



Village of Berkeley Liquor License Guide

The Village of Berkeley amended the liquor license ordinance in June 2013. This guide was established to assist licensees with the resources and information needed to successfully complete, or renew, the application process to obtain a liquor license in Berkeley. This guide, in no way, is intended to reflect the comprehensive liquor license regulations contained within Chapter 5.12 of the Village Code.

Acting as the Village of Berkeley's Liquor Control Commissioner, the Village President, regulates the sale of alcoholic beverages in Berkeley. As the Village's regulating authority, the Commissioner wants you to have the information you need to effectively participate in Berkeley's liquor licensing process.

While alcohol is a legal product for adults and is used responsibly by hundreds of Berkeley residents and visitors, it also is widely recognized as causing a number of social and health problems. These adverse impacts are minimized by licensing and educating people who sell and serve alcohol, enforcing alcohol laws, and by involving citizens in the process of determining who is licensed to sell alcohol in our community.

When is a Liquor License Required?

A liquor license is required for the sale or give away of any alcoholic beverage within the Village of Berkeley.

Application Timeline

New Applicants (May take up to 12 weeks to complete)

The Village's liquor license ordinance provides that there are no available liquor licenses at any given time. Therefore, all new applicants must formally request that the Village Board create an additional license at the time of application.

- Meet with Village Administrator to discuss and define type of liquor license needed.
- Submit a **complete** application. Incomplete applications will not be considered. Please include applicable payment(s), insurance, and alcohol sale and service training certificates.
- Submit cover letter requesting license along with a business plan/concept.
- Village Board review (4-6 weeks).
- Background investigation (4-6 weeks).

Renewal Applicants (Application is due to the office 60 days before the current license expires)

- Submit a **complete** renewal application. Incomplete applications will not be considered. Please include applicable payment(s), insurance, and alcohol sale and service training certificates.

License Classifications and Fees

All application, investigation, fingerprinting, and annual license fees must be paid at the time the application is filed as set forth below. All application and investigation fees will be retained by the Village of Berkeley regardless of whether or not the person is granted a license.

Class	Alcohol Allowed	Consumption	Food Consumption/ Purchasing Requirements	Application Fee	Annual Fee
A	Full Liquor	On Premise	Not Required	\$400	\$950
B	Beer & Wine	On Premise	Not Required	\$400	\$500
C (Private Club)	Full Liquor	On Premise	Not Required	\$400	\$150
D (Package Sale)	Full Liquor	Off Premise	Not Required	\$400	\$500
D1 (Food and Convenience Store)	Full Liquor	Off Premise	Required*	\$400	\$500
E (Package Sale)	Beer & Wine	Off Premise	Not Required	\$400	\$350
E1 (Food and Convenience Store)	Beer & Wine	Off Premise	Required*	\$400	\$350
F (Restaurant)	Full Liquor	On Premise	Required*	\$400	\$950
G (Restaurant)	Beer & Wine	On Premise	Required*	\$400	\$500
H (Special Event)	Full Liquor	On Premise	Not Required	\$0	\$50/day
I (Caterer)	Full Liquor	On Premise	Required*	\$400	\$950
J (Caterer)	Beer & Wine	On Premise	Required*	\$400	\$500
K (Temp. Off Premise) as current license held				\$0	\$50/day
L (Tasting)	Full Liquor	On Premise	Not Required	\$0	\$50/day
M (BYOB)	Wine	On Premise	Required*	\$0	\$250

Causes for License Rejection, Suspension and/or Revocation

The Commissioner will refuse the issuance or renewal of a liquor license, or suspend or revoke the license, of any licensee or applicant, for any of the reasons contained within Section 5-12-21 of the Village Code. These reasons include but are not limited to the following:

1. A person under the age of twenty one (21) years.
2. A person who is not a resident of the State of Illinois.
3. A person who is not of good character and reputation in the Village and the community in which he resides.
4. A person who has not submitted a complete, accurate and truthful application.

