent to terminate such license.

3. The term intoxicated person as it appears in Section 3-3-14:1 of the Naperville Municipal Code is considered to mean and shall be given

the interpretation that a person is intoxicated when as a result of the ingestion, inhalation or injection of any amount of alcohol or drugs, or cannabis or any derivatives thereof, whether legally obtained or otherwise, there is an impairment of such person's mental or physical faculties so as to diminish his ability to think and act with ordinary care. For this section the fact that a person shall be found to have an alcohol concentration (BAC) of .08 or greater in that person's blood, breath, or urine, shall be prima facie evidence that such person is under the influence of alcohol.

#### **ARTICLE IV**

#### **ABANDONMENT AND DISUSE** **(Amended 11/8/18)**

#### **RULE FOUR**

To the end that health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor and tobacco shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor and tobacco:

In the event and at the time a license becomes inactive or a Licensee ceases to do business or a Licensee's lease is terminated without renewal, said Licensee shall surrender such license to the Liquor Commissioner. If the said Licensee shall fail to so surrender the license within 15 days of the happening of any of the foregoing events, the Liquor Commissioner may direct the Chief of Police to cause the licensed premises to be entered and the license removed there from.

#### **ARTICLE V**

#### **AGE RESTRICTIONS ON EMPLOYEES** **(Amended 2/15/95, 8/21/08, 11/8/18)**

#### **RULE FIVE**

To the end that the health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor and tobacco shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor and tobacco:

No person under the age of 21 shall be a manager, assistant manager, or employee engaged in or responsible for any form of managerial duties or serving in a managerial capacity.

## **ARTICLE VI**

### **PROCEDURES UPON HEARINGS, DISCOVERY AND DEPOSITIONS**

**(Adopted 9/17/92)**

**(Amended 8/21/08, 11/8/18)**

#### **RULE SIX**

To the end that health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor and tobacco shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor and tobacco:

Discovery and depositions shall be available to any party in any proceeding before the Liquor Commissioner as in civil cases pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/1- et seq. and the Illinois Supreme Court Rules.

## **ARTICLE VII**

### **PROCEDURE FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES UNDER SPECIAL EVENT AND TEMPORARY PERMITS**

**(Adopted 10/13/93)**

**(Amended 7/14/11, 11/8/18, 4/4/19)**

#### **RULE SEVEN**

In recognition of the unique special and other circumstances attendant to the sale and distribution of alcoholic beverages by Licensees holding Special Event and Temporary Permits, and to the end that the health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor:

1. All events conducted under a Temporary Permit, other than the constraint limiting the retail sale and/or consumption of wine and/or beer be on municipally owned property, shall be conducted subject to the constraints applicable to Special Event Permits as set forth in Section 3-3-11:3 of the Naperville Municipal Code, when the Temporary Permit event or any part thereof is conducted in, at or upon a premises other than within a permanent, enclosed structure.
2. All events with expected attendance of more than 1,800 people shall not have a cash bar unless the bar is staffed by employees,

staff members, or a third party-company that is licensed, bonded and insured. Instead of a cash bar, an event may use ticket sales, Radio-Frequency Identification technology, or a similar technology approved by the Liquor Commissioner for the sale of alcoholic liquor.

3. Alcoholic beverages shall not be brought into licensed premises.
4. Alcoholic beverages obtained within the premises shall not be removed from the interior fenced area.
5. Identification shall be required of all persons within the premises appearing to be under the age of 21 years. Such identification shall be limited to a photo driver's license or Illinois identification card issued by the Illinois Secretary of State.
6. All sales and distribution of alcoholic beverages may be ordered to cease for the remainder of the license day upon the order of the Liquor Commissioner or his designee upon the determination by such person that any person being served or consuming an alcoholic beverage within the premises is under the influence of alcohol and/or drugs.
7. Sale and distribution of all alcoholic beverages shall cease as specified in the liquor license and consumption shall cease 30 minutes thereafter.
8. Alcoholic beverages shall be sold and dispensed only in containers provided by Licensees.
9. Beer and wine coolers shall be dispensed in containers no larger than 16 ounces, and wine in containers no larger than 6 ounces.
10. It shall be the responsibility of the Licensees to insure strict compliance with the provisions of these Rules.
11. Failure of Licensee to comply with the provisions of this Article shall be a basis for denial of future Temporary or Special Event permits.
12. In addition to daily fee for either such permit (Temporary or Special Event), payment to the City for the actual cost incurred by the City in providing additional police personnel necessitated by improper conduct or control by the Licensee on the specified premises. Each

Licensee who is held responsible for additional charges shall receive an itemized invoice therefore, shall be given an opportunity to review the charges with the Liquor Commissioner, and shall thereafter promptly pay any such additional charge determined by the Liquor Commissioner to be due the City.

## **ARTICLE VIII**

### **FORM OF APPLICATIONS FOR LICENSES AND RENEWALS**

**(Adopted 1/12/94)**

**(Amended 11/8/18)**

#### **RULE EIGHT**

To the end that health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor and tobacco shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquor and tobacco:

1. Applications for licenses and renewals thereof for the retail sale of alcohol and/or tobacco shall be available from the Mayor's or City Clerk's Office.
2. A Police Department background investigation form shall be completed by every applicant for a license or renewal thereof as a part of the application set forth in Paragraph 1 of this section and is deemed to be an integral part thereof and incorporated therein.

## **ARTICLE IX**

### **PRODUCT TASTINGS**

**(Adopted 8/21/08)**

**(Amended 11/8/18)**

#### **RULE NINE**

To the end that the health, safety and welfare of the people of the City of Naperville shall be protected and temperance in the use and consumption of alcoholic liquor and tobacco shall be fostered and promoted by sound and careful control and regulation of the sales and distribution of alcoholic liquor and tobacco:

1. "Tasting" shall have the following meaning: A supervised presentation of alcoholic products to the public at a licensed liquor retailer for the purpose

of disseminating product information and education with consumptions of alcoholic products being an incidental part of the presentation. Tasting must be done by a Licensee and/or a registered tasting representative as provided for in Section 100.40 of the Rules of the State of Illinois Liquor Commission.

2. Tastings are permitted by the Liquor Commissioner and are limited to the following Classes of liquor licenses: Class-D, Class-G, Class-P, Class-S, Class-S-1, and Class U.
3. Other than as specifically provided for in Section 3-3-11 of the Naperville Municipal Code, all tastings are subject to the following restrictions:
  - (a) A total of three tastings may be served to a consumer in one day and which shall be limited to:
  - (b) No more than  $\frac{1}{4}$  ounce of distilled spirits in each tasting, and
  - (c) No more than one ounce of wine in each tasting, and
  - (d) No more than two ounces of beer in each tasting.