5. A person who has been convicted of a felony unless the Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust.
6. A person who has been convicted of being the keeper of or is keeping a house of prostitution or a house of ill fame.
7. A person who has been convicted of pandering, or any other crime(s) or misdemeanor(s) opposed to decency and morality or of a sexual nature, or is determined to be a "sex offender" as defined by statute and/or is required to register as such.
8. A person who has been convicted of a gambling offense.
9. A person who is licensed by the State of Illinois as a distributor.
10. A corporation not qualified to transact business in Illinois.
11. A person that is not an individual(s), partnership, corporation or "club", except for persons applying for a class G license.
12. A person who does not have liquor liability insurance coverage.
13. A person who sells or intends to sell alcoholic liquor where the majority of customers are minors.
14. A person who sells or intends to sell alcoholic liquor within one hundred feet (100') of any church or school except for regularly organized clubs, restaurants, food shops or other places where sale of alcoholic liquor is not the principal business carried.
15. A person who fails to testify or provide books or records for inspection as required by the Commissioner.
16. Where the licensed premises constitute a nuisance.
17. Where the licensee or his employees or agents have failed to submit his or her fingerprints in violation.
18. In cases of a renewal application, a licensee who is delinquent in paying any amount owed to the Village of Berkeley or State of Illinois.
19. A person whose license under the liquor license ordinance has been revoked for cause within the past twelve (12) months.
20. A person whose license under the liquor license ordinance has been revoked unless approved by the Commissioner.

Regulations for Licensees

All licensed establishments must adhere to the regulations set forth in Section 5-12-23. These regulations include but are not limited to those summarized below.

1. *Condition of Licensed Premises*: All licensed premises must be kept in a clean and sanitary condition.
2. *Hours of Sale or Consumption*: It is unlawful to keep open for business or admit or allow the public, patrons and customers on the premises during the following hours:
 - a. Class A, B, C: Monday through Thursday, from 10:00 a.m. to 1:00 a.m. on the following day; Friday and Saturday, from 10:00 a.m. through 2:00 a.m. on the following day; Sunday, from 11:00 a.m. through 1:00 a.m. on the following day.
 - b. Class D and E: Monday through Saturday, from 8:00 a.m. through 11:00 p.m.; Sunday, from 11:00 a.m. through 11:00 p.m.
 - c. Class F, G, I, J, and M: Monday through Thursday, from 10:00 a.m. through 11:00 p.m.; Friday and Saturday, from 10:00 a.m. through 12:00 a.m. on the following day; Sunday, from 11:00 a.m. through 11:00 p.m.
 - d. Class H: As approved by the Commissioner.
3. *Lights and Signs*: All lights and signs can only be illuminated during the hours of sale as long as the lights and signs are not a public nuisance.
4. *License Posted in Plain View*: Each licensee must have his license framed and hung in plain view in a conspicuous place on the licensed premises.
5. *Books and Records*: Each licensee must make his books and records available upon reasonable notice by the Commissioner.
6. *Sign Required*: Every licensee must post an 8¹/₂" x 11" sign with the following message: "Government Warning: According To The Surgeon General, Women Should Not Drink Alcoholic Beverages During Pregnancy Because Of The Risk Of Birth Defects".
7. *Outdoor Areas Adjacent to Licensed Premises*: The Commissioner may allow the sale and consumption of alcoholic liquor in completely enclosed outdoor areas with the approval of a beer garden permit.

8. *Video Recording And Monitoring:*

The holder of a class D or class E license and any licensee who has video gaming terminals on the licensed premises must install and maintain in good working order video recording and monitoring equipment.

9. *Responsible Alcohol Service Training Required:* Each manager and employee who will be engaged in selling, mixing, preparing, serving or delivering alcoholic liquor to customers must, within ten (10) days after beginning employment with the licensee, successfully complete an alcohol sales and service training program (BASSET program).

10. *BYOB Licensees:* No more than one bottle of wine per patron over the age of twenty one (21) is permitted to be consumed at any table or booth with the purchase of a full meal. The licensee may charge a corkage fee.

11. *Access:* The Chief of Police or his designees must have unobstructed/unhindered immediate access to the licensed premises including.

Prohibited Conduct

A comprehensive list of prohibited conduct is contained within Section 5-12-25 of the Village Code. This conduct includes but is not limited to the following:

1. No person can gamble on any licensed premises except where such gambling activity is permitted and licensed by the State, County, and Village.
2. No person can peddle alcoholic liquor in the Village.
3. No licensee can sell, give, or deliver alcoholic liquor to any intoxicated person or to any person known to him to be an alcoholic.
4. No person can have any open alcoholic liquor in a motor vehicle.
5. No person can consume alcoholic liquor in an area adjacent to a licensed premise, including the parking area or in any public right of way.
6. No person can offer anything of value to any Village official or employee, to influence the issuance of a license or the enforcement of any provision of this ordinance.
7. No licensee can deny any person the full and equal enjoyment of any premises subject only to the conditions and limitations established by law and applicable alike to all citizens.
8. No person can fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor.

9. Safety provisions:

- a. A licensee cannot permit the use of any pyrotechnic device, mace, pepper spray, or any other toxic air released compound within its licensed premises.
- b. No person may impede any person who is attempting to exit a licensed premise due to an emergency.
- c. A licensee of premises with an authorized capacity of at least 250 persons must place a panic bar on each exit of its licensed premises.
- d. A licensee of a licensed premise with an authorized capacity of at least 500 persons that conducts live entertainment within its licensed premises must notify patrons of the locations of exits and fire escapes before the live entertainment begins.

10. Happy hours prohibited:

- a. No retail licensee can:
 - i. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption;
 - ii. 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;
 - iii. Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other;
 - iv. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price;
 - v. Encourage or permit any game or contest which involves drinking alcoholic liquor; or
 - vi. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited by the liquor license ordinance.
- b. Nothing in the liquor license ordinance can be construed to prohibit a licensee from:
 - i. Offering free food or entertainment at any time;
 - ii. Including drinks of alcoholic liquor as part of a meal or hotel package;
 - iii. Negotiating drinks of alcoholic liquor as part of a contract for any function;
 - iv. Selling pitchers, buckets, carafes, or bottles of alcoholic liquor to two (2) or more persons at one time; or

- v. Increasing prices of drinks of alcoholic liquor to offset the cost of special entertainment not regularly scheduled.
 - c. All licensees must maintain a schedule of the prices charged for all drinks of alcoholic liquor.
11. No person can consume any alcoholic liquor on the premises unless it has been purchased on the premises unless in a Class M license.
 12. No licensee can sell, offer for sale or exhibit any items of intimate apparel, including lingerie, undergarments, sleepwear or swimsuits on the premises.
 13. No licensee can permit any employee, entertainer or patron to engage in any improper live act, demonstration, dance or exhibition.

Local Liquor Control Commissioner Hearings and Penalties

The procedures for all hearings are contained within Section 5-12-29 of the Village Code. These procedures include but are not limited to the following:

1. All hearings will be open to the public.
2. All licensees and persons charged with a violation will be given at least a three (3) day written notice of the hearing.
3. Within five (5) days after the hearing, the Commissioner must issue a letter to the licensee stating the reason(s) for the determination and either the amount of the fine, the period of suspension, or the license has been revoked.
4. In found guilty, the Commissioner may issue any and all of the following:
 - a. A fine up to \$15,000.
 - b. A suspension of any license for up to thirty (30) days.
 - c. The revocation of the license.
 - d. An order to successfully complete an alcohol sale and service training program (BASSET program).
 - e. An order to pay reasonable costs including attorney fees, court reporter fees, police personnel and inspector fees.
5. Any order of the Commissioner may be appealed to the State Liquor Commission, within twenty (20) days after notice of the order, subject to the conditions contained within Section 5-12-29 of the Village Code.